

PROCEEDINGS OF COMMON COUNCIL.

REGULAR SESSION—MARCH 16, 1885.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, March 16th, A. D. 1885, at half-past seven o'clock, in regular session.

PRESENT—Hon. John R. Pearson, Vice President of the Common Council, in the Chair, and Councilmen Benjamin, Curry, Haugh, Mack, Moran, McClelland, Newcomb, Rees, Reinecke, Reynolds, Sheppard, Smither, Thalman, and Trusler—15.

ABSENT, 10—viz. Councilmen Cowie, Coy, Dowling, Downey, Doyle, Edenharter, Gallahue, Spahr, Wharton, and Wolf.

OPENING AND REFERRING SEALED PROPOSALS FOR PUBLIC IMPROVEMENTS.

Sealed proposals for making the following street improvements, were opened, read, and referred to the Committee on Contracts:

(S. O. 98, 1884)—For grading and graveling Hanna street and sidewalks, from Market street to Washington street.

(S. O. 99, 1884)—For grading and graveling Hanna street and sidewalks, from Ohio street to Market street.

REPORT FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Newcomb, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Gentlemen:—The Committee on Contracts, to whom were referred the proposals presented to Council March 2d, 1885, for grading, bowldering and curbing the south gutter of Fort Wayne avenue, and paving with brick the sidewalk thereof, from New Jersey street to Central avenue, have examined the same, and find them to be as follows, per lineal foot front.

J. L. Spaulding, bowldering, 62 cents; curbing, 41 cents; paving, 41 cents; walk-stone, 65 cents; bowldering wings, 60 cents per square yard.

H. C. Roney, bowldering, 58 cents, curbing, 41 cents; paving, 44 cents; walk-stone, 65 cents; bowldering wings, 55 cents per square yard.

George W. Buchanan, bowldering, 57½ cents; curbing, 39 cents; paving, 43 cents walk-stone, 60 cents; bowldering wings, 58 cents per square yard.

J. D. Hoss & Co., bowldering, 57 cents; curbing, 42 cents; paving, 42 cents; wall stone, 68 cents; bowldering wings, 60 cents per square yard.

George W. Seibert, Sr., bowldering, 57 cents; curbing, 40 cents; paving, 40 cent walk-stone, 60 cents; bowldering wings, 57 cents per square yard.

Hanway & Cooper, bowldering, 57 cents; curbing, 40 cents; paving, 38 cent walk-stone, 60 cents; bowldering wings, 57 cents per square yard.

R. P. Dunning, bowldering, 57 cents; curbing, 39 cents; paving, 35 cents; wall stone, 59 cents; bowldering wings, 55 cents per square yard.

Richter & Twiname, bowldering, 55 cents; curbing, 40 cents; paving, 39 cent walk-stone, 60 cents; bowldering wings, 60 cents per square yard.

David A. Haywood, bowldering, 53 cents; curbing, 42 cents; paving, 40 cents.

Fulmer & Seibert, bowldering, 54 cents; curbing, 39 cents; paving, 35 cent walk-stone, 62 cents; bowldering wings, 52 cents per square yard.

James W. Hudson, bowldering, 50 cents; curbing, 41 cents; paving, 40 cent walk-stone, 50 cents; bowldering wings, 60 cents per square yard.

James W. Hudson being the lowest and best bidder, recommend he be awarded the contract.

Respectfully submitted,

W. C. Newcomb,
M. M. Reynolds,
Committee on Contracts.

Later in the session, Councilman Newcomb presented a revised contract and bond of Lewis F. Burton, in the penal sum of \$5,000.00, for building the Prospect street Engine House, with the same sureties as presented before (see page 131, *ante*), which was read and approved.

REPORTS, ETC., FROM CITY OFFICERS.

The City Clerk presented a deed of dedication from Martha A. Davis, Trustee for James S. Athon, Jr., to the City of Indianapolis, of certain parts of Lots in Out-lot No. 18, west of White River; which was referred to the Committee on Streets and Alleys.

The City Assessor presented the following list of appointments; which were read and confirmed:

CITY ASSESSOR'S OFFICE, March 16, 1885.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen;—I submit for your confirmation, the names of the following persons as my Deputies for the assessment of property for the current year:

H. H. M. Patton, Wm. Lockman, Thomas Ryan, Leonard Crane, Harry Roach, F. D. Duncan, J. A. Newmeyer, Emanuel Haugh, Elwood Sands, P. J. Michelson, Albert Moore, Edward Roberts, Wm. Petty, P. R. Stroupe, D. S. Jordan, J. T. Morris, J. B. McCaffrey, Wm. Davis, John Weber, C. L. Smith, James Burton, J. C. Stokes, W. H. Mahan, M. L. Groves.

I also ask you to confirm, that their acts may be legalized, the following appointments made by the Township Assessor, said Deputies to be paid for their services by the Township:

Geo. Stelhorn, John Maher, Cruze Duncan, Geo. Crozier, Joseph Walker, Fran Parker, L. W. Hetselgesser, Geo. Dickey, Jacob D. Ewing, Geo. Sweetser, Ben Wilson, Wm. Kerr, Albert Reisner, Oliver Bowman, Henry Beazley, David Jones, John Vanstan, John Branch.

Respectfully submitted,

EUGENE SAULCY, City Assessor.

The City Attorney submitted the following report; which was received:

To the Common Council and Board of Aldermen:

Gentlemen:—Some months ago, John Mescall sued the city before a Justice of the Peace, for \$200.00 damages for injuries received in running against a post after night, placed in the sidewalk near the corner of Merrill and Willard streets. Judgment was rendered in his favor, on the verdict of a jury, for \$100.00. The city appealed to the Superior Court. I notified the parties who placed the obstruction in the street, that the city would look to them for reimbursement, in case of loss; and on the day set for trial, said parties paid the plaintiff the amount he then demanded, and he thereupon dismissed his case at his own cost. The post, on my notice, will be removed.

On June 16th, 1884, I reported a reversal by the Supreme Court, of the judgment theretofore rendered in favor of the city, by the Superior Court, in one of the tax refunding cases of Frank McWhinney vs. The City. I afterwards obtained a rehearing. The case was then reargued. Another decision has been rendered, greatly modifying the former one, but again reversing the judgment of the lower court. The opinion is now based upon a ground which I am inclined to think is sound, although I shall carefully consider the propriety of again interposing a petition for a rehearing before the sixty days expire. If the present decision stands, issue will then be joined, and a trial had in the lower court, the case having gone off on demurrer to the complaint in the first instance.

Respectfully submitted,

C. S. DENNY, City Attorney.

The Chief Fire Engineer submitted the following report:

To His Honor, the Mayor, Board of Aldermen and Common Council:

Gentlemen:—As the Engine House now under contract will be completed in about seventy-five (75) days from the first day of April, I respectfully ask that steps be taken toward the purchase of a Four-wheeled double tank Chemical Engine of 160 gallon capacity, fully equipped with ladders, &c., to be placed in said house.

I would also state that we need 2,000 feet of Hose, as three of our Reels are now in an unsafe condition. The amount asked is 1,000 feet less than last year, consequently a reduction in price or cost of nearly \$1,000.00.

I would respectfully ask that I be instructed to advertise for the same.

Respectfully submitted,

J. H. WEBSTER, Chief Fire Engineer.

Councilman Smither offered the following motion; which was adopted, and the Chair appointed Councilmen Thalman, Trusler and Mack to act as the members of such committee:

That a Special Committee of three be appointed, which shall be known as the Committee on Fire Department, to whom shall be referred all reports, motions, resolutions, &c., relating to said department.

The foregoing report of the Chief Fire Engineer was then referred to the Committee on Fire Department.

The Board of Health submitted the Mortality report, showing the deaths for two weeks ending March 15th, 1885; which was read and received.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Streets and Alleys, through Councilman Reynolds, submitted the following report; which was concurred in, and the ordinance, G. O. 30, 1884, ordered stricken from the files:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred G. O. 30, 1884, "An ordinance making it unlawful to injure Shade Trees, in the City of Indianapolis," recommend said ordinance be not passed, and that it be stricken from the files.

Respectfully submitted,

M. M. Reynolds,
J. F. Reinecke,
Committee on Streets and Alleys.

The same committee submitted the following report; which was received:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, and City Civil Engineer, to whom was referred the question of the propriety of widening and straightening East street, at the intersection of Morris street (first examining the proceedings had some two years ago, looking to such improvement), beg leave to report that they have investigated the matter. We believe East street should be widened at the point named, and believe the only practicable way of doing it, is to condemn the lot at the northeast corner of said streets, as attempted some two years ago. The former proceedings failed because the petitioners declined to execute a bond indemnifying the city against loss, in case she should pay the damages awarded and fail to collect the benefits assessed, the Council refusing to approve the City Commissioner's report on any other condition. (See Proceedings of 1882-'3, page 704, et seq.) New proceedings will be necessary to widen the street.

Respectfully submitted,

M. M. Reynolds,
Julius F. Reinecke,
Committee on Streets and Alleys.

Later in the session, Councilman Reynolds, in behalf of the same committee, submitted the following report; which was concurred in:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred the petition of A. S. Patterson, Wm. F. Stilz and E. B. Martindale, asking that south East street be improved by widening and straightening the same at the intersection of Morris street, have carefully investigated the matter. We think the contemplated improvement should be made, and recommend that said petition and matter be referred to the City Commissioners for their consideration. We report herewith a resolution so referring the matter, and recommend its adoption.

Respectfully submitted,

M. M. Reynolds,
Julius F. Reinecke,
Committee on Streets and Alleys.

MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read, and the Committee on Fire Department, Messrs. Thalman, Trusler and Mack, appointed to act as the members of such Conference Committee:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, March 9th, 1885, adhered to their former action as to awarding the contract for veterinary services in the Fire Department, and requested that a Conference Committee be appointed, consisting of three Aldermen and three councilmen

Aldermen Prier, King and Bernhamer were appointed to act as the Aldermanic members of such Committee.

I submit the same for your consideration.

For the Board of Aldermen:

FRANK W. RIPLEY, Clerk.

The following message was read, and the Common Council recessed from their former action:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen in regular session, held in the Aldermanic Chamber, Monday evening, March 9th, 1885, non-concurred in your action in tendering to the Oliver Chilled Plow Works forty acres of Garfield Park, &c.

For the Board of Aldermen:

FRANK W. RIPLEY, Clerk.

The following message was read, and the Common Council adhered to their former action:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, March 9th, 1885, non-concurred in your action in adopting the following motion:

“That the offer of one hundred dollars, made by certain parties through the Mayor at this meeting of the Common Council, for any interest the city may have in the ground known as the “Park”—being Lot number 28, in T R Fletcher’s subdivision of Out lot 51—be, and the same is hereby, accepted; and the Mayor is hereby directed to execute a quit-claim deed to any person named by the interested parties, on payment of said sum into the city treasury.”

I submit the same for your consideration.

For the Board of Aldermen:

FRANK W. RIPLEY, Clerk.

The following message was read, and the action of the Board of Aldermen was approved:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, March 9th, 1885, concurred in your action in granting further time to Richter & Twiname for completing their contract on Munson street, with the amendment that the time be extended until May 1st, 1885, instead of June 1st, 1885.

I submit the same for your consideration.

For the Board of Aldermen:

FRANK W. RIPLEY, Clerk.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following entitled ordinances were introduced, and severally read the first time:

By Councilman McClelland:

S. O. 14, 1885—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on John street, between Dorman and Hanna streets.

By Councilman Pearson:

G. O. 8, 1885—An ordinance providing for the assessment of property in the City of Indianapolis, upon which to base the tax levy for the year 1885.

On motion by Councilman Pearson, the rules were suspended for the purpose of placing the above entitled ordinance on its final passage, by unanimous consent.

The ordinance was then read the second time, ordered engrossed, read the third time and passed, by the following vote:

AYES, 15—viz. Councilmen Benjamin, Curry, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Thalman, and Trusler.

NAYS—None.

By Councilman Thalman, accompanied with petition:

S. O. 15, 1885—An ordinance to provide for grading and paving with brick, the west sidewalk of Pennsylvania street, from Eighth street to the first alley south of Ninth street.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—We, the undersigned, property owners living on north Pennsylvania street, respectfully petition you to pass an ordinance to pave with brick and flag the crossing of the west side of Pennsylvania street, from Eighth street to the first alley south of Ninth street, where not already done.

J. E. Larger, 40 feet; Frank C. Lewis, 40 feet; Sarah M. Pease, 40 feet; W. H. Talbott, 40 feet; Martha Ridenour, 40 feet.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Curry presented an Invitation to attend the entertainment to be held at Masonic Hall, St. Patrick's night, March 17th, 1885; which was accepted.

Councilman Mack offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, directed to lay double stone crossings on the east side of south Illinois street, across Wilkins street.

Councilman Newcomb offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be instructed to lay a double stone crossing across the alley on the north side of Second street, between Meridian and Pennsylvania streets.

Councilman Pearson presented a communication from the Secretary of the Board of Health, as to the employment of extra men, or the use of a horse and buggy for the spring cleaning up of the city; which was referred to the Committee on Public Health.

Councilman Reynolds offered the following motion; which was adopted:

That the Street Commissioner be directed to notify the property owners on the Pendleton Pike, to trim the limbs from the hedge overhanging the sidewalk.

Councilman Sheppard offered the following motion; which was adopted:

That the City Civil Engineer be, and is hereby, directed to re-advertise for proposals for the erection of lamp-posts on Agnes street, between New York and North streets.

Councilman Smither offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be instructed to put in stone crossings on California street, from North street to First street.

Later in the session, Councilman Smither offered the following motion; which was laid on the table:

That the Board of Health be instructed to furnish pass-books to the Patrolmen, to use for the benefit of the Board of Health.

Councilman Thalman presented a supplemental petition of W. T. Steele, for refunding of taxes; which was referred to the Judiciary Committee.

Councilman Thalman offered the following motion; which was adopted:

WHEREAS, Over one year ago this Council passed an order vacating certain streets and alleys in the southern part of the city, to give facilities to the C., I., St. L. & C. Railroad Company for erecting work and machine shops in said locality—to date, however, nothing has been done in the way of erecting said shops—and the citizens along the line of the vacation are deprived of the streets without deriving any benefit therefrom; therefore

Moved, That the City Clerk be directed to inquire of the officials of said road as to their intention to comply with the agreement on which said vacations were made, and notify them that the city does not feel warranted in leaving said streets vacated to the detriment of property holders in said vicinity; and that steps will be taken to open the streets again to the public, unless the ground is speedily used for the purpose proposed by them.

Councilman Trusler offered the following motion; which was adopted:

That the City Civil Engineer be instructed to report at the next meeting of the Council, on the motion which passed this body February 2d, in regard to the sidewalks on Prospect street.

PENDING ORDINANCES.

The following entitled ordinance was read the second time, ordered engrossed, and read the third time :

S. O. 13, 1885—An ordinance to provide for grading and paving with brick the east sidewalk of Delaware street, from Seventh street to Eighth street.

And it was passed by the following vote:

AYES, 15—viz. Councilmen Benjamin, Curry, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Thalman, and Trusler.

NAYS—None.

The following entitled ordinance was read the second time, ordered engrossed, and read the third time :

S. O. 10, 1885—An ordinance to provide for constructing a brick sewer in and along New Jersey street, from Washington street to New York street.

And it was passed by the following vote:

AYES, 14—viz. Councilmen Benjamin, Curry, Haugh, Mack, Moran, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, and Thalman.

NAYS, 1—viz. Councilman Trusler.

The following entitled ordinances were referred to the Committee on Sewers and Drainage, with instructions to report at the next meeting:

S. O. 5, 1885—An ordinance providing for the construction of a brick sewer in and along Delaware street, from St. Mary street to North street, connecting with the sewer now in said Delaware street terminating at said North street.

S. O. 9, 1885—An ordinance providing for the construction of a brick sewer in and along the following streets and alleys, viz: Beginning at Virginia avenue, and running thence west in and along the first alley south of Merrill street to the third alley east of East street, thence north in and along said alley to Merrill street; thence west in and along Merrill street (where not already properly done), to the first alley east of East street; thence north in and along said alley to the first alley west of Virginia avenue; thence northwest in and along said alley to East street; thence north in and along East street to and connecting with the sewer now in South street.

On motion, the Common Council then adjourned.

JOHN R. PEARSON, Vice-President
of the Common Council.

Attest: GEO. T. BREUNIG, City Clerk.