

# PROCEEDINGS OF COMMON COUNCIL.

SPECIAL SESSION—APRIL 4, 1884.

The Common Council of the City of Indianapolis, met in the Council Chamber, Friday evening, April 4th, A. D. 1884, at half-past seven o'clock, in special session, pursuant to the following call:

To the Honorable, the Mayor of the City of Indianapolis:

We, the undersigned, members of the Common Council, respectfully request you to call a special meeting of the Council on Friday evening, April 4th, 1884, for the purpose of transacting any business that may properly come before the meeting.

Jas. T. Dowling,	Sim. Coy,
Geo. W. Spahr,	F. E. Benjamin,
Jno. T. Downey.	

To the Members of the Common Council:

*Gentlemen:*—As per foregoing request, you are respectfully called to meet in special session in the Council Chamber, Friday evening, April 4th, 1884, at half-past seven o'clock, for the purpose of transacting such business as may properly come before the meeting.

Yours respectfully,

JOHN L. McMASTER, Mayor.

PRESENT—Hon. John L. McMaster, Mayor, and *ex officio* President of the Common Council, in the Chair, and 23 members, viz: Councilmen Benjamin, Coy, Curry, Dowling, Downey, Doyle, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Rees, Reinecke, Reynolds, Sheppard, Smither, Spahr, Thaman, Trusler, Wharton, and Wolf.

ABSENT, 2—viz. Councilmen Cowie, and Moran.

The Proceedings of the Common Council for the regular session, held March 17th, 1884, having been printed and placed on the desks of the Councilmen, said Journals were approved as published.

Councilman Newcomb presented the following articles of agreement, with the bond, accompanied with the following preamble and resolution:

ARTICLES OF AGREEMENT, Made this fourth day of April, Anno Domini One Thousand Eight Hundred and Eighty-four (1884), by and between the City of Indianapolis, of the first part, and Peter Routier, of said city, of the second part, as follows, viz: The said party of the second part, for and in consideration of the covenants and agreements hereafter mentioned, doth for himself, his executors, administrators and assigns, covenant, promise and agree to and with said party of the first part, that he, the said Peter Routier, party of the second part, shall and will, within eight months from the date hereof, to-wit: on or before the 4th day of December, one thousand eight hundred and eighty-four (1884), in good and workman-like manner, well and substantially erect, build, set up, and otherwise fully

complete, the west wing of the City Hospital building, first removing the old building on new foundation, tearing down the old buildings, and remodeling and repairing the old brick building, all as fully set forth in the plans and specifications of Charles G. Mueller, Architect, (which plans and specifications are in the hands of said Mueller, and are hereby made a part of this contract), and deliver to the said city, or her agents, party of the first part, free from and discharged of all claims, liens, and charges whatsoever, or cause to be erected, built, set up, finished and delivered as above mentioned, on a lot or piece of ground situated in the City of Indianapolis, according to said plans and specifications, made, drawn and finished by Charles G. Mueller; and the said party of the second part further agrees for himself, his executors, administrators and assigns, to furnish at his own proper cost and charge, all the materials which may be requisite for the construction of the aforesaid west wing of said City Hospital building, according to the plans and specifications aforesaid; and to ensure on their part the performance of this part of these presents, it is further agreed that Charles G. Mueller be, and he is hereby, appointed Superintendent, who shall have power to inspect and accept or reject any work done or materials used in or about the construction of the aforesaid house, and whose decision shall be final and conclusive, without question or appeal as between the parties hereto.

And the said City of Indianapolis, the party of the first part as aforesaid, in consideration of the above premises, doth covenant, promise and agree, well and truly to pay, or cause to be paid, unto the said party of the second part, his executors, administrators or assigns, the sum of twenty-five thousand dollars (\$25,000), good and lawful money of the United States, in payments as the work progresses, on estimates to be furnished from time to time by said Charles G. Mueller, about fifteen per cent of the estimates being held back and reserved by said city until the final completion and acceptance of the work, which is hereby agreed to by said party of the second part.

And it is further agreed between the aforesaid parties, that all alterations of the plans or specifications, by which the cost may be either increased or diminished, shall be endorsed on these articles, and signed by the parties, the Hospital Board acting for said city, before they shall be deemed binding on either party. And for the performance of all and every one of the articles and agreements above mentioned, the said Peter Routier, party of the second part, doth hereby bind himself, his executors, administrators and assigns, in the penal sum of twenty-five thousand dollars, lawful money as aforesaid, firmly by these presents.

*In Witness Whereof*, The said parties have hereunto set their hands and seals, the day and year aforesaid.

PETER ROUTIER, [Seal.]

For the faithful performance of all and singular the covenants, agreements and promises contained in the above articles, on the part of Peter Routier, party of the second part aforesaid, we do severally and jointly hereby bind ourselves, our executors, administrators and assigns, to the aforesaid City of Indianapolis.

Witness our hands and seals, the day and year aforesaid.

PETER ROUTIER, [Seal.]

G. ITTENBACH, [Seal.]

JOHN MARTIN, [Seal.]

WHEREAS, Peter Routier has presented to the Common Council and Board of Aldermen a certain contract for the building of the west wing of the City Hospital building, according to plans and specifications therein referred to, signed by himself, and also a bond accompanying and attached to the same, in the penalty of twenty-five thousand dollars, for the faithful performance of said contract, signed by himself as principal, and G. Ittenbach and John Martin, as sureties; and *whereas*, the members of said Council and Board of Aldermen deem the same sufficient; therefore,

*Resolved*, That said contract and bond be, and the same are hereby, accepted and approved; and the Mayor is hereby authorized and directed to execute said contract on behalf of the City of Indianapolis, and file the same with the City Clerk.

Councilman Dowling moved to postpone action on the above matter until the next meeting.

Councilman Spahr moved the *previous question*.

The Chair then put the question, "*Shall the main question be now put?*"

Which failed of being admitted, by the following vote:

AYES, 10—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Doyle, Rees, Reinecke, Spahr, and Wolf.

NAYS, 13—viz. Councilmen Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Thalman, Trusler, and Wharton.

Councilman Sheppard moved to lay Councilman Dowling's motion on the table; which was adopted, by the following vote:

AYES, 12—viz. Councilmen Doyle, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Sheppard, Smither, Thalman, and Wharton.

NAYS, 11—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Rees, Reinecke, Reynolds, Spahr, Trusler, and Wolf.

On motion by Councilman Pearson, the foregoing resolution was adopted by the following vote:

AYES, 12—viz. Councilmen Doyle, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Sheppard, Smither, Thalman, and Wharton.

NAYS, 11—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Rees, Reinecke, Reynolds, Spahr, Trusler, and Wolf.

Councilman Rees offered the following motion:

That the action of the City Council at its last meeting, approving the letting of the contract for the building of the addition to the City Hospital, be reconsidered.

Which was laid on the table, on motion by Councilman Thalman, by the following vote:

AYES, 12—viz. Councilmen Doyle, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Sheppard, Smither, Thalman, and Wharton.

NAYS, 10—viz. Councilmen Benjamin, Coy, Curry, Downey, Rees, Reinecke, Reynolds, Spahr, Trusler, and Wolf.

Councilman Thalman moved to reconsider the action by which the foregoing resolution, approving the articles of agreement and bond of Peter Routier, was adopted.

Councilman Pearson moved to lay the above motion on the table.

Councilman Spahr moved that the Common Council do now adjourn.

Which failed of adoption, by the following vote:

**AYES, 10**—viz. Councilmen Benjamin, Coy, Curry, Dowling, Downey, Haugh, Rees, Reynolds, Spahr, and Wolf.

**NAYS, 13**—viz. Councilmen Doyle, Edenharter, Gallahue, Mack, McClelland, Newcomb, Pearsor Reinecke, Sheppard, Smither, Thalman, Trusler, and Wharton.

Councilman Pearson's motion was then adopted, by the following vote :

**AYES, 14**—viz. Councilmen Coy, Curry, Edenharter, Gallahue, Haugh, Mack, McClelland, Newcomb, Pearson, Reynolds, Sheppard, Smither, Thalman, and Wharton.

**NAYS, 9**—viz. Councilmen Benjamin, Dowling, Downey, Doyle, Rees, Reinecke, Spahr, Trusler, and Wolf.

On motion, the Common Council then adjourned.

JOHN L. McMASTER, Mayor,  
President of the Common Council.

Attest: GEO. T. BREUNIG, City Clerk.