

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
*Monday, February 21st, 1876—7 o'clock P. M.* }

The Common Council met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members :

Councilmen Adams, Albershardt, Bollman, Buehrig, Curran, Darnell, Diffley, Geiger, Gimber, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—24.

Absent—Councilmen Craft and Hall—2.

The proceedings of the regular session held February 7th, 1876, were read and approved.

Sealed proposals for constructing a brick sewer in and along Madison avenue from the south side of Yeizer street to and connecting with the Ray street sewer, were received, opened, read and referred to the Committee on Contracts.

By consent, Mr. Madden presented the following petition :

INDIANAPOLIS, February 21, 1876.

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen* :—The undersigned respectfully petitions your honorable body for permission to lay a flag stone pavement in front of the property of the heirs of Henry B. Johnson, deceased, on the south side of Washington street, about seventy-five feet in length, commencing on the west side of the alley between Pennsylvania and Meridian street, at their own expense, and that the City Engineer be directed to set the grade stakes, and will ever pray.

H. B. JOHNSON, Deceased.

By A. Harrison, Attorney in fact.

Which was received and prayer of petitioner granted.

By consent, Mr. Geiger offered the following motion :

*Moved*, That Sellers & Cummings have permission to erect a scales on North street.

Mr. Kahn moved to refer to Councilmen Third Ward.

Which motion was not adopted.

Mr. Geiger's motion was then adopted.

Councilmen Adams and Thalman asked for leave of absence.

Which was granted.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

INDIANAPOLIS, February 21, 1876.

To the Mayor and Common Council of the City of Indianapolis :

Gentlemen:—I hereby report the following estimate for work done :

A fourth, corrected and partial estimate allowed Bruner & Riner, for constructing a brick sewer in and along Pennsylvania street from Home avenue to Second street, thence west in and along Second street to and connecting with sewer in said Second street at intersection of Meridian street—

1312.41 lineal feet sewer at \$3.70 .....	\$4,855 92
7 man-holes at \$23.00 .....	161 00
6 catch basins at \$70.00 .....	420 00
	<hr/>
	\$5,436 92
Less percentage.....	271 92
	<hr/>
	\$5,165 00
Less former payments.....	5,165 00
	<hr/>
	000 00

Also, a first and final estimate allowed James Mahoney, for grading and graveling the first alley north of St. Clair street, from Charles street to the first alley west of Charles street—

330 lineal feet at 25 cents .....\$82 50

Respectfully submitted.

BERNHARD H. DIETZ,  
City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

Resolved, That the foregoing fourth, corrected and partial estimate allowed Bruner & Riner, for constructing a brick sewer in and along Pennsylvania street from Home avenue to Second street, thence west in and along Second street to and connecting with sewer in said Second street at intersection of Meridian street, be and the same

is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Curran, Darnell, Gimber, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Ward and Webster—18.

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and final estimate allowed James Mahoney, for grading and graveling the first alley north of St. Clair street, from Charles street to the first alley east of Charles street, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Albershardt, Bollman, Curran, Darnell, Gimber, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Ward and Webster—18.

Negative—None.

The City Clerk submitted the following report :

INDIANAPOLIS, February 21, 1876.

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen* :—I hereby report the following affidavits now on file in my office for the collection of street assessments by precept, to-wit :

James Mahoney vs. Mary A. E. Woollen for.....	\$69 23
James Mahoney vs. Henry C. Guffin for.....	28 64
James Mahoney vs. Nancy Osborn for .....	25 00

James Mahoney vs. Henry D. Pierce for.....	\$52 50
James Mahoney vs. William M. Skillen for.....	138 16
James Mahoney vs. Daniel Schee for.....	11 97

And respectfully recommend that you order the precepts to issue.

BENJ. C. WRIGHT,  
City Clerk.

Which was concurred in, and precepts ordered to issue by the following vote :

Affirmative—Councilmen Albershardt, Buehrig, Curran, Darnell, Geiger, Gimber, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Ward and Webster—19.

Negative—None.

Also, the following report :

INDIANAPOLIS, February 21, 1876.

To the Mayor and Common Council of the City of Indianapolis:

*Gentlemen* :—I respectfully report that on the 21st day of February, 1876, I transmitted to the City Commissioners petition of James E. Twiname and others, in the matter of laying out and opening Rohampton street from Seventh street to Lincoln avenue, and resolution of your honorable body concerning the same, and that I issued notice to said Commissioners according to law, and also to the owners of property.

Respectfully submitted,

BENJ. C. WRIGHT,  
City Clerk.

Which was received.

Also, the following report :

INDIANAPOLIS, February 21, 1876.

To the Mayor and Common Council of the City of Indianapolis:

*Gentlemen* :—I herewith submit advertisement and proof of publication of the same, inviting sealed proposals for constructing a brick sewer in and along Madison avenue from south side of Yeizer street to and connecting with the Ray street sewer.

Respectfully submitted.

BENJ. C. WRIGHT,  
City Clerk.



## NOTICE TO CONTRACTORS.

OFFICE OF CITY CLERK,  
INDIANAPOLIS, February 3d, 1876.

Notice is hereby given that sealed proposals will be received by the Common Council of the city of Indianapolis, at their regular session to be held on the 21st day of February, 1876, as follows, to-wit :

For constructing a brick sewer in and along Madison avenue, from the south side of Yeizer street to and connecting with the Ray street sewer.

Said sewer to be constructed in accordance with specifications in the office of the City Civil Engineer, and under the said Engineer's instructions, and also as provided by an ordinance passed by the Common Council on the 1st day of November, 1875, and now of record in my office, where the same can be seen on application.

Notice is hereby given to the persons submitting proposals that the Common Council of said city will require the completion of such sewer within 60 days from the date of the approval of the bond of the party or parties to whom the contract may be awarded.

The Common Council reserves the right to reject any or all proposals that may be received for said work.

Bidders are hereby notified that their bids must state the price per lineal foot run for which they will build said sewer; also, manholes, catch basins and house connections, each complete, and the price specified must be written out in full and no erasures made. The proposals must be deposited with the City Clerk by 4 o'clock P. M. of the day that the bids are to be received.

BENJ. C. WRIGHT,  
City Clerk.

(Editor's Affidavit.)

State of Indiana, Marion county. ss:

Personally appeared before the undersigned, M. M. Matthews, Clerk of the Indianapolis Sentinel, a public newspaper of general circulation, printed and published in Indianapolis, in the county aforesaid, who being duly sworn, upon his oath saith that the notice, of which the attached is a true copy, was duly published in said paper for two days, one time each week for two weeks, the first of which publication was on the 3d day of February, 1876.

M. M. MATTHEWS.

Subscribed and sworn to before me this 21st day of February, 1876.

J. M. DARNELL,  
Notary Public.

Which was received

The City Attorney submitted the following report:

INDIANAPOLIS, February 21, 1876.

To the Mayor and Common Council of the City of Indianapolis:

*Gentlemen:*—At your last meeting the following resolution was referred to me for an opinion.

“That the City Attorney be instructed to investigate the existing relations and contract of the Gas Company with the city, and report whether the city can give another gas company the right to lay mains in the streets.”

In response to the resolution, I have the honor to submit the following opinion, as the result of my investigation of the contract with the Gas Company and the law in reference thereto:

In reaching a conclusion upon the questions involved, it is necessary to determine the following questions:

1st. Does the State possess the power to grant to the Gas Company the exclusive right to use the streets and alleys of the city for the purpose of laying mains, etc., to be used in lighting the city with gas?

2d. If the State has the power to grant such an exclusive right, has such a grant been given to the Gas Company?

3d. If the State has such a power to grant the exclusive right, has the power been delegated to the city of Indianapolis to grant such a right?

While the first proposition is not free from doubt, and the authorities are somewhat conflicting upon the question, yet I think the better opinion and the one that would now prevail in the courts, is that this State could not grant such exclusive privileges. In the case of the Norwich Gas Co. vs. the Norwich City Gas Co., 25 Conn., 20, the Supreme Court of Connecticut, in a very able and well considered opinion, decide that the State cannot grant exclusive privileges to a gas company to use the streets of the city of Norwich for the purpose of laying thereon gas mains, on the ground that such legislation creates monopolies, and is against public policy. The Constitution of the State (see sec. 23 of our bill of rights,) it seems, clearly meets this question. It reads: “The General Assembly shall not grant to any citizen or class of citizens, privileges or immunities which upon the same terms shall not equally belong to all.” Under this section I am of the opinion that no privilege can be granted to one citizen, to the exclusion of others.

It may be claimed that the famous slaughter house cases, reported in 16 Wallace, p. 36, decided by the Supreme Court of the United States, affirm the power of the Legislature to grant exclusive privileges to corporations. The facts in this case show that the legislature of Louisiana had granted to a private corporation the exclusive right to build slaughter houses and slaughter animals within certain districts near the city of New Orleans, providing that all persons should have the right to land and slaughter animals at those places, upon the payment of certain prices, which

were conceded to be reasonable. The Supreme Court of the United States decided that the State Legislature had the right to pass such an act, upon the ground that it had the power to enact proper police regulations, and that all the citizens had the right to slaughter animals in the houses of the corporation. Yet from this view of the case the minority of the court dissent, and render a very able opinion, and the opinion of the court is explained in a more recent decision of the same court, reported in 18 Wallace.

The leading cases in which the doctrine of the right of the Legislature to grant exclusive privileges to corporations is maintained, is the case of the State of Wisconsin vs. the Milwaukee Gas Company, reported in 29 Wisconsin, and this is the only case in which the power of the Legislature to grant exclusive privileges of the kind is squarely affirmed.

But in view of the 23d section of the bill of rights above referred to, and the tendency of the courts to prevent monopolies, I am of the opinion that the Legislature has no right to grant a corporation or to any number of citizens the exclusive right to use the streets of the city to lay gas mains. Yet this position may be controverted, as the authorities are conflicting.

But conceding for the purposes of this opinion that the Legislature has the power to grant an exclusive privilege like the one in question, has such a grant been made? And this brings us to the consideration of the second proposition, to-wit :

Has the Legislature given this exclusive right to the Gas Company?

In determining this question we will have to look to the charter of the company. The Legislature of the State, on February 12, 1851, granted to the Indianapolis Gas Light and Coke Company the right to manufacture and sell gas, and to use the streets of the city of Indianapolis for laying mains, provided the consent of the city was first obtained. That said company should have the privilege of supplying the city of Indianapolis and its inhabitants with gas for a period of twenty years. Upon examination of the charter given by the State to the gas company, we find that no exclusive privileges are given, but upon the contrary this provision is embodied in and made part of said charter: "That nothing in this act shall be so construed as to grant to said Gas Light and Coke Company the exclusive privilege of furnishing said city with gas for the purposes within named"

It is clear then that the Gas Company, by its charter, has no exclusive privileges, but the Legislature sets this question at rest by expressly saying that the Gas Company shall not, by its charter, have any such exclusive right. And in this connection it will be proper for me to suggest, although an opinion on that question is not required, that under the charter granted by the Legislature the rights and privileges of the gas company expire by limitation in twenty years from its date, and a very serious question might arise whether the company could exercise any corporate powers after the expiration of its charter. I do not think a number of citizens in their individual capacity could claim rights granted by the Legislature to a corporation. If then the State did not grant the exclusive privilege to the gas company, it could not claim it unless the power was given to the city to grant it, and the city has



carried into execution the power. By the terms of the contract of the city with the company, an exclusive right was attempted to be given to use the streets and alleys of the city, to the exclusion of other persons, for a term of twenty years from the 4th day of March, 1866. This brings us, then, to the consideration of the third proposition:

Had the City Council the power to make such a contract?

And in determining this question we are to look to the powers granted the Common Council by the State, for no such power can be exercised by the Common Council unless it is conferred by the State, and such a power cannot be taken by implication. There must be a clear intention expressed in plain language. This position is sustained by an almost unbroken current of authorities. (See Cooley on Constitutional Limitations, pages 393-396; 2d Dillon on Municipal Corporations, sec. 550; 18 Ohio State Reports, 262). If, then, I am right in this position that the power must be clearly expressed by the State, we must then look to the charter of the city for this power, and cannot go beyond this charter. At the time of the passage of the ordinance granting the gas company the exclusive right of the streets, the charter of the city had this clause in it:

"The Common Council shall have the power to construct and establish gas, or to regulate the establishment thereof by individuals or companies." The charter also contained this provision in reference to streets: "The Common Council shall have exclusive power over the streets, alleys and bridges," and these provisions are the only parts of the charter bearing upon the power of the City Council to grant exclusive rights, and if these do not grant such power, then the city has not the power. The right to regulate does not carry with in the power to grant exclusive rights, but when privileges are granted they should be open to all on the same terms and conditions, (see 45 Illinois, 90,) and the court in this cause clearly decides that the power to regulate does not give the power to grant an exclusive right. Does then the other section, giving to the city the exclusive power over the streets, carry with it the right? While the Legislature may grant to a municipality exclusive power over the streets, the grant does not, by implication, carry with it the power to the city to delegate this control to persons or corporations.

The city holds this exclusive power over streets for the benefit of the public, and can no more delegate it than it can delegate the power of eminent domain or its police power, and it has even been held that the State cannot yield these powers. (See Delaware Railroad Tax Case, 18 Wallace). The 29 Wisconsin case above cited, which is the strongest case in favor of the power to grant an exclusive right, does not go so far to decide that the power can be exercised without a grant from the State.

The exclusive power over the streets only gives the exclusive power to have them kept open and in proper condition and repair for the use of the public as highways. The public has an interest in them as such that cannot be taken away by the Common Council. In the case of the Norwich Gas Company vs. the Norwich City Gas Company, 25 Conn., 20; and the State vs. the Cincinnati Gas Company, 18 Ohio State, 262, the facts show that the cities had power similar to the power of the city

of Indianapolis over the streets, and also the power to cause the cities to be lighted with gas, and that the cities had, by a contract, given the exclusive right to the respective companies to use the streets for the purpose of laying mains. Yet the Supreme Court of Ohio and of Connecticut, in these cases clearly decide that such exclusive privilege granted by the municipality is void, because no such powers had been granted to the municipal authorities. Judge Dillon, in his very able book upon municipal corporations, uses this language: "A general grant of power in the charter of a city to cause it to be lighted with gas, while it carries with it by implication all such powers as are clearly necessary for the proper and convenient exercise of the authority expressly conferred, does not authorize the City Council to grant to any person or corporation an exclusive right to use the streets of the city for the purpose of laying down gas pipes for a term of years."—See sec. 547.

From the investigation I have made in reference to the respective rights of the city and the gas company under the existing contract and the law applied to the same, I am clearly of the opinion that, even if the State has the power to grant exclusive rights, she has not given any exclusive rights to the Indianapolis Gas Light and Coke Company, and has not delegated any power to the city to give said company the exclusive right to use the streets for the purpose of laying mains and pipes therein, and that therefore the contract of the city, attempting to give such right, is null and void, and that the city is not bound by such contract, and may declare the same void, (See Dillon on Municipal Corporations, sec. 381).

I therefore see nothing to prevent the city from granting the right to any other person or corporation to use the streets for the same purpose.

The question as to the rights of the parties, under the contract with the company, to furnish gas for the public lamps, Council Chamber, etc., was not submitted to me for an opinion, but it seems to me proper to state that such a contract is one which the Council has the power to make, and so long as the gas company complies with the terms thereof, it would be binding upon the city.

Respectfully submitted,

CAS. BYFIELD,  
City Attorney.

Which was concurred in.

The City Clerk presented the following:

INDIANAPOLIS, February 18, 1876.

J. C. Adams, Esq.:

*Dear Sir*:—You will please extend an invitation to his Honor, the Mayor, and members of the Common Council to visit Louisville, Ky., on the 29th inst., to wit-

ness the celebration of mardigras. A fine entertainment is promised by the managers. S. Frazier, Esq., our agent at Indianapolis, is authorized to issue passes to such of your members as may find it convenient to attend.

Yours respectfully,

HORACE SCOTT.

Which was received and invitation accepted.

The Board of Health submitted the following report :

INDIANAPOLIS, February 21, 1876.

To the Mayor and Common Council of the City of Indianapolis :

Report of deaths in the City of Indianapolis from 6 o'clock P. M., on the 5th day of February, to 6 o'clock P. M. on the 12th day of February, 1876.

Under 1 year.....	13
1 to 2 years.....	2
2 to 3 ".....	0
3 to 4 ".....	1
4 to 5 ".....	0
5 to 10 ".....	0
10 to 20 ".....	1
20 to 30 ".....	7
30 to 40 ".....	1
40 to 50 ".....	4
50 to 60 ".....	5
60 to 70 ".....	1
70 to 80 ".....	2
80 to 90 ".....	1
90 to 100 ".....	0
Above 100 ".....	0
Unknown ".....	0
	—
Total.....	36

C. E. WRIGHT, M. D.,

A. STRATFORD, M. D.,

President Board of Health.

Secretary Board of Health.

Which was received.

Also, the following report :

INDIANAPOLIS, February 21, 1876.

To the Mayor and Common Council of the City of Indianapolis:

Report of deaths in the City of Indianapolis from 6 o'clock P. M., on the 5th day of February, to 6 o'clock P. M., on the 12th day of February, 1876:

Under 1 year.....	7
1 to 2 years.....	1
2 to 3 ".....	2
3 to 4 ".....	1
4 to 5 ".....	1
5 to 10 ".....	4
10 to 20 ".....	2
20 to 30 ".....	5
30 to 40 ".....	3
40 to 50 ".....	1
50 to 60 ".....	1
60 to 70 ".....	2
70 to 80 ".....	1
80 to 90 ".....	1
90 to 100 ".....	0
Above 100 ".....	0
Unknown ".....	0
Total.....	32

C. E. WRIGHT, M. D.,

A. STRATFORD, M. D.,

President Board of Health.

Secretary Board of Health.

Which was received.

His Honor, the Mayor, submitted the following report :

INDIANAPOLIS, February 21, 1876.

To the Common Council of the City of Indianapolis :

*Gentlemen* :—The amount of forfeitures collected by me during the month of January, 1876, due the City Treasury, is one hundred and ten dollars and sixty-five cents, as shown by detailed statement herewith attached, which amount I have paid to the City Treasurer, as per duplicate receipt filed herewith :



## FORFEITURES

Collected by John Caven, Mayor of the City of Indianapolis, during the month of  
January, 1876, due the City Treasury.

Docket 25, No. 465.....	\$1 00
Docket 26, No. 166.....	1 00
Docket 26, No. 173.....	1 10
Docket 26, No. 189.....	4 60
Docket 26, No. 191.....	5 00
Docket 26, No. 195.....	5 00
Docket 26, No. 200.....	1 00
Docket 26, No. 204.....	5 00
Docket 26, No. 206.....	4 75
Docket 26, No. 210.....	4 10
Docket 26, No. 217.....	1 00
Docket 26, No. 227.....	5 00
Docket 26, No. 229.....	10 00
Docket 26, No. 232.....	1 00
Docket 26, No. 234.....	1 00
Docket 26, No. 236.....	10 00
Docket 26, No. 237.....	2 00
Docket 26, No. 238.....	1 00
Docket 26, No. 240.....	1 00
Docket 26, No. 243.....	5 00
Docket 26, No. 250.....	4 60
Docket 26, No. 252.....	4 75
Docket 26, No. 258.....	4 75
Docket 26, No. 263.....	25 00
Docket 26, No. 270.....	2 00
	<hr/>
	\$110 65

Respectfully submitted,

JOHN CAVEN,

Mayor.

Which was approved.

The Mayor presented the following communication :

INDIANAPOLIS, February 12, 1876.

To the Mayor and Common Council of the City of Indianapolis :

*Gentlemen:*—I have the honor to call your attention to the condition of Michigan street with the request that the necessary steps may be taken in time to prevent the entire destruction of the bridge crossing Crooked Creek.

In consequence of the recent rains, the foundations of the bridge have been washed away, and the longer that the work of repair shall be deferred, the more difficult and expensive will be the work required. If prompt action should be taken by your honorable body, the destruction of the Arsenal fence, sidewalk, &c., would be obviated, and the government saved considerable unnecessary expense.

Trusting that my request may meet with your approval, and that immediate action may be taken in the matter, I have the honor to be,

Your obedient servant,

J. W. TODD,

Major Indiana Department Commanding Arsenal.

Which was referred to the Committee on Streets and Alleys.

Also, the following invitation :

ATLANTA, GEORGIA, February 1st, 1876.

To the Mayor and Council, Board of Trade, Editors, etc., of Indianapolis, Ind.;

*Gentlemen*.—The representative people of Georgia wish to become acquainted with the representative men of all classes of the great Northwest—a people so noted for their energy, intelligence, progressiveness, liberality, and patriotism. as well as independence and magnanimity. We desire to have a visit from you as of old ; to have you mix with us, see us in our homes, in our public and private places. We wish to extend to you the hospitality of old days to the extent of our means. With that end in view, an excursion has been organized, to which you are cordially invited, with a request that you extend the invitation to others, at your discretion. We offer you a free ride from Chattanooga, in Tennessee, to Atlanta, Georgia, (138 miles), from thence to the following beautiful cities, viz: Augusta (171 miles), thence to Port Royal (112 miles), when an opportunity will be given of visiting its splendid harbor and the U. S. Squadron, now concentrated there, thence to Savannah (79 miles), thence to Thomasville and Albany, (258 miles), and return. Several other road officials have declared that if the excursionists wish to see more of the State than will be seen by the trip marked out, they will pass them over their roads. Arrangements are being made by which it is expected half-fare tickets will be on sale to Chattanooga from all the larger western places, and our hotels will provide for you at reduced prices.

In passing over the several roads, many of the lofty mountains (including the greatest curiosity in the South—Stone Mountain), beautiful rich valleys, fine timber, creeks and rivers, and a portion of the vast mineral regions of North Georgia, and the productive cotton plantations of Middle and Southern Georgia, will be seen. There are no finer plantations in the South than are found around Thomasville, and its citizens have pledged themselves to give all an opportunity to see the mode of preparing the ground, the raising and preparing the cotton for market, as well as a full insight into the homes of the colored folks who do the work, with all the novel

surroundings incident to their every-day life. We frankly admit that our chief object in inviting representative citizens of the liberal West is, that they may see and examine for themselves not only our vast resources, but more especially to have them the better understand the friendly feeling existing among our people towards our Northern brethren, with the further hope of setting at rest forever the clamors so often raised and kept alive by misrepresentations made because of a want of a knowledge of the true facts.

Ours is now a common country--our interests are one; we buy your produce, you our cotton, etc.; why longer remain separate? We are satisfied your report will be such as to remove all doubts, and do much towards harmonizing the sections.

Invitations to participate in this excursion have been extended to all the cities and leading places of the Northwest. Already many have signified their intention of coming to visit us.

Parties accepting this invitation, to be recognized by the railroad conductors, must be provided with a credential signed by the Mayor of a city and its seal attached or the official certificate of any Railroad President. The visitors are expected to be in Atlanta by the 15th of March, as on that day, or the day following, the party will leave Atlanta for the several cities above marked out to be visited. You will please advise the Committee on Invitation, at the earliest day possible, of your acceptance or rejection of this invitation--if the former, the number that will probably come--that proper arrangements may be made.

Respectfully,

C. C. HAMMOCK,  
Mayor of Atlanta, Ga.

We also cordially extend the same invitation to your Board of Trade. We desire to personally know the merchants and business men with whom we deal.

BENJ. E. CRANE,  
President of Atlanta Board of Trade.

I fully indorse this invitation. It is a move in the right direction. The people of Georgia will be pleased to see the Northern people in their midst.

JAMES M. SMITH, Governor.

Dr. W. H. White, G. W. Adair, W. C. Morrell,  
R. F. Maddox, Campbell Wallace,

Committee on Invitation.

Since the above was printed, the following telegram has been received:

CHATTANOOGA, TENN., February, 1876.

I heartily approve of the movement, and will cheerfully pass the party from either Union City or Nashville to Chattanooga, and return free.

E. W. COLE, President.

Which was received and accepted.

## INTRODUCTION OF ORDINANCES.

Mr. Madden introduced general ordinance No. 7, 1876, entitled :

An ordinance prohibiting any person from soliciting passengers at or carrying passengers or baggage to or from the Union Depot, without a license from the President of the Union Depot Company.

Which was read the first time.

Mr. Schmidt introduced general ordinance No. 8, 1876, entitled :

An ordinance requiring the police of the city of Indianapolis to light and extinguish the street lamps of the said city, and empowering the City Civil Engineer to employ four lamp cleaners, and requiring said Engineer to furnish a monthly schedule for lighting and extinguishing said lamps.

Which was read the first time, and referred to the Committee on Gas Light.

The special order, viz: The consideration of the new gas company matter, was taken up.

Mr. Reed, from the Special Committee, submitted the following report :

INDIANAPOLIS, February 21, 1876.

To the Mayor and Common Council of the City of Indianapolis:

*Gentlemen* :—Your Committee, appointed to visit Pittsburgh and examine into the workings and quality of the gas manufactured by the Consolidated Gas Company of that city, would beg leave to report :

They visited Pittsburgh on last Thursday, and passed a greater portion of the day in obedience to instructions. They learned that the new gas, manufactured from coke, gas and benzine—55 per cent. of the former and 45 of the latter—had been in use for about four years; that the company had met with great opposition from an old company already established, producing ordinary gas, first having been enjoined by the courts, and subsequently their men interfered with while laying the mains, but ultimately all opposition ceased, and both companies—old and the new—are now getting along together without other contention than that which generally exists between two of a trade.



When the new company first started into business, the old was furnishing gas at \$1.60 per thousand feet. The new company put their gas at \$1.20, whereupon the old dropped to \$1.00. The new retained and still retains its original price. The gas of the new company is used by the citizens generally along the lines of its mains. It is also used in the principal hotels of the city, and lights up the union depot, while the Pennsylvania Central railroad make use of it in their passenger cars, carrying it along the road in tanks.

In regard to the quality of the gas, your Committee would beg leave to embody in this report what they learned in connection therewith in the practical use thereof :

When the old company reduced its gas from \$1.60 to \$1.00, the proprietors of two extensive hotels, who had been using the gas of the new company with a view of decreasing their bills, returned to the use of the old gas, after using which two or three months they changed back to the use of the new gas, giving as a reason therefor that their bills were fully as large, if not larger, than when they paid \$1.20 for their gas while the gas itself was not near as good as that of the new company. This was explained on the theory that the gas of the new company was more pure than that of the old, and hence would not register as fast. By a practical test, your Committee was shown that the gas of the Consolidated Company was equal to nineteen candle power, while the State law of Pennsylvania requires gas to be of but fifteen candle power, imposing a fine of \$50 when it is not manufactured up to this standard.

All with whom your Committee conversed, and they were of numerous and varied classes, spoke in terms of the highest commendation of the new gas, which is declared to be, by the gas official of the county, a fixed gas ; which controverts the idea that there is any more danger of combustion therefrom than from ordinary gas. Having used the new gas for four years, the citizens of Pittsburgh laugh at the idea of any danger therefrom. The gas from eleven miles of pipe, in use for four years in all kinds of buildings, they think if dangerous to the lives or property of their citizens, would have manifested itself ere this. Your Committee is of the opinion that the gas of the Consolidated Company of Pittsburgh is equally as safe as that manufactured by ordinary gas companies, and there is no more danger in the use of one than the other. There is no question of the fact that the new gas can be made much cheaper than the old, and hence it can afford to be furnished to citizens at a much lower rate and still as good profit secured to the manufacturers. One reason for this is that slack coal is used in the manufacture of the new gas, instead of the merchantable article, and the slack can be had at the mines for a mere trifle, costing to the manufacturer really nothing save the handling and the freightage. The coke, too, produced by the new process, is of a better quality than ordinary coke, and in great demand by rolling mill operators and machinists. The coke produced from the slack, sold at this point would, in all probability, more than pay the cost of the purchase and transportation of the slack, so that the commerce in coke would be of great value to the company manufacturing the new gas.

The manufacture of new gas is simple in the extreme. In a half dozen or so of what looked to be ordinary bake ovens, the slack is reduced to coke, the gas mean-

while escaping into pipes and from thence into a reservoir, where it unites with benzine after the latter has been purified by passing through boilers, pipes, etc., and finally both the gas from the slack and that from the benzine, after being thoroughly united, find their way into an ordinary gas holder, from whence it is distributed through the mains to consumers. It requires but seven men by day and three by night to furnish the gas of the Consolidated Company of Pittsburgh, which is capable of producing from three hundred and fifty to four hundred thousand feet of gas per day. This gas, when giving a light equal to nineteen candles, registers at the rate of only six feet per hour, so that light from a single burner for five hours, about the average time of using gas per day, would consume thirty feet of gas. Counting thirty-one days to the month, this would be a consumption of gas for that period amounting to nine hundred and thirty feet, which would cost for the month not quite \$1,50. This would certainly be a cheap light, which could be indulged in by all classes of citizens, the poor as well as the rich.

In conclusion, your Committee is constrained to declare that, in their judgment, after careful examination and obtaining all the light possible in reference to the new gas proposed to be introduced into this city, that it is of superior quality, entirely safe, and can be manufactured at a much less rate than can the ordinary gas, and we would therefore recommend that, under proper restrictions, the prayer of Robert Dickson and others, asking for the privilege of laying down mains through the principle streets, etc., of the city be granted, believing, as we do, that the citizens demand this, and that cheap gas, like cheap coal, would be highly beneficial to our citizens, and subserve the best interests of our city.

Respectfully submitted,

• ENOS B. REED,  
ROBT. C. MCGILL,  
J. C. ADAMS,  
FRED SCHMIDT,  
P. H. CURRAN,

Committee.

Which was received.

Mr. Reed introduced general ordinance No. 9, 1876, entitled :

An ordinance investing Robert Dickson and his associates and their assigns with the privilege of furnishing gas to the city of Indianapolis and inhabitants thereof, on certain conditions therein named.

Which was read the first time, and referred to the Committee on Judiciary and City Attorney.

On motion by Mr. Gimber, the City Clerk was instructed to have the above entitled ordinance printed in pamphlet form.

Mr. Geiger offered the following preamble and resolution :

Whereas, It appears by recent decisions of the courts in various parts of the country that the ordinance granting the exclusive right of the use of the streets, alleys and public grounds of city to the Indianapolis Gas Light and Coke Company, for the purpose of laying pipes for the conveyance of gas to the various parts of the city, and also such parts of the ordinance as binds the city and its citizens to the payment of an established rate per thousand feet for twenty years from the date of its enactment, is contrary to law, and therefore null and void ; and

Whereas, It also appears that, within the period of time passed since the passage of the ordinance and contract referred to, March 4th, 1866, various improvements in the manufacture of gas, by which large savings in the cost of manufacturing has been made, and ample time has elapsed for the Indianapolis Gas Light and Coke Company to adopt and use them and proportionately reduce to consumers the price in accordance with the terms of said ordinance ; and

Whereas, Said company failed to make such reduction either to the city or citizens ; therefore be it

*Resolved*, That the ordinance and contract with the Indianapolis Gas Light and Coke Company is hereby declared forfeited, and is hereby declared null and void.

*Resolved*, That as the present gas company have their mains laid and all the necessary apparatus, buildings and fixtures requisite for supplying the city with gas at the lowest possible rates, that a Special Committee of three be appointed to confer with the Indianapolis Gas Light and Coke Co., and prepare a contract on a basis of not more than two dollars per thousand feet to the city and and all other consumers.

*Resolved*, That should the gas company refuse to entertain a proposition on the basis referred to, that the city at once prepare for the use of coal oil or other artificial light in the public lamps and city offices and buildings, until such time as a new company can be organized and put in operation, on a basis not to exceed the limit above named.

Which was referred to the Committee on Judiciary and the City Attorney.

By consent, Mr. Schmidt offered the following motion :

*Moved*, That the City Civil Engineer be instructed to advertise for an iron bridge over Pogues Run at the crossing of Ohio street, and he is hereby directed to prepare plans and specifications for the same.

Which was referred to the Committee on Bridges.

By consent, Dr. Ward offered the following motion :

*Moved,* That J. W. Davis have permission to move a small frame house from the corner of Meridian and St. Joe streets, along St. Joe Street to Fort Wayne avenue, on said avenue to Cherry Street, and on Cherry street to a lot near Broadway street.

Which was adopted.

On motion, the Council adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.