

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, JUNE 21ST, 1869, 7½ O'CLOCK, P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, Daniel Macauley, in the chair, and the following members :

Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Absent—Councilman Shepherd—1.

The proceedings of the adjourned session, held June 11th, 1869, and the regular session, held June 14th, 1869, were read and approved.

By unanimous consent, Mr. Brown offered the following motion :

To reconsider the vote on the passage of an ordinance (special, No. 28) to grade and gravel Merrill street between Pennsylvania and Meridian streets, which vote was taken at the meeting of the Council on the 11th day of June, 1869.

On which the ayes and noes were called.

Those who voted in the affirmative were Councilmen Brown, Cot-

trell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Mar-see, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the motion was adopted.

Business was then resumed in the order in which it was left off at last meeting, viz :

REPORTS FROM CITY OFFICERS.

The City Marshal made the following report :

INDIANAPOLIS, June 14, 1869.

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

GENTLEMEN:—I have appointed Henry Paul as my Deputy, to serve as such in charge of the Police Force, to date from May 17th, 1869, when the office of Chief of Police was abolished. I would respectfully ask that he be confirmed as such from that date.

Your obedient servant,

GEORGE TAFFE, *City Marshal.*

The question being shall the nomination be confirmed,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Mar-see, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the nomination was confirmed.

The Civil Engineer made the following reports :

INDIANAPOLIS, June 21, 1869.

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

GENTLEMEN:—I hereby report the following work finished according to contract :

Samuel Hanway, for grading and graveling Michigan street and sidewalks between Winston and Davidson streets :

Length on the north side,	-	-	-	-	317 feet.
Length on the south side,	-	-	-	-	317 feet.

Total length,	-	-	-	-	634 feet.
At 55 cents per lineal foot,	-	-	-	-	\$348 70

Respectfully,

R. M. PATTERSON, *Civil Engineer.*

INDIANAPOLIS, June 14, 1869.

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

GENTLEMEN:—I hereby report the following work finished according to contract:

Burke & Richter, for building stone wall at the west end of Ray street sewer: 5'

34 3/10ths yards of masonry at \$8.50 per cubic yard, - - - \$291 55  
 5,204 feet of foundation timber at \$2.25 per 100 feet, board measure 117 09

Total estimate, - - - - - \$408 64

Also, Hiram Seibert, for grading and graveling the west sidewalk on Alabama street, between Duncan and South streets—length of sidewalk 424 ft., at 21 cents per lineal foot, \$89.04. a'

Respectfully, R. M. PATTERSON, *Civil Engineer.*

Which were concurred in.

The City Attorney made the following report:

INDIANAPOLIS, June 19, 1869.

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

GENTLEMEN:—The report of the Committee on Gas, which was referred to me, presents these questions:

- 1st. Has the Common Council power to discontinue lamps?
- 2d. Can the city herself contract to erect gas lamps at the expense of the property owners?
- 3d. Has the city a right to purchase the lamps and fixtures discontinued?
- 4th. By whom are the lamps owned?

These questions are intricate and not free from difficulty. I will answer them in their order.

First. The lamps were erected at the expense of the adjacent property owners, and they have unquestionably some right in them. This right is, however, subordinate to the public welfare. The adjacent property owners own the fee to the middle of the street, subject to the public easement. The right of urban servitude is much more extensive than that in cases of suburban highways. This servitude permits excavations in streets of cities, laying of gas, water pipes, &c. Under this extensive easement the City Council have an undoubted right to put down or take up gas pipes, or to erect and take down gas posts. The question in the present case involves, however, another consideration. Does the fact that the property owners paid for the erection of these posts, constitute a contract with the city, requiring that the city continue these lamps. If it were a contract yet I think it would not prohibit future legislation. The rule is that the Common Council cannot, by contract, abridge their legislative powers, (*Brick Presbyterian Church vs. City of New York, 5 Cowen, 538.*) The Charter gives the Council plenary power over the streets and alleys, and any improvements made with the full understanding of the powers of the Council. This is the law and enters into all contracts. Even if the matter be viewed as a contract, it is subject to the right of change, such as the public welfare may require, and of this the Council are the judges.

In *Gosetler v. The City of Georgetown, 6 Wheat. R 493*, the Supreme Court of the United States decided that the right of improving streets was a continuing power. This decision was adopted and followed by our Supreme Court in the case of *Macy v. City of Indianapolis, 17 Ind. 267*. Having stationed lamps at particular places did not, therefore, exhaust the power of the City Council. They have power to change or remove them.

Second. The city is by law constituted the agent of the property owners

in the matter of street improvements. The city cannot, therefore, herself undertake to erect, as contractor, gas lamps at the expense of the property owners. In the very recent case of *Morris v. The Ogdenburgh and Lake Champlain Railroad*, 52 Barbour Reports, the law is thus declared: "Nor can an agent act, in the business of his agency, for himself and his principal at the same time."

Third. The city may, I think, purchase the lamps and fixtures. She has no exclusive right to purchase, but can purchase as any other artificial person, upon the same footing as a natural person. She may purchase for the purpose of selling to contractors undertaking to erect lamp-posts upon streets not yet lighted.

Fourth. The fourth and last question is an intricate one and has occasioned me much perplexity. Does the owner of the fee of the real estate own the lamp-posts? This is an inquiry which naturally presents itself. I think not, and for this reason: The posts are lawfully put into their places under the right conferred by the urban servitude. It is an incident to that right, or rather it is a part of the right itself. Placing the posts in the soil does not vest the ownership in the proprietor of the fee. It is but the exercise of the right given by this urban servitude, and does not direct the title. The owners of the posts are, I think, the property owners who were assessed with the expense of erecting them, and the city should be regarded as having some interest in them, as she paid for all street and alley crossings. The interest of the property owner is to be determined by the proportion of the expense paid.

Respectfully,

B. K. ELLIOTT, *City Attorney*.

Which was concurred in.

The City Attorney also made the following report:

INDIANAPOLIS, June 14, 1869.

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

GENTLEMEN:—I have examined the communication of the City Sexton and respectfully report:

That there is an ordinance among the ordinances of the city which, if it could be enforced would efficiently protect the Sexton. It will be found at page 65 of the published ordinances of the city. The Supreme Court, however, in the case of *Boget vs. The City of Indianapolis*, decided that the Council could not legally enact and enforce an ordinance prohibiting parties owning lots in the Cemetery from employing any one they chose to bury the dead, and that the section of the ordinance forbidding any one else but the Sexton from burying the dead was invalid. It is also decided that the lots in the Cemetery are private property and subject to the owner's control. As long as this case stands no such ordinance as that suggested by Mr. Hedges can be legally enacted.

Respectfully,

B. K. ELLIOTT, *City Attorney*.

Which was concurred in.

The City Attorney also made the following report:

INDIANAPOLIS, June 19, 1869.

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

GENTLEMEN:—I have examined the questions presented by Mr. Brown's motion, referring to me an item in the report of the Committee on Streets and Alleys, and submit the following:

I find that since the publication of the ordinance referred to four ordinances upon the same subject have been passed, and that the ordinance mentioned by the committee is not now in force. I have not been able to find



any ordinance limiting expenditures for street repairs which is now in force.

In obedience to the direction of the motion, I have examined the ordinances in order to ascertain what it would cost to revise, compile and prepare them for publication. I find them in a much more confused state than I had supposed. For instance, there are six or seven different ordinances concerning markets, with provisions confused and conflicting. The last ordinance passed is of no force whatever, because there is no penalty provided for its violation.

The work necessary to prepare a reliable edition of the ordinances may be classed as follows:

- 1st. Revision and correction of defective ordinances.
- 2d. Arrangement, striking out, and correcting clauses amended or repealed.
- 3d. Preparing marginal notes.
- 4th. Copying for the printer.
- 5th. Indexing.
- 6th. Reading and revising proof.

The ordinances contained in the printed book are, with very few and unimportant exceptions, all either amended or repealed. The unpublished ordinances are contained in three large record books of about 400 pages each. The work of properly revising and compiling them will be laborious and tedious. Many need re-enacting because of defects which should be remedied. Since the edition now in use was published our City Charter has been three times repealed entirely, and much oftener amended. The Charter and its amendments should be published with the ordinances.

I have inquired carefully into the cost and expense of copying the ordinances, of revising proofs, and of making the index, and am satisfied that the very lowest the entire work can be done for will be \$395. I did not, at first think it would cost this much, but it will be impossible for the work to be done for less. I do not desire to make any profit out of the matter and will therefore undertake to furnish you with a correct edition of the Charter and amendments, and of the ordinances, properly arranged, and fully and correctly indexed, for that sum. If ordered to proceed with the work I will at once make arrangements to furnish the printer with copy and keep him steadily employed until the work is completed.

That you may judge whether the price I ask for compiling and revising the ordinances is just, I refer you to prices heretofore paid. More than ten years since, when the ordinances were one-half less than at present, \$250. Next, \$600. Next and for the present edition, in all about \$800.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in, and the proposition accepted, and the City Attorney directed to proceed with the work.

The City Clerk made the following report:

OFFICE OF CITY CLERK, }  
Indianapolis, June 21, 1869. }

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

The City Clerk respectfully reports to the Common Council the following Contracts and Estimates:

1st. Contract and bond of Samuel Hanway for grading and graveling Virginia Avenue from the south side of South street to Louisiana street, is presented for your approval.

2d. Contract and bond of David Sylvester for grading and graveling Roanoke alley from St. Clair to Pratt streets, which is also presented for your approval.

3d. First and final estimate allowed Samuel Hanway for grading and graving Michigan street and sidewalks between Winston and Davidson streets, is also presented for your approval.

4th. Contract and bond of Daniel Mahoney for grading and graving Buchanan street and sidewalks from East street to Virginia Avenue, is also presented for your approval.

5th. Contract and bond of Daniel Mahoney for grading and graving Bradshaw street and sidewalks from Virginia Avenue to the terminus of Bradshaw street, is also presented for approval.

6th. Contract and bond of August Richter for grading and graving New Jersey street and sidewalks from McCarty street to the terminus of New Jersey street, is also presented for your approval.

7th. First and final estimate allowed Hiram Seibert for grading and graving the west sidewalk on Alabama street, between Duncan and South sts., is also presented for your approval.

8th. Contract and bond of Francis J. Blume for grading and graving Illinois street and sidewalks from Ray street to the Corporation line south, is also presented for your approval.

Respectfully submitted,

D. M. RANDELL, *City Clerk.*

Which was concurred in.

Also, the following resolution :

*Resolved,* That the foregoing first and final estimate allowed Hiram Seibert for grading and graving the west sidewalk on Alabama street, between Duncan and South streets, 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.

The question being on the adoption of the resolution,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the resolution was adopted.

Also, the following resolution :

*Resolved,* That the foregoing first and final estimate allowed Samuel Hanway for grading and graving Michigan street and sidewalks from Winston to Davidson streets, 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.

The question being on the adoption of the resolution,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Hennington, Locke, Mar-

see, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the resolution was adopted.

The ex-Street Commissioner made the following report :

INDIANAPOLIS, June 1, 1869.

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

Since May 3d, 1869, last reported, I have done work as follows :

1. Built a stone abutment on South street and Pogue Run -----	\$190 00
2. Built two stone tumblers on Illinois street and Pogue Run -----	15 00
3. Built three culverts on Illinois and South streets -----	295 50
4. Buils one culvert in front of the first alley south-west of Pogue Run.-----	30 60
5. Dug a ditch on South street from Illinois street to Pogue Run -----	23 00
6. Repaired the bridge on West street across the Canal -----	4 75
7. Repaired the bridge on Ohio street across the Canal -----	3 75
8. Repaired the culvert on Market and New Jersey streets -----	7 50
9. Repaired the culvert on Georgia and West streets -----	3 75
10. Opened the gutters on East street between Virginia Avenue and Louisiana street -----	15 00
11. Opened the gutters on New Jersey st. between Pogue Run and South street -----	16 00
12. Filled two crossings on Michigan and East streets -----	51 00
13. Repaired the culvert on Washington and Illinois streets -----	1 50
14. Repaired the bridge on Washington street across the arm of Canal -----	13 00
15. Built a culvert on Tennessee and McCarty streets -----	33 00
16. Built a culvert on Illinois street in front of the first alley north-east of Louisiana street -----	15 00
17. Hauled 17 loads of gravel on the sidewalk of Virginia Avenue between McCarty and Stevens streets -----	17 00
18. Hauled 5 loads of gravel on the sidewalk of Huron street between Cedar and Pine streets -----	5 00
19. Hauled 91 yards of gravel on Virginia Avenue and the Corporation line -----	81 89
20. Hauled 1308 yards of earth on South Illinois street between South st. and Pogue Run -----	483 96
21. Hauld 57 yards of gravel on Market street between Noble street and Pogue Run -----	57 00
22. Hauled 12 loads of gravel on Benton st. between Market and Washington streets -----	12 00
23. Hauled 14 loads of gravel on Massachusetts Avenue and Ash street.-----	14 00
24. Hauled 54 loads of gravel on Washington and Noble streets -----	49 00
25. Hauled 5 loads of gravel on Washington and Alabama streets -----	5 00
26. Repaired the sidewalk on South st. between Pennsylvania and Delaware streets -----	6 00
27. Hauled 89 loads of gravel at the crossings of Illinois and South sts.-----	89 00
28. Hauled 25 loads of gravel at the crossings of Tennessee and McCarty streets -----	20 00
29. Hauled 6 loads of gravel at the crossings of Mississippi and Louisiana streets -----	6 00
30. Laid 2 foot bridges at the same place -----	9 00
31. Hauled 37 loads of gravel on Delaware street between South street and Pogue Run -----	37 00
32. Hauled 7 loads of gravel at the crossings at Noble and New York sts.-----	7 00
33. Graded 5 alley crossings on Lockerbie street between Noble and Liberty streets -----	90 00
<b>Total amount expended -----</b>	<b>\$1,707 20</b>



The following statement shows the amount of expenditures in each Ward since May 3d, 1869, also the amount of balance credit to each Ward, etc., at this date:

WARDS.	Expended.	Bal. credit.	Deficit.
First Ward	\$58 50	\$131 52	
Second Ward			\$252 50
Third Ward	1 50		126 95
Fourth Ward		505 63	
Fifth Ward	71 75		81 63
Sixth Ward	123 00		298 37
Seventh Ward	58 00	219 50	
Eighth Ward	149 89	192 91	
Ninth Ward	239 00	142 08	

I further state to your honorable body that there is a balance of the amount appropriated for the different Wards and for culverts, etc., of \$1,193.55 on hand.

Respectfully submitted,

AUGUST RICHTER, Street Com'r.

Which was received.

The City Gas Inspector made the following report :

OFFICE OF CITY GAS INSPECTOR, }  
Indianapolis, June 10, 1869. }

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

GENTLEMEN:—At a regular meeting of the Council, held the 7th inst., the following motion, introduced by Mr. Kennington, was adopted:

“That the Gas Inspector be instructed to report to the Common Council in what way the office of Gas Inspector is an advantage to the tax payers of the city; and whether the Gas Company furnish all the gas required by their contract, in lighting the street lamps.”

The above motion is highly comprehensive, and will require me to set forth both what I have done and what the Council should do, when, in answering the after part of the motion, I shall show that during the first contract year the city of Indianapolis has lost between \$3,000 and \$4,00 in light and gas upon the streets by the variable pressure in the street mains; that the private consumer wastes gas from the same reason; that there is no necessity for a pressure exceeding fifteen-tenths in so level a town as this; that meters are inaccurate, by whom they should be tested, and who should foot the bills, etc.

In this communication I can only report “in what way the office of Gas Inspector has been an advantage to the tax payers of the city;” and to do this intelligibly it will be necessary for me to go back a few years in the history of the so-called “Gas Controversy;” and to state, in as few words as possible, the circumstances which rendered it important and necessary that the city should provide itself with an officer, whose sole charge would be to guard her and her tax payers against wrong and imposition, save to the treasury thousands of dollars, lighten the burden of taxation, and secure more just treatment and better satisfaction, both public and private, than is usually obtained from the “most soulless of all soulless corporations—a gas company.”

The first charter of the Indianapolis Gas Light and Coke Company was granted for fifteen years from March 4, 1851; and early in 1865 that corporation was seeking a continuance of its existence, through a second charter. In response to an advertisement of the City Clerk, said company proposed to furnish gas at \$3.48 per 1,000 cubic feet exclusive of the Government tax of 20 cents per 1,000 cubic feet, city and citizens to pay alike. While this proposition was before the Council, a Special Committee on Gas, consisting of Mayor Caven and Councilmen Kappes and Brown, made an elaborate report



on the 9th of October, 1865, in which they state that, under the old charter, then still existing, "the city pays for street lamps about \$2.37, and citizens \$4.50 per 1,000 feet, exclusive of the Government tax;" and finally recommended an extension of the grant for fifteen years (twenty years were proposed and asked for) at "\$2.40 per 1,000 feet for street lamps and public buildings; private consumers to pay \$3 per 1,000 feet, the consumers to pay the Government tax."

March 5, 1866, Mr. R. B. Catherwood, the builder of our Street Railways, offered to organize a company that would furnish gas at a rate not to exceed \$3 per 1,000 cubic feet, and that the net earnings, after paying 15 per cent. upon the capital invested, shall be divided between the company and the city equally." General ordinance No. 41—1865, based upon the proposals of Mr. Catherwood, was reported to the Council by Mayor Caven and Mr. Kappes, on the 12th of March; and on the same evening Mr. Brown accompanied his minority report with general ordinance No. 42—1865. On the 19th of March both ordinances passed their second reading, and No. 42 (which is the present charter) was amended and finally adopted by a vote of 11 to 5.

In the report of the Special Committee on Gas, spoken of above, and submitted October 9, 1865, the gentlemen composing it indulge in strong criticisms upon the moral honesty and the monopolizing and dictatorial spirit of Gas Companies generally, and of that of the Indianapolis Gas Light and Coke Company in particular, giving valuable figures, facts and comparisons, as then existing in and between this and other cities of the country. It is in said report that the first mention is made of the creation of the office of City Gas Inspector. As the committee suggest some matters not embraced in the ordinance under which I am now acting (General Ordinance No. 122, 1868), and as they seemed to entertain a high opinion of the importance and necessity of such an office, I will quote their language:

"The Committee would further recommend the appointment of a Gas Inspector, whose duty it will be to see to the quality of the gas, the accuracy of the meters, the propriety of the erection (proper erection?) of street lamps, and that they are properly lighted, extinguished and repaired, and, indeed, a general supervision of the whole subject. He shall, as soon as practicable, prepare a chart and register, showing the lines of mains, their size, and also the location of lamp posts, and shall keep the same carefully perfected as additions are made. There should be two copies, and kept in different places, so that both would not likely be destroyed by any one ordinary casualty. He shall have free access to the books and accounts of the Company, to be present at the meetings of their Directors, keep an account of the receipts and expenses of the Company, and report to the Council from time to time.

"The Council should pay him a reasonable salary, sufficient to secure a competent and faithful man. The city can afford to pay an officer a fair salary for fifteen years, by means of whom they will be able to obtain, when they come to renew, such full and accurate information as will enable them to make a new arrangement with a perfect understanding of the subject. The question of light for a large city is one too important to be in the dark upon. We should understand it thoroughly."

February 18, 1867, another Select Committee on Gas, consisting of Councilmen Grosvenor, MacArthur and Coburn, make a lengthy report upon test of gas burners in use in the public lamp; expose sundry gas "tricks of trade;" show an overcharge in the Gas Company's bills for sixteen lamps, and state they are satisfied that this error has existed for several months, and may have been for several years; and, towards the latter part of their report, make the following recommendations:

"We would recommend the appointment of an Inspector and Superintendent of Gas, who shall be paid a salary of \$—— per year, who should have the entire control of all gas lights; light and extinguish all the meter lamps as per time table; see to the erection of new lamp posts; test all burners; test the quality of the gas furnished the city, the correctness of the gas meters, &c. The city should furnish and own a complete apparatus for making these tests."

The same evening Mr. MacArthur moved to elect a Gas Inspector to serve from the first day of May next, which was "laid upon the table for the present."

The suggestion of overcharge on sixteen lamps was subsequently referred to the Committee on Finance, who, on the 27th of May, report a "Memorandum of settlement between the City of Indianapolis and the Indianapolis Gas Light and Coke Company, on account of overcharges for eighteen lamps, from October 1, 1866, to February 1, 1867."

December 16, 1867, Mr. Geisel offered the following motion, which was referred to the Committee on Gas:

"That the City Council take some action in regard to the appointment of a Gas Inspector for the city."

January 6, 1868, the Committee on Gas reported "that they do not deem it expedient to make the appointment at this time, and refer the whole matter back to the Council for your consideration;" when Mr. Brown offered the following motion, which was adopted:

"That the subject be referred to the Committee on Revision of Ordinances, with instructions to prepare and report an ordinance creating the office of Gas Inspector, defining his duties, and fixing his salary, and the manner of fixing the same."

February 3, the Committee named reported the existing ordinance, which was amended on the second reading (Feb. 17), and then passed by the vote of 14 Councilmen in the affirmative, Mr. Cottrell only voting in the negative. On the latter evening, I was elected as the first incumbent of the newly created office.

On assuming charge of gas matters, as agent for the city and private consumers, I found that the public lamps, with the exception of those on Washington street and in the East Market House, were only burned until twelve o'clock, midnight, under action of the Council, had January 20, 1868, and was made aware, by frequent communications and petitions, sent to the Council, that this system was not pleasing to the public.

March 9 and April 6 I pointed out to the Council, by official communications, the excessive over-register of the four meter lamps used for averaging the consumption of gas used by the street lamps, in which I declared such a system of estimating unjust, and recommended the doing away with meter lamps and the employment of burners tested to pass four cubic feet per hour.

On the 13th of April the Committee on Accounts and Claims reported their concurrence with my figures and recommendations, advised drawbacks for February and March, aggregating \$152.72 for excess of consumption by 102 lamps, which had been provided with tested four-foot burners, and also insisted upon doing away with "estimating" by meters. This report was concurred in by the Council, and subsequently Messrs. Jameson, Woodburn and Seidensticker were appointed a special committee to confer with the Gas Company, to secure the abolishment of meter measurement to the lamps, etc. I was present at all the meetings of this committee and the officers of the Gas Company, revised or prepared the correspondence in its behalf, and was present with the City Attorney when he was writing the contract that now exists between the City and Company, which was adopted May 4, 1868.

Prior to commencing under the new contract, by direction of the Council, I had cut off 87 of the old lamps, thus reducing each square in the city to a maximum of four lamps, and saving, under the contract, \$2,610.

To go back a little: January 6, 1868, Mr. H. Stacy, Superintendent of the Gas Light and Coke Company, filed with the City Council, accompanied by a lengthy communication on moonlight, twilight, etc., (for which see page 649, Proceedings Common Council 1867-8, and, with the exception of the two lines at the commencement and the signature at the end, I would refer the Council, for every word and figure, to the American Meter Company's Gas Engineers' and Superintendents' Pocket Almanacs, since 1865), a time table for the public lamps for that year, with an aggregate schedule of 2,319 hours.



The Gas Company's bill for December, 1866, named the number of public lamps at 847, and 37 were erected during the year 1868, making a total of 884 at the end of the year, had no change been made. I will assume that 860 would have been the average number burned during the entire year. In January, 1868, an average consumption per hour per lamp, according to the Gas Company's bills, as shown in my communications above mentioned, was 6.86 cubic feet per hour, in February 6.36, in March 6.15, and in April 6.95; the average for the four months is 6.58 cubic feet per hour. The cost of lighting and extinguishing was then 35 cents per month per lamp; The estimated cost of repairs and materials for lamps, according to bills paid in former years, is one dollar per lamp per annum.

Using the above figures as just data (and they are well within bounds), the cost of the public gas, Government tax on same, lighting and extinguishing, and repairs and materials, under Mr. Stacy's time table for the calendar year 1868, would have been \$47,818.32. And since seven lamps have been added during the month of April last past, it may be safely assumed that, without change of circumstances from those existing in January, 1868, the cost of the public gas, etc., from May 1, 1868, to April 30, 1869, would have been considerably upwards of \$48,000.

From May 1, 1868, to April 30, 1869, the following figures have prevailed under the new contract: Gas furnished at the rate of \$24 per annum per lamp (4 feet per hour on a time table of 2,000 hours), and \$6 per annum was paid per lamp for lighting, extinguishing and repairs. The aggregate bill of the Gas Company for the above period amounts to \$23,678.30.

Deducting from \$48,000 the sum of \$23,678.30, and the saving effected is shown to be \$24,321.70.

There are items that go to make up the above saving, allowed by the Gas Company without the publicity my officially communicating the same to the Council would have involved; for instance, they agreed to a drawback of \$46.53 for lamps not lighted in December, 1868, &c., amounting to, probably, between \$100 and \$200.

Again: By the report of the Committee on Accounts and Claims (April 13, 1868), and which was written by myself, drawbacks aggregating \$152.72, were made from the February and March bills.

I, therefore, submit that it is to me, primarily, and to the office of City Gas Inspector, created by your predecessors, that the tax payers of Indianapolis are indebted for a saving of about \$25,000 of taxation between the 17th of February, 1868, and the 30th of April, 1869.

That I have been able to do scarcely anything for private consumers, except through the healthy influence of regular photometric tests of the candle power of the gas, whereby they have been receiving a better quality of that article than was ever before furnished in Indianapolis, was the fault of a party in the former Council, the persistent labors and peculiar influence of the Gas Company, and the rabid and untruthful attacks made against the office by villifying the officer, which led me, at an early day of my second term, to cease all efforts through the Council. I, however, think that, by what I was able to and did do, I well earned the paltry reward of \$651 which was the aggregate of my salary and perquisites from May 1, 1868, to April 30, 1869, having been compelled to pay \$50 for instructions in the duties of my office, and fully \$50 more for travelling expenses, improvements in my apparatus, &c., for which no bill has ever been presented against the city.

It is within your power, gentlemen, to make this office of great value to both city and citizens, and yet impose no wrong upon the Gas Company. How this is to be done will be found in my answer to the second inquiry contained in Mr. Kennington's motion, and which I will be ready to submit next Monday night.

Respectfully submitted,

GEO. H. FLEMING, *City Gas Inspector.*

Er. Woodburn moved that the report be accepted and ordered to be printed in the proceedings.



On which motion Mr. Cottrell called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalmann, Thoms, Wiles and Woodburn—12.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Weaver and Whitsit—5.

So the report was accepted, and ordered to be printed in the proceedings.

#### ORDINANCES ON SECOND READING.

Special ordinances Nos. 48, 49 and 50—1869, were referred to the City Attorney.

On motion, the following ordinances were read the second time and ordered to be engrossed.

Special ordinance No. 51—1869.

Special ordinance No. 52 “

Special ordinance No. 53 “

Special ordinance No. 54 “

Special ordinance No. 55 “

Special ordinance No. 56 “

Special ordinance No. 57 “

Special ordinance No. 59 “

By unanimous consent, Mr. Wiles presented the following correspondence:

INDIANAPOLIS, June 12, 1869.

*Indianapolis Gas Light and Coke Company:*

*lg.* GENTLEMEN:—Section six of your present charter provides “that whenever any property owners, embracing a space of 510 feet contiguous to the mains of said company, on or along any street or thoroughfare of the city of Indianapolis, shall signify, by petition to the Common Council, their desire to use gas, the said Indianapolis Gas Light and Coke Company shall, within sixty days of the filing of said petition, and its approval by the Common Council, 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 and thoroughfare: *Provided further,* That the citizens along the line of said street or thoroughfare shall obligate themselves to take fifteen or more burners, and use the same for gas, to each such space of 510 feet along which said mains and service pipes shall be so laid.”

There being a number of ordinances already enacted, or in course of enactment, for lighting streets upon which mains are not yet laid, we desire a formal and general waiver of petition and bond, in case you propose not insisting upon the above provision.

For the Committee on Gas Light.

GEO. H. FLEMING, *City Gas Inspector.*

INDIANAPOLIS, June 12, 1869.

*To the Committee on Gas Light :*

GENTLEMEN :—Your communication of this date, made through George H. Fleming, Esq., City Gas Inspector, is received.

In reply to the same, I am requested by the President to say, that any general formal waiver of the chartered rights of the company should be avoided, and that any proposition looking to it would be inadvisable.

As to pending ordinance for lighting streets upon which mains are not yet laid, we presume they are streets upon which the company contemplate laying mains, provided ordinances are passed for the erection of lamp-posts, without any regard to the petition of citizens.

If the committee will name the streets, the company will grant special waiver for the purpose of giving the citizens thereon the benefit of ordinances in advance of laying the mains.

Streets under contemplation are—

Mississippi, north from Ohio to First street.

Delaware street, south to corporate line.

Lockerbie street, from East to Liberty.

Respectfully submitted,

J. VAN LANINGHAM, *Secretary.*

Which were received.

Appropriation ordinance No. 22—1869, appropriating money for Police Uniform, was read the second time.

Mr. Brown offered the following amendment in lieu of section 2 of said ordinance :

That the sum of three dollars be deducted each month from the pay of each policeman until the full sum of twenty-five dollars is refunded, in this manner, to the City Treasury.

The question being on the adoption of the amendment, Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Pyle, Weaver and Whitsit—9.

Those who voted in the negative were Councilmen Harrison, Kahn, Marsee, Newman, Thalman, Thoms, Wiles and Woodburn—8.

So the amendment was adopted, and the ordinance ordered to be engrossed.

On motion, general ordinance No. 25—1869, was read the second time and ordered to be engrossed.

## ORDINANCES ON THIRD READING.

On motion, special ordinance No. 47—1869, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Vermont street between Meridian and Illinois streets.

Was read the third time and placed upon its passage.

The question being, shall the ordinance pass ?

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the ordinance passed.

On motion, Special ordinance No. 46—1869, entitled :

AN ORDINANCE to provide for grading and paving with brick the north sidewalk on Indiana Avenue from West street to St. Clair street, and curbing the outside edge with White Oak plank 3 inches thick.

Was read the third time and placed upon its passage.

The question being, shall the ordinance pass ?

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—16.

Councilman Whitsit voting in the negative—1.

So the ordinance passed.

On motion, special ordinance No. 20—1869, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Cherry street, between Fort Wayne Avenue and Jackson street.

Was read the third time and placed upon its passage.

The question being, shall the ordinance pass ?

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the ordinance passed.



On motion, special ordinance No. 89—1868, entitled :

AN ORDINANCE to provide for graveling Grove street and sidewalks between Virginia Avenue and Fletcher Avenue.

Was read the third time and placed upon its passage.

The question being, shall the ordinance pass?

Those who voted in the affirmative were Councilmen Newman, Thoms and Woodburn—3.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Thalman, Weaver, Whitsit and Wiles—14.

So the ordinance failed to pass.

By unanimous consent, Mr. Locke presented the following petition :

INDIANAPOLIS, June 21, 1869.

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

The undersigned, owners of lots on the west side of Mississippi street, between Washington and Market streets, respectfully represent that the Common Council has passed an ordinance and invited proposals for paving and curbing the sidewalk on said street. Your petitioners make no objection to the paving of the sidewalk, but they ask that the Council change the ordinance as to curbing so as to make the same of good white oak instead of stone.

D. & G. Coble,  
John A. Heidlinger,  
Robert George,

James Swain,  
Laura H. Cholett,  
H. M. Foltz.

Which was received.

Mr. Locke moved that the vote by which special ordinance No. 75—1868, was passed be reconsidered, and called for the ayes and noes.

The question being to reconsider,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the vote was reconsidered.

By unanimous consent, Mr. Locke moved to strike out of section first of said ordinance the words "Flat Rock or Putnamville stone," and insert in lieu thereof "White Oak plank three inches in thickness."

Which motion was adopted, and the ordinance so amended.

The question then being on the passage of the ordinance so amended,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the ordinance passed.

By unanimous consent, Mr. Brown presented the following petition :

INDIANAPOLIS, June 21, 1869.

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

The undersigned respectfully represent that the standing of carriages and vehicles on Louisiana street opposite the Union Depot, together with the tracks on street, almost totally obstruct said street for any general business, and make the use thereof dangerous to the public. We therefore request that an ordinance be passed transferring the stand of said vehicles from Louisiana street to McNabb street south of the Union Depot, where there is plenty of room and no obstruction.

W. Martindale,  
F. Mottery,  
J. W. Lines,

John Wachtstetter,  
J. H. Vajen,  
And 7 others.

Which was received.

On motion, general ordinance No. 25—1869, entitled :

AN ORDINANCE prohibiting the standing of Hacks, Omnibuses, Express Wagons, and other vehicles on Louisiana street, between Tennessee and Meridian streets.

Was read the third time and placed upon its passage.

The question being, shall the ordinance pass?

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Councilman Kahn voting in the negative—1.

So the ordinance passed.

On motion, special appropriation ordinance No. 22—1869, entitled :

AN ORDINANCE to appropriate twenty-five dollars to each Policeman, and also to the Deputy Marshal in charge of the Police Force, to be applied in part payment for the purchase of a Police uniform.

Was read the third time, and, on motion, laid on the table.

## CALL OF THE ROLL.

Mr. Brown offered the following motion :

That the City Civil Engineer be directed to examine and survey the ground and make a profile of the grade of Merrill street between Meridian and Illinois streets; and also of the alleys running north and south through out-lots 26 and 123, and report the same to the Common Council at its next regular meeting.

Which was adopted.

Mr. Brown presented the following petition :

INDIANAPOLIS, June 21, 1869.

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

The undersigned, property holders and residents in square No. 87, in the City of Indianapolis, respectfully represent that the alley running north and south, through said square, is blocked up on the south end. Said alley has been dedicated to the public in numerous deeds, which describe the same, and in several plats filed with said deeds. We respectfully petition that the proper steps be taken to have said alley, which is now obstructed, opened to the public.

John P. Frenzel,  
J. W. Bryan,  
Martin Keppel,

Jacob Roos,  
J. D. Kushaw,  
and 5 others.

Which was referred to the Judiciary Committee and City Attorney.

Mr. Cottrell presented the following remonstrance :

INDIANAPOLIS, June 21, 1869.

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

We, the undersigned, residents and property holders on the alley running north and south through block No. 104, beg to respectfully protest against its being graded and graveled at present.

Respectfully submitted,

M. S. McClure, Sebastian Grieshaber,  
J. W. Robinson, I. M. Ketcham.  
Mrs. Sarah H. Duval, John Unversaw.

Which was referred to the Committee on Streets and Alleys.

Mr. Cottrell offered the following motion :

That the Street Commissioner be instructed to report to the Common Council how much per yard he is or has been paying for pit gravel.

Which was adopted.

Mr. Cottrell also offered the following motion :

That the Street Commissioner be instructed to notify Street Railway Company to raise their track on Virginia Avenue, between Pogue's Run and South street, according to the grade fixed by the Engineer.

Which was adopted.



Mr. Cottrell offered the following resolution :

WHEREAS, The City of Indianapolis is the owner of certain materials, now upon the property known as the "Home for the Friendless," and for the purpose of realizing money from the sale of said materials, be it

*Resolved*, That the Civil Engineer is hereby directed to invoice the material belonging to the City now upon the property known as the "Home for the Friendless," and advertise that the Common Council will receive written proposals for the purchase of the same. The Common Council reserving the right to reject any or all proposals.

Which was referred to the Committee on Public Buildings.

Mr. Cottrell offered the following motion :

That the City Clerk be directed to report to the next meeting of the Council the receipts and expenditures of the City for the year ending April 1, 1869.

Which was adopted.

Mr. Cottrell introduced special ordinance No. 60—1869, entitled :

AN ORDINANCE to provide for grading and bowldering Alabama street and curbing the the outside edges of the sidewalks with stone, from Washington street to the south side of Cumberland street.

Which was read the first time.

Mr. Cottrell introduced special appropriation ordinance No. 23—1869, entitled :

AN ORDINANCE appropriating money for the use of the Street Commissioner.

Which was read the first time.

On motion by Mr. Cottrell, the Council adjourned to meet Wednesday, June 23d, 1869, at 7½ o'clock, P. M.

*Daniel Macauley*  
DANIEL MACAULEY, Mayor.

ATTEST:

*D. M. Rausdell*  
~~D. M. RANSDELL~~, City Clerk.