

PROCEEDINGS OF BOARD OF ALDERMEN.

SPECIAL SESSION—JANUARY 8, 1886.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Friday evening, January 8th, 1886, at 7:30 o'clock.

Michael F. Shields, City Clerk, called the Board to order, and stated that all the members elect had duly qualified as Aldermen.

A roll-call was taken with the following result:

PRESENT—Aldermen Brown, Crosby, Endly, King, Laut, Pritchard, Rail, Schmidt, and Wright—9.

ABSENT—Alderman Prier—1.

On motion by Alderman Pritchard, Alderman Schmidt was called to the Chair, to preside as temporary Chairman.

The Chairman announced that the first thing in order, was the election of a President of the Board of Aldermen.

Alderman Pritchard placed in nomination for President, Alderman Endly.

Alderman Brown moved that the Board at the same time elect a President *pro tem.*

Which motion was adopted.

Alderman Brown nominated Alderman King for President *pro tem.*

On motion of Alderman Wright, the Clerk was instructed to cast the vote of the Board for the nominees.

The City Clerk then cast the unanimous vote of the Board for Alderman Endly for President, and Alderman King for President *pro tem.*; and they were declared duly elected for the ensuing term.

President Endly then assumed the duties of his office, and briefly addressed the Board.

The following report of the City Clerk was read, and the appointment confirmed:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—I have appointed Joseph T. Fanning as my principal Deputy and Clerk of the Board of Aldermen.

I respectfully request your honorable bodies to confirm his appointment
January 4th, 1886.

MICHAEL F. SHIELDS, City Clerk.

President Endly announced the following Standing Committees; which were concurred in:

STANDING COMMITTEES.

Contracts and Bridges—Wright, Prier and Schmidt.

Finance and Accounts and Claims—Schmidt, Laut and Brown.

Fire Department—Prier, Wright and King.

Hospital and Dispensary—Prier, Brown and Laut.

Judiciary and Ordinances—Pritchard, Wright and Schmidt.

Markets and Public Property—Crosby, King and Brown.

Police Department—Brown, Wright and Rail.

Printing and Office Fixtures and Supplies—Prier, Brown and King.

Public Light and Education—King, Laut and Pritchard.

Railroads and Public Charities—Laut, Schmidt and Brown.

Rules—Endly, King and Wright.

Streets and Alleys and Sewers and Drainage—Schmidt, Rail and Prier.

Water and Public Health—Rail, Crosby and Pritchard.

Alderman Wright, by consent, offered the following motion; which was adopted:

That a committee consisting of two Aldermen, three Councilmen, the President of the Board, the Mayor, City Attorney, City Civil Engineer, and three citizens to be designated by the Mayor, be appointed for the purpose of ascertaining and reporting back to the Board of Aldermen and Council, the best plan for the accommodation of the business interests of the city from delays, and relief of the citizens from the dangers of the railroad crossings. And particularly to inquire into the practicability of lowering the railroad tracks so as to enable the city to bridge the same, if necessary, at each street and alley crossing; and if necessary to carry out this purpose, to consider the propriety of sewerage Pogues Run, and widening the present right of way of the railroad companies through the city. Such committee is requested to invite the co-operation of the railroad companies.

Alderman Pritchard moved that the Rules of the former Board of Aldermen be adopted as the Rules of this body.

On motion, action thereon was postponed until the next meeting.

On motion, the Board of Aldermen then adjourned.

THOMAS E. ENDLY, President.

Attest: JOSEPH T. FANNING, Clerk.

PROCEEDINGS OF JOINT CONVENTION.

FIRST SESSION—JANUARY 8, 1886.

The Common Council and Board of Aldermen of the City of Indianapolis, convened in first Joint Convention, in the Council Chamber, Friday evening, January 8th, A. D. 1886, at eight o'clock, in compliance with the provisions of Section 4, of the following Act of the General Assembly of the State of Indiana, approved March 8th, 1881:

An act supplementary to an act approved March 14th, 1867, entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto."

On motion of Councilman Mack, His Honor, Mayor Denny, was called to the Chair, to serve as temporary President.

On motion of Councilman Coy, Michael F. Shields, City Clerk, was unanimously elected Permanent Secretary of the Joint Convention.

The roll of the members of the Common Council and Board of Aldermen having been called, showed that the following members of the Joint Convention were present:

Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly—10. Councilmen Benjamin, Burns, Coy, Cummings, Dell, Dunn, Edenharter, Haugh, Herig, Howes, Mack, Markey, McClelland, McGroarty, Newland, Pearson, Reinecke, Reynolds, Rooker, Smith, Smither, Stuckmeyer, Swain, Thalman, and Waterman—25. Total present, 35. Absent, none.

Councilman Thalman demanded that the Secretary call the name of His Honor, Mayor Denny, as a member of the Joint Convention; to which Alderman Schmidt offered the following protest:

To His Honor, the President, and Members of the Joint Convention
of the Common Council and Board of Aldermen of the City of Indianapolis:

Gentlemen:—The undersigned, members of the Joint Convention of the Common Council and Board of Aldermen of the City of Indianapolis, hereby protest to the name of our Mayor, Caleb S. Denny, being called in the Joint Convention of said bodies, for the purpose of voting for any officers or boards to be elected by the Joint Convention, for the reason that the said Mayor has no right to cast a vote in a Joint Convention of said bodies, under our Statutes.

Lorenz Schmidt,
Sim. Coy,
Thomas Markey,
C. Waterman,
M. J. Burns,

Isaac King,
Charles H. Stuckmeyer,
Frank M. Dell,
Fred. J. Mack,
Julius F. Reinecke.

Councilman Thalman called the name of His Honor, the Mayor, who being present, responded to the call.

Alderman Prier moved to table the protest offered by Alderman Schmidt; which motion was lost, by the following vote:

AYES, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

NAYS, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

Councilman Coy moved that the protest be sustained.

Councilman Pearson moved as a substitute, that the protest be referred to a Special Committee of five.

Which, on motion by Councilman Coy, was laid on the table, by the following vote:

AYES, 18—viz: Aldermen Crosby, King, Laut, Rial, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

NAYS, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

Councilman Thalman offered the following substitute for the protest:

That it is the sense of this Convention that the Mayor is a member of the same, and has the right to vote on all matters that may come before it.

Councilman Coy moved to table the substitute.

The roll was called, and resulted as follows:

AYES, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

NAYS, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

The Secretary did not call the name of His Honor, Mayor Denny.

Councilman Thalman then called the name of His Honor; who responded by voting in the negative, and declared the vote a tie.

Councilman Pearson moved the point of order, that the whole matter under consideration was out of order until after the election of a Permanent President of the Joint Convention, and the Chair sustained the point of order.

Alderman Pritchard moved that the Joint Convention adjourn.

Which motion failed, by the following vote:

AYES, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

NAYS, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

His Honor, Mayor Denny's name was not called, and he insisted that he had a right to vote, and announced that he desired to vote in the affirmative.

Alderman King appealed from the decision of the Chair, in sustaining the point of order made by Councilman Pearson.

Alderman Pritchard offered the following substitute for the whole matter before the Convention:

That as the Statute provides that the "Mayor and Common Councilmen shall constitute the Common Council; and whereas, the Clerk refuses to call the name of the 'Mayor,' that he also do not call 'Common Councilmen.'"

Councilman Coy moved to lay the substitute on the table.

Which motion prevailed, by the following vote:

AYES, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

NAYS, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

Councilman Pearson moved to adjourn.

Which failed by the following vote:

AYES, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

NAYS, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

Councilman Swain offered the following motion:

That this question, "Is the Mayor a member of the Common Council, and thereby a member of the Joint Convention?" be referred to Judge N. B. Taylor for decision.

Which, on motion by Councilman Haugh, was laid on the table, by the following vote:

AYES, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

NAYS, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

The question of appeal from the decision of the Chair by Alderman King, was then ordered.

The question being "Shall the decision of the Chair stand as the decision of the Joint Convention?" the decision of the Chair was not sustained, by the following vote:

AYES, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

NAYS, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

Councilman Pearson offered the following motion as an amendment to the protest offered by Alderman Schmidt:

As an amendment to the business now before this body, that the Clerk place Mr. Denny's name on the roll as a member of this body.

On motion, the amendment was laid on the table, by the following vote:

AYES, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

NAYS, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

Councilman Coy moved the previous question on his motion to sustain the protest offered by Alderman Schmidt.

Councilman Thalman moved the point of order, that the Joint Convention had tabled the amendment offered to the protest, and thereby carried with it the original protest.

The Chair ruled that the point of order was well taken.

Councilman Coy appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the decision of the Joint Convention?" by the following vote the decision of the Chair was not sustained:

AYES, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

NAYS, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

The main question was then ordered, and a vote was taken on the motion to sustain the protest; which resulted as follows:

AYES, 18—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt; Councilmen Burns, Coy, Dell, Edenharter, Haugh, Herig, Howes, Mack, Markey, Newland, Reinecke, Stuckmeyer, and Waterman.

NAYS, 17—viz: Aldermen Brown, Prier, Pritchard, Wright, and President Endly; Councilmen Benjamin, Cummings, Dunn, McClelland, McGroarty, Pearson, Reynolds, Rooker, Smith, Smither, Swain, and Thalman.

His Honor, Mayor Denny, demanded the right to vote, and announced that he desired to vote in the negative; and that the motion to sustain the protest was not adopted.

On motion, it was agreed to proceed with the election of a Permanent President of the Joint Convention.

Councilman Rooker nominated His Honor, Mayor Denny.

Councilman Markey nominated Alderman John Rail.

The Chair appointed Councilmen Rooker and Howes as Tellers.

A ballot was then had, which resulted as follows:

Hon. Caleb S. Denny received 17 votes.

Alderman John Rail received 18 votes.

The Secretary did not call the name of His Honor, Mayor Denny.

His Honor insisted upon his right to vote, and Councilman Rooker, as Teller, received his vote, and announced that His Honor voted for Mayor Denny; which made the whole number of votes cast 36, and the Chair announced the ballot a tie.

To settle the question of the right of His Honor, the Mayor, to vote in Joint Convention, it was, on motion, agreed that Councilman Swain and Alderman Schmidt be constituted a Committee to refer the question to the three Judges of the Marion County Superior Court for a decision.

On motion of Councilman Thalman, the Joint Convention adjourned to meet again Monday, January 11th, 1886, at 8 o'clock, P. M.

C. S. DENNY, Mayor,

Temporary President.

Attest: MICHAEL F. SHIELDS, Secretary.