

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, MARCH 12TH, 1866, 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 at first roll-call:

Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Seidensticker, Staub and Thompson—14.

Absent—Councilmen Fletcher, Jameson, Lefever and Schmidt—4.

The proceedings of the regular session, held March 5th, 1866, were read and approved.

By Mr. Loomis—Petition:

INDIANAPOLIS, March 6, 1865.

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

GENTLEMEN:—The undersigned, property holders, along the line of Pratt street, between Pennsylvania and Delaware streets, respectfully petition your honorable body to pass an ordinance to grade and gravel the entire width of said street between the points above named, and as in duty bound your petitioners will ever pray.

John B. Sullivan,
——— Wright,
John Fish,
Josiah Lock,

John S. Spann,
Christ, Raphael,
Mrs. Lindley.

Which, on motion, was laid upon the table until the regular order of business should be called for the introduction of ordinances.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, March 12, 1866.

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

The undersigned, property holders and residents along the line of North street, between Noble and Winston streets and the neighborhood, respectfully represent that said street is now blocked up and made impassable by the high bank of the Peru Railroad tract, and also by the lumber and log-yard on the east side of said track; that said street is necessary for the passage of those living north and east of Noble and North streets; that in case of fire engines trying to get to that part of the city have to take the circuitous round of Massachusetts Avenue, and that the public generally is greatly inconvenienced by the blocking up of said street; wherefore we respectfully petition that the ordinance now pending for the grading and graveling of said street may be speedily passed.

John B. Pasquier,
Christ. Off & Bro.,
Henry Wiebke,

Frederick Ossenforth,
August Hild,
And 20 others.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, March 12, 1866.

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

Your undersigned petitioners, residing on the line of Spring street, between Michigan street and the northern terminus of said street, respectfully ask that the improvement of said street, between the above named limits, be deferred for this season, for the reason that the expenses of said improvement would, at this time, bear very heavily upon us.

C. Schwomeier,
T. M. Freitag,
Mary Schreck,

Gottfreid Oswald,
Gottlieb Grieb,
And 10 others.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Allen—Petition :

INDIANAPOLIS, March 12, 1866.

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

GENTLEMEN:—The undersigned would respectfully represent that they are the owners of a majority of the property fronting on East street, between Merrill and McCarty streets, and beg leave to call your attention to the fact that in our opinion the city grade, as now established, at the crossing of East and McCarty streets, is at least eighteen inches too high to afford the necessary drainage for the lots in the vicinity. Therefore, we respectfully petition your honorable body to establish such a grade on the aforesaid East street as the Civil Engineer, in connection with the Committee on Streets, may deem proper to report.

A. G. Stevens,
Samuel P. Daniels,
Louis Daniels.

Which, on motion, was referred to the Committee on Streets and Alleys, and the Civil Engineer.

By Mr. Grosvenor—Petition :

INDIANAPOLIS, March 12, 1866.

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

The undersigned having made certain improvements adjacent to his property on the corner of South and Missouri streets, in pursuance of authority granted heretofore, would respectfully ask for authority to complete such improvements as required by the City Council, under the directions of the Civil Engineer; and to be relieved from any assessments on that account, said improvements to be made at my own expense.

WM. W. SMITH.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Grosvenor—Petition :

INDIANAPOLIS, March 12, 1866.

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

GENTLEMEN:—Your petitioner would represent that his lot, No. 18, in square 121, is assessed \$18, taxes for the year 1865, while for the year 1864 the taxes were but \$3.75. The improvement on the lot now has been put on since January, 1865. Your petitioner would respectfully request that a proper assessment be made of the taxes for 1865.

And your petitioner will ever pray, &c.

JOHN LAUER.

Which, on motion, was referred to the Finance Committee.

By Dr. Thompson—Petition :

INDIANAPOLIS, March 12 1866.

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

Your petitioners would most respectfully represent to your honorable body the habit of Expressmen standing their wagons on Meridian street, south of Washington street, greatly interferes with business being done on that street, and would ask your honorable body to require them to stand around the Circle, or some other unemployeed street or sidewalk. And your petitioners will ever pray.

E. W. Pattison,

J. C. New,

T. Irons,

H. C. Watts.

Prather & Rader,

And 4 others.

Mr. Colley moved to lay the petition upon the table.

Councilmen Thompson called for the ayes and noes.

Those who voted in the affirmative were Councilmen Allen, Boaz, Coburn, Colley, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker Staub and Thompson—12.

Those who voted in the negative were Councilmen Brown, Emerson and Thompson—3.

So the petition was laid upon the table.

By Mr. Brown—Petition :

INDIANAPOLIS, March 12, 1866.

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

We, the undersigned residents and property owners in the vicinity of the pond known as "Lake McCarty," would respectfully but earnestly petition your honorable body to adopt some measures for our immediate relief. Either that said pond may be filled up or so provided for that it may be constantly drained of its waters. By its present condition our cellars are flooded, our sidewalks washed away, and our property greatly depreciated in value. We need hardly remind your honorable body that the health of ourselves and our families must be seriously impaired by its poisonous vapors as the warmer weather approaches.

W. McPheeters,
Charles Stiegmann,
Franz Ittenbach,

Henry Hartman,
John Johnson,
And 222 others.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Coburn—Petition :

INDIANAPOLIS, February 11, 1866.

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

GENTLEMEN:—We, the undersigned, respectfully represent that Mr. Francis Bergmann has erected buildings and machinery for the purpose of manufacturing soap and candles; also, steaming out bones and soap grease carried from butcher shops and slaughter houses daily; having invested a large amount of money, and employed a number of workmen, an addition to the manufacturing interest and importance of our city. That said Francis Bergmann, as your petitioners believe, will so manage and conduct said business in such a manner as to prevent its becoming an annoyance and a nuisance; and that to prevent his carrying into effect this enterprise would be prejudicial to the health and interests of the city, and unjust to Francis Bergmann. Your petitioners therefore pray your honorable body to take no measures that will prevent the success of the undertaking of Francis Bergmann, but that he should receive such encouragement from you as you may deem just and proper.

Conrad Gardner,
H. Buscher,
Philip Heitkam,

Thomas David,
Herman Altman,
And 177 others.

Which, on motion, was referred to the select committee on subject of soap and bristle factory.

By Mr. MacArthur—Petition :

INDIANAPOLIS, March 12, 1866.

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

The undersigned citizens of Indianapolis, living in the immediate vicinity and on North street, between Blackford and Minerva streets, in said city, would respectfully petition your honorable body to pass an ordinance for grading and graveling with pit gravel the aforesaid North street from said Blackford street to Minerva street, the street in the present condition being almost impassable, and it being for the benefit and health of all living there or passing that way. They would also, at the same time, ask that the grad-

ing and graveling of the sidewalks be included in the ordinance. And your petitioners will ever pray, &c.

D. H. Lintner,	William Bell,
Wm. N. Keesee,	Wm. Johnson,
Adrian Derby,	And 8 others.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Brown—Petition :

INDIANAPOLIS, March 12, 1866.

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

We, the undersigned, citizens of the Sixth Ward of this city, would call your honorable Board's attention to a mud hole on Delaware street, between Maryland and Georgia streets, which is filled with filth, and water, and other substantial, so that every well in the neighborhood is in such a condition that the water is not fit to drink.

We therefore request that said mud hole, and several others adjoining, be filled up immediately, on account of the general health of our families.

The children visiting the school, close by said mud hole, are obliged to drink water, and in consequence thereof a good many of them are sick, and therefore prevented from visiting the school.

Rev. Simon Siegrist,	George Schmitt,
Nicholas Blaas,	Adolph Schmitt,
Sister Cecilia,	And 6 others.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Kappes—Petition :

INDIANAPOLIS, March 12, 1866.

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

The undersigned petitions your honorable body for the privilege of leasing for the term of five or ten years a piece of ground on Massachusetts Avenue, on the south side of the Marion Engine House, 32 feet front by 27 feet deep, for which he agrees to pay twenty-five dollars (\$25.00) per year.

D. B. McDONOUGH.

Which, on motion, was referred to the Committee on Fire Department.

By Dr. Thompson—Petition :

INDIANAPOLIS, March 12, 1866.

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

GENTLEMEN:—We would respectfully ask you to strike off the taxes now assessed against the Indiana Female College, as it is not subject to taxation.

WM. HANNAMAN, President,
J. W. HOLLAND, Secretary.
J. S. DUNLOP, Treasurer.

Which, on motion, was referred to the Committee on Finance.

By Mr. Schmidt—Petition:

INDIANAPOLIS, March 5, 1866.

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

The undersigned respectfully request your honorable body to order the refunding of city taxes paid by the undersigned Trustees of the Union Evangelical Church of this city for their lot, part of lots 7, 8, 9, in square No 35, as described in the Recorder's Book N, pages 287 and 288, which property is used for church and school purposes.

VICTOR PLOGSTERH,
HENRY HELM.

Which, on motion, was referred to the Committee on Finance.

By Mr. Grosvenor—Communication:

INDIANAPOLIS, March 11, 1866.

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

GENTLEMEN:—I hereby respectfully tender you my resignation as Councilman from the 5th Ward, and respectfully request its acceptance.

Very respectfully,

SAMUEL LEFEVER.

On motion of Mr. Grosvenor, the resignation of Councilmen Lefever was accepted.

Mr. MacArthur offered the following motion:

That the Railroad Ordinance, passed on last meeting of the Council, be so amended as to add one more flagman, to be stationed at the crossing of Indiana Avenue and Lafayette Railroad.

Which was referred to the Special Committee on Railroad Ordinance.

Mr. Loomis moved—

That the Street Commissioner be directed to clean out the gutters on East street, between South and McCarty streets.

Which motion was adopted.

Mr. Glazier moved—

That the Street Commissioner be, and is hereby instructed to notify the Union and Central Railway Companies to repair the culvert under their track, at the crossing of their tracks with Virginia Avenue.

Which motion was adopted.

Mr. Brown moved—

That the Street Commissioner be instructed to notify the proprietors of Schnell's and Maguire's Blocks, on Meridian street, that they will be required at once to fill up the holes in the bouldered street, made by their builders for derricks.

Also, that he notify Louis Kolb, on South street, between Meridian and Illinois streets, to gravel the sidewalk in front of his property.

Also, that he notify Margaret Weakly to remove the earth from the sidewalk in front of her property on South Meridian street.

Which motion was adopted.

By Mr. Kappes :

INDIANAPOLIS, March 5, 1866.

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

This certifies that, with the concurrence of Common Council of the City of Indianapolis, I appoint Asa M. Strong Deputy City Assessor, to supply the place of Samuel Strong, resigned.

WM. HADLEY, *City Assessor*

Resolved, That the Council concur in the appointment of Asa M. Strong Deputy City Assessor, to fill the vacancy of Samuel P. Strong, resigned.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Coburn, Colley, Emerson, Glazier, Kappes, MacArthur, Schmidt, Seidensticker, Staub and Thompson—12.

Those who voted in the negative were Councilmen Brown, Grosvenor and Loomis—3.

So the resolution passed.

Mr. Seidensticker introduced special ordinance No. 18—1866, entitled :

AN ORDINANCE to provide for grading and graveling Massachusetts Avenue and sidewalks from New Jersey street to the Corporation line, east,

Which, on motion, was read the first time by its title, and also read the second time.

Mr. Loomis introduced special ordinance No. 19—1866, entitled :

AN ORDINANCE to provide for grading and graveling Pratt street and sidewalks, between Pennsylvania and Delaware streets,

Which, on motion, was read the first time by its title, and, also, read the second time.

Mr. Kappes introduced special ordinance No. 20—1866, entitled :

AN ORDINANCE to provide for furnishing and erecting lamp-posts, lamps and fixtures on North street, between Delaware and Alabama streets,

Which, on motion, was read the first time by its title, and also read the second time.

Mr. MacArthur introduced special ordinance No. 21—1866, entitled:

AN ORDINANCE to provide for painting the names of the several streets of the City of Indianapolis, on the gas lamps situated on the different corners of said streets,

Which, on motion, was read the first time by its title, and, on motion, was read the second time and referred to the Board of Public Improvements.

Mr. Emerson introduced special ordinance No. 22—1866, entitled:

AN ORDINANCE to provide for grading and paving the sidewalk on the west side of Mississippi street, between Washington street and Indiana Avenue,

Which, on motion, was read the first time by its title, and was also read the second time.

Mr. Emerson introduced special ordinance No. 23—1866, entitled:

AN ORDINANCE to provide for grading and graveling Blake street and sidewalks, between the National Road and the north side of New York street,

Which, on motion, was read the first time by its title, and, also read the second time.

Mr. Coburn introduced special ordinance No. 24—1866, entitled:

AN ORDINANCE to provide for the curbing with Flat Rock, or North Vernon stone, the west and south sidewalks on the East Market Square, and paving the gutters with boulder stone,

Which, on motion, was read the first time by its title, and, on motion, was read the second time and referred to the Board of Public Improvements.

Mr. Seidensticker moved to suspend the regular order of business, and that officers' reports be taken up.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Colley, Emerson, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

Councilman Coburn voting in the negative—1.

So the order of business was suspended.

From the Civil Engineer—Report :

INDIANAPOLIS, March 12, 1866.

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

The Civil Engineer would respectfully report that Messrs. Coulter & White, the contractors for furnishing and erecting lamp posts, lamps and fixtures, on South street, between Delaware and New Jersey streets, have completed the same according to contract, and a final estimate for the same is herewith submitted for your approval.

Also, the contract and bond of Frederick Schulmeyer, for doing the work of City Lamp Lighter, from the 4th day of March, 1866, to the 4th day of September, 1866, inclusive, is also respectfully submitted for your approval.

JAMES WOOD, *Civil Engineer.*

Resolved, That the first and final estimate allowed Messrs. Coulter & White for furnishing and erecting lamp posts, lamps and fixtures, on South street, between Delaware and New Jersey streets, be, and the same is hereby accepted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15. Noes, none.

So the resolution passed.

On motion, the contract and bond of Frederick Schulmeyer, for lighting and extinguishing the street lamps were accepted and approved.

On motion, the regular order of business was resumed.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, March 7, 1866. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that they find O'Conner & Dorsey to be the lowest bidders on the grading and graveling of Washington street, between Pogue's Run and the Corporation line, east; grading 40 cents, graveling \$1.65 cents.

Also, James Stewart is the lowest bidder on Mississippi street from North street to the Corporation line, north; grading 60 cents, graveling \$1.59 cents.

HENRY COBURN, }
AD. SEIDENSTICKER, } *Board.*
W. CLINTON THOMPSON, }

Which, on motion, was concurred in, and the contracts awarded.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, March 12, 1866. }

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

GENTLEMEN:—The Board of Public Improvements would respectfully report to your honorable body that the appropriation last made for the Street Com-

missioner has been expended. We have examined his report, and find the vouchers for the same to be correct, and have filed them with the Clerk. We herewith submit an ordinance making a further appropriation, to enable him to continue work. For the works done by him we would respectfully refer the Council to his report, herewith submitted.

HENRY COBURN,	} Board.
AD. SEIDENSTICKER,	
W. CLINTON THOMPSON.	

Which, on motion, was received.

Also accompanying report :

INDIANAPOLIS, March 12, 1866.

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

Since my last report I have done the following work :

1. I hauled 202 yards of earth to fill up the Arch street gravel pit, which completes the job.
2. I filled the big mud hole on Pratt street near Meridian street.
3. I repaired and finished the culvert on Vermont and West street.
4. I put down six foot bridges on Market and West streets.
5. I put down two foot bridges on California and Vermont streets.
6. I put down three foot bridges on California and Washington streets.
7. Also, on foot bridge on West and Michigan street.
8. Also, two foot bridges on New York and California streets.
9. Also, two foot bridges on Indiana Avenue and James street.
10. I repaired the bridge on Indiana Avenue across the Canal.
11. I put down two foot bridges on Bates and Benton streets.
12. I put down three foot bridges on Bates and Cady streets.
13. Also, eight foot bridges on Georgia and Cady streets.
14. Also, two foot bridges on Cady and Meek streets.
15. I hauled 182 cubic yards of cinders on Cady street, between Washington and Bates streets.
16. I filled the holes on Benton street, between Washington and Bates streets.
17. I filled the crossing on Meridian and New York streets with cinders.
18. I filled the crossing on School and South streets with cinders.
19. I filled the crossing on Cedar and Huron streets with cinders.
20. I hauled 302 yards of gravel on Indiana Avenue, between the Canal and Douglass street.
21. I put down one foot bridge on Georgia and Mississippi streets.
22. I put down two foot bridges near 8th Ward School House, and made gravel crossing.
23. I made gravel crossings on Virginia Avenue at the intersection of McCarty and Cedar streets.
24. I put down eight foot bridges on Bluff Road and McCarty street.
25. I put down two foot bridges on McCarty and Delaware streets.
26. I moved the two trestles from the Canal and St. Clair street to Pougue's Run and Ohio street.
27. I put down four bridges at the intersection of Massachusetts Avenue and Michigan street.
28. I put two foot bridges on Michigan and Alabama streets.
29. I put one foot bridge on New York and Alabama streets.
30. I took up and relaid thirty yards of pavement on Meridian and North streets.
31. I floored the bridge on New York street across the Canal.
32. I floored the bridge on Ohio street across the Canal.
33. I built a culvert across Meridian street north of North street.
34. I cleaned Pennsylvania street between Washington and Market sts.

35. I cleaned Merian street between Ohio and Circle streets.
36. I cut and packed the wood for all the city offices.
37. I rebuilt the bridge on Illinois street across Pogue's Run 40 by 100 ft.
38. I rebuilt the culvert across Michigan Road, 112 feet in length.

Yours,

AUGUST RICHTER, *Street Commissioner.*

Which, on motion, was accepted and approved.

Also the following ordinance :

AN ORDINANCE appropriating money for the repairing and cleaning of streets and gutters, the rebuilding and repairing of bridges, and constructing culverts, and footbridges.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the sum of four thousand dollars be appropriated for the use of the Street Commissioner, to be expended by said officer, under the direction of the Board of Public Improvements, in the repairing and cleaning of streets and gutters, and repairing bridges and culverts, and to be accounted for by him in the same manner as other moneys heretofore appropriated.

SEC. 2. This ordinance to be in force from and after its passage.

Ordained and established this 12th day of March, 1866.

JOHN CAVEN, *Mayor.*

Attest:

C. S. BUTTERFIELD, *City Clerk.*

Which was read the first and second times.

Mr. Coburn moved that the rules be suspended and the ordinance read the third time, and placed upon its passage.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier; Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15. Noes, none.

So the rules were suspended and the ordinance read the third time, and placed upon its passage.

The question being on the passage of the ordinance those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15. Noes, none.

So the ordinance passed.

Mr. Coburn, from Board of Public Improvements also, reported special ordinance No. 25—1866, entitled :

AN ORDINANCE to provide for the grading and paving of the east and west sidewalks on Tennessee street, between Market and Washington streets,

Which, on motion, was read the first time by its title, and also read the second time,

By Mr. Coburn, from Committee on Accounts and Clames :

INDIANAPOLIS, March 12, 1866.

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

The Committee on Accounts and Claims, to whom was referred the report of the Civil Engineer, recommending that James Stewart be allowed one hundred dollars (\$100.00) for work done in grading Walnut street, would report that Mr. Stewart be allowed the above amount, for the reason that it is no fault of his that the work was not finished, one square included in the contract between Pennsylvania and Meridian streets being owned by the State and Trustees of the Blind Asylum.

HENRY COBURN, }
J. H. KAPPES, } *Committee.*

Which, on motion, was concurred in.

By Mr. Coburn, from Committee on Accounts and Claims :

AN ORDINANCE appropriating money to Jacob Rubush and Samuel Hanway.

SECTION. 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the sum of one hundred and twenty four dollars (\$124) be appropriated out of any money in the Treasury not otherwise appropriated, to Jacob Rubush and Samuel Hanway, for lumber furnished the Street Commissioner,

SEC. 2. The City Clerk is hereby authorised to draw warrants on the Treasurer, for the amount set forth in section one, and the Treasurer is instructed to cash said warrant.

SEC. 3. This ordinance to be in force from and after its passage.

Ordained and established this 12th day of March, 1866.

JOHN CAVEN, Mayor.

Attest:

C. S. BUTTERFIELD, City Clerk.

Which was read the first time, and, on motion, was read the second time.

Mr. Coburn then moved that the rules be suspended and the ordinance read the third time and placed upon its passage.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15. Noes, none.

So the rules were suspended and the ordinance read the third time and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15. Noes, none.

So the ordinance passed.

Mr. Emerson, from Committee on Bridges, reported, verbally, that if the Council would change the height of the bridge over the Canal at the crossing of St. Clair street, the Canal Company would withdraw their injunction suit.

No action was had on the subject.

His Honor, the Mayor, John Caven, from the Select Committee on Gas, submitted the following report, to-wit :

INDIANAPOLIS, March 12, 1866.

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

GENTLEMEN:—The undersigned, members of the Special Gas Committee, to whom was referred the proposition of R. B. Catherwood, Esq., to supply the city with gas, have had the same under consideration, and would report that they regard the same as acceptable with the following, viz:

1. That the city shall have the right to purchase the works at any time after ten years, at a price fixed by appraisers, mutually chosen.
2. That said company, instead of the city, shall proceed at once to test at law the validity of the pretended claim of the Indianapolis Gas Light and Coke Company to exclusive privileges for five years.
3. That should said companies in any way conclude to delay testing said question, this charter shall be forfeited, and the Council may at any time require the President and Directors to answer under oath in reference thereto, and a failure so to answer within ten days shall work a forfeiture.

Mr. Catherwood has formed a company, styled the Citizens' Gas Light and Coke Company, and the foregoing changes will be accepted by said company.

We herewith present an ordinance granting the privilege to said Citizens' Gas Light and Coke Company, similar to that passed a short time ago, altered so as to adopt it to the proposal of Mr. Catherwood, with the differences alone specified, and respectfully recommend its passage.

J. CAVEN,
J. HENRY KAPPES, } *Committee.*

Which, on motion, was received.

Also, general ordinance No. 41, as follows :

AN ORDINANCE investing the Citizens' Gas Light and Coke Company with the privilege of furnishing gas to the city and citizens of Indianapolis, upon certain conditions therein named.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the Citizens' Gas Light and Coke Company be, and they are hereby invested with the exclusive privilege for the term of twenty (20) years from the — day of — 186—, of using the streets, lanes, alleys and public grounds of said city, as it is now laid out, or may hereafter be laid out or enlarged, 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 the said Company, by its Board of Directors, on their records, to be certified to the Mayor of the city shall agree, and bind itself within to accept the conditions set forth in this ordinance.

SEC. 2. That all of the surplus net income of the Company resulting from its operations after defraying all necessary current expenses, including the cost of keeping the property in as good condition from ordinary wear, tear, and damage, and after retaining for the stockholders of the Company, for annual dividends, fifteen per cent. on the value of the capital stock of \$300,000, the one-half of all profits realized over fifteen per cent. shall be paid to the city annually. *Provided,* That for the purpose of fixing the amount of the capital stock of said Company,

their works shall be appraised every fifth year after the passage of this ordinance, at a time fixed by the Common Council, in the manner hereinafter directed, in case of the purchase of said works by the city, and the amount of such appraisal shall be taken, and held to be the amount of capital stock entitled to dividends for the ensuing five years, with the exception of the additions, from time to time, as provided for in the seventh section. And the President of said Company shall, at the first meeting of this Council, in January and July of each year, under oath, render an account of the receipts and expenses, and also the profits for the preceding six months and pay the one-half of the profits accruing for such term, over and above fifteen per cent. to the City Treasurer.

SEC. 3. If in any year, from any cause, sufficient net income shall not arise from the operations and business of said Company of every kind, to amount to fifteen per cent. for the stockholders on their stock, the amount of the deficit in such income, for such failing year shall be carried over to the succeeding year, or years, as may be necessary to be retained in such year or years, for making up to them such deficiency and interest thereon in addition to the per cent. for such succeeding year or years above stipulated to be retained annually.

SEC. 4. All expenditures for permanent objects, such as extensions of mains, meters, services, additional benches, retorts, gasometers, or otherwise, to be incurred after March 4, 1866, shall be provided for by cash, to be raised by the issue of new stock, and not out of the means of the Company, which stock shall be entitled to have retained for it, the same per centum of dividend as is to be retained for the present stock, and no more.

SEC. 5. It shall be obligatory upon the said Company to determine and notify the Common Council on the first Monday of March annually, the rate per one thousand cubic feet, for furnishing the city and citizens of Indianapolis with gas for the succeeding year, which shall never exceed the amount of three dollars per thousand feet, free of government tax to the city, and which shall be reduced below that rate, from time to time, as much as the Directors of said Company, in their judgment, from experience, shall deem sufficient to secure a yield of the per centum on their stock herein above stipulated to be retained for the stockholders of the Company. *Provided*, That the Common Council, on being notified of such reduction, shall agree thereto.

SEC. 6. The entire management of the operations and business of the said Company shall continue and remain in its hands to be conducted as consistently with sound and judicious economy as if all the income of the Company was to accrue to the stockholders.

SEC. 7. The said Company shall, from time to time, and at the proper season of the year for such work, make such extension of mains, and service pipes as a joint committee of three members of the Common Council and of the Board of Directors of said Company shall agree to be justifiable under the spirit of this contract, and said joint committee shall, in all cases, determine what amount of expenditures shall be entitled to be regarded as an increase of the capital stock, and shall, from time to time, as such expenditures occur, make out a certificate to that effect, and thereupon such amounts shall be added to the capital stock. *Provided*, That whenever a majority of the property owners embracing one or more squares contiguous to the mains of said Company on and along any street or thoroughfare of the said city of Indianapolis, shall signify, by petition to the Common Council, their desire to use gas, the said Citizens Gas Light and Coke Company shall, within sixty days after the filing of said petition, at any period between the first day of March and the first day of November of each year, proceed to lay down the necessary and proper mains, and service pipes along said street or thoroughfare. *Provided further*, That the citizens along the line of said street or thoroughfare shall obligate themselves to take fifteen or more burners for gas to each square along which said mains and service pipes shall be so laid.

SEC. 8. At the expiration of ten years after the passage of this ordinance, and at any time thereafter while it shall remain in force, the city shall have the right to purchase the works of said Citizens' Gas Light and Coke Company by paying therefor the value of all lots, building, machinery, gasometers, mains, service pipes, meters, and all other materials belonging to said Company, indispensable to the manufacture and sale of gas for lighting purposes, the value of the same to be determined by a just and fair appraisement, to be made in the manner hereinafter provided, and without any reference whatever to the value of any right, privilege, stock, or bonds, belonging to said Company, and to the entire exclusion thereof.

SEC. 9. The appraisement contemplated by the next preceding section shall be made by two competent persons and the same shall be duly sworn to. One of said persons shall be chosen by the Common Council, and one by said Citizens' Gas Light and Coke Company, and, in case of their disagreement, they may select a third one, any two of whom shall make said appraisement. For the purpose of making such appraisement, the Council may require a statement, under oath, of the President of the Company, containing all such information as the Common Council may deem important; and should the Company fail to appoint appraisers within the time fixed by the Common Council, then the Council may appoint all of such appraisers, and the appraisement when made shall be binding upon the said Company. After said appraisement shall have been made, the city of Indianapolis may, at the option of the Common Council thereof, purchase the property of said Company so appraised, to be held by said city, or immediately transferred, in whole or in part, to any other party or Company desiring to engage in the manufacture of gas, and coke for the purpose contemplated by this ordinance. *Provided*, Said other party or Company shall be bound by said transfer, to furnish gas to the city and other consumers thereof, for the then unexpired time for which this ordinance shall then have to remain in force, at a rate less by fifteen per cent. than the average cost of gas, as shall have been furnished by the Citizens' Gas Light and Coke Company during the year next preceding the time of making the appraisement as aforesaid.

SEC. 10. The gas sold by said Company, except in case of emergency or accident, shall be free from all non-inflammable poisonous qualities and in all other respects of the highest standard purity, and the same shall be supplied promptly, and in sufficient quantity by said Company to all paying consumers thereof, and to all persons applying therefor, on or adjacent to any street or alley along which the mains of said Company shall have been extended. And said Company shall make no charge for any meter, nor for the setting of the same, nor for the rent of the same, nor shall any charge be made by said Company for service pipes laid in any street, gutter, or sidewalk, nor for laying said pipes, nor for properly repairing all streets, gutters, and sidewalks thereafter. And furthermore, said Company shall not charge more for making any connection between their pipes and those of any person applying for gas than the actual cost of doing the same. All gas sold shall be accurately measured by said Company at their own expense and without any charge, either direct or indirect, to any consumer thereof; and furthermore, said Company shall at all times afford any agent of the city, appointed by the Common Council, all such means and facilities as shall be at their disposal, and which may be required by said agent, to enable him to test the purity of their gas, and the accuracy of their meters.

SEC. 11. The rights and privileges of the Citizens' Gas Light and Coke Company shall be exclusive, and the Common Council shall not in the future, and during the continuance and term of this charter, authorize any other Company to erect gas works, and furnishing gas to the city and citizens of Indianapolis; nor to grant similar rights and privileges to any other party or Company to manufacture gas for lighting or other purposes.

SEC. 12. Said Citizens' Gas Light and Coke Company shall, at all times, charge uniform and equal rates to all consumers (except to the city, which, by agreement, may be lower,) supplied with gas by said Company, and shall, in good faith and without evasion, collect the same for the uses of said Company.

SEC. 13. That if any discovery of improvement be made in the preparation of gas from coal or other material, either solid or liquid, by which the cost of obtaining the same shall be materially diminished, and the same process shall be adopted in the other principal cities of the country; then, in such case, the Citizens' Gas Light and Coke Company shall introduce and use such discovery or improvements in said city of Indianapolis, and make such reduction in the price of gas sold as shall be proportionable to the saving effected by such discovery or improvements.

SEC. 14. That whenever the Company, as aforesaid, proposes to open any street, lane, or alley, etc., for the purpose of laying down gas pipes, they shall give to the Street Commissioner three days' notice thereof, and shall not, during the progress of their work, unnecessarily obstruct the passage of such street, lane, or alley, etc., and further, they shall within a reasonable time repair such portion of any street, lane, or alley, etc., as they may have broken up. The said gas pipes shall not interfere with the drainage of said city by the necessary construction of

sewers or other underground fixtures for the conveyance of water, and when the same shall be necessary, said Company shall remove their pipes at their own expense.

SEC. 15. The Citizens' Gas Light and Coke Company, and every person acting in their employment, who shall dig any trench in any public street, sidewalk, or alley of this city, for the purpose of laying, taking up, or repairing any gas pipes, or for any lawful purpose, shall fill the same again as early as practicable, and in filling the same, he or they shall beat the earth firmly, and cover the trench in a smooth and uniform manner like the adjoining part of the street, leaving no ridge or depression; and if the place at which such trench was dug shall subsequently get out of repair, in consequence of such digging and filling, the Company, or person having dug the same, shall repair it forthwith, and for neglect so to do, shall be liable for all costs for putting such place in good repair, to be collected in an action of debt; or the city may cause the work to be done, and retain the amount of the costs thereof out of any moneys due the Company, and the Company shall be liable to any damages to any person or property resulting from any neglect or fault of themselves or their employees, and should the city be sued therefor, the Company, or some officer thereof, shall be notified of such suit, and thereupon it shall be the duty of such Company to defend the same, and should a judgment be recovered against the city, the city shall recover the amount with all costs from the Company, and the record of such judgment against the city shall be final and conclusive evidence in the cause.

SEC. 16. Should the Common Council at any time, either before or after the passage and acceptance of this ordinance, determine that any part, or the whole, of the expense of lighting the street lamps, shall be assessed against and paid by the property holders, the Gas Company shall collect the same at their own expense, and it shall be the duty of the Council to provide by resolution or ordinance the means by which the collection may be enforced in case of refusal or neglect of payment, and to make the claims of said Company a lien upon real estate.

SEC. 17. It shall be the duty of the Company to keep so much of their property as is properly insurable safely insured, and should any unusual loss occur to said Company by accident or casualty, as loss by fire, or other damage, or destruction of their property, without the fault or negligence of said Company, or their employees, they shall immediately report to said Council the fact of such loss, and the Council and the Company shall each appoint one appraiser, and in case of disagreement, the two shall appoint a third, to appraise such loss, and the appraisers shall certify to the Council and the Company the net amount of such loss, deducting the amount of any insurance received or to be received, and the Company shall retain all profits and earnings until such loss has been made good from such profits; but the Company shall regularly report to the Council the amount of such profits as hereinbefore specified, but they shall not retain any portion of profits to which the city would otherwise be entitled, to make good any loss which might have been insured against but was not.

SEC. 18. The books of the Company are to be, at all times during the existence of such contract and in business hours, subject to the inspection of such officers, or Committee of the Common Council as may be appointed for such purposes.

SEC. 19. If the Citizens' Gas Light and Coke Company shall fail to comply with any or all of the provisions of the foregoing ordinance or shall violate any of said provisions, then and in such case they shall forfeit all the rights and privileges belonging to said Company, and the Common Council may, at any time thereafter, repeal the same, said failure to be determined by *quo warranto* or information.

SEC. 20. Inasmuch as there is now a doubt existing as to the legal right of the Indianapolis Gas Light and Coke Company to continue their works and mains and to furnish gas to the citizens of Indianapolis, the said Citizens' Gas Light and Coke Company agree to institute and prosecute such legal proceedings as may be necessary to determine the legal rights of the said Indianapolis Gas Light and Coke Company in the premises aforesaid, and should it be adjudged by the highest legal tribunal of the State of Indiana that the Indianapolis Gas Light and Coke Company has the legal right to continue the business of manufacturing and furnishing to the city of Indianapolis gas for the period of five years, then and in that case the said Citizens' Gas Light and Coke Company shall not be required, until the expiration of said five years, to construct said works; but in case it shall be determined by such tribunal that the said Indianapolis Gas Light

and Coke Company's right to furnish gas to the citizens of Indianapolis has expired, then, and in that case, the said Citizens' Gas Light and Coke Company shall at once proceed to the construction of works, and laying of mains, and to furnishing gas to the city and citizens of Indianapolis according to the terms and conditions of this Ordinance. That whenever called upon to do so by resolution of the Common Council of the city of Indianapolis, the President and a majority of the Directors of the said Citizens' Gas Light and Coke Company shall, before an officer authorized by law to administer oaths, each make oath that the said Company has not, nor has any officer, Director or employee of the same, in any way, to their knowledge, combined or colluded with the Indianapolis Gas Light and Coke Company to delay a fair, impartial and speedy determination of said legal proceedings; that they have, in good faith, done all in their power to procure a determination of said question against said Indianapolis Gas Light and Coke Company; and on the failure of said President, and a majority of the Directors, to make and file with the Mayor of the city of Indianapolis such affidavit within ten days after notice of the passage of such resolution, all the rights, privileges and franchises conferred by this ordinance shall be forfeited.

SEC. 21. That an ordinance entitled "An Ordinance investing the Indianapolis Gas Light and Coke Company with the privilege of furnishing gas to the city and citizens of Indianapolis upon certain conditions therein named," passed on the 22d day of January, 1866, and all other ordinances coming in conflict with the provisions of this ordinance, be, and the same are hereby repealed.

Which, on motion, was read the first time.

Mr. Brown, from the same Committee, submitted the following minority report:

INDIANAPOLIS, March 12, 1866.

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

The undersigned, a member of the Special Committee on Gas, to whom was referred the proposition of R. B. Catherwood, begs leave to dissent from the majority report of said committee, and, in submitting his minority report, to recommend the passage by the Council of the accompanying ordinance, in lieu of the one reported by such majority. This ordinance is deemed preferable to the one reported by the majority for these reasons:

1. The limitation of the charter is for *twenty* years, instead of *thirty* years.
2. No partnership arrangements are entered into between the city and the company.
3. The contract is made with a company of citizens having, now, all the facilities for furnishing gas in full and satisfactory operation.
4. The price fixed in this ordinance is the same rate, being *three dollars*, as heretofore fixed by the Council, in an ordinance heretofore passed, as satisfactory, without any partnership arrangements.
5. This price of *three dollars* will take effect from the 4th of this month, in place of waiting for years, and, after the termination of a law suit, for the construction of gas works.
6. All delays by suits at law are avoided, and the people and city get gas at a low rate, and any needed mains for extensions can be laid down promptly.

AUSTIN H. BROWN,

Minority of Select Committee on Gas.

Which, on motion, was received.

Also, general ordinance No. 42, as follows:

AN ORDINANCE investing the Indianapolis Gas Light and Coke Company with the privilege of furnishing gas to the city and inhabitants of Indianapolis, upon certain conditions therein named.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the Indianapolis Gas Light and Coke Company be, and they are hereby

invested with the exclusive privilege for the term of twenty years from the fourth day of March, 1866, of using the streets, lanes, alleys and public grounds of said city, as it is now laid out, or may hereafter be laid out or enlarged, 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 the said Company, by its Board of Directors, on their records to be certified to the Mayor of the city, shall agree and bind itself within five days hereafter, to accept the conditions set forth in this ordinance.

SEC. 2. The price at which said Company shall furnish the city and its inhabitants with gas shall not exceed the following rates: three dollars for each thousand cubic feet, exclusive of government tax.

SEC. 3. The gas sold by said Company, except in case of emergency or accident, shall be free from all non-inflammable poisonous qualities, and, in all other respects, of the highest standard of purity; and the same shall be supplied promptly, and in sufficient quantity, by said Company to all paying consumers thereof, and to all persons applying therefor, on or adjacent to any street or alley along which the mains of said Company shall have been extended, and shall, upon application in writing, promptly lay all necessary service pipes in or across any street, gutter, sidewalk or alley. And said Company shall make no charge for any meter, nor for the rent of the same; nor shall any charge be made by said Company for service pipe laid in any street, gutter or sidewalk, nor for laying said pipe, nor for properly repairing all streets, gutters and sidewalks thereafter. And, furthermore, said Company shall not charge more for making any connection between its pipes and those of any person applying for gas, nor for the setting of any meter, than the actual cost of doing the same. All gas sold shall be accurately measured by said Company at its own expense and without any charge, either direct or indirect, to any consumer thereof. Such Company shall furnish all facilities in its possession to any agent that may be appointed by the Common Council to inspect meters, or test the purity of the gas furnished by said Company.

SEC. 4. If said Indianapolis Gas Light and Coke Company shall fail, in good faith, to comply with any or all of the provisions of this ordinance, or shall violate any of said provisions, then, and in such case, they shall forfeit all the rights and privileges under said contract, and the Common Council may, at any time thereafter, repeal the same, said failure to be determined by judicial decision.

SEC. 5. That if any discovery or improvement be made in the preparation of gas from coal or other material, either solid or liquid, by which the cost of obtaining the same shall be materially diminished, and the same shall be adopted in the other principal cities of the country, then, in such case, the Company aforesaid shall introduce and use such discovery or improvements in said city of Indianapolis, and make such reduction in the price of gas sold, as shall be proportionable to the saving effected by such discovery or improvement.

SEC. 6. That whenever the Company, as aforesaid, proposes to open any street, lane or alley, etc., for the purpose of laying down gas pipes, they shall give to the Street Commissioner three days notice thereof, and shall not, during the progress of their work, unnecessarily obstruct the passage of such street, lane or alley, etc.; and, further, they shall, within a reasonable time, repair such portion of any street, lane or alley, etc., as they may have broken up, in such manner as shall be acceptable to the Street Commissioner. The said gas pipes shall not interfere with the drainage of said city, by the necessary construction of sewers or other underground fixtures for the conveyance of water for the supply of said city, and when the same shall be necessary, such Company shall remove the gas pipes at their own expense.

SEC. 7. The Indianapolis Gas Light and Coke Company, and every person acting in their employment, who shall dig any trench in any public street, sidewalk, or alley of such city, for the purpose of laying, taking up, or repairing any gas pipe, or for any lawful purpose, shall fill the same again as early as practicable, like the adjoining part of the street, and, if the place at which such trench was dug shall subsequently sink or get out of repair, in consequence of such digging and filling, the Company or person having dug the same shall repair it forthwith, and for a neglect so to do shall be liable for all costs of putting such place in good repair, to be collected in an action of debt; or, the city may cause the work to be done, and retain the amount of the cost thereof out of any moneys due to the Company, and the Company shall be liable for any damages to any person or

property resulting from any neglect or fault of themselves or their employees, and should the city be sued therefor, shall be notified of such suit, and thereupon it shall be the duty of such Company to defend the same, and should a judgment be recovered against the city, the city shall recover the amount, with all costs, from the Company, and the record of such judgment against the city shall be final and conclusive evidence in the cause.

SEC. 8. This ordinance shall be in force from and after the filing with the Mayor of the city, of the certified copy from the records of the Board of Directors of such Company, accepting the terms and conditions herein set forth, and it is hereby made the duty of the Mayor to make proclamation of such acceptance, accompanying such publication with a copy of this ordinance.

Which, on motion, was read the first time.

Also, the following communication on same subject, to-wit :

INDIANAPOLIS, March 12, 1866.

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

GENTLEMEN:—The undersigned, a Committee of the Indianapolis Gas Light and Coke Company, having carefully examined an ordinance presented to us this day, entitled "An ordinance investing the Indianapolis Gas Light and Coke Company with the privilege of furnishing gas to the city and inhabitants of Indianapolis, upon certain conditions therein named," consisting of eight sections, respectfully state, that said Company will concur in the said ordinance, if it is adopted by the City Council.

By authority of the Board of Directors of the Indianapolis Gas Light and Coke Company.

JAMES M. RAY, }
D. S. BEATY, } *Committee.*
E. J. PECK, }

Which, on motion, was received.

Mr. Seidensticker moved—

That the Gas Ordinance be postponed for one week.

The question being on the adoption of the motion, the ayes and noes were called for.

Those who voted in the affirmative were Councilmen Coburn, Emerson, Grosvenor, Kappes, Schmidt and Seidensticker—6.

Those who voted in the negative were Councilmen Allen, Boaz, Brown, Colley, Glazier, Loomis, MacArthur, Staub and Thompson—9.

So the motion to postpone was not adopted.

Mr. Brown moved—

That general ordinances numbered 41 and 42, and the reports and papers connected therewith, be printed in full in the minutes, and that the same be postponed until next regular meeting of Council, to be held Monday, the 19th, inst., at 7 o'clock P. M., and that they be made the special order of business for such meeting.

Which motion was adopted.

On motion of Mr. Colley, the Council adjourned.

Present at roll-call on adjournment: Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15.

JOHN CAVEN, *Mayor*.

ATTEST :

C. S. BUTTERFIELD, *City Clerk*.