

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, FEBRUARY 5TH, 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, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, MacArthur, Schmidt, Seidensticker and Staub—14.

Absent—Councilmen Colley, Fletcher, Loomis and Thompson—4.

The proceedings of the regular session, held January 29th, 1866, and of the adjourned session held February 2d, 1866, were read and approved.

By Dr. Jameson—Petition :

INDIANAPOLIS, February 5, 1866,

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

GENTLEMEN:—I have sent in a petition asking a deduction of license for the privilege of starting a Variety Concert in your city, and there were remonstrants against it, and the principal cause was that you had granted license to Concerts previously on Illinois street, and they were conducted in such a way as to make it not agreeable to the community in general. I don't propose conducting the thing in such a manner. I propose starting a Variety Concert, consisting of singing and dancing, some gymnastics and burlesques

of the Burnt Cork Opera, and conduct it in such a manner as to make it agreeable to the most aristocratic of the community, a place of amusement, where gambling and carousing is strictly prohibited. I propose starting a place where a man can pass the evening with less expense than visiting a Theatre or an Opera House. There is not a city in the United States but what there is concerts located there the year round of the kind that I propose starting. Thirty dollars a month, the year round, is all I can afford to pay for the privilege of showing in your city. I submit this once more to you, gentlemen of the City Council. I remain your humble servant,

ELI BURK, *Showman.*

P. S. I will pay 6 months in advance if the privilege is granted, which will be one hundred and eighty dollars.

ELI BURK.

Which, on motion of Mr. Brown, was laid upon the table.

By Mr. Kappes—Petition :

INDIANAPOLIS, February 5, 1866.

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

The petition of the subscriber respectfully sets forth that on the first of January, 1865, he was the owner of lot No. 2, in Square No. 24, and 13½ feet of lot 1, in the same Square, all within the same enclosure. That lot two is appraised for taxation at \$6,500, or, \$96.00 per front foot, while the 13½ feet of lot one is appraised at \$500.00, or, \$37.00 per front foot, a discrepancy of \$59.00. The improvements on the ground are appraised separately, and in addition to the above figures.

He asks for a reduction of the appraisement on lot two, believing it to be too great in amount, inasmuch as it is worth no more than that part of lot one with which it is enclosed; and for the further reason that the appraisement is very much higher than that of the lots adjoining his, one of which has the advantage and greater value of being on the corner of two streets, and the other of having a side alley, which his has not.

BARTON D. JONES.

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

By Mr. Grosvenor—Petition :

INDIANAPOLIS, February 1, 1866.

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

The undersigned, citizens of the Fifth Ward in said city, and living on the west side of the Canal, would respectfully represent that they are and have long been suffering under the following grievances :

1st. *As to City Burying Ground for dead animals, near said Ward.*

Dead animals to a large number are taken to this ground and are left unburied, or are put only a little below the surface. The consequence is a great stench, destroying the comfort and endangering the health of the citizens. Some of the carcasses are partly eaten by hogs and partly decayed, and if buried, it is often so near the top of the ground that the hogs root them out. Other if the dead bodies are taken to the soap factory adjoining said wood.

2d. *As to the Soap Factory.*

Many dead animals are taken there, and the oil is steamed out, and the grease is used for soap, and to get a greater amount the remains are permitted to ferment so as to raise the grease to the top and give a greater yield—thus making an unbearable stench—and on Sundays usually the tanks are opened, and the contents run out into the yard, which continues the stench.

3d. *As to Bone and Bristle Factory.*

This concern buy the intestines from slaughtered hogs, and prepare them for the sausage maker, and also grinds bones for manure, and the refuse is left and causes a stench very strong and offensive.

When complaints have been made, from time to time, there would be some temporary improvement; but soon the promises of reform would be neglected. Your petitioners claim that as the city grows these offences ought to be removed, as they are such as would not be allowed in other cities.

Your petitioners have stated the facts as accurately as they are able to state them, and to the best of their information, and they pray the honorable City Council to provide an adequate remedy in the premises.

John Eberhardt, Thomas Tolan,
Mary A. Crail, L. W. Lanes,
Sylvester B. Crail, And 78 others.

Which, on motion, was referred to the City Attorney and Committee on Streets and Alleys.

By Mr. Brown—Petition :

INDIANAPOLIS, February 1, 1866.

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

Your petitioners would represent that they are owners of town lots numbered one (1), thirty-five (35), thirty-six (36), thirty-seven (37), and thirty-eight (38), in Danforth & McIlvaine's sub-division of out-lot numbered one hundred and seventy-three (173), in said city, through which, along the south side of lot numbered one (1) and the north ends of lots numbered 35, 36, 37 and 38, there has been laid out (though never opened through said lots) an alley six feet wide from Pennsylvania to Delaware streets, parallel with and about one hundred and five feet north of Pratt street.

Pursuant to the statute in such cases made and provided, your petitioners pray your honorable body will order the vacation of so much of said alley as extends from Pennsylvania street east to the intersection of an alley running south, forming the east boundary line of said lot No. 35. And your petitioners would further say they are the only persons to be affected by the vacation of so much of said alley as prayed for.

JOSEPH A. MOORE,
JOSIAH LOCKE.

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

By Mr. Grosvenor—Petition :

INDIANAPOLIS, February 5, 1866.

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

GENTLEMEN:—The undersigned respectfully represents that he has been improperly assessed in the sum of fifteen hundred dollars, which he prays may be corrected. The facts in his case are these:

On the first day of January, 1865, he gave in as part of his personal property the aforesaid sum, and afterwards used the said sum in making improvements on his real estate; that he is assessed with said sum as personal property, and also with the value of the improvements made by him, making a double assessment on the same sum of money.

He therefore prays your honorable body to take such action in the premises as will relieve him from the payment of taxes on fifteen hundred dollars

JESSE M. VANBLARICUM.

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

Dr. Jameson moved—

That police powers be granted to Peter Wilkins of the First Ward, provided he charge the city nothing for his services in that capacity.

Which, on motion, was referred to the Committee on Police and City Attorney.

Mr. MacArthur asked leave of absence for two months for Councilman HORACE A. FLETCHER.

Which, on motion, was granted.

By Mr. Brown—Resolution :

WHEREAS, The Oommon Council of the City of Indianapolis, on the 22d of February, 1865, passed the following resolutions :

“ WHEREAS, More than three-fourths of the resident tax payers of the City of Indianapolis, have petitioned this Council to contract a loan for a sufficient amount of money to be appropriated to the payment of the entire indebtedness of the city, and including all appropriations heretofore made, and all warrants that may yet be issued to procure funds to pay bounties to procure volunteers to fill the quota of the city, under the call of the President of December 19th, 1864; therefore,

“ *Be it resolved*, That this Council borrow a sum of money sufficient for the purposes mentioned in said petition, and that interest bearing Coupon Bonds be issued in accordance with section 58 of City Charter, for the amount necessary, not exceeding four hundred thousand dollars, (400,000.00). Said bonds to be signed by the Mayor, and countersigned by the Clerk, and issued in sums of \$50, \$100, \$500 and \$1,000, such portion of each as may be determined upon by a Special Committee to be appointed by the Common Council, of which the Mayor and Treasurer shall be *ex-officio* members. Said bonds to be paid within twenty years, and bearing such rate of interest as may be lawful in the State where negotiated or made payable; said interest to be payable semi-annually; and the principal and interest of such bonds shall be payable at such place as said Special Committee may designate; and said Special Committee is authorized to dispose of the same at such rate of discount as may, in their discretion, be deemed advisable. The City Clerk is required to number and register each of said bonds, describing the same on such register by number and amount, and naming the person or persons to whom issued, and the place where made payable.

“ *Resolved further*, That this Council pledge its faith to add to the Tax Duplicate of each year, successively, a levy sufficient for the purposes, as required in section 58 of the City Charter, to pay the annual interest on such debt or loan, with the addition of not less than five cents on the one hundred dollars, to create a Sinking Fund for the liquidation of the principal thereof, and to require that said special tax shall be paid either in cash, or coupons to such bonds which may have become due.”

AND WHEREAS, On the 22d of February, 1865, the Common Council aforesaid elected as such Special Committee Councilmen Brown, Coburn and Jameson, and that said Special Committee, with the Mayor and Treasurer (as *ex-officio* members of such committee) authorized the preparation of a number of bonds of different denominations and their transmission to Winslow, Lanier & Co., of New York, who were authorized to sell the same and return the proceeds for the benefit of the city.

AND WHEREAS, No sale of such bonds has as yet been made, nor is there any likelihood that any will be made; therefore,

Be it resolved, That the Mayor be instructed to correspond with Messrs. Winslow, Lanier & Co., and direct the return of such bonds, and that the

Special Committee selected on the 22d of February, 1865, be discharged from the further consideration of the subject.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, MacArthur, Schmidt, Seidensticker and Staub—14. Noes, none.

So the resolution passed.

Mr. Seidensticker introduced special ordinance No. 1,—1866, entitled :

AN ORDINANCE to provide for the furnishing and erecting of lamp-posts, lamps and fixtures on Market street, between Liberty and Noble streets,

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

By Mr. Brown, from Committee on Streets and Alleys :

INDIANAPOLIS, February 5, 1866.

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

The Committee on Streets and Alleys, to whom was referred general ordinance No. 34, report the same back with the recommendation that the accompanying substitute be adopted.

AUSTIN H. BROWN,
Chairman Committee on Streets and Alleys.

On motion, the report was received.

Also, general ordinance No. 34, entitled :

AN ORDINANCE giving the Board of Public Improvements further powers to grant permits for removing frame buildings from one part of the city to another, and to license persons to remove such buildings,

Mr. Seidensticker moved to refer the ordinance to the Committee on Streets and Alleys for amendment.

Mr. Brown moved to amend Mr. Seidensticker's motion by requiring said Committee to report instant.

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

Those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Emerson, Glazier, Grosvenor, Jameson and MacArthur—8.

Those who voted in the negative were Councilmen Coburn, Kappes, Lefever, Schmidt, Seidensticker and Staub—6.

So Mr. Brown's amendment was adopted.

Mr. Seidensticker's motion, as amended, was then adopted.

The Council then took a recess of a few minutes to give the Committee time to report.

The Committee then reported the ordinance back with amendments, and recommended its passage.

The ordinance was then read the third time, as amended, and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Geosvenor, Jameson, Kappes, Lefever, MacArthur, Schmidt, and Staub—13.

Councilman Seidensticker voting in the negative—1.

So the ordinance passed.

By Mr. Brown, from Select Committee :

INDIANAPOLIS, February 5, 1866.

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

The Special Committee, to whom was referred general ordinance No. 31, report the same back with an amendment to section 3.

AUSTIN H. BROWN, *Chairman.*

Which was received.

Also, general ordinance No. 31, entitled :

AN ORDINANCE to regulate the running of locomotives and cars in the City of Indianapolis, and requiring flagmen to be stationed at certain Railroad crossings, defining the duties of such flagmen, and prohibiting locomotives and cars from running across certain streets unless a flagman is stationed at such crossings,

With amendments, which were adopted.

Mr. Glazier moved to amend by adding a section prohibiting the discharge of steam through the cylinder-cocks of any locomotive after two revolutions of the drive-wheels after starting the same.

Which amendment was adopted.

Mr. Brown moved to amend by adding a section prohibiting more than one locomotive or train from crossing any street, alley or sidewalk at one and the same time.

Dr. Jameson moved to lay Mr. Brown's amendment on the table.

The question being on laying Mr. Brown's amendment on the table, the ayes and noes were called for.

Those who voted in the affirmative were Councilmen Allen, Coburn, Emerson, Grosvenor, Jameson, MacArthur and Seidensticker—7.

Those who voted in the negative were Councilmen Boaz, Brown, Glazier, Kappes, Lefever, Schmidt and Staub—7.

There being a tie vote, His Honor, the Mayor, voted in the affirmative; making, ayes 8; noes 7.

So the amendment was laid upon the table.

The ordinance was then read the second and third times, as amended, and placed upon its passage.

The question being shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, MacArthur, Schmidt, Seidensticker and Staub—14. Noes, none.

So the ordinance passed.

From the Civil Engineer—Report:

INDIANAPOLIS, February 5, 1866.

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

The Civil Engineer would respectfully report the contract and bond of Frederick Schultmeyer for doing the work of lamp-lighter from the 17th day of January, 1866, to the 3d day of March, 1866, for your approval. Also,

The contract and bond of Joseph Kruger for grading and paving the sidewalk on the south side of Washington street, between Alabama and New Jersey streets, with changes made in accordance with instructions, for your approval.

Bids for various street improvements are also submitted.

JAMES WOOD, *Civil Engineer.*

On motion, the Engineer's report was received.

Mr. Seidensticker moved—

That the bond of Mr. Schultmeyer be referred back to the Civil Engineer with instructions to have the name of Mr. Waters, as one of the sureties, stricken off, provided the consent of the other surety can be obtained, and that said bond be approved on this condition.

Which motion was adopted.

On motion, the contract and bond of Joseph Kruger for grading and paving the sidewalk on the south side of Washington street, between Alabama and New Jersey streets, as reported back amended by the Civil Engineer, as per instructions of Council, were accepted and approved.

On motion, the sealed proposals reported by the Civil Engineer were opened, read, and referred to the Board of Public Improvements.

From the City Clerk—Report :

OFFICE OF CITY CLERK,
Indianapolis, Feb. 5, 1866. }

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

GENTLEMEN :—I would respectfully report that I furnished the Indianapolis Gas Light and Coke Company with a certified copy of general ordinance No. 24, "investing the said Indianapolis Gas Light and Coke Company with the privilege of furnishing gas to the city and citizens of Indianapolis, upon certain conditions therein named," as directed by your honorable body, and herewith submit the communication received from the Board of Directors of said Company, addressed to your honorable body, in relation to same.

Respectfully,
C. S. BUTTERFIELD, *City Clerk.*

INDIANAPOLIS, January 31, 1866.

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

The Board of Directors of the Indianapolis Gas Light and Coke Company respectfully represent to the Council that after fully considering the ordinance recently proposed by the Council, 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," they have to state, that they are not justified to undertake and be responsible to the city and its citizens for a satisfactory supply of gas, under the provisions of such proposed ordinance.

This Company is furnishing, and is prepared to furnish an ample supply of gas to the city and community of a quality not excelled by that made for any city in the Union; and it is our desire to do so, on as reasonable terms as it is practicable to be done, with fair returns for the capital and skill employed, and with adequate provision for the peculiar liabilities to contingencies and destruction to which such works are subject. To effect this, for the best interest of all parties concerned, a more *permanent* and *reliable* basis would be requisite than is offered in the proposed ordinance, by the terms of which, although a period of 15 years is named in the first section, it is expressly reserved in other sections that notwithstanding any obligations the Company might assume in undertaking to supply the city and citizens with gas for such period, no obligation whatever is incurred on the part of the city not to erect gas works and furnish the city and citizens with gas, or not to allow other parties or companies to do so, *at any time*, after such ordinance had been adopted by this Company.

We had supposed that a conviction of the necessity of somewhat *durable* arrangements to secure on the best terms the manufacture and supply of gas for so large a city as Indianapolis, had induced the Council in the early part of last year, to advertise extensively in the leading cities of the Union for proposals to furnish the city and citizens with gas for 20 years from March 4th, 1866.

Reasonably expecting competition for such a contract, under so general a notice, this Company offered such proposals, under the advertisement, as in view of all the circumstances we felt justified to make.

To sustain without failure so large an undertaking as amply to provide gas of the best quality for the use of all desiring such light in the city, we were compelled to consider the liabilities to contingencies of injuries or destruction, under which such works necessarily labor, being such as, in the experience of other companies, have resulted in the explosion of gasometers, and the entire consumption of gas houses, and of large supplies of coal, by fire, as well as other damages. The terms of providing by insurance against these heavy injuries, compel gas, as well as powder mill companies, to be *their own insurers.*

If more satisfactory results would be promised, by the adoption of a division of anticipated profits, between the company and the city, as is contemplated in the ordinance, rather than by having a fixed price for gas consumed, it would be still more needful that some *certain* continuance of a contract should be *assumed*, that such profit might be aided by large investments, at times, in the purchase of the leading necessary materials.

The uncertainty of its duration, the moderate rate of income allowed the Company in view of the responsibilities of the undertaking, and the embarrassments connected with the ascertainment of mutual partnership rights under the ordinance, do not encourage us to believe that we could, with safety to the Company and satisfaction to the city, enter into such an engagement.

Being unable, therefore, to concur in the views of the Council, as expressed in the proposed ordinance, and reverting to the ordinary mode of supplying cities with gas, by paying for its consumption by measurement, we would state that under the existing or prospective prices for some time yet of the leading materials and labor required for gas operations, we had little expectation of reasonable returns, within any brief period, in making our proposal under the advertisement, to furnish gas for 20 years at \$3.48 per 1,000 cubic feet.

It is the settled purpose of this Company, under all circumstances, while supplying our fellow citizens and the city, or the citizens only, with gas, to furnish it of as good quality, and at as moderate rates, as can justifiably be afforded, under the cost from time to time of the materials and labor needed.

In this view, the price to all parties using the gas manufactured by this Company after the 4th day of March next, will be reduced to \$3.75 per 1,000 cubic feet in bankable currency, exclusive of the government tax, the amount of which from time to time is subject to the revenue action of Congress.

This reduces the rate to that at which gas was furnished to the citizens before the war, although the cost of coal and other leading materials as well as labor is more than *one-half higher* now to the Company than it was at that period.

And the assurance is hereby given to all using the gas made by this Company, that with any material reduction of which we may be able to avail ourselves, occurring and reliably settled, in the cost of suitable materials for making the best quality of gas and the requisite labor, a reasonably proportionate reduction in the price of gas will in future be made.

The price will be uniform to the city and all citizens, according to consumption by measurement, and every satisfactory provision will continue to be adopted accurately to ascertain the correctness of such measurement.

We will be ready from time to time, as called for, at the proper season of the year, to make such extensions of mains as may be justifiable.

By order of the Board of Directors of the Indianapolis Gas Light and Coke Company,

L. VANLANINGHAM, *Secretary.*

On motion of Mr. Brown, the report was received and the communication from the Gas Company ordered to be spread upon the minutes.

From the Mayor—Report:

MAYOR'S OFFICE,
Indianapolis, February 5, 1866. }

To the Common Council of the City of Indianapolis:

GENTLEMEN:—The amount of fines collected by me during the month of January, 1866, is \$781.21, which I have paid over to the City Treasurer, as shown by duplicate receipt herewith filed.

Respectfully submitted,

JOHN CAVEN, *Mayor.*

Which, on motion, was accepted and approved.

On motion of Mr. Boaz, the Council adjourned.

Present at roll-call on adjournment: Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, MacArthur, Schmidt, Seidensticker and Staub—14.

JOHN CAVEN, *Mayor*.

ATTEST :

C. S. BUTTERFIELD, *City Clerk*.