

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JULY 27, 1885.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, July 27th, A. D. 1885, at eight o'clock, in regular session.

PRESENT—Hon. Brainard Rorison, President of the Board of Aldermen, in the Chair, and Aldermen Bernhamer, Endly, King, McHugh, Pritchard, and Talentine—7.

ABSENT, 3—viz. Aldermen Cobb, Cox, and Prier.

The Proceedings of the Board of Aldermen for the regular session, held July 13th, 1885, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

The following special message was read, and the subject-matter referred to the Committee on Contracts and Bridges:

To the President and Members of the Board of Aldermen:

Gentlemen.—The Common Council, in session, held in the Council Chamber, Monday evening, July 13th, 1885, adhered to their former action in ordering the crossings of Dougherty street, between East street and Virginia avenue, to be made of gravel, instead of stone as ordered by the Board, June 22, 1885.

I submit the same for your consideration.

For the Common Council:

Geo. T. BREUNIG, City Clerk.

The following special message was read, and on motion by Alderman Pritchard, the Board receded from its former action, and concurred in the Council action:

To the President and Members of the Board of Aldermen:

Gentlemen.—The Common Council, in session, held in the Council Chamber, Monday evening, July 13th, 1885, adhered to their former action in adopting the following motion:

“That the Street Commissioner be instructed to examine the crossing at the intersection of California street and Indiana avenue, and to do what is necessary to make the same passable.”

I submit the same for your consideration.

For the Common Council:

Geo. T. BREUNIG, City Clerk.

The following message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:--I submit herewith the following papers for your consideration, favorably passed upon by the Common Council at its session, held July 20th, 18

For the Common Council:

GEO. T. BREUNIG, City Clerk

The report of the Mayor, showing fines and fees collected (see page 424, *ante*), was read and received.

The contract and bond of Salisbury & Stanley (see page 424, *ante*) was read.

Alderman Bernhamer moved to refer to the Committee on Judicial and Ordinances.

Which motion failed of adoption.

The question of the solvency of the bond being raised, Alderman Bernhamer was delegated to examine the Assessor's records and ascertain the amount for which the principals and sureties were assessed.

Later in the session, Alderman Bernhamer reported that the total assessed value of real and personal property belonging to the principals and sureties, was \$57,580.00.

President Rorison then moved that the action of the Council, in approving the agreement, be concurred in.

Which motion was adopted, by the following vote:

AYES, 5—viz. Aldermen Endly, King, Pritchard, Tallentire, and President Rorison.

NAYS, 2—viz. Aldermen Bernhamer, and McHugh.

The report from the City Civil Engineer, accompanied by the estimates (see pages 424 and 425, *ante*), was read, and the estimates severally approved.

The following estimate resolution (see page 425, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis That the accompanying first and final estimate in behalf of J. L. Spaulding, grading and graveling Hanway street and sidewalks, from Madison avenue to the J., M. & I. Railroad tracks, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 6—viz. Aldermen Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 425, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, that the accompanying first and final estimate in behalf of Fulmer & Seibert, for grading and graveling Orange street and sidewalks, from Spruce street to Reid street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

YES, 6—viz. Aldermen Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 426, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, that the accompanying first and final estimate in behalf of R. P. Dunning, for grading and paving with brick (where not already done), the sidewalks of Dougherty street, from East street to Virginia avenue, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

YES, 6—viz. Aldermen Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The report of the City Civil Engineer, submitting certain contracts and bonds, (see page 426, *ante*), was read, and the favorable action of the Common Council thereon, was concurred in.

The acceptance of Messrs. Miller & Best (see page 427, *ante*), was read and received.

The report from the Committee on Contracts (see pages 423 and 424, *ante*), was read, and the favorable action of the Common Council thereon, was concurred in.

The report from the Committee on Finance (see page 429, *ante*), was read.

Alderman Endly, in behalf of the Finance Committee, submitted the following report; which was concurred in:

To the President and Board of Aldermen:

Gentlemen:—Your Finance Committee have examined the report of the Council Finance Committee of July 20th, 1885, and recommend that the several recommendations contained therein be concurred in.

Respectfully,

Thomas E. Endly,
Isaac King,
Committee on Finance.

The second clause in the report of the Judiciary Committee (see page 429, *ante*), was read, and the favorable action of the Common Council thereon, was concurred in.

The report of the Committee on Fire Department (see page 430, *ante*) was read, and the favorable action of the Common Council thereon, was concurred in.

The following resolution (see page 428, *ante*), was read :

Resolved, That the City Clerk be, and is hereby, instructed to give the proper legal notice, by publication, of the meeting of this Common Council, Board of Aldermen, City Clerk and City Assessor, as the Board of Equalization; such meeting to be held on Monday evening, August 3d, 1885, at 8 o'clock.

And it was concurrently adopted by the following vote:

AYES, 6—viz. Aldermen Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following resolution (see page 434, *ante*), was read:

Resolved, That the Indianapolis Water Company be, and it is hereby, requested to extend its water mains on College avenue to Twelfth street.

And it was concurrently adopted by the following vote:

AYES, 6—viz. Aldermen Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following motion (see page 433, *ante*), was read, and referred to the Committee on Markets and Public Property:

That the Committee on Public Property be authorized to have small stand painted in University Park.

The following motion (see page 433, *ante*), was read, and referred to the Committee on Railroads and Public Charities:

That the Street Commissioner serve notice on the Citizens' Street Railway Company to immediately clean up Pratt street, between West and Paca streets, it being a nuisance, created by said company, of which the officers of said company have been frequently notified. In case said company does not at once comply with said notice, then the officers in the Board of Health are directed to cause the agents and officers of said company to be prosecuted for creating and maintaining a nuisance and the Street Commissioner is directed to prevent by force, if necessary, the further use of said Pratt street for transfer purposes.

The following motions (see pages 428, 432, 434 and 435, *ante*), were read, and concurrently adopted:

That from and after the adoption of this motion, ten per cent. on all cistern contracts shall be withheld for ninety days from the time of completing the same, at which time the Chief Fire Engineer shall report the condition of said cistern to the City Clerk and if in good condition, said Clerk shall draw his warrant on the City Treasurer for said ten per cent so withheld. Further, that hereafter all advertisements for cisterns, shall stipulate that the cisterns shall be walled up and remain in that condition thirty days before they are cemented, unless sooner done by order of the Chief Fire Engineer.

That Mr. Sam. Patterson, the contractor for grading the first alley west of Noble street, between New York and Lockerbie streets, be instructed to proceed with the work at once, or throw up the contract.

WHEREAS, His Honor, the Mayor, has decided the cases recently brought by the City against certain employees of the Brush Electric Light Company for digging in the streets, and for erecting poles or towers for the uses of said company, without having first procured the consent of the Council and Board of Aldermen, against the city; and

Whereas, Said decision, if allowed to stand, will virtually annul two of the penal ordinances of said city, and give great latitude to corporations in placing obstructions in the public thoroughfares, at will; and

Whereas, It is deemed important to the future interests of the city to have said ordinances upheld; therefore

Moved, That the City Attorney be, and he is hereby, directed to appeal from the judgment of the Mayor in said cases, to the Circuit or Superior Court.

That the Chief Fire Engineer be instructed to purchase an alarm bell for the Prospect street Engine House and No. 9 Engine House, on Ash street, and to have the same put in position without delay.

That the Street Commissioner be, and is hereby, directed to make the necessary approaches to the Sixth street bridge on the Canal; said approaches to be built under the direction of the City Civil Engineer.

The following entitled ordinances (passed by the Common Council) were severally read the first time:

G. O. 79, 1884—An ordinance requiring the C., I., St. L. & C. Railroad to erect and maintain safety-gates on each side of its track where it crosses Washington street.

G. O. 27, 1885—An ordinance authorizing the Indianapolis & St. Louis Railway Company to construct and maintain a certain side track or extension thereof, across West street and along Georgia street, in the City of Indianapolis.

G. O. 28, 1885—An ordinance authorizing Pickering & Black to exhibit their consolidated shows in the City of Indianapolis.

On motion by Alderman Bernhamer, G. G. 79, 1884, and G. O. 27, 1885, were referred to the Committee on Railroads and Public Charities.

On motion by Alderman King, the rules were suspended by the following vote, for the purpose of placing G. O. 28, 1885, on its final passage:

AYES, 7—viz. Aldermen Bernhamer, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

G. O. 27, 1885, was then read the second and third times and passed, by the following vote:

AYES, 7—viz. Aldermen Bernhamer, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

REPORTS, ETC., FROM STANDING COMMITTEES.

Alderman Pritchard, in behalf of the Judiciary Committee, submitted the following report; which was concurred in, and G. O. 23, 1885, stricken from the files:

To the President and Board of Aldermen:

Gentlemen:—Your Judiciary Committee, to whom was referred G. O. 23, of 1885, providing for Dr. Lighthall paying a show license of \$100.00, report that Dr. Lighthall is not charging an admission fee to any of his exhibitions. We therefore recommend the ordinance be stricken from the files.

Respectfully submitted,

Jas A. Pritchard,
Will F. A. Bernhamer,
Judiciary Committee.

Alderman Tallentire, in behalf of the Committee on Markets and Public Property, submitted the following report; which was read, and action thereon postponed:

To the Board of Aldermen:

Gentlemen:—Your Committee on Public Property, to whom was referred the communications and propositions of the Indianapolis Fertilizer Company and Luther Mehring, have had the same under consideration, and have made a personal inspection of the Sellers Farm. We find that the city purchased the Farm April 11th, 1873, of Amos Sellers, for \$55,875.00, and the deed as recorded in Land Record W. W., page 469, calls for 223½ acres. No steps have ever been taken to ascertain the exact boundaries of the Farm. The eastern boundary is White River, which boundary is continually moving west, by reason of the River encroaching on the western bank, and undermining the bluff, and there depositing the earth on the eastern bank. Eagle Creek flows into White River from the west, striking the River about one-half mile south from the north line of the Farm.

The Fertilizer Company has heretofore protected the Farm from overflow by the construction of levees, break-waters, and sinking of brush mattresses, at its own expense, and never been refunded by the city. These protections have, by the ravages of the floods, to a great extent been removed. That they should be replaced, is an imperative necessity, unless the city desires to abandon the Farm to the mercy of the waters.

That the boundaries should be ascertained, is also necessary, as timber thieves commit their depredations without fear of molestation; and your committee is also of the opinion that some of the city's land is in possession of the adjoining land owner.

We are further of the opinion that the proposed improvements would cost the city from \$1,200.00 to \$1,560.00, in graveling the roadways, building levees, break-waters, and sinking mattresses.

In view of the fact that the Fertilizer Company has paid the city \$1,000.00 rent since March 1st, 1883, and received no recompense for money expended as aforesaid, and the statements herein contained, your committee recommend, 1st, That the City Civil Engineer ascertain, by survey, the boundaries of the Farm, and set the proper corner stones. 2d, That the Farm be leased to the said company for

the term of four (4) years from March 1st, 1883, at \$500.00 per year, payable March 1st and September 1st. 3d, That said company be authorized to make the contemplated improvements, and in consideration thereof, all financial accounts still unsettled between the company and city, be settled up to May 1st, 1885; and that on the City Civil Engineer's report of the work being done, the city allow \$100.00 additional out of the rent beginning May 1st, 1885.

Respectfully submitted,

Thomas Tallentire,
Will F. A. Bernhamer,
Committee on Public Property.

On motion by Alderman McHugh, the City Clerk was instructed to report at the next meeting, the amount of rent due on Sellers Farm.

Alderman Endly, on behalf of the Committee on Streets & Alleys, and Sewers & Drainage, submitted the following report; which was concurred in;

To the President and Members of the Board of Aldermen:

Gentlemen.—The Committee on Streets & Alleys, and Sewers & Drainage to whom was referred the papers in the matter of widening and extending Herrmann street, by condemning twenty feet off of the west side of Lot 14, in M. E. & W. P. Noble's subdivision of Out-lot 61, have examined the same, and recommend that the Council action be concurred in, and the matter be referred to the City Commissioners.

Respectfully,
Thomas E. Endly,
Isaac King,
Committee on Streets & Alleys, and Sewers & Drainage.

The following resolution (see page 359, *ante*), was read:

Resolved, That the petition of John Herrmann, Fred. W. Fehring, et al., praying for the widening of Herrmann street to a width of forty feet, by condemning twenty feet off of the west side of Lot fourteen, in M. E. & W. P. Noble's subdivision of Out-lot 61, be referred to the City Commissioners, with instructions to assess benefits and damages, and to make due report to the Common Council and Board of Aldermen; the Commissioners to return all petitions and notices. The City Clerk is hereby required to issue the proper notices, and the Superintendent of Metropolitan Police is hereby directed to serve the notices upon the City Commissioners and property owners.

And it was concurrently adopted by the following vote:

AYES, 7—viz. Aldermen Bernhamer, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The Committees on Streets & Alleys, and Sewers & Drainage, and Judiciary, through Alderman Endly, submitted the following report; which was concurred in:

To the President and Members of the Board of Aldermen:

Gentlemen.—In the matter of the petition of A. S. Patterson, Wm. F. Stilz and E. B. Martindale, asking for the widening and straightening of south East street, report in favor of referring the matter to the City Commissioners, to assess benefits and damages, and make report. We further recommend when the report of the City Commissioners comes to the Board of Aldermen, they do not concur in said report until all persons assessed benefits by the Commissioners, have paid the sum into the city treasury.

Respectfully submitted,
S. H. Cobb,
Thomas E. Endly,
Isaac King,
Committee on Streets and Alleys.

James A. Pritchard,
Will F. A. Bernhamer,
Committee on Judiciary.

The following resolution (see page 178, *ante*), was read:

Resolved, That the petition of A. S. Patterson, Wm. F. Stilz and E. B. Martindal asking for the widening and straightening of south East street at the intersection of Morris street, together with the petition and plat presented in such case, be referred to the City Commissioners, with instructions to assess benefits and damages to a person or persons thereby benefited or damaged. The Commissioners are hereby instructed to return as a part of their report, all petitions and notices; and the City Clerk is hereby directed to issue the proper notices to the Commissioners.

And it was concurrently adopted by the following vote:

AYES, 7—*viz.* Aldermen Bernhamer, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS--None.

The Committee on Streets & Alleys, and Sewers & Drainage, through Alderman Endly, submitted the following reports; which were severally concurred in:

To the President and Board of Aldermen:

Gentlemen.—Your Committee on Streets & Alleys, and Sewers & Drainage, to whom the following report was referred, *viz*:

“To the Mayor and Common Council:

Gentlemen.—The Board of Public Improvements, to whom sundry papers were referred, report thereon as follows:

1st. Is a motion, together with petition, for laying a stone crossing across Delaware street, on the north side of Wabash street. Recommend the work be done.

2d. To fill with broken stone the chuck-holes in Washington street, between Pine street and Arsenal avenue. Recommend the work be done.

3d. To fill the chuck-holes with gravel on Pratt street, between Meridian and Illinois streets. Recommend the work be done.

4th. To put a new culvert at the foot of Pratt street. Recommend the work be done.

5th. To clean out the culvert on north West street, at the Street Car stables. Recommend the work be done.

6th. To repair the gutter on the west side of Pennsylvania street, between Maryland and Georgia streets, so as to carry off the water.

Recommend the work be done.

Respectfully submitted,

M. M. Reynolds,
Wm. Curry,
Board of Public Improvements.”

Recommend we concur in all of the above, *except* item four.

Respectfully submitted,

S. H. Cobb,
Thomas E. Endly,
Isaac King,
Committee on Streets and Alleys.

To the President and Members of the Board of Aldermen:

Gentlemen.—Your Committee on Streets & Alleys, and Sewers & Drainage, to whom was referred the motion adopted by Council June 8th, 1885, directing the Street Commissioner to notify persons who took up the brick and curb on Massachusetts avenue, between Ohio and New York streets, to replace the same; also, motion adopted by Council June 15th, 1885, “granting permission to M. S. Hue to bowlder a crossing on Massachusetts avenue across the sidewalk,” have examined into said matters, and recommend that neither motion be adopted.

Respectfully,

S. H. Cobb,
Thos. E. Endly,
Isaac King,

Committee on Streets & Alleys, and Sewers & Drainage.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Bernhamer offered the following motion; which was adopted:

That the Committee on Public Property ascertain what insurance the city carries on her insurable property, and what property is not insured.

Alderman King presented the following communication; which was received:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—On locating the Public Fountain at the intersection of Virginia avenue, Prospect, Dillon and Shelby streets, I find that the interests of the public could be better served, if the stone crossing now leading from the west side of said avenue, to about the center thereof, were taken up and re-laid from the corner of Auburn street and said avenue (south of the Fountain) to the southeast corner of Prospect and Shelby streets; and that a new crossing should be laid from the northeast corner of Dillon and Prospect streets to the southwest corner of said avenue and Shelby street; also, a new crossing from the northeast corner of said avenue and Prospect street, on the line of said avenue, to the location of the Fountain.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

In connection with the above matter, Alderman King offered the following motion; which was adopted:

That the Street Commissioner *at once* repair the stone crossings at the new Fountain at the foot of Virginia avenue, in accordance with the recommendation of the City Civil Engineer, herewith submitted with this motion.

Alderman King offered the following motion; which was adopted:

That this Board will not concur in the acceptance of any proposal for heating the City Hospital by steam, or any other matter involving the expenditure of money, until the Council and Board, by concurrent action, shall instruct the City Clerk to advertise for bids.

President Rorison presented the following Invitation; which was accepted:

To the City Officers, Common Council, and Board of Aldermen:

Gentlemen:—The Citizens' Committee in charge of the erection of the Fountain at the end of Virginia avenue, through me, extend to you a cordial invitation to be present at the dedication of said Fountain, on the evening of the 31st day of July, 1885.

Respectfully,

JOHN L. McMASTER, Mayor.

President Rorison offered the following motion; which was adopted:

That the Sergeant of Police be, and he is hereby, instructed to at once notify the person or persons who are erecting a board sign on the west side of Meridian street, between Michigan and North streets, that the same is a nuisance, and must be removed immediately.

President Rorison presented the following petition; which was granted:

SIG. 47.

To the Honorable Board of Aldermen, and Common Council of the City of Indianapolis:

Gentlemen:—The undersigned desires to erect under the sidewalk adjoining premises, on Lot No. 34, in Blake's subdivision of Out-lot No. 170, on Pratt street in said city, a coal vault, for the purpose of passing and moving coal into petitioners' cellar, at said premises. The proposed vault is to be of the following dimensions substantially, to-wit: Seven (7) feet wide; eight (8) feet long, and six (6) feet high in the clear, and the time required for the completion thereof, will be two weeks. Wherefore petitioner prays that the City Clerk be authorized and required to issue a permit allowing petitioner to erect the vault above mentioned, conformable to the laws and ordinances in that behalf provided.

July 27, 1885.

I. L. FRANKEM

PENDING ORDINANCES.

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

S. O. 59, 1885—An ordinance to provide for grading and paving with brick, the west sidewalk of Douglass street, between New York and North streets.

And it was passed by the following vote:

AYES, 7—viz. Aldermen Bernhamer, Endly, King, McHugh, Pritchard, Tallantire, and President Rorison.

NAYS—None.

On motion, the Board of Aldermen then adjourned.

BRAINARD RORISON, *President.

Attest: FRANK W. RIPLEY, Clerk.