

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS, }  
*Monday, December 25th, 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, Bugbee, Byram, Case, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Reed, Steinhauer, Stratford, Thalman, Thomas, and Wright, Arthur L.—17.

Absent—Councilmen Craft, Diffley, Laughlin, Pouder, Ransdell, Reasener, Schmidt, Webster, and Wright, William G.—9.

The proceedings of the regular sessions, held December 18th, 1876, were read and approved.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

*Indianapolis, December 25, 1876.*

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

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

A second and partial estimate allowed Koss & Fritz for building and repairing stone abutments on Pogues Run at the crossing of Ray street—

135.7 cubic yards masonry at \$4 49 .....	\$609 29
190.8 cubic yards wet excavation at 45 cents.....	85 86
40 8 cubic yards dry excavation at 20 cents .....	8 16
8061 feet of timber at \$1.75 per 100 feet ...	141 06
12 feet of cement pipe at \$1.00.....	12 00
Laying pipe.....	1 10
	<hr/>
Total.....	\$857 47
Less former payment.....	675 30
	<hr/>
	\$182 17
Less amount kept back.....	32 17
	<hr/>
Present payment .....	\$150 00

Also, a first and partial estimate allowed James McB. Shepherd for grading and graveling Ray street and sidewalks from the west line of Tennessee street to the east line of West street—

1772 lineal feet at 38 cents .....	\$673 36
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Also, a first and partial estimate allowed Irwin & Hanna for grading and graveling Third street and sidewalks between the Central Canal and West street—

744 lineal feet at 31½ cents .....	\$234 36
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Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and partial estimate allowed James M. B. Shepherd for grading and graveling Ray street and sidewalks from the west line of Tennessee street to the east line of West 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 Adams, Buehrig, Bugbee, Darnell, Izor, Kenzel, Morse, McGinty, Reed, Steinhauer, Stratford, Thalmann, Thomas, and Wright, Arthur L.—14.

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and partial estimate allowed Irwin & Hanna for grading and graveling Third street and sidewalks between the Central Canal and West 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 Adams, Buehrig, Bugbee, Darnell, Izor, Kenzel, Morse, McGinty, Reed, Steinhauer, Stratford, Thalmann, Thomas, and Wright, Arthur L.—14.

Negative—None.

Also, the following report :

*Indianapolis*, December 25, 1876.

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

*Gentlemen* :—I would respectfully report that I have prepared a schedule for lighting and extinguishing the public lamps for the year 1877. The following is the number of hours burning allotted to each month on the basis of 3200 hours in the year :

January . . . . .	377 hours 30 minutes.
February . . . . .	312 hours 00 minutes.
March . . . . .	276 hours 50 minutes.
April . . . . .	232 hours 55 minutes.
May . . . . .	201 hours 15 minutes.
June . . . . .	168 hours 20 minutes.
July . . . . .	176 hours 10 minutes.
August . . . . .	203 hours 10 minutes.
September . . . . .	237 hours 50 minutes.
October . . . . .	295 hours 40 minutes.
November . . . . .	340 hours 40 minutes.
December . . . . .	377 hours 40 minutes.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was referred to the Committee on Gas Light, with power to act.

Also, the following report :

*Indianapolis, December 25, 1876.*

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

*Gentlemen.*—I herewith report the following contracts and bonds :

Contract and bond of James Garner for grading and graveling the alley between College avenue and Broadway street from Home avenue to Lincoln avenue. Bond \$250. Bondsman, Wm. Morrison.

Contract and bond of James Garner for grading and graveling the first alley north of North street, between Delaware and Hudson streets. Bond \$75. Bondsman, Wm. Morrison.

Contract and bond of Wm. Morrison for grading and paving with brick the east sidewalk on Maple street from McCarty street to Ray street. Bond \$300. Bondsman, A. J. Sloan.

Contract and bond of Andrew J. Sloan for grading and graveling the first alley east of Dillon street, from English avenue to Lexington avenue. Bond \$400. Bondsman, Wm. Morrison.

Contract and bond of James Mahoney for improving Wabash street between Delaware and Alabama streets. Bond \$1,000. Bondsman, John Welch.

Contract and bond of Wm. Morrison for grading and graveling the first alley south of Fifth street, from Pennsylvania street west to alley. Bond \$75. Bondsman, A. J. Sloan.

Contract and bond of James Mahoney for grading and graveling the alley between Merrill and Grant streets, from the first alley west of West street to Acorn street. Bond \$100. Bondsman, John Welsh.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was received.

The contracts and bonds were then approved.

The City Attorney submitted the following report :

*Indianapolis, December 25, 1876.*

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

*Gentlemen* :—I would call your attention to the fact that there is a mortgage upon part of the property upon which the Massachusetts avenue Engine House is situated. Said mortgage was executed by Granville Ballard to the school fund. The interest is unpaid, and the auditor of the county is about to advertise and sell the same to satisfy the mortgage, which amounts to \$420 and interest. The property was purchased by the city of A. L. Roach, and was purchased subject to a mortgage of \$500 to the college fund of the State. This mortgage the city will have to pay. I have notified Mr. Roach that the school fund mortgage should be satisfied by him. And I would recommend that the City Treasurer be instructed to pay off the college fund mortgage, and to also pay the school fund mortgage, unless it is done by Judge Roache, as I think the title of the city property should be kept entirely clear of mortgage encumbrances, and especially mortgages to the State funds, as the sales of property to satisfy such mortgages are not governed by the same laws that other mortgages are.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in.

Also, the following report :

Indianapolis, December 25, 1876.

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

*Gentlemen* :—In the matter of the petition of the Citizens Street Railway Company asking to be relieved from certain taxes assessed against them for the year 1873, I would report that I have examined the same and find that the Common Council did, on the 21st of February, 1870, pass an ordinance amending former ordinances upon the subject of street railways. Section 5 of that ordinance provides "that said company shall be exempt from taxes for city purposes until the year 1874; provided said company shall, within ninety days from the passage of this ordinance, proceed, etc., to lay certain double track, etc. If the company complied with the conditions imposed by the fifth section of the ordinance, and the City Council had the power to exempt their property from taxation for city purposes, then the assessment of taxes against them for the year 1873 is erroneous, and the collection should not be enforced.

The powers of the Common Council in levying and collecting taxes are all derived from the charter and laws of the State upon that subject. The charter of the city requires the Common Council to levy and cause to be assessed and collected taxes upon all property subject to state and county taxation, but it does not in terms or by implication grant it the power to exempt any one from taxation. The constitution of the State provides that taxation shall be uniform and equal, and that *all property* shall be taxed, "excepting such only for municipal, educational, library, scientific, religious or charitable purposes as may be specifically exempted by law." The legislature has by law exempted certain property coming within the above provisions of the constitution from taxation; but the property owned by the Citizens Street Railway Company would not come within any of the provisions of the constitution, and the legislature have not and could not exempt it from state and county taxation.

Therefore I am of the opinion that the Common Council, in 1870, had no power to exempt the Citizens Street Railway Company from taxation for that or any following year, and that section 5 of the ordinance of 1870 is null and void in so far as it attempts to exempt their property from taxation for city purposes until the year 1874; and that the prayer of the petition should not be granted.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

HENRY W. TUTEWILER,

City Treasurer.

WM. HADLEY,

City Assessor.

Which was concurred in.

Also, the following report :

*Indianapolis, December 25, 1876.*

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

*Gentlemen* :—I would report that the suit of H<sup>e</sup>zekiah Smith vs. The City, for damages sustained by the high water of 1875, has been tried in the Superior Court since the last meeting of Council, and resulted in a judgment in favor of the city.

I would also report that the case of Samuel J. Smock vs. The City has been tried in the same court, and resulted in a judgment against the city for \$750. I think this case should be appealed to the Supreme Court.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in.

Also, the following report :

*Indianapolis, December 25, 1876.*

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

*Gentlemen* :—At the last meeting of the Council I was instructed to report the conditions of the contract between The City and The Sentinel Company, and what relation the present company bears to the old company. I have examined the matter, and find that the present Sentinel Company and the one that is publishing the paper and doing the work is a new and entirely independent corporation from the old company. The old company is now in the hands of a receiver, appointed by the court to collect outstanding claims and close up the business of the old company. The new company are now doing the work for the city that was provided for in the contract with the old company, and the President and managers of the company inform me that they only propose to charge for the same at the rates of the contract with the old company; and the chairman of the Committee on Printing has a written statement from them to that effect. The legal effect of this would be that the company would only be entitled to collect for the work what the contract with the old company allows for such work. I have also seen Mr. Bowles, the receiver, and he informs me that the old company claim nothing from the city under the contract. Therefore the city can only be liable to pay for her work what the contract provides she shall pay. Strictly speaking, the contract originally entered into with the old company is not now in force, as the company is in the hands of the receiver; but the new company

having assumed to do the work under it, and at the same rates, they are bound by it.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in.

Also, the following report :

*Indianapolis*, December 25, 1876.

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

*Gentlemen* :—In the case of Thomas B. Brown vs. The City, now pending in the Circuit Court, for personal injuries received by driving into a hole or excavation on South Illinois street, the case has been tried once by a jury and resulted in a disagreement of the jury, and it will have to be tried again. I can compromise the case for one hundred and fifty dollars, and I think it is for the interest of the city to do so, as the man received a pretty severe injury; and even if the city were successful in her case the costs that she would have to pay would amount to nearly as much as it will cost to settle it. I would therefore ask instructions from the Council as to what my action in the premises shall be.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was received.

Mr. Thalman moved that the City Attorney be instructed to make the compromise as recommended in his report.

Which motion was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Darnell, Izor, Kenzel, Morse, McGinty, Reed, Steinhauer, Thalman, Thomas, and Wright, Arthur L.—15.

Negative—Councilman Stratford—1.

The Chief Fire Engineer submitted the following report :

*Indianapolis*, December 25, 1876.

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

*Gentlemen* :—I would recommend your honorable body to take such action as may be necessary to have built a fire cistern on the corner of Pennsylvania



and Georgia streets. Also to replace the cistern on the corner of Kentucky avenue and Washington street. Also the immediate purchase of 1000 feet of hose; and to appoint three men for the Skinner Truck, as it has proved to be a very useful apparatus, if we had men enough to handle it.

Yours, very respectfully,

W. O. SHERWOOD,

Chief Fire Engineer.

Which was referred to the Fire Board.

His Honor, the Mayor, submitted the following report :

*Indianapolis, December 25, 1876.*

To the Common Council of the City of Indianapolis :

*Gentlemen* :—The amount of fines collected by me during the month of November, 1876, due the City Treasury, is \$89 83, which amount I have paid the City Treasurer, as will appear by his duplicate receipt filed herewith.

Respectfully submitted,

JOHN CAVEN,

Mayor.

Which was approved.

The Board of Health submitted the following report :

*Indianapolis, November 25, 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 2nd day of December, to 6 o'clock P. M., on the 9th day of December, 1876.

Under 1 year .....	7
1 to 2 years.....	2
2 to 3 " .....	2
3 to 4 " .....	2
4 to 5 " .....	1
5 to 10 " .....	1
10 to 20 " .....	4
20 to 30 " .....	3
30 to 40 " .....	4
40 to 50 " .....	0
50 to 60 " .....	1
60 to 70 " .....	1

70 to 80 years. ....	1
80 to 90. " . . . . .	0
90 to 100 " . . . . .	0
Above 100 " . . . . .	0
Unknown. . . . .	3
Total. . . . .	<u>32</u>

Respectfully submitted,

F. M. HOOK, M. D.,

President Board of Health.

J. W. MARSEE,

Secretary Board of Health, pro tem.

Which was received.

Mr. Thalman offered the following motion :

*Moved,* That the City Attorney be directed to enter suit against the parties of whom the Massachusetts avenue Engine House lot was purchased, in order to secure a mortgage claim which now appears existed against said lot when purchased by the city, and which has never been satisfied by said previous owners.

Mr. A. L. Wright offered the following motion as a substitute to Mr. Thalman's motion :

*Moved,* That the City Attorney and City Treasurer be directed to take such action as will fully protect the city from loss on account of a certain mortgage to the school fund of Marion county, Ind., now resting on the property on Massachusetts avenue, purchased from Judge A. L. Roache.

Which was adopted.

Mr. Darnell presented the following communication :

*Indianapolis,* December 25, 1876.

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

*Gentlemen* :—Your orators would respectfully represent unto your honorable body, that on the 19th day of December, 1876, they filed in the recorder's office of Marion county, Indiana, their notice of mechanics' lien for materials furnished in the erection of an Engine House on lots numbers one and two (1 and 2) in Northrupp and Houston's subdivision of lot thirty-nine (39) in

C. C. & C. C. R. R. addition to the city of Indianapolis, Ind , Marion county, for the sum of twenty-three (\$23 00) dollars, which sum is justly due them, and wholly unpaid. The bill for said materials is now on file with the City Clerk of said city, and is as follows, to-wit:

The City of Indianapolis to Scott & Mathis, Dr.

For two car-loads of rubble stone, at \$7.50.. . . . .	\$15 00
For one half-car-load " " . . . . .	3 50
For freight on one half-car . . . . .	5 50
	\$23 00

And your orators would ask and demand said Council to allow them the said sum, and order the same to be paid out of the funds of the said city.

WM. SCOTT,  
CAIN MATHIS

Subscribed and sworn to before me this 20th day of December, 1876.

JAMES K. JONES,  
Notary Public.

Which was referred to the Fire Board, and City Attorney.

Mr. Adams moved to reconsider the vote by which the report of the City Attorney, in regard to the taxation of the Citizens' Street Railway Co., was concurred in.

Which motion to reconsider was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Izor, Morse, McGinty, Reed, Steinhauer, Stratford, Therman, Thomas, and Wright, Arthur L.—14.

Negative—None.

Mr. Adams offered the following motion :

*Moved,* To refer the matter of the taxation of the Citizens Street Railway Company to the City Assessor and City Treasurer, with instructions to report to the Council the amount of taxes and penalty due the city from said company to this date, and for what years.

Mr. Thomas moved to amend by adding a clause instructing the City Attorney to report as to the power of the Council to remit taxes in cases where corporations or individuals have been relieved from taxation by ordinance or contract.

Which amendment was adopted.

The motion as amended was then adopted.

#### INTRODUCTION OF ORDINANCES.

Mr. Bugbee presented the following petition :

*Indianapolis*, December 25, 1876.

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

*Gentlemen* :—The undersigned, owners of property on the east side of that portion of the Pendleton Pike lying between Clifford and Orange avenues, would respectfully petition your honorable body to pass an ordinance for the grading and paving of the east sidewalk of said Pendleton Pike between the points herein named.

And your petitioners will ever pray, etc.

Wm. C. Smock, 195 feet; T. J. Connor, 39 feet;  
James J. Anderson, 40 feet; Hug & Johnson,  
155 feet; Anna Brooks, 40 feet; Geo. Morris,  
80 feet; Geo. Martin, 40 feet; Thos. A. Casey,  
46 feet; M. O'Connor, 130 feet.

Which was received.

Also, special ordinance No. 139, 1876, entitled :

An ordinance to provide for grading and paving with brick the east sidewalk of Pendleton Pike, between Clifford avenue and Orange street.

Which was received.

On motion the above petition and ordinance was referred to the City Attorney.

## ROLL CALL.

Mr. Adams offered the following motion :

*Moved*, That the Fire Commissioners be, and are, hereby directed to purchase 1200 feet of rope for use at fires in keeping the crowd back in order that the firemen may perform their work without being hindered or crowded, and carry the rope on the Hook and Ladder Wagon.

Which was adopted.

Also, the following motion :

*Moved*, That his honor the Mayor be requested to appoint three members of the Common Council (practical mechanics) to serve and act with the Committee on Public Buildings and City Attorney in preparing an ordinance providing for the erection of buildings within the city limits, as contemplated in the motion passed by the Council December 11, 1876.

Which was adopted.

Mr. Bugbee presented the following petition :

*Indianapolis*, December 25, 1876.

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

*Gentlemen* :—The undersigned would respectfully represent to your honorable body that the undersigned is the owner of the following described real estate, to-wit:

Block twelve, (12) lot twelve (12) in block eight, (8) lot twenty-one (21) in Block eleven (11); so much of block "D" as lies east of the I. C. & L. R. R. So much of block "I" as lies south of block "C," and so much of the south half of block "C" as lies east of said railroad—all in Caven & Rockwood's subdivision of lots "A," "B," "C," "E," and "F" of the Indianapolis & Cincinnati Railroad Company's subdivision of the east half, and the north half of the west half of the southeast quarter of section seven (7), township fifteen (15), north of range four (4) east, in Marion county, Indiana.

That the same has been entered upon the duplicate of the city for taxation, and the sum of \$—— - levied and charged against it, which has been placed upon the delinquent list for collection, and the City Treasurer is about to proceed to seize and sell the personal property of the undersigned to satisfy said tax; and the undersigned represents that she is informed and believes

that said lands are not within the corporate limits of said city, and that said tax assessment is illegal; and she prays your honorable body to have the question investigated, and if so found to be illegal, that said assessment and levy may be stricken from said tax duplicate.

And your petitioner will ever pray, etc.

BROWN'S ROTARY SHUTTLE SEWING MACHINE CO.

Which was referred to the City Attorney and City Assessor.

The Mayor presented the following petition :

*Indianapolis*, December 25, 1876.

To the Common Council of the City of Indianapolis :

*Gentlemen*.:—The undersigned would respectfully represent, that they are the owners of the following described real estate, to-wit: Blocks 1, 3, 4, 5, 6, 7, 9, 10; and lots 1 to 11, inclusive, in block 8; and lots 1 to 20, inclusive, in block 11; and blocks "A," "E," "F," "G," "I," and "K"; also, all of block "B" east of the I. C. & L. R. R., and the north half of block "B" west of said Railroad; all of block "C" west of said Railroad, and east of block "H," and the north half of block "C" east of said Railroad; all of block "H" lying between blocks "I" and "D"; the east half of block "H," lying between blocks "B" and "D"; and all of block "I" lying north of block "C."

That the heirs of Franklin H. Brown, deceased, are the owners of block 2 and the south half of block "B" and the north half of block "D," lying west of block "H," and the west half of block "H," lying between blocks "B" and "D"; and that the undersigned hold mortgages against the same for a considerable amount.

All of the above described real estate, being and lying in Caven & Rockwood's sub-division of lots "A," "B," "C," "E," and "F" of the Indianapolis, Cincinnati & Lafayette Railroad Company's sub-division of the east half, and the north half of the west half of the southeast quarter of section seven, township fifteen north, range four east, in Marion county, Indiana.

That all of the said land has been entered upon the tax duplicate of the city for taxation, and the sum of \$— has been charged against the said lands of the undersigned, and the amount of \$— against the land of the heirs of Franklin H. Brown, deceased; all of which has been placed upon the delinquent list for collection, and the City Treasurer has advertised the same for sale for the said delinquent taxes, and the undersigned represents that they are advised by counsel that said lands are not within the corporate limits of said city, and that said tax assessment against them is illegal and

void, and pray your honorable body to investigate the matter, and if found to be illegal the same may be stricken from the duplicate, and for other proper relief.

And as in duty bound will ever pray.

Respectfully submitted,

W. O. ROCKWOOD,  
JOHN CAVEN.

Which was referred to the City Attorney and City Assessor.

Mr. Bugbee presented the following petition :

*Indianapolis, December 25, 1876.*

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

*Gentlemen* :—Your petitioner would respectfully represent that there is a delinquent tax on bank stock against me for the year 1875, amounting to \$33. The undersigned petitioner would respectfully pray your honorable body to remit the penalty and interest on said delinquent tax, for the reason that I called at the office to pay my tax, and did pay all, as I thought, being under the impression that the bank paid the tax on the bank stock, being thus misled. I ask your honorable body to remit the penalty and interest—for which, in the name of justice, I will ever pray.

A. L. CLIPPINGER

Which was referred to the Committee on Accounts and Claims and City Treasurer.

Mr. Byram offered the following motion :

*Moved*, That the City Attorney be, and he is, hereby instructed to procure abstracts of title of the several pieces of real estate owned by the city, and report the same at his earliest convenience to this Council.

Which was adopted.

Also, the following remonstrance :

*Indianapolis, December 25, 1876.*

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

*Gentlemen* :—The undersigned, owners of the real estate fronting on Second

street, between Meridian and Pennsylvania streets, respectfully remonstrate against the passage of an ordinance providing for the erection of gas posts on said street.

And your petitioners will ever pray, etc.

S. A. Fletcher & Co.; N. S. Byram, James Hasson,  
James W. Hess, D. H. Wiles, John A. Holman,  
(Trustees Third Presbyterian Church) 210 feet;  
Fred. Ruschhaupt, 210 feet.

Which was referred to the Committee on Gas Light, with the ordinance.

Also, the following remonstrance :

*Indianapolis*, December 25, 1876.

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

*Gentlemen*:—The undersigned, owners of the real estate fronting on Second street, between Meridian and Pennsylvania streets, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling of said street.

And your petitioners will ever pray, etc.

S. A. Fletcher & Co.; N. S. Byram, James Hasson,  
James W. Hess, D. H. Wiles, John A. Holman,  
(Trustees Third Presbyterian Church), 210 feet;  
Fred. Ruschhaupt, 210 feet.

Which was received.

Mr. Darnell offered the following motion :

*Moved*, That the City Clerk be and is hereby ordered to advertise for proposals for furnishing the city with coal.

Which was adopted.

Mr. Thalman presented the following communication :

*Indianapolis*, December 25, 1876.

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

City of Indianapolis to Wm. Regenour, Janitor, Dr.

To extra services, 270 days at 25 cents per day..... \$67 50



In explanation of the above, I will say that I have faithfully attended to my duties, having been at my post night as well as day, and winter comes on with additional hard duties, and I respectfully ask that you grant the above.

Respectfully submitted,

WM. REGENOUR,

Janitor.

Which was referred to the Committee on Accounts and Claims.

SPECIAL ORDER.

Mr. Byram, from the Committee on Benevolence and Hospitals, submitted the following report :

*Indianapolis, December 25, 1876.*

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

*Gentlemen:*—Your Committee on Benevolence and Hospitals, to whom was referred special appropriation ordinance No. 71, introduced by Councilman Reed, have had the same under advisement, and after due consideration, respectfully report against the passage of said ordinance for the following reasons, to-wit:

First. On a careful examination of the City Charter, your committee find no power delegated to the Common Council to make donations of money for any purpose, except upon a petition signed by a majority of the resident freeholders of said city. Therefore your committee are of the opinion that the passage of said ordinance would be illegal.

Second. Your committee are of the opinion that all monies appropriated and spent by the Common Council should be so done through appropriate committee, and when appropriations are made for special or specific purposes for which there are no proper committees, it is the duty of your honorable body to appoint such committees.

Third. In the estimates made by your honorable body, as a basis of the rate of taxation for the current year, no provision was made for donations of the character contemplated in this ordinance, and the passage of the same would be the opening wedge for the passage of others of a similiar character, which, in the end, would necessitate the over-drawing of the revenue for the current year.

Fourth. The depleted state of the city treasury necessitates the husband-

ing the funds of the city, and public policy would not dictate the borrowing of money for the purpose contemplated in said ordinance.

Fifth. The law of the State delegates to, and makes it the duty of county commissioners, in connection with the township trustees, to levy and collect taxes, and expend the same, in looking after the welfare of the poor in their several precincts.

Respectfully submitted,

N. S. BYRAM,

J. W. BUGBEE,

Committee on Benevolence and Hospitals.

By consent, Mr. Kenzel, from same Committee, submitted the following minority report :

*Indianapolis*, December 25, 1876.

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

*Gentlemen* :—The undersigned, a member of the Committee on Benevolence, to whom was referred the ordinance, introduced by Mr. Reed, providing for the appropriation of \$1,000 as a donation for and in behalf of the Indianapolis Ladies Relief Society, respectfully offer this report favoring the passage of said ordinance, believing that in consequence of the hard times there are many suffering and worthy poor in our city, and also that the Ladies Relief Society is an eminently proper channel to distribute such donation.

Respectfully submitted,

GEO. KENZEL.

Dr. Stratford moved that the minority report be adopted and approved.

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

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

Affirmative—Councilmen Buehrig, Bugbee, Byram, Darnell, Izor, Morse, Steinhauer, Thalman, Thomas, and Wright, Arthur L.—10.

Negative—Councilmen Adams, Case, Kenzel, McGinty, Reed, and Stratford—6.

The majority report was then concurred in by the following vote:

Affirmative—Councilmen Buehrig, Bugbee, Byram, Darnell, Izor, Morse, Steinhauer, Thalman, Thomas, and Wright, Arthur L.—10.

Negative—Councilmen Adams, Case, Kenzel, McGill, McGinty, Reed and Stratford—7.

On motion, the Council adjourned.

*J. Learen* Mayor.

Attest:

*Benj. Wright* City Clerk.