

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, MAY 17TH, 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, Shepherd, Thalman,  
Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

The proceedings of the regular session held May 10th, 1869, were  
read and approved.

REGULAR ORDER OF BUSINESS.

Mr. Brown presented the following petition :

INDIANAPOLIS, May 17, 1869.

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

Your petitioners would respectfully represent that the territory comprised  
between Illinois and Mississippi streets, on First street, has hitherto been a  
quiet and peaceful neighborhood, inhabited by a semi-rural population, who  
paid their taxes without grumbling, voted early, and lived in peace and quiet  
beneath their own vines and fig trees. Into this peaceful community has  
lately come a disturbing element in the shape of two specimens of the fowl  
known in ornithological circles as the Pintada, or Guinea Hen, which keep

up, from early morn to dewey eve, such an infernal screeching as to render the neighborhood untenable. These speckled and diabolical fowls are harbored by one Williams, who lives on Tennessee street near First, and is so curiously organized as to enjoy that which to his neighbors has become an intolerable nuisance. Seeing no refuge from the Lunatic Asylum, or a hasty abandonment of their houses, except in an appeal to your honorable body, your petitioners humbly beg that said Williams be compelled by ordinance or resolution, to expatriate these objectionable fowls, in order that peace may resume her gentle sway over the distracted neighborhood. And thus your petitioners will ever pray.

Geo. C. Harding,  
Geo. H. West,  
Charles M. Morris,

Thos. Schooley,  
Thos. Madden.

Which was referred to the Committee on Benevolence.

Mr. Brown presented the following petition :

INDIANAPOLIS, May 17, 1869.

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

GENTLEMEN:—We, the undersigned property owners, petition your honorable body to pass an ordinance to provide for the grading and paving with hard burned brick nine feet of the entire width of the sidewalk on the west side of Illinois street, between South street and Pogue Run. And your petitioners will ever pray, &c.

Respectfully,

E. C. Atkins & Co.,  
Osgood, Smith & Co.,  
James Frank.

Which was received.

Mr. Brown offered the following motion :

That the Street Commissioner be directed to repair Illinois street, between South street and Pogue Run, with good screened River gravel.

Which was adopted.

Mr. Cottrell presented the following communication :

INDIANAPOLIS, May 17, 1869.

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

We respectfully recommend Mr. Herman Piele for appointment as Police-man in the Seventh Ward of this city. Mr. Piele was a member of Captain Bracken's Cavalry, (Co. K, 1st Indiana Cavalry,) and served faithfully for three years. He is an honest, industrious and trustworthy man, and if appointed will discharge his duties faithfully.

Nathan Kimball,  
M. F. A. Hoffman,  
Gall & Rush,

Thos. Sanders,  
Otto Paulin,  
And 11 others.

Which was referred to the Board of Police.

Mr. Cottrell presented the following communication :

INDIANAPOLIS, May 11, 1869.

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

I would hereby respectfully certify that Mr. William Keller, a citizen of the Seventh Ward, has been a soldier in my Regiment (32d Indiana,) and

sustained himself with credit to himself and the service; in consideration of this I would recommend him for such position as would be desired by him, knowing that he will do his duty.

Yours respectfully,

F. ERDELMEYER.

Which was referred to the Board of Police.

Mr. Cottrell offered the following motion :

That there be no election of Gas Inspector, and that the Committee on Revision of Ordinances be instructed to report an ordinance devolving the duties of that office on the Civil Engineer, without any additional compensation.

Mr. Locke moved to lay the motion on the table.

Mr. Cottrell called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Wiles and Weaver—10.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Shepherd and Whitsit—7.

So the motion to lay on the table was adopted.

Mr. Heckman offered the following motion :

That the Street Commissioner be directed to repair Washington street between Noble street and the Corporation line.

Which was adopted.

Mr. Harrison presented the following petition :

INDIANAPOLIS, May 17, 1869.

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

Valentine Butsch and James Dickson, your petitioners, would respectfully show to your honorable body that at the time of the boring the Artesian Well near University Square, in said city, they were the owners of one coil of rope about five hundred feet in length, and some jars; that said rope and jars were at the time named in the possession of one ——— Stacy, Superintendent of the Indianapolis Gas Company; that the said rope and jars had been loaned to said Stacy by your petitioners. Your petitioners would further show that Charles Richmann, Chief Fire Engineer of the City of Indianapolis, obtained possession of said rope and jars from said Stacy and used the same in boring said Artesian Well, and that the said rope and jars were never returned to said Stacy nor to your petitioners, but that the same were used up, worn out and destroyed in boring said Artesian Well. Your petitioners further say that said rope and jars were of the value of one hundred dollars, but in order to effect a settlement, they are willing to accept the sum of fifty dollars for said rope and jars, for which amount they pray that your honorable body may make them an allowance.

VALENTINE BUTSCH,  
JAMES DICKSON.

By J. W. NICHOL, Attorney.

Which was referred to the Committee on Accounts and Chief Fire Engineer.

Mr. Harrison offered the following motion :

That Ferdinand A. Lehr be granted permission to pave, at his own expense, with brick, the sidewalk in front of his residence, No 419, North New Jersey street, being front of No. 21, out-lot No. 178, in Bird's subdivision of said city, fronting west on New Jersey street, in said city—said improvement to be made under the direction of the City Engineer.

Which was adopted.

Mr. Harrison presented the following petition :

INDIANAPOLIS, May 17, 1869.

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

The City of Indianapolis, To William Bowman, Dr.

To damages by reason of a hole in the street, between Washington and Market streets, on Tennessee street, by reason of which said Bowman had two wagons broke down and damaged to the amount of ten dollars, which he asks the city to pay, - - - - \$10 00

WILLIAM BOWMAN.

Which was laid on the table.

Mr. Kennington offered the following motions :

That the Street Commissioner be directed to fill the gutter at the crossing of Pennsylvania and Merrill streets.

That the Street Commissioner be, and is hereby, directed to fill the holes on McCarty street between Delaware street and Madison Avenue.

Which were adopted.

Mr. Kahn presented the following petition :

INDIANAPOLIS, May 17, 1869.

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

We, the undersigned citizens of the City of Indianapolis, Indiana, respectfully petition your honorable body for the opening of Vermont street through lot number fifty-two (52), of R. T. Fletcher's subdivision of the City of Indianapolis, Indiana, from Liberty street west to East street, so as to extend Vermont street in a direct line to East street from the eastern projection of Vermont street, as the same is now located between Liberty and Noble sts.

And we further represent to your honorable body that we represent more than two-thirds of the property holders and owners of property bordering on said street.

Peter France, C Gould,  
J. Staub, John Monroe,  
P. Gutperler, And 13 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Kahn offered the following motion :

That the Street Commissioner be instructed to look after the gutters on East and Michigan streets, which are in very bad condition.

Which was adopted.



Mr. Locke offered the following motion :

That W. P. Bingham have permission to pave with brick the sidewalk in front of his property on California street, between New York and Vermont streets, and that the Civil Engineer is hereby instructed to set the proper grade stakes.

Which was adopted.

Mr. Locke introduced general ordinance No. 15—1869, entitled :

AN ORDINANCE to provide for the compensation of City officers, and officers and members of the Police Force and Fire Department for the fiscal year ending May 15, 1870.

Which was read the first time.

Mr. Locke introduced general ordinance No. 16—1869, entitled :

AN ORDINANCE concerning buildings and improvements, and regulating the granting of building permits.

Which was read the first time.

Mr. Locke introduced general ordinance No. 17—1869, entitled :

AN ORDINANCE extending the width of sidewalks, and authorizing the improvement of the outer part thereof.

Which was read the first time.

Mr. Marsee offered the following motions :

That the Street Commissioner be directed to clean the gutter on the west side of New Jersey street, between the I. C. and L. R. R. tracks and Virginia Avenue.

That the Street Commissioner notify the Bellefontaine, Central and Union Railroad Companies to open the culvert under their tracks on the east side of New Jersey street.

Which were adopted.

Mr. Shepherd offered the following motion :

That the Street Commissioner be directed to repair South street between Illinois and Pennsylvania streets with good river gravel.

Which was adopted.

Mr. Shepherd introduced special ordinance No. 33—1869, entitled :

AN ORDINANCE to provide for the paving with brick the west sidewalk of Illinois street, between South street and Pogae Run.

Which was read the first time.

Mr. Newman presented the following recommendation :

INDIANAPOLIS, May 17, 1869.

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

GENTLEMEN:—The undersigned petitioners of the Fifth Ward, wishes to petition your honorable body to have Wm. W. Smith appointed as Day Policeman in said Ward, with a request from him that each policeman file a bond with the City Clerk of one thousand (1,000) dollars for his responsibility and good behavior.

David Nicholson,  
Samuel Goddard,  
Edward Shaw,

A. Waldo,  
A. Wiegand,  
And 10 others.

Which was referred to the Board of Police.

Mr. Thalman offered the following motion :

That the Street Commissioner be directed to immediately construct a wooden culvert on Bright street, between New York street and the Canal race.

Which was referred to the Committee on Bridges.

Mr. Thalman presented the following remonstrance :

INDIANAPOLIS, May 17, 1869

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

GENTLEMEN:—We, the undersigned property holders on Ellsworth street, remonstrate respectfully to your honorable body against a permit granted to Charles Helwig & Co., to erect a drying kiln on lots 13, 15 and 17, in Square 29, as it is in close proximity on each side to buildings and residences.

John Jordan,  
Charles E. Pottage,  
Pete Bohrmann,

Jas. Ryan,  
August Brinkar,  
And 10 others.

Which was referred to the Chief Fire Engineer.

Mr. Wiles offered the following motion :

That James Haddon be permitted to pave with brick to the width of nine feet, at his own expense, and under the direction of the City Engineer, the sidewalk in front of his lot, (No. 21, in Bird's plat of subdivision of out-lot No. 178,) situated on east side of North New Jersey street above St. Clair st.

Which was adopted.

Mr. Wiles presented the following petition :

INDIANAPOLIS, May 17, 1869.

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

GENTLEMEN:—By virtue of an agreement between Edward King, on behalf of the Bellefontaine Railroad Company, and the heirs of the late Gen'l Robert Hanna, the preceding Council ordered the opening of John street through a part of out-lot 44 to the Corporation line, a width of 40 feet. Since the passage of said ordinance, now some months, I have made repeated requests of Mr. King, the Vice-President of said Railroad, to bridge the crossing over their track, and make the street passable; he has not only failed to comply with the request, but has kept the street continually blocked up with cars

standing on the crossing. I would therefore request, gentlemen, that said Railroad Company be required to make the crossing good and keep the same clear. Respectfully,  
JOHN L. HANNA.

Which was referred to the Committee on Streets and Alleys.

Mr. Whitsit offered the following motion :

That the Street Commissioner be directed to open the gutter on the east side of East street, between Virginia Avenue and the Cincinnati Railroad.

Which was adopted.

On motion, the City Clerk was directed to advertise for proposals for removing dead animals from inside the city limits.

His Honor, the Mayor, presented the following from the Committee on Benevolence :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING APRIL 24, 1869.

Number of patients in the Hospital at last report.....	17
Number of patients received in the Hospital since last report.....	2
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	3
Number of patients died in the Hospital since last report.....	0
Number of patients remaining in the Hospital at present.....	16

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF THE CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL ENDING APRIL 30, 1869.

Number of patients in Hospital at last report.....	21
Number of patients received in Hospital since last report.....	12
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	16
Number of patients died in Hospital since last report.....	1
Number of patients remaining in Hospital at present report.....	16

Also the following :

RECAPITULATION OF THE MONTHLY REPORT OF EXPENDITURES OF THE CITY HOSPITAL, ENDING APRIL 30, 1869.

Total expenditures for the month.....	\$438 97
Aggregate number of days for which subsistence, etc., was furnished ____	577
Average expense per capita per diem.....	0.76

Which were received.

His Honor, the Mayor, announced the following Standing Committees :

On Accounts and Claims—Messrs. Woodburn, Kahn and Heckman.

On Judiciary—Messrs. Newman, Harrison and Brown.

On Finance—Messrs. Newman, Woodburn and Cottrell.



0. On Revision of Ordinances—Messrs. Harrison, Locke and Cottrell.
5. On Streets and Alleys—Messrs. Thalman, Marsee and Heckman.
- R. On Railroads—Messrs. Wiles, Thoms and Shepherd.
- S. On Fire Department—Messrs. Marsee, Thalman and Brown.
- P. On Public Schools—Messrs. Kahn, Locke and Whitsit.
- M. On Markets—Messrs. Pyle, Thalman and Kennington.
- P. On Public Buildings—Messrs. Weaver, Pyle and Gimber.
- U. On Gas Light—Messrs. Wiles, Kahn and Kennington.
- B. On Bridges—Messrs. Locke, Marsee and Gimber.
- P. On Printing and Stationery—Messrs. Thoms, Harrison and Shepherd.
- B. On Benevolent Institutions and Hospitals—Messrs. Woodburn, Weaver and Whitsit.

REPORTS FROM CITY OFFICERS.

The City Clerk presented the following official bonds :

- e. R. M. Patterson, Civil Engineer, giving as security David Macy and W. Clinton Thompson—penalty of bond \$1,500.
- c. Charles Richmann, Chief Fire Engineer, giving as security Alexander Metzger and F. Ritzinger—penalty of bond \$1,500.
- MA. Theodore W. Pease, Market Master, giving as security Peter Goth and Robert Denny—penalty of bond \$1,500.
- c. S. B. Morris, City Sealer, giving as security Charles Schwomeyer—penalty of bond \$1,500.

On motion, the bonds were severally approved.

- S. The bond of Augustus Bruner, as Street Commissioner, was presented, giving as security James Loucks and L. VanLaningham—penalty of bond \$1,500—owing to a difference of opinion existing between the old and new Street Commissioner in regard to the expiration of the term of the former, the bond of Mr. Bruner was referred to the City Attorney for his decision.

The City Treasurer made the following report :

INDIANAPOLIS, May 17, 1869.

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

GENTLEMEN:—I have the honor to report that I have appointed John W. Coons as my Deputy, and also Wm. McVey and Riley Foster Deputies for the



purpose of collecting delinquent taxes. I respectfully ask that you confirm such appointments.

Respectfully,

ROBT. S. FOSTER, *City Treasurer.*

Which was received.

The question being on confirming Messrs. McVay, Foster and Coons, those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrioso, Heckman, Kahn, Kennington, Locke, Pyle, Marsee, Newman, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

So John W. Coons, Wm. McVay and Riley Foster, were declared duly confirmed Deputy City Treasurers.

The City Attorney made the following report :

INDIANAPOLIS, May 13, 1869.

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

GENTLEMEN:—On the 26th of April, the following paragraph of the report of the Finance Committee was referred to me, viz :

“That the Society of Turners be relieved from taxation, and that the Treasurer be directed to strike from the duplicate any amount of taxes against the property of said Society which remains unpaid.”

The burden of taxation is a common one to be borne by all the citizens, and exemptions are strictly construed. As an example of the strictness of the rule I cite the case of *The City of Indianapolis v. Grand Masters of the Grand Lodge of Masons*, where our Supreme Court held that only the part of the building used actually by the Lodge was exempt, although the entire revenues derived from it were devoted to benevolent purposes. The 58th section of the City Charter provides that “The Common Council shall have power to levy and caused to be assessed and collected in each year ad valorem tax of not more than one per centum for general purposes on all property subject to State and county taxation within such city.” As this provision concerns the general public the statute must be regarded as imperative; the general rule is, that where a statute directs a corporation to perform an act in which the public have a general interest, it is to be regarded as mandatory and not as merely directory. The Common Council have, therefore, no arbitrary discretion in the matter, but they are, as commanded by the organic law of the corporation, bound to levy a tax upon all property subject to county and State taxation. The general law of the State exempts certain property from taxation, and if the property owned by the Society of Turners falls within the class exempted the report of the committee should be concurred in, otherwise not. In 1861 the Legislature enacted that the following property should be exempted from taxation: “Every building erected for the use of any literary, benevolent, charitable, or scientific institution by any individuals, association, or corporation, or erected for the same purpose by any town, township, or county, and the tract of land on which such building is situated not exceeding twenty acres, also the personal property belonging to any institution, town, township, city, or county, and connected with or set apart for any of the purposes aforesaid.” (Acts of 1861, p. 170.)

If the Council should be satisfied that the property belonging to the Society of Turners clearly falls within the provisions of the statute quoted, it should be relieved from taxation, but if it does not, then the Council have no power to exempt it, and it is the duty of the Treasurer to collect the tax assessed

against it. Whether the property does fall within the class exempted, is a question of fact for the determination of your honorable body, and if the Society produce such evidence as shall satisfy you that the property asked to be exempted belongs to the class embraced within the statutory provision quoted, you should direct that it be stricken from the duplicate. What this evidence should be, it is of course improper for me to determine, but I respectfully suggest that the statement of an officer of the corporation as to its organization, objects, and proceedings would be proper evidence.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

The Civil Engineer made the following report :

INDIANAPOLIS, May 17, 1869.

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

I hereby report the following work finished according to contract :

Charles Roney for grading and paving the west sidewalk on Delaware st., between St. Clair and Pratt streets. Length of sidewalk 337 feet at 75 cents per lineal foot, \$252.25.

Respectfully,

R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

His Honor, the Mayor, presented the following report :

OFFICE OF CITY CLERK, }  
Indianapolis, May 11, 1869. }

GENTLEMEN:—We, the undersigned, respectfully report to your honorable body that we have this day canceled and burnt Forty Thousand Dollars of City Bonds which had been deposited in the First National Bank of this city as collateral security for a loan of Thirty Thousand Dollars for one year by an order from your honorable body on the 26th of January, 1868. We also destroyed on a former occasion, by order of the Common Council, \$310,000. Making in all \$350,000, all that were issued under an order of the Common Council February 22d, 1865.

Respectfully submitted,

DANIEL MACAULEY, *Mayor.*

ROBT. S. FOSTER, *City Treasurer.*

JOHN G. WATERS, *Dep. City Clerk.*

Which was received, and in reference to which Mr. Brown offered the following motion :

That the report be referred to the Committee on Finance, with instructions to make a thorough examination of the records of the late City Auditor's office and of the City Clerk's office, and report as to the number of Bonds that have been issued since January, 1862, and what disposition has been made of such bonds.

Which was adopted.

The City Clerk introduced special appropriation ordinance No. 17—1869, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the first time.

ORDINANCES ON SECOND READING.

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

- Special ordinance No. 31—1869.
- Special ordinance No. 30—1869.
- Special ordinance No. 33—1869.
- Special ordinance No. 27—1869.
- Special ordinance No. 6—1869.

Mr. Cottrell moved that the rules be suspended and that special ordinance No. 6—1869, providing for the grading and graveling of Virginia Avenue, between Louisiana and South streets, be taken up and placed upon its passage.

The question being on a suspension of the rules, those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

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

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Locke called up general ordinance No. 15—1869, fixing the salary of the different City Officers.

Which was read and acted upon section by section.

Mr. Cottrell moved to strike out \$3,000, as the Mayor's salary, and insert \$2,000.

Mr. Newman called for a division.

The question being to strike out \$3,000, Mr. Brown called for the eyes and noses.



Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Shepherd and Whitsit—7.

Those who voted in the negative were Councilmen Harrison, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—11.

So the motion to strike out \$3,000 was lost.

Mr. Brown offered the following proviso, to be added to the paragraph referring to the Mayor's salary :

*Provided*, That all ordinances or parts of ordinances heretofore in force governing the collection and payment into the City Treasury of fees collected in the City Judge's Court shall be construed to apply to the Mayor.

Which was adopted.

Mr. Brown offered the following to be added to the section referring to the salary of Clerk :

And the City Clerk shall be authorized to employ such Clerks as the business of his office shall require: *Provided*, That the amount to be thus expended shall not exceed \$2,500 per annum.

Mr. Cottrell moved to amend by inserting \$1,600 in lieu of \$2,500.

Dr. Woodburn moved to lay Mr. Brown's motion, together with Mr. Cottrell's amendment, on the table.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—11.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Shepherd and Whitsit—7.

So the motion to lay on the table was adopted.

Mr. Brown offered the following to be added to the section fixing the fees of the City Treasurer :

That the City Treasurer be allowed five per cent. commissions on all collections of delinquent taxes where the same are assessed exclusively on personal property appraised on the duplicate disconnected from real estate assessments.

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, Shepherd and Whitsit—7.



Those who voted in the negative were Councilmen Harrison, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—11.

So the amendment was lost.

Mr. Brown moved to strike out \$90, as the pay of Fire Engineers, per month, and insert \$80.

Mr. Kahn moved to lay Mr. Brown's motion on the table.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Heckman, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—13.

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

So the motion to lay on the table was adopted.

Mr. Cottrell moved to strike out \$150, as the pay for hose-men per year, and insert \$180, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Kennington, Marsee, Newman, Pyle, Shepherd, Whitsit and Wiles—9.

Those who voted in the negative were Councilmen Gimber, Harrison, Heckman, Kahn, Locke, Thalman, Thoms, Weaver and Woodburn—9.

There being a tie vote, His Honor, the Mayor, voted in the affirmative.

So the motion was adopted.

Mr. Brown moved to strike out \$2.00, as pay for Councilmen per meeting, and that there be no allowance made for the services of Councilmen.

Dr. Woodburn moved to lay the motion on the table.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—11.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Shepherd and Whitsit—7.

So the motion to lay on the table was adopted.

On motion, the ordinance was ordered to be engrossed.

Mr. Brown called up general ordinance No. 14—1869, entitled :

AN ORDINANCE re-organizing the Police Force of the City of Indianapolis, regulating and governing the same, and repealing all ordinances in conflict therewith.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the Police Force of said city shall consist of the Marshal of said city, the Deputy Marshal of said city, four (4) day policemen, and eighteen (18) night watchmen and no more.

SEC. 2. The City Marshal shall, by virtue of his office, be Chief of the Police Force of said city, and as such shall have full control of both the day policemen and night watchmen, who shall be subject to his orders. In addition to the general supervision and control of the entire police force, such Marshal shall attend at roll calls of the day policemen on their going on and off duty, and shall, from time to time, make all reports required by the Common Council or by police regulations, to the Common Council. The Deputy City Marshal shall, in addition to other duties required of him, have special charge of the night watchmen, and shall attend at their roll calls on their going on and off duty, and shall, from time to time, make all reports required by the Common Council or by police regulations, to the City Marshal.

SEC. 3. For day police purposes the city shall be divided into four districts, the First, Second and Ninth Wards to be the first district, the Third and Fourth Wards the second district, the Fifth and Sixth Wards the third district, and the Seventh and Eighth Wards the fourth district. The day policemen for the respective districts shall be selected by a ballot vote of the Common Council, and the person receiving a majority of all the votes cast shall be declared duly elected. But no person shall be balloted for unless he shall receive the joint recommendation of a majority of the Councilmen representing the Wards constituting any such Day Police district, which joint recommendation shall be presented to the Common Council and read by the Clerk prior to the balloting.

SEC. 4. For night police purposes each Ward shall constitute a district, and each district shall be divided into two beats. Each beat shall be patrolled by one night watchman, to be detailed by order of the Common Council, and no two night watchmen shall be allowed to patrol the same beat together, nor shall any night watchman go beyond the bounds of his beat, except in case of some great emergency, or for the purpose of attending roll calls. Any one so offending shall be promptly dismissed from the force. The night watchmen for the respective districts shall be selected by a ballot vote of the Common Council, and the person receiving a majority of all the votes cast shall be declared duly elected. But no person shall be balloted for unless he shall receive the joint recommendation, in writing, of the two Councilmen representing the particular Ward for which any such person is proposed to be balloted for for night watchman, which joint recommendation shall be presented to the Common Council and read by the Clerk prior to the balloting.

SEC. 5. Each day policeman and night watchman shall, before entering on duty file with the City Clerk an official bond in the penal sum of one thousand dollars, conditioned for the faithful discharge of his duty according to law, with at least two freehold sureties, which bond shall be presented to the Common Council for approval, and when so approved such policeman or watchman shall, upon taking the prescribed oath of office, be entitled to enter on the duties of his office.

SEC. 6. All vacancies that shall occur in the office of policeman or watchman, from any cause, shall be filled in the same manner as at regular elections of policemen and watchmen. All complaints against members of the police force shall be filed with the City Marshal and by him referred to the Common Council, and if the Common Council shall so order, such complaints shall be referred to a committee of the Common Council, which committee shall examine into the matters of complaint and make report thereon within two weeks, and in case such committee shall report in favor of dismissal the Common Council shall, by a ballot vote, decide whether such report shall be concurred in, and in case of concurrence the policeman or watchman affected by such action shall be dismissed from service.

SEC. 7. No special policemen shall be allowed unless by a two-thirds vote of the Common Council, and no policeman or watchman shall absent himself from duty, except by permission of the Common Council, nor shall any policeman or watchman be allowed to place a substitute on duty in his stead in any district or beat, except by the consent of the Common Council: *Provided, however,* That the City Marshal shall have power to place a substitute on duty in case of the illness or temporary absence from the city of any policeman or watchman, but such substitute must be compensated for his time and service by the policeman or watchman so absent from duty.

SEC. 8. All members of either the day or night police force shall be promptly removed for any of the following causes:

1st For violating any law of the United States or State of Indiana, or of any ordinance or police regulation of the City of Indianapolis, or for aiding or giving others an opportunity to evade or violate any law of the United States, or State of Indiana, or of any ordinance or police regulation of the City of Indianapolis

2d. For accepting any reward, gift or bribe from any person whatever, or for failing to make arrests in case of violations of laws or ordinances, or for releasing from arrest prior to delivery to the prison of any one arrested, or for aiding in the escape of any one charged or arrested for violations of laws or ordinances.

3d. For drunkenness or gross misconduct, either on or off duty, for visiting houses of prostitution, gambling houses, or drinking saloons, except in pursuance of proper authority to either make an arrest or suppress a riot

4th. For interfering in any manner whatever, except to vote, in any primary nominating election or convention of any party, or at any National, State, County, Township, or City election, or for betting or holding wages on any election for National, State, County, Township, or City officers.

5th. For appearing on duty without wearing the prescribed uniform of a policeman.

SEC. 9. All policemen now in office shall be continued in office until the first day of June, 1869, and no longer, at which date all policemen and watchmen elected under the provisions of this ordinance shall be entitled to enter on duty.

SEC. 10. This ordinance shall be in force from and after its passage, and all ordinances or parts of ordinances creating, regulating, or governing the Police Force of the City of Indianapolis, creating a Police Board and defining its duties and powers, and all ordinances amendatory thereto, which shall come in conflict with any of the provisions of this ordinance be, and the same are hereby, repealed.

Dr. Woodburn moved to strike out all of the above entitled ordinance, after the ordaining clause, and to insert the following:

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the offices of Chief of Police and Lieutenants of Police be, and are hereby, abolished.

SEC. 2. That the City Marshal shall have the general control and supervision of the entire Police Force of the said City, and the entire force shall be



subject to his orders. It shall be the duty of said Marshal to cause the members of said force to obey the rules and regulations of the Common Council, and to faithfully discharge their duties; and said Marshal shall promptly attend at all roll calls of the day policemen on their coming on and going off duty, and shall make all reports required by the Common Council and by the ordinances of said city. The said Deputy Marshals shall, in addition to other duties required of them, have special charge of the night policemen, and shall promptly attend at all their roll calls on their going on and coming off duty, and shall, from time to time, make such reports to the City Marshal as may be required by the Common Council, or by the ordinances of said city. That wherever the words Chief of Police occurs in the ordinances, resolutions or proceedings of the Common Council, it shall be held to apply to the City Marshal, and he shall faithfully perform the duties therein enjoined upon the Chief of Police; and that wherever the words Lieutenants of Police occurs in the aforesaid ordinances, resolutions or proceedings, it shall apply to the Deputy City Marshals, and they shall faithfully perform the duties therein required of the Lieutenants of Police.

SEC. 3. All ordinances or parts of ordinances conflicting herewith are hereby repealed.

SEC. 4. This ordinance shall take effect and be in force from and after its passage.

The question being on Dr. Woodburn's motion to strike out and inserting, Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—11.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Shepherd and Whitsit—7.

So the motion to strike out and insert the above ordinance was adopted.

Mr. Brown moved that the 5th section of the ordinance introduced by himself be adopted and engrafted into the substituted ordinance of Dr. Woodburn.

Which motion was adopted.

Mr. Brown moved that section 8 be also adopted.

Pending a consideration of which, Mr. Newman moved that the further consideration of the matter be postponed, and that the above ordinances be referred to the City Attorney, with instructions to report at next meeting of Council.

On motion the Council adjourned.

*Daniel Macauley*  
~~DANIEL MACAULEY,~~ Mayor.

ATTEST:

*Wm Russell*  
~~Wm Russell,~~ City Clerk.