

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
MONDAY, NOVEMBER 26TH, 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 :

Councilmen Allen, Brown, Coburn, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Staub and Thompson—13.

Absent—Councilmen Colley, Kemker, McNabb, Schmidt and Seidensticker—5.

The proceedings of the regular session held November 19th, 1866, were read and approved.

On motion by Mr. Allen,

James W. Barlow was permitted to grade and pave with brick the sidewalk in front of his property, on the corner of Georgia and Benton streets, and to gravel the sidewalk on the east side of said property on Benton st., at his own expense, under the direction of the Civil Engineer.

On motion by Mr. Brown,

The Civil Engineer was instructed to report a correct estimate for Messrs. Dunn & Karney for erecting lamp posts and lamps, &c., on Alabama street, between New York and North streets, and that an estimate be prepared for such work.

On motion by Mr. Brown :

The City Auditor was directed to re-advertise for proposals for erecting lamp posts and lamps on Pennsylvania street and Madison Avenue, between South and McCarty streets.

Mr. Emerson presented the following petition and statements :

INDIANAPOLIS, Nov. 26, 1866.

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

GENTLEMEN:—The undersigned respectfully asks permission to state the objection of himself and other property holders on North street, to paying the full estimate for improving said street, as allowed to the contractor, Mr. Paterson.

First. The Engineer has allowed for cut and fill both, when Mr. Canada, Casey, Seibert and others, who bid on said contract, are nearly all ready to testify that they bid with the understanding that the estimate was to be made for the cut or fill whichever should be greatest, as has always been done by former Engineers to contractors, and not for both.

Secondly. The present Engineer, who made this estimate, states that he allowed for cut and fill both.

Wherefor we submit to your honorable body, that as the dirt from the cut was needed to make the fill, the contractor could take it from there to make the fill cheaper than to bring it, or haul it from a distance. And as all the bidders for this contract knew this and knew that the uniform custom had been to pay for one and not for both, cut and fill, and are willing to testify that they bid with the understanding that they be paid only for one. We claim, as an act of justice, from your honorable body that this estimate be corrected accordingly. We therefore submit this memorial with the accompanying certificate of former contractors and former Engineer, to just and impartial consideration.

Most respectfully,

William Johnson,	D. H. Lintner,
Charles Sage,	William Bell,
William N. Keesee,	John Rouleren.
Ann McGlenn,	

INDIANAPOLIS, Nov. 26, 1866.

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

We, the undersigned contractors for street work in this city, do hereby respectfully inform the Common Council of the City of Indianapolis, that in all our bids on grade, and in all our estimates for the same, we have never expected, or received pay in this city for the cut and fill both, on the same contract; but only for the largest.

Daniel Mahoney,	John M. Kennedy.
M. O'Conner.	Michael Shea,
H. Seibert,	And 10 others.

INDIANAPOLIS, Nov. 26, 1866.

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

GENTLEMEN:—It has always been the practice of all former City Engineers in this city, in computing the number of yards of grade on any street, to ascertain the exact number of yards of earth actually moved by the contractor in order to complete the contract, and allowing said contractor, by estimate, pay for the same and no more.

Where cut and fill occurs on a contract it has never been the custom in street work in this city to count one yard as two, because it is hauled from the cut to the fill.

Respectfully,

D. B. HOSBROOK.

Which was referred to the Board of Public Improvements.

On motion by Mr. Glazier,

The Street Commissioner was directed to give the Central R. R. Company and the Bellefontaine Company notice to plank the tracks on New Jersey street.

On motion by Mr. Glaizer,

The Street Commissioner was instructed to repair the crossing at the foot bridge on the corner of Delaware and South streets, and drain the mud hole in front of Dr. Rush's Drug Store.

On motion by Mr. Kappes,

Frederick P. Rush was allowed the privilege of paving with brick the sidewalk in front of his property on Meridian street, provided the same be done at his own expense and under the direction of the Civil Engineer.

Mr. Loomis offered the following :

WHEREAS, There is manifest incapacity on the part of the party having in charge the lighting of the city lamps; and whereas, there were no complaints during the term of the former contractor; therefore,

Resolved, That the office of "City Lamp Lighter" be declared vacant, and the City Civil Engineer be, and is hereby, directed to award the contract for the next ensuing twelve months, from and after November 30th, 1866, to Frederick Schulmeier, on condition that he will perform all the duties of said office as required under existing city ordinances, or ordinances that may be hereafter adopted, at a cost per annum of not to exceed five per cent. of the rate paid to the present incumbent.

Which was referred to the Committee on Gas and City Attorney.

Mr. Loomis introduced special ordinance No. 137—1866, entitled :

AN ORDINANCE to provide for lighting with gas, South street, between Virginia Avenue and School street.

Which was read the first time by its title, and passed to a second reading.

Also, special ordinance No. 138—1866, entitled :

AN ORDINANCE to provide for grading the alley running north and south between lots No. 33 and 34 in the north half of out-lot No. 101, from Stevens street southward to the twenty foot alley running east and west on the line, between the north half and the south half of said out-lot No. 101,

Which was read the first time by its title, and passed to a second reading.

Also, special ordinance No. 139—1866, entitled :

AN ORDINANCE to provide for grading so much of the 20 foot alley on the line east and west, between the north half and the south half of out-lot 101, as extends from the east side of the alley running north and south, between Greer and Waters streets, to the east side of Greer street,

Which was read the first time by its title, and passed to a second reading.

Also, special ordinance No. 140—1866, entitled :

AN ORDINANCE to provide for grading the alley running north and south through the south half of out-lot No. 101, between Greer and Waters streets from McCarty street to the 20 foot alley on the line between the north half and the south half of said out-lot No. 101,

Which was read the first time by its title and passed to a second reading.

Dr. Thompson presented the following petition :

INDIANAPOLIS, Nov. 22, 1866.

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

Your petitioner respectfully represents to your honorable body that on the 11th day of February, 1865, at the public sale of lots for delinquent taxes for the years 1863 and 1864, due the City of Indianapolis, by the Treasurer of said city, he bought a portion of the 28 feet, south side, lot No. 4, in out-lot No. 54, Fletcher's second sub-division in said city, as per tax certificate 1998, hereto attached, then taxed in the name of Henry Hattendorf, on which there was then due \$8.75 taxes for the year 1864, and \$5.89 taxes for the year 1863, and \$1.50 interest and costs thereon, which sums of money he paid then and there to said Treasurer, amounting in all to \$16.14.

He further shows that by reason of a double assessment of said property for the year 1863, in February, 1866, said real estate was sold to Langsdale and Hamilton for the taxes of 1865, and as charged for those of 1864, and a certificate of said sale issued to them, which certificate has been redeemed by the owner of said property; whereby the said Treasurer has twice collected the taxes on said property due for the year 1864.

Your petitioner also shows that he has settled with the owner of said real estate for the delinquent taxes of the year 1863, and he now asks that the City Auditor be directed to give him an order on the City Treasurer for the amount of taxes of 1864, so paid by him, being \$8.75, and \$1.50 interest and costs so paid by him as aforesaid, amounting in all to, as principal, \$10.25, together with the legal interest and per cent. on the same as allowed by law, and for such adjustment your petitioner respectfully prays.

GEO. CARTER.

Which was referred to the City Auditor with instructions to embrace amount in next ordinance on accounts.

His Honor, the Mayor, offered the following motion :

^{and} That as persons are hauling gravel from near the Pest House, and on property believed to be owned by the city, therefore the Civil Engineer is instructed to survey the said Pest House grounds and ascertain and mark the boundary lines thereof.

Which was adopted.

His Honor, the Mayor, presented the following communication :

INDIANAPOLIS, Nov. 26, 1866.

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

SIR:—Having visited your city for the purpose of introducing to the notice of your authorities and citizens generally our system of "Fire Alarm Telegraph," and being fortunate in having the apparatus examined and tested thoroughly by all classes, I have the honor to request that a committee of

Council be appointed to meet me to receive estimates and proposals for the erection of a "System of Telegraphic Fire Alarm" in Indianapolis.

Holding myself in readiness to meet your committee at any time and place they may select. I am, very respectfully,

Your obedient servant,

J. THOMAS ELLIOTT,
Agent Amer. Fire Alarm Telegraph Co.

Which was referred to the committee on Fire Department together with the Mayor and Chief Fire Engineer.

The sealed proposals for public works were opened and read by the City Clerk, and referred to the Board of Public Improvements.

REPORTS FROM BOARDS.

Mr. MacArthur, from the Board of Public Improvements made the following report:

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, Nov. 21, 1866. }

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

GENTLEMEN:—The Board of Public Improvements to whom the bids were referred, would respectfully report to your honorable body that, they find the following persons the lowest bidders, and would recommend that contracts be awarded them:

1st. Daniel Collins, to grade and gravel the alley running north and south through out-lot No. 85, for 37 cents per lineal foot each side.

2d. J. H. Robinson, to dig the new channel for Pogue's Run, between Illinois street and the Canal, for 85 cents per lineal foot each side, he having the dirt, or \$1.00, the city using the dirt.

3d. Elliott & Douglass, to dig a ditch from Massachusetts Avenue down St. Clair and Railroad streets to Pogue's Run, for 10 cents per lineal foot.

H. COBURN,
JNO. B. MACARTHUR. } *Board.*

Which was concurred in and the contracts awarded.

Mr. MacArthur, also made the following report:

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, Nov. 21, 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 the motion to have a culvert at intersection of Market and Blackford, and Blackford and New York streets are needed, and we would recommend that the Street Commissioner put them in.

HENRY COBURN,
JNO. B. MACARTHUR, } *Board.*

Which was concurred in.

Mr. Glazier, from Committee on Markets made the following report :

INDIANAPOLIS, Nov. 26, 1866.

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

GENTLEMEN:—Your Committee, to whom was referred the motion that the stalls in the West Market be leased at 50 cents per annum for two years, beg leave to report that there being an ordinance regulating the price of stalls in the Market Houses, it is out of our power to act on the subject, but would recommend that the whole matter be referred to the Committee on Revision of Ordinances, with instructions to report a special ordinance for the West Market in accordance with the above motion.

CHAS. GLAZIER,
JNO. B. MACARTHUR, } *Committee.*

Which was concurred in.

Dr. Thompson, from Committee on Gas, made the following report :

INDIANAPOLIS, Nov. 26, 1866.

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

The Committee on Gas report in favor of complying with the petition of Charles G. Mueller in relation to moving lamp post to mouth of Cumberland street, provided that the resident property holders around said square consent to said removal, in writing, said consent to be filed with the Auditor, and that the petitioner pay all expenses of same.

W. CLINTON THOMPSON.

Which was concurred in.

REPORTS FROM CITY OFFICERS.

The Civil Engineer made the following report :

INDIANAPOLIS, Nov. 26, 1866.

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

The Civil Engineer would respectfully submit the following :

I was directed to re-measure the work of grading on Fletcher Avenue.

Can only make an approximate estimate, which is as follows :

Number of cubic yards of excavation	12,792 88-100
Price per contract 50 cents per cubic yard	50
Total	\$6,396 44 35-100
Total amount as made by former Engineer	6,446 51
Difference between the two estimates	\$50 06 65-100

Respectfully submitted,

JOSHUA STAPLES, JR., *Civil Engineer.*

Which was received.

Also, the following report :

INDIANAPOLIS, Nov. 26, 1866.

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

The Civil Engineer would respectfully report the following amount of work finished according to contract :

R. P. Dunning, for grading and bowldering Cumberland street, between Delaware street and the first alley east of Delaware street, running north and south through square 63.

North side-----	202.6
South side-----	192.6
Total number of feet-----	395
Price per contract, each side-----	107
Total-----	\$422 65

Also, John Shier, for grading and graveling the sidewalks on Virginia Avenue, between Cedar and Elk streets.

East side-----	863 feet.
West side-----	1184.44
Total number of feet-----	2,047.44
At 24 cents per lincal foot each side-----	24
Total-----	\$491 38 56-100

Respectfully submitted,

JOSHUA STAPLES, Jr., *Civil Engineer.*

Which was approved and the City Auditor directed to prepare estimates.

Also, the following report :

INDIANAPOLIS, Nov. 26, 1866.

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

The Civil Engineer would respectfully report the following corrected estimate allowed Messrs Dunn and Karney from furnishing and erecting lamp posts lamps and fixtures on Alabama street, between New York and North street.

Respectfully submitted,

JOSHUA STAPLES, Jr., *Civil Engineer.*

Resolved, That the corrected estimate reported by the Civil Engineer in favor of Messrs Dunn and Karney for furnishing and erecting lamp posts lamps and fixtures, 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 passage of the resolution, those who voted in the affirmative were Councilmen Allen, Brown, Emerson, Fletcher, Glazier, Jameson, Kappes, Loomis, MacArthur, Staub and Thompson—11.

No Councilman voting in the negative.

So the resolution passed.

Also, the following report :

INDIANAPOLIS, Nov. 25, 1866.

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

I was instructed to report as to the feasibility of draining the water from North Pennsylvania street to Fall Creek. I find there is not fall enough to drain the water in that direction, also that the ground would not permit of it without following the ravine where the water formerly came down from Fall Creek in times of a freshet.

Respectfully submitted,

JOSHUA STAPLES, JR, *Civil Engineer.*

Which was accepted and approved.

Also the following report :

INDIANAPOLIS, Nov. 26, 1866.

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

I was instructed a few weeks since to report the number of gas burners required to secure uniformity throughout the city in the city lamps, and also an estimate of the cost of such change. Statement of the number of the different kinds of gas burners now in use in the City Lamps; also, the actual number of feet of gas burned by each kind as tested, and several others not in use in City Lamps.

Number of Burners now in use.	Description of Burner.	No. of feet of gas each burner is marked to burn per hour.	No. of feet of gas actually burned per hour, as tested.	Percentage saved in favor of the Lava Tip Burner.	Percentage saved in favor of the Fish Tail Burner.	Price per Burner.		Cost of renewing all Burners.	Cost to make them uniform.	Remarks.	
						Dolls. Cts	Cents.				
111	Lava Tip, with Regulator attached.....	5	3 5-10	.....	.....	38 00	50	332 50	.....	New Burner lately introduced.
	Common Lava Tip Fish Tail Burner.....	5	5 25-100	33 per ct.	.....	35 00	24 3-10	161 59	.....	New Burner in use considerable.
	Common Lava Tip Square Burner.....	5	4 00	12 "	.....	35 00	24 3-10	181 59	.....	" " " " " "
	Brass patent in use on meter lamps (screw Regulator).....	5	5 18-100	32 "	In use on two of the Meter Lamps.
	Do front of Gas Works do do	5	4 00	12 "	" " " " " "
63	New common square Iron Burner.....	5	6 5-10	45 "	.....	12 00	8 33-100	55 39	.....	Common Iron Burner used by most every one.
	Old common square Iron Burner.....	5	5 00	30 "	.....	12 00	8 33-100	55 39	\$50 14	" " " " " "
	Old common square Iron Burner.....	5	6 00	41 "	.....	12 00	8 33-100	55 39	.....	" " " " " "
156	New common Fish Tail Iron Burner.....	5	2 12-100	33 pr. ct.	.....	12 00	8 33-100	55 39	.....	Not much used.
	Patent Cast Iron Burner.....	5	3 6-10	02 "	.....	.....	.....	.....	.....	Out of date long ago.
136	Patent Brass Burner.....	5	4 5-10	22 "	.....	40 00	27 7-10	184 20	143 53	Not much used now.
126	Eureka, Patent Brass Burner.....	5	4 3-10	18 "	.....	19 00	13 19-100	87 71	71 09	Claimed to be the best Burner in use.
55	Common Patent Brass Burner.....	5	4 00	12 "	.....	16 00	11 11-100	73 88	67 77	Claimed to be the next best Burner in use.

The result, you will notice, is entirely in favor of the Lava Tip Gas Burner, which, I think, gives more light than any of the other burners that was tested, as near as I could tell for the short time used in testing, if the test-meter was reliable (which I have no doubt of.) The above is an accurate statement of the amount of gas consumed by each of the different kinds of gas burners.

Respectfully submitted,

JOSHUA STAPLES, Jr., *Civil Engineer.*

Which was received and ordered to be printed.

Nov. 26, 1866.]

COUNCIL PROCEEDINGS.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }
Indianapolis, Nov. 26, 1866. }

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

GENTLEMEN:—The City Clerk would respectfully report that affidavits have been filed in his office for the collection of street assessment by precept, as follows, to-wit:

F. J. Blume for Blume & Naltner, against Jas. M. Hoyt for	- - -	\$24 00
F. J. Blume for Blume & Naltner against Philip Rowe for	- - -	24 00
F. J. Blume for Blume & Naltner, against Derill Cox for	- - -	24 00
F. J. Blume for Blume & Naltner, against Derill Cox for	- - -	24 00
R. H. Patterson for S. J. & R. H. Patterson, against William Johnson Sr.	- - -	36 34

And would respectfully recommend that you order precepts to issue
Respectfully,

C. S. BUTTERFIELD, *City Clerk.*

On motion so much of the City Clerk's report as relates to precept against William Johnson, Sr., was referred to the Board of Public Improvements with other papers on the subject.

On motion, the remainder of the report was concurred in and the precepts ordered.

The City Auditor made the following report :

INDIANAPOLIS, Nov. 26, 1866.

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

GENTLEMEN:—The City Auditor respectfully reports the following :

1st. First and final estimate allowed C. E. Whitsit and W. S. Hubbard for grading and bouldering Market street, between Delaware and Alabama streets.

2d. Contract and Bond of S. W. Elliott and Andrew Douglass, for digging a ditch from Massachusetts Avenue down St. Clair and Railroad streets to Pogues Run.

3d. Contract and Bond of J. H. Robinson for digging a new channel for Pogue's Run from Illinois street to the Central Canal. The time for the completion of this contract is also left blank, you can state the time for the work to be done.

4th. Contract and Bond of R. H. Patterson for grading and graveling the west sidewalk on Blackford street between New York and Vermont streets.
Respectfully submitted,

JOHN G. WATERS, *City Auditor.*

Resolved, That the first and final estimate allowed Messrs Whitsit and Hubbard, for grading and bouldering Market street between Delaware street and Alabama street, 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 passage of the resolution, those who voted in the affirmative were Councilmen Allen, Brown, Emerson,

Fletcher, Glazier, Jameson, Kappes, Loomis, MacArthur Staub and Thompson—11.

No Councilman voting in the negative.

So the resolution passed.

On motion the blank in the contract of J. H. Robinson for digging a new channel for the bed of Pogue's Run, was filled with April 1st, 1867, and the Contract and Bond approved.

On motion the other Contracts and Bond reported by the City Auditor were accepted and approved.

ORDINANCES ON SECOND READING.

On motion by Mr. Loomis special ordinances numbered respectively 137—1866, 138—1866, 139—1866, and 140—1866, were taken up read the second time and ordered to be engrossed.

ORDINANCES ON THIRD READING.

Dr. Jameson called up special ordinance No. 125—1866, entitled :

AN ORDINANCE to provide for lighting with gas New Jersey street, between New York street and Ft. Wayne Avenue,

Which 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 Allen, Brown, Coburn, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis MacArthur and Staub—12.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Jameson called up special ordinance No. 134, entitled :

AN ORDINANCE repealing section two of an ordinance making a general and special tax levy for the year 1866.

Which 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 Allen, Brown, Coburn, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur and Staub—12.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Allen called up special ordinance No. 136, entitled :

AN ORDINANCE appropriating money for the use of the Fire Department,

Which 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 Allen, Brown, Coburn, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur and Staub—12.

No Councilman voting in the negative.

So the ordinance passed.

UNFINISHED BUSINESS.

Mr. Brown introduced special ordinance No. 141—1866, entitled :

AN ORDINANCE to provide for lighting with gas South street, between Pennsylvania street and Tennessee street,

Which was read the first and second times and ordered to be engrossed.

Mr. Emerson presented the following petition :

INDIANAPOLIS, Nov. 26, 1866.

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

The undersigned respectfully represent that they applied at two separate times in March to pay their personal tax each time to John Waters then acting as City Treasurer, but the name could not be found either time, afterwards the name was found and notice given and the tax paid amounting to \$156.85 as per receipt, enclosed being an excess of \$21.60 for penalty &c. The undersigned respectfully ask that this excess be refunded to them.

GAY & BROELEN.

Which was referred to the City Auditor.

Mr. Kappes offered the following motion :

That the Street Commissioner be directed to place a stone flag crossing on Delaware street at the crossing of alley between Washington and Market streets.

Which was referred to the Board of Public Improvements.

On motion by Mr. Loomis :

^{re} The Chief Fire Engineer was directed to supply Messrs Glazier, Sinker & Co., and others with so much of the condemned Fire Engine hose as they may wish for mutual protection against fires.

On motion by Mr. Fletcher :

The street Commissioner was instructed to have repaired the wooden culverts at crossing of Illinois and Washington streets at the intersection of said streets.

On motion by Mr. Brown the Council adjourned.

JOHN CAVEN, *Mayor.*

ATTEST :

C. S. BUTTERFIELD, *City Clerk.*