

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS, }  
*Monday, December 18th, 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, Buehrig, Byram, Case, Darnell, Izor, Kenzel, Laughlin, Morse, McGill, McGinty, Pouder, Ransdell, Schmidt, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—20.

Absent—Councilmen Bugbee, Craft, Diffley, Reed, Reasener and Thomas—6.

The proceedings of the regular sessions, held December 4th and 11th, 1876, were read and approved.

Sealed proposals for lots in Greenlawn Cemetery were received, opened, read, and referred to a special committee on that subject heretofore appointed.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

*Indianapolis, December 18, 1876.*

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

*Gentlemen:*—I herewith report the following estimate for work done :

A first and final estimate allowed Henry Clay for grading and graveling Deloss street and sidewalk, from Oregon or Nebraska street to Brook street—

1,254.5 lineal feet at 64 cents.....	\$802 88
10 yards of gravel at 55 cents .....	5 50
<b>Total.....</b>	<b>\$808 38</b>

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 Henry Clay for grading and graveling Deloss street and sidewalks, from Oregon or Nebraska street to Brook 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.

Affirmative—Councilmen Adams, Byram, Case, Darnell, Izor, Kenzel, Laughlin, Morse, McGinty, Schmidt, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—16.

Negative—None.

Also, the following report :

*Indianapolis*, December 18, 1876.

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

*Gentlemen* :—I herewith report the following contract and bond for your approval :

Contract and bond of Samuel J. Smock for grading and graveling the first alley east of Bellefontaine street, between Home avenue and the first alley north of Christian avenue.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was received, contract concurred in, and bond approved.

Also, the following report :

*Indianapolis*, December 18, 1876.

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

*Gentlemen* :—I herewith report the following named contractors who have failed to file bonds as required by section 2nd of an ordinance containing regulations as to contracts within the city. (See "Charter and Ordinances page 189.)

James Garner, two contracts.

James Mahoney, three contracts.

William Morrison, two contracts.

John Flaherty, two contracts.

Andrew J. Sloan, one contract.

Richard Carr, one contract.

August Verhofstad, one contract.

Some of the above named contractors endeavored to file bonds, but in consequence of the recent change in the affidavit attached to bonds, were unable to do so in the time required.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Mr. Adams offered the following motion :

*Moved*, That hereafter all persons bidding for any work or the furnishing of materials or supplies before the City Council, shall accompany such proposal for such work or material with the name or names of the person or persons whom they intend to offer as bondsmen for the faithful performance of their contract with the city, and it shall be the duty of the Committee on Contracts to examine the records, and ascertain if the parties whose names are offered, are ample security for the faithful performance of the said contract.

Dr. Stratford offered the following resolution :

*Resolved*, That the following motion, introduced by Mr. Adams November 20, 1876, " *Moved*, that the City Attorney be, and is, hereby directed to prepare a new form of bond, to be attached to all contracts hereafter, in which the bondsmen make oath that he, or they, are worth twice the amount specified in the body of the bond, in unincumbered real estate in his own name," be, and the same is, hereby rescinded.

Also, the following motion as a substitute for the above motion and resolution :

*Moved*, That the following clause shall be inserted in all bonds taken for contracts by the city: I do solemnly swear that I am worth, in real estate, in my own name, \$———— (which shall be double the amount specified in the bond) over and above incumbrance.

The whole matter was then referred to the City Attorney, with instructions to report during this meeting.

The City Clerk submitted the following report :

*Indianapolis*, December 18, 1876.

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

*Gentlemen*:—The City Clerk respectfully reports the following affidavits now on file in his office for the collection of street assessments, by precept, to-wit:

James Mahoney vs. Fanny Morton for . . . . .	\$4 42½
James Mahoney vs. Mary Sawyer for . . . . .	4 42½
James Mahoney vs. Hannah Caldwell for . . . . .	4 42½

James Mahoney vs. O. L. Wade (christian name unknown) for..... 4 42½

James Mahoney vs. Charles J. Parker for..... 4 42½

And respectfully recommend that you order the precepts to issue.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

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

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Darnell, Kenzel, Laughlin, Morse, McGinty, Ransdell, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—16.

Negative—Councilman Schmidt—1.

Also, the following report :

*Indianapolis, December 18, 1876.*

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

*Gentlemen* :—I respectfully report that on the 4th day of December, 1876, I transmitted to the City Commissioners petition of H. Clearwater and others, in the matter of laying out and opening of Dunlap street to a width of sixty (60) feet, running from Madison avenue in a western direction to Chestnut street, and resolution of your honorable body concerning the same, and that I issued notice to the 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, December 18, 1876.*

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

*Gentlemen* :—I would respectfully report that on the 13th day of December, 1876, I delivered to Samuel J. Patterson, Esq., as per order of your honora-

ble body, five City Bonds, each for the sum of \$1,000, and present herewith the receipt of the said Patterson.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

*Indianapolis*, December 13, 1876.

Received of the City of Indianapolis, five bonds of the said city of Indianapolis, dated July 1st, 1876, each for the sum of one thousand dollars, (\$1,000) payable twenty years after date, with annual coupons attached calling for six per cent. interest upon the principal sum. The said bonds are received by me in full payment and satisfaction of all claims and demands that I have against said city in connection with the Fall Creek Levee, and the washing out of the same; and, also in full satisfaction upon the part of said city of a certain contract made and entered into on the 29th day of June, A. D., 1876, between the said city and myself.

SAMUEL J. PATTERSON.

Which was received.

The City Attorney submitted the following report :

*Indianapolis*, December 18, 1876.

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

*Gentlemen* :—In compliance with the motion passed at the last session of the Council instructing me to report "whether the city has the right to discontinue the burning of a lamp-post or not," I would say that I have examined the contract between the city and the Gas Company. By the terms of the contract the company agrees to furnish a certain kind of gas, etc., "for all the street lamps of said city of Indianapolis now erected or in use, or which may hereafter be erected and put in use by said city." And the city agrees upon her part "to pay for each and every street lamp of said city to which gas is supplied the sum of twenty nine dollars per annum, said sum to be full compensation for all gas furnished and for cleaning, lighting, keeping in repair, and in order for service, such lamps and posts as above undertaken and agreed." I am of the opinion that under this contract the Gas Company agree to furnish, and the city gives them the right to furnish, gas, light, keep in repair, etc., each and every lamp-post erected and in use at the date of the contract, or which may be erected and put in use by the city thereafter. The city would not have the right or power to refuse to comply with her part of the agreement, and still insist upon the Gas Company keeping and perform-

ing the contract upon its part. In other words, the city could not order the lighting of a considerable number of street lamps discontinued and refuse to pay the company for them, and still require the company to go and light, keep in repair, and furnish gas for the balance of the street lamps in the city.

I am however of the opinion that the city, under her general powers as a municipal corporation, would have the right to change the location of a lamp-post, or order the discontinuance of the lighting of a single post if the Council should be of the opinion that it was for the best interest of the city to do so, as for instance, when two posts had, by mistake or otherwise, been placed so near to each other that the lighting of one of them was unnecessary. Any such an order would not be a substantial violation of the contract. I therefore say that the discontinuance of the lighting of a single lamp, by the order of the Council, would not be a violation of the contract with the Gas Company, but that the discontinuance of the lighting of any considerable number of lamps upon a particular street, and the refusal to pay for such lamps, would be a direct violation of the contract.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in.

Also, the following report :

*Indianapolis*, December 18, 1876.

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

*Gentlemen* :—I herewith return the petition of Piel & Co. and Coffin, in relation to the judgment held by the city against them for filling up the railroad track on Dakota street. It is my opinion that if the city release the judgment she now holds, she could not recover from the railroad.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in.

The Board of Health submitted the following report :

*Indianapolis*, November 18, 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 11th day of November, to 6 o'clock P. M., on the 18th day of November, 1876.

Under 1 year .....	4
1 to 2 years.....	2
2 to 3 " .....	1
3 to 4 " .....	1
4 to 5 " .....	1
5 to 10 " .....	2
10 to 20 " .....	5
20 to 30 " .....	0
30 to 40 " .....	3
40 to 50 " .....	2
50 to 60 " .....	0
60 to 70 " .....	0
70 to 80 " .....	2
80 to 90 " .....	0
90 to 100 " .....	0
Above 100 " .....	0
Unknown.....	1
<b>Total.....</b>	<b>27</b>

Respectfully submitted,

F. M. HOOK, M. D.,

President Board of Health.

J. W. MARSEE,

Secretary Board of Health, pro tem.

Which was received.

Also, the following report:

*Indianapolis*, December 18, 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 18th day of November, to 6 o'clock P. M., on the 25th day of November, 1876.

Under 1 year .....	3
1 to 2 years.....	2
2 to 3 " .....	0
3 to 4 " .....	2
4 to 5 " .....	1
5 to 10 " .....	0
10 to 20 " .....	1
20 to 30 " .....	4
30 to 40 " .....	1



40 to 50	"	.....	2
50 to 60	"	.....	2
60 to 70	"	.....	4
70 to 80	"	.....	0
80 to 90	"	.....	0
90 to 100	"	.....	0
Above 100	"	.....	0
Unknown		.....	0
Total.....			22

Respectfully submitted,

F. M. HOOK, M. D.,

President Board of Health.

J. W. MARSEE,

Secretary Board of Health, pro tem.

Which was received.

The City Attorney submitted the following report :

*Indianapolis, December 18, 1876.*

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

Gentlemen :—I would recommend the following affidavit, to be made by the securities upon all bonds executed to the city by contractors, to-wit :

“The undersigned, security upon the above bond, do solemnly swear that I am the owner, in fee simple, in my own name and right, of real estate situate in Marion county, Indiana, and of the value of at least double the amount named in the above bond, over and above all incumbrance.”

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in.

On motion by Mr. Adams, Messrs. Reed, Craft, and Izor were excused from attendance at this meeting.

INTRODUCTION OF ORDINANCES.

Mr. Morse introduced special ordinance No. 138, 1876, entitled :

An ordinance to provide for the erection of lamp-posts, etc., on Market street, between West and California streets.

Which was read the first time.

Mr. Byram called up the report of the Board of Police, which was submitted to Council on last Monday night, and moved that the same be approved.

The ayes and noes being demanded, the report was approved by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Darnell, Kenzel, Laughlin, Morse, McGill, McGinty, Ransdell, Schmidt, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—18.

Negative—None.

On motion, the Fire Board was granted one week's additional time in which to report concerning the theatrical buildings, etc.

Mr. Darnell offered the following motion :

*Moved*, That the Fire Board examine all public places of amusement.

Which was adopted.

The Committee on Benevolence and Hospitals asked for and was granted one week's further time, in which to make report in regard to the appropriation of \$1,000 for the Ladies' Relief Society.

Dr. Stratford offered the following motion :

*Moved*, That it shall be the duty of the City Civil Engineer to accept no person or persons as bondsman until he is satisfied that they are responsible,

as required in the bond, and shall so certify in his report of contracts and bonds.

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

Which was adopted.

SPECIAL ORDER.

General ordinance No. 58, 1876, entitled :

An ordinance relative to omnibus and hack owners and runners, and hotel runners, at the Union Depot, and the general protection and convenience of travelers in the city.

Was taken up and read the second time.

Dr. Stratford offered the following amendment to section four, after the words, "nearer the several baggage-rooms in said Depot":

Or at either of the gangways east or west of the waiting-rooms on McNabb street.

Which amendment was adopted.

Mr. Thalman moved to strike out section five.

Which was adopted.

The ordinance, as amended, was ordered engrossed, and read the third time.

Dr. Stratford moved to refer the ordinance to the Committee on Revision of Ordinance.

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

Which was adopted.

The ordinance was then passed by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Darnell, Kenzel, Laughlin, Morse, McGill, McGinty, Pouder, Ransdell, Schmidt, Steinhauer, Thalman, Webster, Wrihgt, Arthur L., and Wright, William G.—18.

Negative—Councilman Stratford—1.

Mr. Ransdell, by consent, offered the following motion :

*Moved*, That the City Marshal be instructed to rigorously enforce section 12, of an ordinance regulating the licensing of public vehicles.

Which was adopted.

Mr. Thalman moved to reconsider the vote by which general ordinance No. 58, 1876, was passed.

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

Which motion to lay on the table was adopted.

Dr. Stratford offered the following motion :

*Moved*, That Anderson & Devenish be allowed their full and final estimate for work on cistern, at corner Patterson and Michigan streets.

Which was referred to the Fire Board and City Civil Engineer.

Mr. Byram offered the following motion :

*Moved*, That the City Attorney be requested to report to this Council the condition of the contract between the city and the Sentinel Company, and what relation the present Sentinel Company bears to the old company.

Which was adopted.

#### ROLL CALL.

Mr. McGinty presented the following petition :

*Indianapolis, December 18, 1876.*

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

*Gentlemen* :—Your petitioner, Thomas Wren, respectfully represents to your honorable body, that for long years he was unable to pay his taxes due the city, for the reason that the said city had all of his funds under their control; that during said time large penalties accrued against him.

He now shows to your honorable body that he has discharged said taxes, interest and penalties, and he asks that your honorable body will cause to be refunded to him the amount paid as penalty, as the same accrued on the account of the said city failing to pay him the amount due him.

And your petitioner will ever pray, etc.

THOMAS WREN.

Which was referred to the Committee on Finance.

Mr. Pouder offered the following motion :

*Moved*, That John Smith have a permit to move a house from 53 Eddy street to 143 Meek street.

Which was adopted.

Mr. Schmidt offered the following motion :

*Moved*, That the City Clerk be, and is hereby directed to advertise for bids to place the station house in good repair, in accordance with specifications prepared by the Board of Police.

Mr. Steinhauer moved to lay Mr. Schmidt's motion on the table.

Which motion to lay on the table was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Byram, Kenzel, Laughlin, Morse, McGill, McGinty, Ransdell, Steinhauer, Stratford Thalman, Webster, and Wright, William G.—14.

Negative—Councilmen Case, Darnell, Pouder, Schmidt, and Wright, Arthur L.—5.

## ORDINANCES ON SECOND READING.

Special ordinance No. 131, 1876, entitled :

An ordinance to provide for grading and graveling Second street and sidewalks, (where not already improved) between Meridian and Pennsylvania streets.

Was read the second time, and ordered engrossed by the following vote :

Affirmative—Councilmen Adams, Darnell, Kenzel, Laughlin, Morse, McGill, McGinty, Pouder, Ransdell, Steinhauer, Stratford, Thalman, and Wright, William G.—13.

Negative—Councilmen Byram, Case, Webster, and Wright, Arthur L.—4.

Mr. Byram moved that the Council now adjourn.

Which motion was not adopted.

Mr. Byram moved to postpone further action on the above entitled ordinance for one week.

Which motion was laid on the table.

On motion, by Mr. Adams, the previous question was ordered.

The ordinance was then read the third time.

The question being upon the passage of the ordinance, the ayes and noes were called for.

Those who voted in the affirmative were :

Councilmen Adams, Darnell, Kenzel, Laughlin, Morse, McGill, McGinty, Pouder, Ransdell, Stratford, Thalman, and Wright, William G.—12.

Those who voted in the negative were :

Councilmen Byram, Case, Steinhauer Webster, and Wright, Arthur L.—5.

It requiring a two third vote of the councilmen elect to pass the ordinance, the same was declared not passed, and under rules of the Council stricken from the files.

Mr. Adams moved to reconsider the vote by which the above entitled ordinance failed to pass.

Which motion to reconsider was adopted by the following vote ;

Affirmative—Councilmen Adams, Case, Darnell, Kenzel, Laughlin, Morse, McGill, McGinty, Poudner, Ransdell, Steinhauer, Stratford, Thalman, and Wright, William G.—14.

Negative—Councilmen Byram, Webster, and Wright, Arthur L.—3.

By consent, Mr. A. L. Wright, from the Committee on Gaslight, submitted the following report :

*Indianapolis, December 18, 1876.*

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

*Gentlemen* :—Your Committee on Gas, to whom was referred the petition of Mary J. Vance, and the communication of the City Civil Engineer upon the same, would respectfully report, and recommend, that Mary J. Vance be allowed to cause to be changed the one lamp-post from sidewalk to the corner of her building, at the intersection of Washington street and Virginia avenue; the cost of making such change to be at her own expense. The lighting and extinguishing to be done at the expense of the city "schedule time." The change to be made under the direction of the City Civil Engineer. We also recommend that the City Civil Engineer be instructed to have replaced the lamp-post removed some time since from in front of said building.

Section 2. In answer to the question of Mr. Reed's, as to why the public lamps are not lighted around the Circle, and about how long they have been unlighted, we would respectfully report, to the best of our knowledge, there

was an order passed by Council some four or five years since, creating a number of "dead lamps," shown on a map drawn by the City Civil Engineer, those on the Circle being among the number so designated. The same not being included in the number kept lighted by the city.

Respectfully submitted,

ALBERT IZOR,

A. L. WRIGHT,

MARTIN MCGINTY,

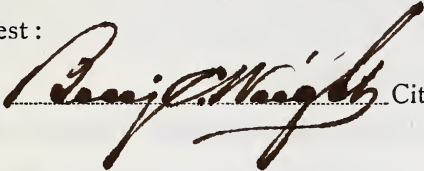
Committee on Gas.

Which was concurred in.

On motion, the Council adjourned.

 Mayor.

Attest:

 City Clerk.