

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
Monday, March 6th, 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, Craft, Curran, Darnell, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman and Webster—25.

Absent—Councilman Ward--1.

The proceedings of the called session held February 28th, 1876, were read and approved.

Sealed proposals for grading and graveling Madison avenue, and paving the sidewalks with brick to a width of 9 feet, from Delaware to Nebraska street ; also, for grading and graveling Home avenue, between Pennsylvania and Delaware streets, were received, opened, read and referred to the Committee on Contracts.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

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

A first and final estimate allowed C. A. Webb, for grading and graveling the first alley west of Oriental street, running north and south from Washington street to the Michigan Road—

1121.5 lineal feet at 13¼ cents \$154 19

Also, first and partial estimate allowed Bruner & Riner, for constructing a brick sewer in and along Georgia street, from Illinois street sewer to the first alley east of Meridian street—

420 lineal feet sewer at \$2.10\$882 00

Also, a first and partial estimate allowed J. J. Palmer, for raising the grade and re-graveling West Michigan street, between the Mill Race and White River Bridge—

2000 cubic yards grading at 39 cents.....\$780 00

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed C. A. Webb, for grading and graveling the first alley west of Oriental street, running north and south from Washington street to the Michigan Road, 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 motion was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Darnell, Diffley, Geiger, Gimber, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stuckmeyer, Thalman and Webster—23.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and partial estimate allowed Bruner & Riner, for constructing a brick sewer in and along Georgia street, from Illinois street sewer to the first alley east 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 motion was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Darnell, Diffley, Geiger, Gimber, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stuckmeyer, Thalman and Webster—23.

Negative—None.

Also, the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—The contractor for the improvement of Walnut street, between Mississippi street and Canal, reports that he cannot complete his contract on account of lumber and other obstructions placed in said street by private individuals.

I would recommend that the Marshal be instructed to have said obstructions removed immediately.

Respectfully submitted,

BERNHARD H. DIETZ,
City Civil Engineer.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—I hereby report contract and bond of O. W. Kelly, for constructing brick sewer in and along Madison avenue, from the south side of Yeizer street to and connecting with the Ray street sewer, for your approval.

Respectfully submitted.

BERNHARD H. DIETZ,
City Civil Engineer.

Which was received, contract concurred in and bond approved.

The City Clerk submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

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

James W. Hudson vs. William T. Nesbit for\$23 80

And respectfully recommend that you order said precept to issue.

BENJ. C. WRIGHT,
City Clerk.

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

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Darnell, Diffley, Geiger, Gimber, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stuckmeyer and Webster—22.

Negative—Councilman Thalman—1.

The City Treasurer submitted the following monthly statement :

REPORT of the City Treasurer for the month of February, 1876.

RECEIPTS.

Balance on hand from January, 1876.....	\$1,789 87
From taxes collected.....	89,000 56
From all other sources	1,652 15
Total.....	\$92,442 58

DISBURSEMENTS.

Assisting City Assessor.....	\$93 33
Assisting City Engineer.....	763 37
Assisting City Marshal.....	4 61
Bridges.....	4,983 90
City Commissioners.....	236 42
Cisterns	1,073 90
Costs.....	453 70
City Dispensary.....	811 20
Damages.....	1,558 89
Donation.....	2,785 34
Elections.....	36 50
Fire Department.....	5,660 28
Gas Fixtures	129 01
Gravel Roads.....	420 93
Hospital.....	1,467 57
Incidental.....	453 38
Insurance	202 30
Ice.....	7 88
Lighting and extinguishing lamps.....	749 74
Markets.....	27 10
Nuisances.....	178 01
Office fixtures.....	24 18
Police.....	6,393 22
Parks.....	135 21
Posting bills.....	130 35
Printing.....	2,357 49
Street repairs.....	5,780 94
Salary.....	1,735 08
Street improvement.....	1,329 53
School Board.....	14,500 00
Station House.....	374 39
Sewers.....	5,997 15

Tax refunded.....	\$46 97
Transfers.....	50 66
Balance in Treasury March 1, 1876.....	31,491 05
Total	\$92,442 58

At the close of the above report, the city was indebted as follows:

Sinking Fund	\$4,628 65
Interest Fund	12,960 22
Due School Board.....	14,500 00
	<hr/>
	\$38,278 45

All orders redeemed were received in payment of taxes, except in case of School Board.

HENRY W. TUTEWILER,

INDIANAPOLIS, March 6th, 1876.

City Treasurer.

To BENJ. C. WRIGHT, City Clerk.

Which was referred to the Committee on Finance.

The Superintendent of City Hospital submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

Gentlemen :—I herewith submit the following report for the City Hospital and Branch for the month ending February 29th, 1876, to wit :

Number of patients per last report.....	86
Number of patients admitted during the month.....	65
Number of births during the month.....	7
Number of patients discharged during the month.....	70
Number of deaths during the month.....	5
Number of patients now in Hospital.....	83
Average daily attendance of patients.....	87½
Total number of days for which subsistence was furnished.....	3,149
Total expenses for the month.....	\$1,973.94
Amount of money received from pay patients.....	167.25
Average expenses per capita per diem63

Respectfully, submitted.

WM. B. McDONALD,

Superintendent.

Which was received.

The Board of Health submitted the following report :

INDIANAPOLIS, March 4, 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 26th day of February, to 6 o'clock P. M. on the 2d day of March, 1876 .

Under 1 year.....	5
1 to 2 years.....	8
2 to 3 ".....	0
3 to 4 ".....	0
4 to 5 ".....	0
5 to 10 ".....	2
10 to 20 ".....	0
20 to 30 ".....	3
30 to 40 ".....	3
40 to 50 ".....	0
50 to 60 ".....	2
60 to 70 ".....	1
70 to 80 ".....	0
80 to 90 ".....	0
90 to 100 ".....	1
Above 100 ".....	0
Unknown ".....	4
	—
Total.....	24

C. E. WRIGHT, M. D.,

President Board of Health.

A. STRATFORD, M. D.,

Secretary Board of Health.

Which was received.

INTRODUCTION OF ORDINANCES.

Mr. Adams presented the following petition :

INDIANAPOLIS, February 29, 1876.

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

Gentlemen :—The undersigned, owners of the real estate fronting on Omar street, between Brookside avenue and the first alley east of Brookside avenue, respectfully petition for the passage of an ordinance providing for the grading and graveling

said street with good river gravel ; also, grading and paving the south sidewalk of said street with good paving brick.

And your petitioners will ever pray, etc.

Francis M. Stoops, Charles C. Pierce, John L. Monree,
Eliza Davis, Oscar Kuhn.

Which was received.

Mr. Adams introduced special ordinance No. 18, 1876, entitled :

An ordinance to provide for grading and grveling Omar street and paving with brick the sidewalks thereof, from Brookside avenue to the first alley east of Brookside avenue.

Which was read the first time.

Dr. Hook presented the following petition :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—We the undersigned, owners of real estate adjoining the first alley east of the intersection of Clifford avenue and Pendleton Pike, respectfully petition your honorable body to pass an ordinance for the grading and graveling with river or creek gravel the above described alley, running from Clifford avenue to the first alley north.

VANSICKLE & STOOPS, 90 feet.

Which was received.

Dr. Hook introduced special ordinance No. 19, 1876, entitled :

An ordinance to provide for grading and graveling the first alley east of the intersection of Clifford avenue and Pendleton Pike, from Clifford avenue to the first alley north of Clifford avenue.

Which was read the first time.

Mr. Schmidt presented the following petition :

INDIANAPOLIS, March 4, 1876.

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

Gentlemen :—The undersigned, property owners, respectfully ask that you order the grading and graveling the alley as recorded between Washington and Market

streets, commencing at the west side of Arsenal avenue, thence west to east line of J. M. Ridenour's homestead, thence north to Market street, and that property fronting on the same be assessed to pay for said improvement.

Valuable improvements are now being constructed on line of said alley, making such grading and graveling an immediate necessity.

J. M. RIDENOUR, 529 ft.

MATTHEW ARBUCKLE, 126 ft.

Which was received.

Mr. Schmidt introduced special ordinance No. 20, 1876, entitled :

An ordinance to provide for grading and graveling the alley between Washington and Market streets, running from Arsenal avenue west to the east line of J. M. Ridenour's homestead, thence north to Market street.

Which was read the first time.

Mr. Thalman presented the following petition :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—We, the undersigned, owners of the real estate fronting on Vermont street, between Agnes street and Geisendorff Mill Race, respectfully petition for the passage of an ordinance providing for the grading and graveling said street.

And your petitioners will ever pray, etc.

Louis Nablo, Holis Barrows, David Harris, Hamilton Bailey, John B. McArthur 2 lots, Thomas Cummings 2 lots, B. K. Lefever, Charles Lolman, Messrs. Isgreg and Bracken 3 lots, James Shover and Wm. Christian.

Which was received.

Mr. Thalman introduced special ordinance No. 21, 1876, entitled :

An ordinance to provide for grading and graveling Vermont street and sidewalks, between Agnes street and Geisendorff Mill Race.

Which was read the first time.

Mr. McGill introduced special appropriation ordinance No. 11, 1876, entitled :

An ordinance appropriating money on account of printing, stationery, etc., for the month of February, 1876.

Which was read the first time.

Mr. Reed introduced special appropriation ordinance No. 12, 1876, entitled :

An ordinance appropriating money on account of Station House for the month of February, 1876.

Which was read the first time.

Mr. Albershardt introduced special appropriation ordinance No. 13, 1876, entitled :

An ordinance appropriating money on account of City Hospital and branch for month of February, 1876.

Which was read the first time.

Mr. Reasner, from the Committee on Accounts and Claims, submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen:—Your Committee to whom was referred the petition of Wm. T. A. Bernhamer, for refunding taxes, have examined into the matter and find the facts do not sustain the petitioner's affidavit, as will be shown by the enclosed return of personal property for the year 1874, made out and sworn to by W. F. A. Bernhamer.

We therefore report against allowing the claim of the petitioner.

WM. F. REASNER,
GEO. W. GEIGER,
GEO. C. WEBSTER,

Committee on Accounts and Claims.

Which was concurred in.

Mr. Reasner introduced special appropriation ordinance No. 14, 1876, entitled :

An ordinance to appropriate money to pay sundry claims against the city of Indianapolis for the month of February, 1876.

Which was read the first time.

Special appropriation ordinance No. 11, 1876, was read the second time and ordered engrossed, and read the third time and passed by the following vote :

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

Negative—None.

Special appropriation ordinance No. 12, 1876, was read the second time and ordered engrossed, and read the third time and passed by the following vote :

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

Negative—None.

Special appropriation ordinance No. 13, 1876, was read the second time and ordered engrossed, and read the third time and passed by the following vote :

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

Negative—None.

Special appropriation ordinance No. 14, 1876, was read the second time and ordered engrossed, and read the third time and passed by the following vote :

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

Negative—None.

REPORTS FROM COMMITTEES.

Mr. Adams, from the Committee on Judiciary, submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—Your Committee on Judiciary, to whom was referred sundry papers, would offer the following report :

Councilman Thalman offered a motion on February 15th, instructing the Committee on Judiciary, City Engineer and City Attorney to confer with Mr. Samuel J. Patterson, and ascertain upon what terms he would sell the city eleven (11) acres of land at and near the mouth of the new channel of Fall Creek, together with right of way and the boundaries of said 11 acres.

Your Committee would report that they have conferred with Mr. Patterson, and find that he will sell the triangular piece of ground lying between the present channel of Fall Creek, White River, and a line running due west, from where the creek turns northwest, to White River, said to contain eleven acres, for the sum of \$1,000 per acre, payable in 20 years' bonds with 6 per cent.; he further agreeing to allow the city to cut the new channel on his ground which lies immediately south of the above mentioned 11 acres. His proposition, together with Engineer's plat of ground is herewith presented with this report.

SECOND.

George H. Chapman, R. L. McQuat and others petition your honorable body to pass a resolution providing for the postponement of the collection from them respectively of the amounts assessed for benefits in the matter of the opening of Second street from Pennsylvania to Meridian, according to the report of the City Commissioners and approved by this Council. The petitioners allege that the City

Commissioners, in making assessments of benefits, were governed by considerations which they had no right to entertain, and ask the Council to defer collection of their assessments until the cases of those who have appealed shall be determined.

Your Committee are of the opinion that the petitioners have no legal claim on the city for evading or postponing the payment of their assessments. The time having expired on which they could appeal from the Commissioners' judgment, and in the event of any one or more of the other parties who took an appeal escaping payment, it would not affect their cases, for the reason that one man may be benefitted by the opening of a street while another would not be, it being a question not for this Committee or the Council to determine.

However, as the petitioners, or most of them, have just paid an assessment of one dollar and a half per foot for the construction of a sewer on and along Pennsylvania street, your Committee would recommend the Council to postpone the collection of the unpaid assessments in the above entitled case, for the term of six months from March 1st. By so doing she would not invalidate any interest or right she now has.

Respectfully submitted.

J. C. ADAMS,

J. J. DIFFLEY,

H. F. ALBERSHARDT,

Committee on Judiciary.

The proposition above referred to is as follows :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen:—I will sell the city eleven (11) acres of ground lying between the present channel of Fall Creek, White River, and a line on the south running due west from where the creek turns northwest. the same as described in report of Committee on Judiciary and plat of City Engineer, containing 11 acres, for (\$11,000) eleven thousand dollars, and take my pay in 20 years' bonds drawing 6 per cent. I further agree to give the city the right of way on my ground to cut the channel of the creek, which ground lies immediately south of the above described 11 acres.

S. J. PATTERSON.

In relation to the first clause of the report, Mr. Thalman offered the following motion :

Moved, That the report be adopted, and the City Attorney and Judiciary Committee be directed to close the contract with Mr. Patterson, provided said Patterson withdraws all suits, and relinquishes all claims against the city for damages, and pays costs in suits already brought.

Mr. McGill moved to amend the above motion by instructing such Committee to close contract with Mr. Patterson, at a price not exceeding five hundred dollars per acre.

Mr. Thalman moved to lay Mr. McGill's motion on the table.

Which motion to lay on the table was not adopted.

Mr. McGill's amendment was adopted by the following vote :

Affirmative—Councilmen Bollman, Buehrig, Curran, Diffley, Geiger, Kahn, Kenzel, Laughlin, Madden, McGill, Reasner, Stratford and Stuckmeyer—13.

Negative—Councilmen Adams, Albershardt, Craft, Darnell, Gimber, Hall, Hook, Ransdell, Reed, Schmidt, Thalman and Webster—12.

The motion as amended was then adopted.

The second clause of the above report was then concurred in.

Mr. Laughlin moved to reconsider the vote by which the above clause was concurred in.

Which motion to reconsider was adopted by the following vote :

Affirmative—Councilmen Bollman, Buehrig, Craft, Curran, Geiger, Gimber, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Stratford, Stuckmeyer, Thalman and Webster—17.

Negative—Councilmen Adams, Albershardt, Darnell, Diffley, Hall, Hook, Reed and Schmidt—8.

On motion by Mr. Geiger, the second clause of above report was not concurred in.

Mr. Adams, from above Committee, submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—Your Committee on Judiciary, to whom was referred the following papers, would report as follows :

Peter Schafer, Edward Mulalley and others, draymen of the city of Indianapolis, petition your honorable body that they may be allowed to occupy as a stand for drays the west side of Virginia avenue, between Maryland street and the Union Railway tracks, setting forth that the sight now occupied by them on Washington street, between Delaware and Alabama streets, is inconvenient for them in that they are so far removed from the depots and places where they receive the most of their business, and further that they be assigned a stand from which express wagons may be excluded.

Your Committee would report that the present location for drays and express wagons is established by ordinance, and cannot be changed in any way except by action of Council.

We would recommend the Council to grant the prayer of petitioners, and allow them to occupy the above described square, provided the property owners do not object.

Respectfully submitted,

J. C. ADAMS,

J. J. DIFFLEY,

H. F. ALBERSHARDT,

Committee on Judiciary.

Mr. Madden offered the following motion :

Moved, That the petition be referred to the City Attorney, with instructions to prepare an ordinance repealing the clause in the present ordinance, compelling draymen to remain in front of Court House, on Circle street, etc.

Dr. Stratford moved to amend by providing that the draymen be stationed on Alabama or Pennsylvania street, on either side of the railroad tracks.

Mr. Craft offered the following as substitute to above motion :

Moved, That the report be referred to the Committee on Revision of Ordinances with the City Attorney, with instructions, if in their opinion an amendment is necessary, to report the same to this Council at our next meeting.

On motion by Mr. Darnell, the main question was ordered.

Mr. Craft's substitute was then adopted.

Mr. Adams also submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—Your Committee on Judiciary, to whom was referred the petition of John M. Gaston, asking your honorable body to cause legal proceedings to stop, and settle with him as per the judgment he obtained of \$8,500 against the city, which was affirmed in the general term of the Superior Court of Marion county, and that he is clearly and justly entitled to the relief given him.

Your Committee would report against a settlement at this time, as the transcript in the above case has been taken in the Supreme Court, and the City Attorney has taken the necessary steps to appeal and contest the cause in the higher courts.

SECOND.

Thos. O. Morris asks damages from the Common Council by reason of the action of the Council in postponing the work of improvement of Michigan street, between the east line of the Arsenal and the east line of Woodruff place, setting forth that your honorable body delayed him in the performance of the above work from Nov. 9th, 1874, to February, 1875, and that he was again ordered to cease operations in May, 1875, until the city could put in a wooden sewer in Crooded Creek.

That on account of the above delays, the work was in such condition that the floods of June and July did carry off and destroy work to the amount of \$800 ; and further, that the cost of gravel advanced during the time of such delays, and the difference between the cost thereof. had the work not been stopped, was \$991.25, and the delay compelled the said Morris to pay the increase in price, for all of which he asks your honorable body to pay him the sum of \$1,632.39.

Your Committee would recommend that the above claim be not allowed, as the city is not legally or morally liable for prospective damages or possible profits.

THIRD.

Louis Klusman asks the Council to refund him the sum of two dollars and sixty cents with interest, the amount paid by him for tax title to lot 11, in out-lot 53, paid in April, 1652, as the description was erroneously made.

Your Committee believe the city is not liable for the above, as party buying property at tax sale assumes some risk as to the title, etc., and would therefore recommend the claim be not allowed.

FOURTH.

James H. McKernan sets forth in a petition to your body that in paying his taxes for 1874, he paid on lot No. 9 in Dumont's subdivision of out lot 100, to the amount of \$4.95, intending it to apply on lot No. 9, Sullivan's sub., same out-lot. The first lot did not belong to him, and the taxes on it have since been paid by the proper owners, while his lot in Sullivan's sub. is advertised to be sold for delinquent taxes. He prays the Council to remit him the taxes paid on lot 9 in Dumont's sub, \$4.95.

Your Committee would recommend the claim be allowed and the amount placed in the next appropriation ordinance, as the city has received taxes on the same lot twice, and it is legally bound to remit the same.

Respectfully submitted.

J. C. ADAMS,

J. J. DIFFLEY,

H. F. ALBERSHARDT,

Committee on Judiciary.

Which report was concurred in.

Also, the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—Your Committee on Judiciary, to whom was referred an ordinance "Investing Robert Dickson and his associates and their assigns with the privilege of furnishing gas to the city of Indianapolis and the inhabitants thereof, upon certain conditions therein named," would report the same back and recommend it be amended as follows, to wit:

In section first, after the words "laying of mains," insert "and have erected and ready for the manufacture of gas the necessary buildings, works and machinery, and shall have laid ten miles of mains in said city within 18 months from the date of the passage of this ordinance, and shall, whenever persons who will guarantee to said company to use as many as fifteen burners three hours per day for each burner, upon any square or in any building or buildings on any square adjacent to mains already laid, said company shall lay mains on said street and furnish gas to such persons so guaranteeing the use of same: *Provided*, Said company shall not be required to lay more than three miles of mains any one year, after the first ten miles are laid."

And at the end of section two insert, "*Provided*, The city of Indianapolis shall not be liable in any manner for royalty or other charges by reason of any patent upon the gas manufactured and furnished by said company, and the said company shall

execute an indemnifying bond to said city, conditioned that the city shall not be compelled to pay any such royalty or charges."

And section 3, line 4, insert "and not less than twelve (12) candle illuminating power," and after the word "gas," in line 21, insert "and illuminating property."

In section 5 insert, "Provided, The said company shall be responsible for all damages that may occur by reason of accidents occurring in the opening and digging of trenches for the laying of mains and other work."

Respectfully submitted.

J. C. ADAMS,

J. J. DIFFLEY,

H. F. ALBERSHARDT,

Committee on Judiciary.

Which was received.

Mr. Gimber, from the Committee on Streets and Alleys, submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—An ordinance with remonstrance, for grading and rolling, macadamizing and curbing of Ohio street, between Meridian street and the east line of East street, provided in ordinance No. two (2). We find remonstrance 3,098 feet, while the entire length of said street is 4,200 feet. Your Committee are in favor of the remonstrance, and recommend the ordinance be stricken from the file.

SECOND.

An ordinance with remonstrance, for bouldering and curbing with stone Indiana avenue, from West street to the west side of St. Clair street. Your Committee are in favor of the remonstrance.

THIRD.

A report of Civil Engineer was referred to Committee on Streets and Alleys. Your Committee would recommend that the Street Commissioner do the work under the direction of the City Civil Engineer.

FOURTH.

A motion was introduced by Councilman Laughlin and referred to your Commit-

tee. Would report, referring same to City Attorney, with instructions to report to Council whether the city would have to pay for said work or the property holders.

Respectfully submitted.

HENRY GIMBER,
WM. F. REASNER,
ISAAC THALMAN,
Committee on Streets and Alleys.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred sundry papers, would respectfully report :

FIRST.

An ordinance together with remonstrance, to grade and gravel Ellis street and sidewalks, and stone curbing. Your Committee find that the street is in bad condition. We therefore recommend the passage of the ordinance.

SECOND.

A communication from Thomas Newly, to lay concrete pavement in your city for trial. Your Committee therefore recommend that Thomas Newly be allowed to lay down said pavement on the north crossing of Washington and Alabama streets, to be done at his own expense, under the direction of the City Engineer.

THIRD.

A communication was referred to your Committee, by the Indiana Fertilizing Company, of the bad condition of the city road leading to Sellers Farm. Your Committee would report to refer to the City Civil Engineer, and ascertain the cost and report the same to Council.

FOURTH.

An ordinance was also referred, and introduced by Councilman Schmidt, to provide for bouldering and curbing Wabash street, between Delaware and Alabama street. Your Committee report in favor of the passage of the ordinance.

FIFTH.

A motion was referred, and introduced by Councilman Schmidt, directing the Street Commissioner to raise the sidewalk on the east side of Market space on Delaware street. Your Committee recommend the passage of the motion.

SIXTH.

A motion was also referred, and introduced by Councilman Hall, directing Robert Hartness be and is hereby ordered to move the pile of dirt in front of his property. Your Committee report in favor of the passage of the motion, and the City Marshal shall notify same.

SEVENTH.

A motion was referred, and introduced by Councilman Schmidt, directing the Street Commissioner to lay two rows of stone crossing in front of the city building across Washington street. Your Committee report against the passage of the motion.

Respectfully submitted.

HENRY GIMBER,
WM. F. REASNER,
ISAAC THALMAN.

Committee on Streets and Alleys.

Which was concurred in.

Mr. Geiger, from the Committee on Finance, submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—Your Committee on Finance, to whom was referred the petition of L. A. Lemon, asking for the refunding the sum of fifteen dollars (\$15.00), being for a license for which, in the prosecution of his business, he had no need of. Your Committee are of the opinion that the license was unnecessary, and ask that the same be returned to the petitioner, and that the Clerk be and is hereby ordered to insert the same in the next appropriation ordinance.

Respectfully submitted.

GEO. W. GEIGER,
D. M. RANSDALL,
LEON KAHN,
ENOS B. REED,
I. W. STRATFORD,

Committee on Finance.

Which was concurred in.

Mr. Geiger, from the Committee on Fire Department, submitted the following report :

INDIANAPOLIS, March 6, 1876,

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

Gentlemen:—Your Committee to whom was referred the report of the Chief Fire Engineer of December 6th, 1875, would respectfully submit the following :

We had deferred until this time submitting a report on this communication in the hope that at least a portion of the hose purchased by the city during the past two years, and which afterward became unfit for service, might be made available in the exchange of new hose with the parties from whom it was purchased.

We have succeeded in part in this, and have secured some new hose in this manner ; but find on examination that at least one thousand (1,000) feet of new hose should be obtained immediately, and therefore recommend that the Chief Fire Engineer be authorized to purchase, at the best advantage, one thousand feet of new hose.

Respectfully submitted.

GEO. W. GEIGER,

GEO. KENZEL,

W. H. CRAFT,

Committee on Fire Department.

Which was concurred in.

By consent, Mr. Geiger offered the following motion :

Moved, That the Civil Engineer be and is hereby ordered to have the cisterns at the intersection of Tennessee and Ray streets, and at Patterson and Michigan streets, placed in good condition.

Which was adopted.

Dr. Hook, from the Committee on Opening and Laying Out Streets and Alleys, submitted the following report :

INDIANAPOLIS March 6, 1876.

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

Gentlemen:—Your Committee on Opening and Laying Out of Streets and Alleys, to whom was referred the petition of F. W. Hamilton, H. S. Keely and Enoch Baker, and plat accompanying the same, for the laying out, opening and widening

Central avenue to a width of sixty (60) feet, from the north side of Eighth street north to Reagan street, would respectfully report in favor of laying out, opening and widening said Central avenue, between said points as prayed for in said petition, and we herewith report the accompanying resolution and recommend its adoption.

Respectfully submitted,

F. M. HOOK,
ROBT. C. MCGILL,
I. W. STRATFORD,

Committee on Opening and Laying Out of Streets and Alleys

Which was concurred in.

Also, the following resolution :

Resolved, That the petition of F. W. Hamilton, H. S. Keely and Enoch Baker praying for the laying out, opening and widening of Central avenue to a width of sixty (60) feet from the north side of Eighth street north to Reagan street be referred to the Commissioners, with instructions to assess benefits and damages, and to make due report ; and that for the purposes of such laying out, opening and widening of said Central avenue, the Common Council do propose to appropriate such real estate and property as may be necessary therefor. The said Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve the proper notices upon the Commissioners and property owners.

Which resolution was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Darnell, Diffley, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Stuckmeyer and Thalman—21.

Negative—Councilman Geiger—1.

Dr. Hook, from above Committee, submittee the following report :

INDIANAPOLIS, February 21, 1876.

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

Gentlemen :—Your Committee on Opening and Laying Out Streets and Alleys, to which was referred the petition and plat of A. H. Baker et al., asking for the laying

out and opening of an alley twelve feet in width from the first alley east of East street, in out-lot No. 93, and running east to the west line of out-lot No. 92, the center of said alley to be 148 feet 4 inches from the south line of said out-lots.

Said petition also shows that one Wm. Garver and Eliza Garver, his wife, being the owners in fee simple of the southwest part of out-lot No. 92, have already dedicated to the city for the use of the public, an alley fifteen feet in width, running from the west to the east line of the first alley west of Noble street, and 148 feet 4 inches from the south line of said out-lot No. 92.

Your Committee having examined said petition, report in favor of the same and recommend the adoption of the following resolution. Your Committee also recommend that the dedication of the alley above mentioned, and more fully shown in said petition, and plat accompanying same, be accepted.

Respectfully submitted,

F. M. HOOK,

ROBT. C. MCGILL,

I. W. STRATFORD,

Committee on Opening and Laying Out Streets and Alleys.

Which was concurred in.

Also, the following resolution :

Resolved, That the petition of D. D. Long, A. H. Baker, Peter Spitzfadden et al., praying for the laying out and opening of an alley 12 feet in width, commencing at the first alley east of East street in out-lot No. 93, and running east to the west line of out-lot No. 92, the center of said alley to be 148 feet 4 inches from the south line of said out-lots, be referred to the Commissioners, with instructions to assess benefits and damages, and to make due report; and that for the purpose of laying out and opening such alley, the Common Council do propose to appropriate such real estate and property as may be necessary therefor. The said Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve the proper notices upon the Commissioners and property owners.

Which resolution was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buchrig, Craft, Curran, Darnell, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Stuckmeyer, Thalman and Webster—23.

Negative—None.

Dr. Hook, from above Committee, submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—Your Committee on Opening Streets and Alleys, to whom was referred the petition of Fred Goepper et al., for the opening of an alley twenty (20) feet in width, running in a northerly direction from Second street, to connect with an alley already opened running in a southerly direction from Fifth street, between Meridian and Pennsylvania streets.

Your Committee beg leave to report that they have examined the matter, and recommend that the prayer of the petitioners be granted.

Respectfully submitted,

F. M. HOOK,

ROBT. C. MCGILL,

I. W. STRATFORD,

Committee on Opening Streets and Alleys.

Which was concurred in.

Also, the following resolution :

Resolved, That the petition of Fred Goepper et al., praying for the laying out and opening of an alley twenty (20) feet in width, between Meridian and Pennsylvania streets, running from Second street north to connect with an alley already open, running from Fifth street south, be referred to the Commissioners, with instructions to assess benefits and damages, and to make due report ; and that for the purposes of such opening of said alley, the Common Council do propose to appropriate such real estate and property as may be necessary therefor. The said Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve the proper notices upon the Commissioners and property owners.

Which resolution was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Darnell, Diffley, Gimber, Geiger, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Stuckmeyer, Thalman and Webster—23.

Negative—None.

Dr Hook, from above Committee, submitted the following report ;

INDIANAPOLIS, February 21, 1876.

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

Gentlemen :—Your Committee on Opening and Laying Out Streets and Alleys, to which was referred petition of Fred Fells et al., asking for the laying out and opening of Harrison street, from Ittenbach street to Dillon street, to a width of fifty (50) feet, report in favor of the petition, and recommend that you adopt the following resolution.

Respectfully submitted,

F. M. HOOK,

ROBT. C. MCGILL,

I. W. STRATFORD,

Committee on Opening and Laying Out Streets and Alleys.

Which was concurred in.

Also, the following resolution :

Resolved, That the petition of Fred'k Fells, C. Pope et al., praying for the laying out and opening of Harrison street to a width of fifty (50) feet, from Ittenbach street to Dillon street, in the city of Indianapolis, Marion county, Indiana, be referred to the Commissioners, with instructions to assess benefits and damages, and to make due report ; and that for the purpose of laying out and opening such street the Common Council do propose to appropriate such real estate and property as may be necessary therefor. The said Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve the proper notices upon the Commissioners and property owners.

Which resolution was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Darnell, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reed, Stuckmeyer, Thalman and Webster—22.

Negative—Councilman Reasner—1.

Dr. Hook, from above Committee, submitted the following report :

INDIANAPOLIS, February 10, 1876.

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

Gentlemen :—Your Committee on Opening and Laying Out Streets and Alleys, to which was referred petition and plat of Wm. H. English et al., asking for the opening and laying out of Court street, from East street to Noble street, to a width of 28 feet, hereby report in favor of said petition and recommend the adoption of the following resolution.

Respectfully submitted,

F. M. HOOK,
ROBT. C. MCGILL,
I. W. STRATFORD,

Committee on Opening and Laying Out Streets and Alleys.

Which was concurred in.

Also, the following resolution :

Resolved, That the Petition of William H. English, Geo. W. New, et al., praying for the laying out and opening of Court street, from East street to Noble street, to a width of 28 feet, be referred to the Commissioners, with instructions to assess benefits and damages, and to make due report ; and that for the purposes of opening and laying out such street, the Common Council do propose to appropriate such real estate and property as may be necessary therefor. The said Commissioners are instructed to return, as part of their report, all petitions and notices. The City Clerk is hereby directed to issue, and the City Marshal to serve the proper notices upon the Commissioners and property owners.

Which resolution was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt,, Buehrig, Craft, Curran, Darnell, Duffley, Geiger, Gimber, Hall, Hook, Kahn, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Stratford, Stuckmeyer, Thalman and Webster—21.

Negative—Councilman Bollman—1.

Dr. Hook, from above Committee, submitted the following report :

INDIANAPOLIS, February 21, 1876.

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

Gentlemen :—Your Committee on Opening and Laying Out Streets and Alleys, to which was referred the papers in the matter of opening and extending Bates street,

from Noble street to East street, would report that they have carefully examined said papers and find that the petition is imperfect and incorrect in this, to-wit: It asks for the opening of "Bates street from Noble street to the second alley east of Bates street," when it should read "from Noble street to the second ailey west of Noble street;" the plat is also very imperfect. Your Committee is of the opinion that all action heretofore had in said case should be rescinded, and therefore recommend the adoption of the following resolution.

Respectfully submitted,

F. M. HOOK,
I. W. SRATFORD,
ROBT. C. MCGILL,

Committee on Opening and Laying Out Streets and Alleys,

Which was concurred in.

Also, the following resolution :

Resolved, That all action heretofore had on the petition of T. M. Murphy et al., asking for the opening and extension of Bates street, from Noble to East streets, be and the same is hereby annulled and rescinded.

Which was adopted by the following vote :

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

Negative—None.

Mr. Reed, from the Board of Police, submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—The Police Board would beg leave to report that in reference to the motion referred to them, introduced by Councilman Schmdit, authorizing the building of six cells to the Sixth Street Station House, they are of the opinion that said cells are not needed on account of the simple fact that there are no prisoners to place therein, unless the tramps who nightly lodge at this Station House imperatively demand new quarters.

In view of the fact that the City Council had already decided upon a site for the work house, viz.: the Southern Park, the proposition of Andrew Wallace to sell to the city his Aspenwood farm, for said purpose, which was also submitted to your Committee, was not considered at length, the subject matter upon which it was based having been finally disposed of.

Respectfully submitted,

ENOS B. REED,

I. W. STRATFORD,

ROBT. C. MCGILL,

Board of Police.

Which was concurred in.

Mr. Curran, from the Committee on Bridges, submitted the following report :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen :—A motion was referred to your Committee on Bridges, requesting the construction of an iron bridge over the State Ditch, at the intersection of Central avenue. Your Committee respectfully request the adoption of the above motion.

Respectfully submitted.

P. H. CURRAN,

I. W. STRATFORD,

ISAAC THALMAN,

Committee on Bridges.

Which was concurred in.

By consent, the following papers were presented :

Mr. Gimber offered the following motion :

Moved, That the City Clerk be authorized to give a license to J. Efromson, as an auction room, at No. 421 South Meridian street, for three months.

Which was adopted.

Mr. Madden offered the following motion :

Moved, That the City Marshal be and is hereby instructed to confer with the officers of the J. M. & I. Railroad, and report to this Council why said railroad company have discontinued the flagman at the crossing of said road and McCarty street.

Which was adopted.

Mr. Craft offered the following motion :

Moved, That James Mason be and is hereby granted permission to grade and pave in front of his property on the east side of Liberty street, between Ohio and New York streets, the same to be done at his own expense, and under the direction of the Civil Engineer, who is hereby ordered to set the proper grade stakes.

Which was adopted.

Mr. Craft presented the following petition :

INDIANAPOLIS, February 11, 1876.

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

Gentlemen:—The undersigned, owners of the real estate fronting on Michigan street, between Noble street and Massachusetts avenue, respectfully petition for the passage of an ordinance providing for the grading, paving with brick and curbing with stone the sidewalks on Michigan street between the points above named.

And your petitioners will ever pray, etc.

F. L. SPAHR,
L. WOELZ,
MATTHEW HARTMAN.

Mr. Craft introduced special ordinance No. 21, 1876, entitled :

An ordinance to provide for grading, paving with brick and curbing with stone the sidewalks of Michigan street, between Noble street and Massachusetts avenue.

Which was read the first time.

Mr. Thalman offered the following motion:

Moved, That Mr. Smock, the contractor, be requested to renew his bond for building the Fall Creek embankment, and after said bond has been filed and approved that the Engineer be directed to set the grade stakes.

Mr. Gimber offered the following substitute to above motion :

Moved, That the City Engineer notify Mr. Smock to stop work on the bank on Fall Creek.

Which was adopted.

Mr. Darnell, on behalf of Dr. Ward, offered the following motion :

Moved, That the Street Commissioner be and is hereby directed to construct wooden culverts on the north and south crossings of North street at the intersection of Liberty street. Said work to be done without delay.

Which was referred to the Committee on Streets and Alleys.

Dr. Stratford introduced general ordinance No. 10, 1876, entitled:

An ordinance to repeal general ordinance No. 39, 1875, entitled, "An ordinance to establish public stands for licensed public hacks, carriages, express wagons, drays or other vehicles, kept or used for the purpose of transporting passengers, freight or other articles to and from points within the city of Indianapolis.

Which was read the first time.

Mr. Darnell moved to refer to the Committee on Revision of Ordinances.

Dr. Stratford moved to lay Mr. Darnell's motion on the table.

Which motion to lay on the table failed to pass by the following vote :

Affirmative—Councilmen Bollman, Buehrig, Curran, Diffley, Gimber, Laughlin, Madden, McGill, Stratford and Stuckmeyer—10.

Negative—Councilmen Adams, Albershardt, Craft, Darnell, Geiger, Hall, Hook, Kahn, Kenzel, Ransdell, Reasner, Reed, Schmidt, Thalman and Webster.—15.

Mr. Darnell's motion to refer was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Craft, Darnell, Geiger, Hall, Hook, Kahn, Kenzel, Ransdell, Reed, Schmidt, Thalman and Webster—14.

Negative—Councilmen Bollman, Buehrig, Curran, Diffley, Gimber, Laughlin, Madden, McGill, Reasner, Stratford and Stuckmeyer—11.

Mr. Albershardt submitted the following report from City Dispensary :

INDIANAPOLIS, March 6, 1876.

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

Gentlemen:—We submit the following report of the City Dispensary for the month of February, 1876 :

No. of visits north of Washington street.....	189
No. of visits south of Washington street.....	194
No. of visits to the County Jail.....	29
No. of visits to the Station House.....	18
Total visits.....	430
No of patients prescribed for at the Dispensary.....	445
No. of prescriptions filled for the Jail.....	128
Whole number of prescriptions filled.....	1097
No. of cases of Eye and Ear disease treated.....	34
No. of Births.....	2
No. of Deaths.....	11

Respectfully submitted,

JNO. A. GALE, M. D.

Resident Physician

HARRY D. MARTIN,

Dispensary Clerk.

Which was received.

Mr. Buehrig offered the following motion :

Moved, That the Street Commissioner be ordered to repair the sidewalk at the northeast corner of Illinois and Louisiana streets.

Which was referred to the Committee on Streets and Alleys.

Mr. Adams presented the following petition :

INDIANAPOLIS, February 13, 1875.

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

Gentlemen :—Your petitioner, Matilda Caskey, would respectfully represent to your honorable body that on the 2d day of May, 1873, Wm. M. Thrasher, and Demia Thrasher executed and delivered to her a deed of warranty intending thereby to convey the “north full-equal fourth of lot 109 in Butler’s Addition to College Corner in the city of Indianapolis,” but by and through a clerical error the face of the deed was made to read the north full equal fourth of lot 119, in said addition, which lot belongs to one Lewis Shively. That said error has been corrected by the parties to the said deed and correction noted upon the proper records in the Recorder’s office, of Marion county, Indiana. And that by means of said error she has paid the sum of \$27.50 upon lot 119 which should have been assessed against and paid by the the said Lewis Shively, as is shown by the City Treasurer’s certificate filed herewith ; that the said Lewis Shively refuses to pay and refund the said sum of \$27.50 to the petitioner.

She further states that by means of said error her lot (109 in said addition) has become delinquent and that the sum of \$20.11 is charged against lot 109, as penalty and interest, as the City Treasurer’s certificate will show, which is filed herewith.

Wherefore Matilda Caskey asks and prays at the hands of the Council, that an order be granted, directed to the City Treasurer, authorizing him to make a credit of the sum of 27.50 upon the assessed taxes of lot 109, and that the sum of \$20.11 assessed against lot 109, as penalty and interest, be abated.

All of which is respectfully submitted.

MATILDA CASKEY,

Per Watts & Myers.

INDIANAPOLIS, January 22, 1876.

I hereby certify that Matilda Caskey paid to the undersigned, on the 15th day of March, 1875, the sum of twenty-seven dollars and fifty cents, (\$27.50), being the amount of city taxes on north fourth lot number one hundred and nineteen (119) in Butlers Addition to the city of Indianapolis, Indiana, for the year 1874, and that the same was not assessed to or paid by Lewis Shively.

HENRY W. TUTEWILER,

City Treasurer.

INDIANAPOLIS, February 7, 1875.

To whom it may concern :

Number 18,193, Butler's Add., north fourth, Lot 109.

Mr. Wm. M. Thrasher is assessed with above described real estate. The charges for delinquent taxes on same is \$109.76.

The current tax for 1873 was.....	\$29 15
“ “ “ 1874 was.....	60 50
Penalty and charges.....	20 11
Total.....	<u>\$109 76</u>

HENRY W. TUTEWILER,
City Treasurer.

Which was referred to the Committee on Accounts and Claims.

ORDINANCES ON SECOND READING.

Mr. Gimber moved to take up general ordinance No. 9, 1876.

Which motion was adopted.

Special 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 the inhabitants thereof upon certain conditions therein named.

Was taken up and read by sections.

Section one was read.

Mr. Ransdell offered the following substitute to section one :

Be it ordained by the Common Council of the City of Indianapolis, That Robert Dickson, his associates and their assigns are hereby invested with the privilege of using the streets, lanes, alleys and public grounds of said city for the purpose of laying down in said streets, etc., pipes for the conveyance of gas in and through the said city, for the use of said city and its inhabitants: Provided, That said Robert Dickson and his associates shall, within thirty days hereafter, organize themselves into a Joint Stock Company, under the laws of the State of Indiana, with sufficient

capital stock, not less than \$200,000 bona fide subscribed and secured, to fully carry out the intent and meaning of this ordinance, which is declared to be to supply the entire city and the inhabitants thereof with gas, to the extent and as fully and completely as is now or may hereafter be done by the Indianapolis Gas Light and Coke Company. And such company shall, by its Board of Directors, on their records, to be certified to the Mayor of the city, agree and bind itself, within thirty days hereinafter, to accept the conditions set forth in this ordinance: *Provided further*, That two-thirds of the directors of such company shall consist of residents of the city of Indianapolis: *And provided further*, That said company shall cause to be executed a bond, payable to the city of Indianapolis, with good and sufficient freehold security, to the satisfaction of the Common Council of said city, binding itself and sureties in the sum of \$100,000, not to sell or dispose of the privileges granted hereinto, nor consolidate with nor purchase the works of said Indianapolis Gas Light and Coke Company, and that they will, as soon as possible, commence the erection of the necessary buildings and works, of capacity sufficient to supply the city and inhabitants with gas, and proceed without delay to carry out in good faith the full intent of this grant: *Provided further*, That nothing in this grant shall be so construed as to bind the city to the use of the gas made by said company, in its street lamps, public buildings or offices.

Mr. Thalman offered the following amendment to section one:

Add to first section: That the bond above mentioned shall be executed by sufficient and satisfactory sureties, who shall be residents of this city, and that the amount named in said bond shall be, not as a penalty, but as liquidated damages, and that if the condition thereof shall be broken, the city shall be entitled to recover thereon, as liquidated damages, the sum of fifty thousand dollars.

Mr. Madden offered the following amendments to section one:

Amend section 1 by adding at the end thereof the following:

Provided further, That the rights and privileges herein granted to Robert Dickson and his associates shall be of no force whatever until the joint stock company shall have been fully organized with a capital stock of at least one hundred thousand dollars, fifty per cent. of which shall be paid up in cash, nor until the bond herein required to be given shall first have been presented to the Common Council, with good and sufficient freehold surety, and shall have been approved by said Common Council.

Amend section 1 by inserting after the words "and that they will," these words:

Within sixty days from the passage of this ordinance, commence the construction of such necessary buildings and works for the manufacture of gas and the laying of gas mains, and shall, within one year from the passage of this ordinance, have at least fifteen miles of gas mains laid down and connected with their works, for the supplying of gas to consumers along the line thereof, five miles of which shall be outside of the territory embraced within the limits of North, South, East and West

streets; and at the expiration of two years from the passage of this ordinance, at least fifteen miles of gas mains additional shall be laid down and connected, for supplying gas to consumers along the line thereof, five miles of which shall be outside of the territory embraced within the limits of First, McCarty, Noble and West streets, and should the company fail to comply with any part of these conditions, or having laid down gas mains as in this section provided, shall fail to furnish gas of the quality and at the price provided for in this ordinance, said company shall, in addition to being required to pay the full penalty of the bond herein required, forfeit all the rights and privileges herein granted, and such rights and privileges shall revert to the city.

Mr. Geiger offered the following motion :

Moved, That the ordinance investing Robt. Dickson et al. with the privilege of furnishing gas, and all amendments offered, and to be presented, be referred to the Committee on Revision of Ordinances who shall report the same at the next meeting of the Council.

Mr. Geiger called for the main question.

Which was ordered by the following vote :

Affirmative—Councilmen Adams, Bollman, Buehrig, Curran, Diffley, Geiger, Gimber, Hook, Kenzel, McGill, Ransdell, Reasner, Stuckmeyer and Webster—14.

Negative—Councilmen Albershardt, Craft, Darnell, Kahn, Laughlin, Madden, Reed, Stratford and Thalman—9.

Mr. Geiger's motion was adopted by the following vote :

Affirmative—Councilmen Bollman, Buehrig, Curran, Diffley, Geiger, Gimber, Hook, Kenzel, McGill, Ransdell, Reasner, Stuckmeyer and Webster—13.

Negative—Councilmen Adams, Albershardt, Craft, Darnell, Kahn, Laughlin, Madden, Reed, Stratford and Thalman—10.

On motion, the Council adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.