

PROCEEDINGS
OF THE
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS. }
Wednesday, April 18th, 1876—7½ o'clock P. M. }

The Common Council met, pursuant to adjournment.

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

Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Diffley, Izor, Kenzel, Morse, McGill, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—23.

Absent—Councilmen Poudet and Thalman—2.

Mr. Reed asked that Mr. Thalman be excused on account of sickness.

Which request was granted.

Mr. Thomas, by consent, presented the following petition :

Indianapolis, April 16, 1877.

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

Gentlemen :—The undersigned, owners of the real estate fronting on Louisiana street, between Illinois and Meridian streets, respectfully petition for the passage of an ordinance providing for the tapping of the main sewer on Illinois street, by constructing a sewer by pipes laid from and connecting with our properties on Louisiana street, to the main sewer on Illinois street.

And your petitioners will ever pray, etc.,

J. D. MORRIS,
ADAM BRETZ.

Which was referred to the Committee on Sewers.

SPECIAL ORDERS.

Mr. Izor, from the Committee on Gas Light, submitted the following report :

Indianapolis, April 18, 1877.

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

Gentlemen :—Your committee, to whom was referred the matter of the petition of the Citizens' Gas Light and Coke Company, and the ordinance introduced at the last meeting of the Council upon the subject, would report that we have examined the ordinance and compared it with the original, of which it is an amendment, and find that the only substantial difference or amendment that is made is in the change in the security upon the one hundred thousand dollar bond from freehold to mortgage upon the property of the company, and the insertion of a provision for a ten thousand dollar freehold security to secure the city from damages incident to the excavation in the streets. We would, however, recommend that the ordinance be amended so as to read that the works shall be completed and the ten miles of mains laid

by the 1st day of October, 1877, instead of "eighteen months from the date of the passage of this ordinance," which is the language of both ordinances, for the reason that this is an amendment of the original ordinance, which was passed and went into force on the 1st day of May, 1876.

We would also report that we have examined the records of the office of the Secretary of State, and find that the company is duly incorporated and organized, according to the provisions of the statute, that the articles of incorporation were duly signed and acknowledged on the 28th day of April, 1876, and filed in the Office of the Secretary of State on the 1st of May, 1876.

Your committee would further report that we called at the office of the company, and the officers at once cheerfully opened, for our inspection, all of their records, books of accounts and contracts. We find that the company have two hundred and one thousand, four hundred and fifty dollars of stock taken and subscribed at this time, that the names of the Directors are as follows: Charles E. Merrifield, Joseph Flannery, J. R. Pearson, C. B. Van Camp, W. S. Barkley, who are residents of Indianapolis, and C. J. Brackebush and Charles A. Holmes, who are non-residents. The charter of the company provides that two-thirds of the Directors of the company shall be residents of the city of Indianapolis, and they have therefore complied with the charter in this respect. We also report the following as the names of the stockholders: Charles E. Merrifield, Joseph Flannery, J. R. Pearson, Samuel W. Patterson, C. B. Vancamp, W. S. Barkley, C. J. Brackebush, Chas. A. Holmes, M. S. Trash, John Martin, John McKendry, Mary A. Dickson, Mary E. Dickson, John G. Blake, H. H. Fulton, J. H. Ross, George A. Dickson, James Dickson, John McIntire, George F. Miller.

We would also report that the company have expended, as shown by their books, upon their works in the city the sum of thirty-four thousand, six hundred dollars, and in addition thereto there will be the further sum of thirty thousand dollars invested in machinery and fixtures, which we are assured by Mr. Frost, the contractor, is already manufactured and ready for shipment and to be placed in the building, which would make a total investiture of sixty-four thousand dollars, without including the cost of procuring and laying the mains. We were shown the contract between Mr. Frost and the company for building the works and machiney and laying of ten miles of mains, in which he is obligated to do the work and have it completed by the 15th of July next. Mr. Frost is a resident of the city of Philadelphia, and your committee have no means of knowing what his financial standing is, except that shown by the Commercial Reports, which report him good and as responsible for all his obligations.

Upon the invitation of the President of the company, your committee vis-

ited the works of the company, and found that they had completed substantial buildings for offices and the manufacture of gas, ready to have the generators, retorts, washers, scrubbers etc., placed in them, which Mr. Frost stated to your committee were ready to be brought here and placed in the building.

Your committee are of the opinion that the company have complied with the requirements of their charter up to this time; that, from the examination your committee have made, they are convinced that the company intend to go on and finish their works, and lay mains and supply the citizens of the city with gas according to the terms of the charter in good faith, and that if the prayer of the petition is granted, and the ordinance passed, that they will be able to do so at once, and they, therefore, recommend that the ordinance be passed.

Respectfully submitted,

ALBERT IZOR,

A. L. WRIGHT,

MARTIN MCGINTY,

Committee on Gas.

R. O. HAWKINS,
City Attorney.

Which was received.

General ordinance No. 15, 1877, entitled:

An ordinance to amend the first section of an ordinance 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 read the second time.

On motion by Mr. Ransdell, the amendment recommended by the Committee on Gas Light, viz., "that the works shall be completed and the ten miles of mains laid by the first day of October, 1877," instead of "18 months from the date of the passage of this ordinance," was adopted.

Mr. Adams stated that he had just received a message informing him of sickness in his family, and asked to be excused.

Which request was granted.

Mr. Craft moved that the ordinance be stricken from the files.

Mr. Buehrig moved the previous question.

The question being shall the main question be now put,

Those who voted in the affirmative were :

Councilmen Buehrig, Bugbee Case, Craft, Kenzel, McGill, Steinhauer, Stratford, Thomas, Webster, and Wright, William G.—11.

Those who voted in the negative were :

Councilmen Byram, Darnell, Diffley, Izor, Morse, McGinty, Ransdell, Reasener, Reed, Schmidt, and Wright, Arthur L.—11.

There being a tie vote, His Honor, the Mayor, voted in the negative.

So the main question was not ordered.

The eyes and noses were demanded on Mr. Craft's motion to strike the ordinance from the files.

Which motion failed to pass by the following vote :

Affirmative—Councilmen Buehrig, Bugbee, Craft, Kenzel, McGill, Steinhauer, Stratford, Thomas, Webster, and Wright, William G.—10.

Negative—Councilmen Byram, Case, Darnell, Diffley, Izor, Morse, McGinty, Ransdell, Reasener, Reed, Schmidt, and Wright, Arthur L.—12.

Mr. Byram moved to amend section one of the ordinance by striking out all after the words "be and the same is hereby amended to read as follows," and insert the following :

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 the streets, etc., pipes for the con-

veyance of gas in and through the said city, for the use of said city and its inhabitants; *Provided*, That Robert Dickson and his associates shall, within thirty days hereafter, organize themselves into a joint stock company under the law of the State of Indiana, with sufficient capital stock, not less than \$100,000 actually 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 hereafter, to accept the conditions set forth in this ordinance;

And provided further, That two-thirds of the directors of such company shall consist of residents of the city of Indianapolis;

And provided further, That the said company shall cause to be executed bonds 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 twenty-five thousand dollars, that they will continue to furnish the city and its inhabitants with gas, as provided for in this ordinance, for a period of at least ten years, distinctly and apart from any other gas company, and that they will not sell or consolidate with the Indianapolis Gas Light and Coke Company, and that said amount of twenty-five thousand dollars shall be considered as liquidated damages if they fail to comply with any and all provisions of this ordinance, such failure to be determined by judicial decision. *And further provided*, That in case of the violation of any of the provision of this agreement, all rights herein granted shall be, in the discretion of the City Council, declared forfeited; and that they will, within sixty days, commence the erection of 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, and shall have laid ten miles of pipe in said city by the 1st day of October, 1877, and shall, whenever persons who guarantee to said company as many as fifteen burners 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 the same; *provided*, said company shall not be required to lay more than three miles of mains in any one year, after the first ten miles are laid; *Provided further*, that nothing in this grant shall be so construed as to bind the city to use any of the gas used by said company in its street lamps, public buildings or offices.

Mr. Buehrig moved to amend the amendment by striking out the words "twenty-five thousand," and inserting in lieu thereof, "fifty thousand."

Mr. Darnell Moved to lay Mr. Buehrig's amendment upon the table.

The question being on the adoption of Mr. Darnell's motion,

Those who voted in the affirmative were :

Councilmen Byram, Darnell, Duffley, Izor, Morse, McGinty, Ransdell, Reasener, Reed, Schmidt, and Wright, Arthur L.—11.

Those who voted in the negative were :

Councilman Buehrig, Bugbee, Case, Craft, Kenzel, McGill, Steinhauer, Stratford, Thomas, Webster, and Wright, William G.—11.

There being a tie vote, His Honor, the Mayor, voted in the affirmative.

So the amendment offered by Mr. Buehrig was laid upon the table.

Mr. Craft moved that the further consideration of the ordinance and amendment be postponed until next Monday night, and that the subject be made the special order for that evening.

Mr. Schmidt moved to lay the motion on the table.

The question being on Mr. Schmidt's motion,

Those who voted in the affirmative were :

Councilmen Byram, Darnell, Duffley, Izor, Morse, McGinty, Ransdell, Reasener, Schmidt, and Wright, Arthur L.—11.

Those who voted in the negative were :

Councilmen Buehrig, Bugbee, Case, Craft, Kenzel, McGill, Steinhauer, Stratford, Thomas, Webster, and Wright, William G.—11.

There being a tie vote, His Honor, the Mayor, voted in the negative.

So the motion to lay on the table was not adopted.

The question then being on Mr. Craft's motion,

Those who voted in the affirmative were :

Councilmen Buehzig, Bugbee, Case, Craft, Kenzel, McGill, Steinhauer, Stratford, Thomas, Webster, and Wright, William G.—11.

Those who voted in the negative were :

Councilmen Byram, Darnell, Diffley, Izor, Morse, McGinty, Ransdell, Reasener, Reed, Schmidt, and Wright, Arthur L.—11.

There being a tie vote, His Honor, the Mayor, voted in the affirmative.

So Mr. Craft's motion was adopted.

The next special order, viz., the consideration of the report from the special committee on market site, and the proposition from Mrs. Jane M. Ketcham, was taken up.

Dr. Stratford moved that the report be concurred in, and that the special committee and City Attorney be authorized to close contract for the purchase of the ground ; provided, the City Attorney decides that it will be legal, etc.

Mr. Schmidt moved to lay the motion on the table.

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

Affirmative—Councilmen Bugbee, Byram, Craft, Darnell, Izor, Morse, McGill, McGinty, Ransdell, Reasener, Reed, Schmidt, Webster, and Wright, William G.—14.

Negative—Buehrig, Case, Diffley, Kenzel, Steinhauer, Stratford, Thomas, and Wright, Arthur L.—8.

Mr. Schmidt moved that the subject be referred to the Committee on Markets.

Mr. Reed moved as a substitute to refer to the Committee on Markets, the Special Committee, and City Attorney.

Which substitute was adopted.

By consent, Dr. Stratford offered the following motion :

Moved, That the City Marshal be, and he is, hereby instructed to notify the property owners upon the east side of Japan street, from East to Nebraska streets, to remove there fences where the same are standing in the said street, and if they shall fail to proceed to do so within twentyfour hours, then the said Marshal is instructed to remove the same at once.

Which was adopted.

Mr. Darnell moved that general ordinance No. 14, 1877, be made the special order for next Monday night.

Which motion was adopted by the following vote :

Affirmative—Councilmen Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Ransdell, Reed, Schmidt, Webster, and Wright, Arthur L.—12.

Negative—Councilman Buehrig, Morse, McGill, McGinty, Steinhauer, Stratford, Thomas, and Wright, William G.—8.

By consent, Mr. Byram offered the following resolution :

Resolved, That the voting places for the several wards, at the election to be held on the first day of May, 1877, be fixed at the following places, to wit :

First Ward—At corner of Columbia avenue and Home avenue.

Second Ward—At Williams' grocery, corner Home avenue and Ash street.

Third Ward—At No. 5 Engine House on Sixth street.

Fourth Ward—At No. 363 Indiana avenue.

Fifth Ward—At the Reel House on St. Joe street, between Illinois and Meridian streets.

Sixth Ward—At Bacon's block on Fort Wayne avenue, between Alabama and New Jersey streets.

Seventh Ward—At office of the Capital City Planing Mill on Massachusetts avenue.

Eighth Ward—At corner of New York and Davidson streets.

Ninth Ward—At the north side of the Court House.

Tenth Ward—At Thomas & Son's carpenter shop, No. 226 North New Jersey street.

Eleventh Ward—Headquarters Fire Department, on Massachusetts avenue.

Twelfth Ward—At No. 1 Engine House on Indiana avenue.

Thirteenth Ward—At Rozier's grocery, corner of Vermont and Blackford streets.

Fourteenth Ward—At corner of North and Blake streets.

Fifteenth Ward—At No. 77 South West street.

Sixteenth Ward—At No. 52 Kentucky avenue.

Seventeenth Ward—At No. 24 East South street.

Eighteenth Ward—At Hook and Ladder House on South street.

Nineteenth Ward—At No. 433 East Georgia street.

Twentieth Ward—At No. 3 Engine House on Virginia avenue.

Twenty-First Ward—At No. 23 Prospect street.

Twenty-Second Ward—At Rhodewald's grocery, corner of Virginia avenue and Bradshaw street.

Twenty-Third Ward—At Shilling's chair factory, on McCarty street, between Delaware and Alabama streets.

Twenty-Fourth Ward—At Henry Paul's shoe store, at 17 East McCarty street.

Twenty-Fifth Ward—At corner of Wilkin and Maple streets.

And that the City Marshal be, and is hereby, instructed to give the proper election notices.

Which was adopted by the following vote :

Affirmative—Councilmen Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, Ransdell, Reed, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—28.

Negative—None.

Also, the following resolution :

Resolved, That the following named inspectors and judges be appointed for the city election, to be held on Tuesday, the first day of May, 1877 :

The following election boards were next appointed by resolution, as follows :

First Ward—Inspector, F. M. Hook ; judges, Henry Wilson and James F. Carter.

Second Ward—Inspector, Aug. Bruner ; judges, W. Y. Byrkit and W. W. Noland.

Third Ward—Inspector, Calvin F. Rooker ; judges, John A. Bruner and J. O. D. Lilly.

Fourth Ward—Inspector, Geo. King ; judges, Wm. Porter and Edward Timlinson.

Fifth Ward—Inspector, Dan. M. Ransdell ; judges, Geo. W. New and Wood G. Tousey.

Sixth Ward—Inspector, Ed. M. Wilmington ; judges, Dr. B. Ward and Wm. H. Meyers.

Seventh Ward—Inspector, Thos. D. Amos ; judges, Henry Sellers and Francis M. Trissall.

Eighth Ward—Inspector, Chris. Zimmerman ; judges, Henry C. Buddenbaum and Martin H. Rice.

Ninth Ward—Inspector, John Coburn ; judges, George Anderson and James G. Payne.

Tenth Ward—Inspector, Leon Kahn ; judges, Thos. W. Brouse and James W. King.

Eleventh Ward—Inspector, Andrew Wallace ; judges, Dr. H. G. Carey and John W. Dodd.

Twelfth Ward—Inspector, D. W. Grubbs ; judges, Henry Knippenberg and James B. Ryan.

Thirteenth Ward—Inspector, Henry C. Cox ; judges, Jas. A. Isgrigg and Wm. I. Ripley.

Fourteenth Ward—Inspector, Moses Broyles ; judges, John T. Redmond and Daniel Burton.

Fifteenth Ward—Inspector, Fred Lang ; judges, Austin H. Prather and W. C. Moriarity.

Sixteenth Ward—Inspector, Adam Scott, judges, Elijah Hedges and James Renihan.

Seventeenth Ward—Inspector, Benjamin F. Hetherington ; judges, H. W. Bulbe and A. Naltner.

Eighteenth Ward—Inspector, Chas. H. Glazier; judges, Thad. M. Stevens and Sol. Devinish.

Nineteenth Ward—Inspector, Hiram Seibert; judges, G. C. Krug and William Reasner.

Twentieth Ward—Inspector, Joseph L. Fisher; judges, George W. Hill and Foster Whitford.

Twenty-first Ward—Inspector, John B. Elam; judges, J. W. Scott and John Schley.

Twenty-second Ward—Inspector, J. W. Meyer; judges, B. W. Hartley and W. F. A. Bernhamer.

Twenty-third Ward—Inspector, Henry Sponsel; judges, Richard Colter and Herod Schmidt.

Twenty-fourth Ward—Inspector, W. G. Wasson; judges, W. H. Morris and James Johnson.

Twenty-fifth Ward—Inspector, James Hamilton; judges, Amos Funk and Michael Dougherty.

Which was adopted by the following vote :

Affirmative—Councilmen Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, Ransdell, Reed, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—18.

Negative—None.

Also, the following motion :

Moved, That the City Attorney be directed to procure certified copies of the Funding and Aldermanic Bills, passed by the last legislature, and have the same printed under the direction of the Committee on Printing.

Which was adopted.

Dr. Stratford moved that the subject of making purchase of ground for market purposes, as recommended in the report of the special committee, be made the special order for next Monday night.

Mr. Darnell moved to lay the motion on the table.

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

Affirmative—Councilmen Bugbee, Byram, Case, Darnell, Izor, Morse, Ransdell, Reed, Webster, and Wright, William G.—10.

Negative—Councilmen Craft, Kenzel, McGill, Steinhauer, Stratford, Thomas, and Wright, Arthur L.—8.

On motion, the Council adjourned.

S. D. Owen Mayor.

Attest :

Beijing Wright City Clerk.