

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—APRIL 11, 1887.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, April 11th, A. D. 1887, at 7:30 o'clock, in regular session.

PRESENT—Hon. Thomas E. Endly, President of the Board of Aldermen, in the Chair, and Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Schmidt, and Wright—9.

ABSENT, 1—viz: Alderman Prier.

The Proceedings of the Board of Aldermen for the regular session held March 28th, 1887, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following special message was read:

Indianapolis, April 11, 1887.

To the President and Members of the Board of Aldermen:

Gentlemen:—The Common Council, in a regular session held in the Council Chamber, Monday evening, April 4th, 1887, *non-concurred* in the action of your honorable body in amending S. O's. Nos. 16, 18, 20, 21, 27, 34 and 39, of 1887, by striking out all the stone crossings.

I submit the same for your consideration.

For the Common Council:

MICHAEL F. SHIELDS, City Clerk.

Alderman King moved to refer the message and ordinances to the Committee on Streets & Alleys and Sewers & Drainage.

Alderman Pritchard moved as a substitute for the above motion, that the Board adhere to its former action.

On motion by Alderman Rail, the substitute was laid on the table, by the following vote:

AYES, 6—viz: Aldermen Crosby, King, Laut, Rail, Schmidt, and President Endly.

NAYS, 3—viz: Aldermen Brown, Pritchard, and Wright.

And the original motion offered by Alderman King, was then adopted.

The following special message was read:

Indianapolis, April 11, 1887.

To the President and Members of the Board of Aldermen:

Gentlemen:—The Common Council, in regular session, held in the Council Chamber, Monday evening, April 4th, 1887, *non-concurred* in the action of your honorable body in accepting the following agreement:

“To the President and Members of the Board of Aldermen:

Gentlemen:—The undersigned, in consideration of the passage by your honorable body, of S. O. No. 44, 1887, agree to pay to the City of Indianapolis, the amount of the cost of stone crossings on Alabama street, which will be laid as provided in Special Ordinance No. 44, 1887.

H. C. DEWENTER,
STANTON J. PEELE,
H. C. ADAMS.”

I submit the same for your consideration.

For the Common Council:

MICHAEL F. SHIELDS, City Clerk.

And on motion by Alderman Wright, the Board receded from its former action, and concurred in the action of the Common Council.

On motion by Alderman Wright, the above action was reconsidered, by the following vote:

AYES, 7—viz: Aldermen Brown, Crosby, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS, 2—viz: Aldermen King, and Laut.

On motion by Alderman Pritchard, the Board adhered to its former action in accepting the agreement, by the following vote:

AYES, 7—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, and Schmidt.

NAYS, 2—viz: Alderman Wright, and President Endly.

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 regular session held April 4th, 1887.

For the Common Council:

MICHAEL F. SHIELDS, City Clerk.

The reports from the Committee on Contracts, awarding sundry and various contracts (see pages 167 and 168, *ante*), were read, and the favorable action of the Common Council thereon, was concurred in.

The contract and bond of Richter & Twiname, for grading and bowldering the roadway of Tomlinson Court, and curbing with stone and paving with brick the sidewalks thereof, from Wabash street to Market street (see page 169, *ante*), was read, and concurrently approved.

The report of the City Civil Engineer, accompanied with estimates, (see page 169, *ante*), was read, and the favorable action of the Common Council thereon, was concurred in.

The following estimate resolution (see page 170, *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 George W. Buchanan, for grading and paving with brick, the north sidewalk of Indiana avenue, from Leland street to Fall Creek, 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, 9—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 170, *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 James W. Hudson, for grading and bowldering the first alley south of Bicking street, from Delaware street to Davis 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 :

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 170, *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. W. Cooper & Co, for grading and bowldering the gutters of St. Clair street, and curbing with stone and paving with brick the sidewalks thereof, from Massachusetts avenue to the C, C. & I. R. R 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, 9—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The communication from the City Civil Engineer, relative to the Illinois street tunnel (see pages 170, 171 and 172, *ante*), was read, and action thereon postponed until the next regular meeting.

The report from the City Clerk, showing the amount of orders drawn upon the City Treasury during the month of March, 1887, (see pages 172 and 173, *ante*), was read and received.

The report of the Treasurer for the City, showing receipts and disbursements for March, 1887, (see page 173, *ante*), was read and received.

The report from the City Attorney (see page 173, *ante*), was read and received.

The following report from the Chief Fire Engineer was read, and the appointments confirmed :

Indianapolis, April 2d, 1878.

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

Gentlemen:—I herewith present the names of Alexander Haugh and Thomas Black for appointment to positions in the Fire Department, to fill the vacancies caused by the resignations of Joseph L. Gasper and F. L. Dougherty.

Respectfully submitted,

J. H. WEBSTER, Chief Fire Engineer.

The report from the City Rental Agent was read and received.

The report from the Board of Public Improvements and Street Commissioner, showing expense for Street Repair Department for March, 1887, (see page 174, *ante*), was read and received.

The report from the Committee on Finance (see pages 175 and 176, *ante*), was read, and referred to the Committee on Finance and Accounts & Claims.

The following second and third clauses of the report from the Committee on Streets and Alleys (see page 177, *ante*), were read, and referred to the Committee on Streets & Alleys and Sewers & Drainage, City Attorney and City Civil Engineer :

2d. As to the petition of Magdalena Maus and Brown and Love Brothers, asking that that portion of Patterson, Fletcher & Ray's subdivision of the west part of Out-lot No. 149, in the City of Indianapolis, and forty (40) acres in fractional Section No. three (3), Township fifteen (15), Range three (3) east, in Marion county, State of Indiana, that lies in the City of Indianapolis, be vacated, your committee recommend that the prayer of the petitioners be granted, and that the following resolution be adopted :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the petition of Magdalena Maus and others, praying for the vacation of all the streets, alleys and highways in that part of Patterson, Fletcher & Ray's subdivision of the west part of Out-lot No. 149, in the City of Indianapolis, and forty acres in fractional Section No. 3, Township 15, Range 3 east, in Marion county, Indiana, as described in Plat Record No. 2, page 113, in the Recorder's office of said county, that lies in the City of Indianapolis, be referred to the Board of City Commissioners, together with the plat accompanying the same, with instructions to assess benefits and damages caused by such vacation, and to make due report to the Common Council and Board of Aldermen; said Board of City Commissioners to return all petitions, plats and notices. The City Clerk is hereby required to issue, and the Superintendent of the Metropolitan Police Force to serve, the proper notices upon said Commissioners, and the petitioners are hereby required to serve the proper notices upon the property owners, and show by affidavit due service of such notice. *Provided,* That before the City Clerk issue the said notices to the City Commissioners, a bond shall be filed with said City Clerk, to be approved by the Mayor, guaranteeing the payment of all costs and charges of said Commissioners in this matter.

3d. Your committee recommend that the plat of "Wallace's subdivision of Newman Oak's Park," being a subdivision of Lot No. 3, of Ingram Fletcher's Oak Hill suburb to the City of Indianapolis, as recorded in Plat Book No. 7, page 114, in the Recorder's office of Marion county, Indiana, be adopted and approved, and the

prayer of the petitioner be granted: *Provided*, That before such plat is recorded, the same shall be presented to the County Auditor, who shall assess and apportion the true valuation of each lot or parcel of land described in such plat, as required by Section 6392 R. S. 1881.

The report of the Special Committee on renting of Tomlinson Hill (see pages 178 and 179, *ante*), was read and received.

The report from the Special Committee on the Colfax Monument location (see page 179, *ante*), was read, and the favorable action of the Common Council thereon, concurred in.

The following motions (see pages 174, 186 and 187, *ante*), were read and concurrently adopted:

That the Rental Agent be instructed to have the tenant of the Indiana avenue property reduce the amount of his indebtedness for rent, or cause him to vacate.

That A. Dillingham be, and is hereby, allowed to grade and pave with brick, the sidewalk in front of his property on west Washington street, at his own expense, under the direction of the City Civil Engineer, running from the corner of Wallace street ninety feet west on Washington street.

That Mr. J. Butler be, and is hereby, permitted to curb and bowlder the gutter in front of his property on Madison avenue and Dunlap street; to be done at his own expense, and the Engineer give him the stakes.

That Mr. J. Butler be granted the privilege to pave the sidewalk in front of his property on Kennington street and Dunlap street, at his own expense, and that the Engineer set the stakes.

That Mr. Redfern be granted the privilege to curb and bowlder the gutter in front of his property on Bicking street and Delaware street, and that the Engineer give him stakes.

That the Street Commissioner be directed to re-lay the bowlders in the alley in the rear of the Young Mens' Christian Association building, so the water will flow to the center of the alley out to Market street.

APPROPRIATION ORDINANCES.

This being the regular appropriation night, the following entitled Appropriation Ordinances (passed by the Common Council) were placed on their final passage without a suspension of the Rules.

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

Ap. O. 19, 1887—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$1,632.50.]

And it was passed by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

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

Ap. O. 20, 1887—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$1,421.14.]

And it was passed by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

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

Ap. O. 21, 1887—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$9,408.69.]

And it was passed by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

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

Ap O. 22, 1887—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station House. [Amount appropriated, \$387.67.]

And it was passed by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

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

Ap. O. 23, 1887—An ordinance appropriating money for the payment of the compensations of the officers and members of the Fire and Police Departments, the Committee Clerk, City Janitor, Assistant City Janitor, Tomlinson Hall Janitor, Tomlinson Hall Assistant Janitor, and Market Masters of the East and West Markets. [Amount appropriated, \$10,468 33.]

And it was passed by the following vote :

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Streets & Alleys and Sewers & Drainage, City Attorney and City Civil Engineer, submitted the following reports:

To the President and Members of the Board of Aldermen:

Gentlemen:—The undersigned, members of your Committee on Streets and Alleys and Sewers and Drainage, together with the City Attorney and City Civil Engineer, make this report upon Special Ordinance No. 168, 1886, providing for the construction of an eighteen inch Akron pipe sewer in and along Ray and Rockwood streets, from the present terminus of the sewer in Ray street, at Pogue's Run, to the east bluff of White River: We recommend that the amendment thereto offered by Alderman Schmidt, providing for a four foot brick sewer, be not adopted, and that said ordinance be passed as it passed the Council. The Engineer's estimate for the pipe sewer is \$2,600, while his estimate for the brick sewer is at least \$7,000. The said City Civil Engineer furthermore says that the said Akron pipe sewer properly connected with the present sewer east of Pogue's Run, will carry all the sewage that flows through the present sewer, except in times of high water, and at such times the surplus water will be carried on into Pogue's Run, thence into White River; and he believes this Akron pipe sewer will relieve the people in that neighborhood from the disagreeable smell of which they now complain.

Respectfully submitted,

WM. L. TAYLOR, City Attorney.

S. H. SHERER, City Civil Engineer.

To the President and Members of the Board of Aldermen:

Gentlemen:—The undersigned, members of the Committee on Streets and Alleys and Sewers and Drainage, to whom was referred Special Ordinance No. 168, 1886, providing for the extension of the Ray street sewer to White River, give it as their opinion that the contemplated Akron pipe sewer will not have sufficient capacity to, and will not, relieve the present sewer from the disagreeable smell that now prevails, and that the construction of the proposed brick sewer should be carried forward, and the amendment providing therefor should be adopted, and the ordinance when thus amended should pass.

Respectfully submitted,

Lorenz Schmidt,

John Rail,

Committee on Streets & Alleys and Sewers & Drainage.

And on motion, the report submitted by Aldermen Schmidt and Rail, was concurred in, by the following vote:

AYES, 5—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt.

NAYS, 4—viz: Aldermen Brown, Pritchard, Wright, and President Endly.

The following amendment, offered by Alderman Schmidt, was then read:

Amend S. O. 168, 1886, as follows: Strike out in the title the words and figures following: "An eighteen (18) inch Akron pipe," and insert in lieu thereof the words "a four foot circle brick." Also, strike out in Section one of said ordinance, after the word "River," the words "an eighteen (18) inch Akron pipe," and insert in lieu thereof the words "a four foot circle brick."

And it was adopted by the following vote:

AYES, 6—viz: Aldermen Crosby, King, Laut, Pritchard, Rail, and Schmidt.

NAYS, 3—viz: Aldermen Brown, Wright, and President Endly.

The following entitled ordinance, as amended, was then read the third time:

S. O. 168, 1886—An ordinance to provide for the construction of a four foot circle brick sewer, in and along Ray and Rockwood streets, from the present terminus of the sewer in Ray street at Pogues Run, to the east bluff of White River.

And it was passed by the following vote :

AYES, 5—viz: Aldermen Crosby, King, Laut, Rail, and Schmidt.

NAYS, 4—viz: Aldermen Brown, Pritchard, Wright, and President Endly.

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

To the President and Members of the Board of Aldermen :

Gentlemen:—The undersigned, Committee on Streets and Alleys and Sewers and Drainage, to whom was referred Special Ordinance No. 141, 1886, providing for the grading and graveling of Reid street and sidewalks, from Woodlawn avenue to the C., I., St. L. & C. R. R. tracks, present this report, and recommend the passage of said ordinance.

Respectfully submitted,

Lorenz Schmidt,

John Rail,

Committee on Streets and Alleys.

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

S. O. 141, 1886—An ordinance to provide for grading and graveling Reid street and sidewalks, from Woodlawn avenue to the C., I., St. L. & C. R. R. tracks.

And it was passed by the following vote :

AYES, 8—viz: Aldermen Crosby, King, Laut, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS, 1—viz: Alderman Brown.

Alderman King offered the following motion; which was adopted:

That the contract for the improvements provided for by S. O. 141, 1886, be not awarded until August, 1887.

The Committee on Streets & Alleys and Sewers & Drainage, and City Attorney, through Alderman Schmidt, submitted the following majority report, which was read :

To the President and Members of the Board of Aldermen :

Gentlemen —The undersigned, majority of your Committee on Streets and Alleys and Sewers and Drainage, with the City Attorney, to whom was referred G. O. No. 1, 1887, providing for certain changes of tracks of the Citizens' Street Railway Company, and a transfer of certain rights, report that we have carefully considered the ordinance, and recommend that Section two, which reads as follows: "That the right to maintain double tracks through the tunnel, shall be co-extensive with their contract rights through other streets in the city," be stricken out, and in lieu thereof the following be inserted :

SECTION 2. That said Citizen's Street Railway Company be, and is hereby, granted the privilege of constructing, maintaining and operating two tracks in each of the approaches of the proposed improved Illinois street tunnel, one track through each of its roadways; and all cars going south shall run through the west roadway, and those going north through the east roadway. Said tracks shall be located and constructed in said approaches and roadways, and the space between said tracks, in

said approaches and roadways, shall be improved and kept in repair by said company, all to the satisfaction of the City Civil Engineer. The Common Council and Board of Aldermen reserve the right to amend or repeal this ordinance at any time.

And when said ordinance shall be so amended, your committee recommend its passage

WM. L. TAYLOR, City Attorney.

Respectfully submitted,

LORENZ SCHMIDT,
of Committee on Streets & Alleys and Sewers & Drainage.

Alderman Rail, of the same Committee, submitted the following minority report:

To the President and Members of the Board of Aldermen:

Gentlemen:—The undersigned, member of your Committee on Streets and Alleys and Sewers and Drainage, to whom was referred G. O. No. 1, 1887, providing for certain changes of tracks of the Citizens' Street Railway Company, and the transfer of certain rights, report that he has considered said ordinance, and recommends that the same do pass.

Respectfully submitted,

JOHN RAIL,
of Committee on Streets & Alleys and Sewers & Drainage.

On motion by Alderman Rail, the above minority report was adopted, by the following vote:

AYES, 5—viz: Aldermen Crosby, King, Laut, Pritchard, and Rail,

NAYS, 4—viz: Aldermen Brown, Schmidt, Wright, and President Endly.

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

G. O. 1, 1887—An ordinance providing for certain changes of tracks of the Citizens' Street Railway Company, and a transfer of certain rights.

And it was passed by the following vote:

AYES, 5—viz: Aldermen Crosby, King, Laut, Pritchard, and Rail.

NAYS, 4—viz: Aldermen Brown, Schmidt, Wright, and President Endly.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Schmidt presented the following petition; which was referred to the City Attorney:

Indianapolis, March 22d, 1887.

To the Mayor, Board of Aldermen and City Council of Indianapolis:

Gentlemen:—The undersigned, property owners on Hendricks street, respectfully represent that an ordinance was passed on the 27th of December last, providing for the improvement of this street by grading, graveling and paving the sidewalks with brick. It passed while there was pending an ordinance to reduce the width of this street from ninety to seventy feet, and if this should pass, then the whole improvement would be wrongly located. We were informed upon inquiry of Councilmen and Aldermen, that the ordinance for improvement would be withheld until the one as to the width of the street was settled.

We are further advised that the ordinance for the improvement was illegal, in this, that it provides that the owners of property on each side of the street shall pay for the entire improvement, while the law provides that the city shall pay for that half of an improvement adjacent to its public ground. There is a Park in the center of this street, and the city should pay for the half adjacent to this Park.

We intended to submit this question to the committees, but to our surprise the ordinance was passed and the contract let without our knowledge, and while we thought that it was still pending. We are informed that the contractor, Frederick Gansberg, Esq., is not desirous of complying with the contract, if a lawsuit may arise, and has so expressed himself. We therefore ask you to set aside this contract and ordinance, with his consent, and reconsider the vote by which the improvement ordinance was passed. He has given his written consent to this.

John Coburn, 200 feet; Deloss Root, 630 feet; Peter Schoole, 80 feet; Henry W. Bennett, 50 feet; Helen L. Bennett, 100 feet.

Alderman Brown offered the following motion; which was adopted :

That Daniel Monninger be granted permission to lay a stone crossing in front of his property, No. 46 south Tennessee street; said work to be done at his own expense, under the direction of the City Civil Engineer.

Alderman Pritchard presented a plat of Harry J. Milligan, of Trusler's subdivision of a part of the southwest quarter of Section 31, Township 16, north Range 4 east, Marion county, Indiana, to be known as "Milligan's Park Lane Addition;" which was referred to the City Civil Engineer.

Alderman Pritchard offered the following motion; which was adopted:

That the Committee on Contracts do not award any contracts to lay stone crossings on north Alabama street, but let the contract to improve the roadway between Morrison and Seventh streets, under Special Ordinance No. 44, 1887.

Alderman Rail offered the following motion; which was adopted :

That Max Gundelfinger be, and he is hereby, granted permission to improve the sidewalk, by repairing brick walk and curb, on the front and side of his property, located at the corner of Washington and Missouri streets. Work to be done at his own expense, under the direction of the City Civil Engineer.

On motion, the Board of Aldermen then adjourned.

THOMAS E. ENDLY, President.

Attest: JOSEPH T. FANNING, Clerk.