

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

SPECIAL SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, NOVEMBER 23D, 1863, 7½ O'CLOCK, P. M. }

The Common Council met in special session.

Present—His Honor, the Mayor, John Caven, in the chair ;  
and the following members :

Councilmen Allen, Brown, Boaz, Blake, Colley, Cook, Coburn,  
Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Haughey,  
Jameson, Lefever, McNabb, Staub and Thompson—17.

Absent—Councilman Wallace—1.

The proceedings of the regular session, held November 16th,  
1863, were read and approved.

His Honor, the Mayor, announced that the first business in  
order was to hear and consider reports from the Committee on  
Revision of Ordinances.

On motion of Mr. Haughey, the special order of business was  
suspended, and the regular order of business taken up.

By Mr. Haughey—Communication :

INDIANAPOLIS, November 23d, 1863.

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

In response to a resolution of your honorable body, passed at  
your last regular session, the President and Directors of the

“Citizens’ Street Railroad Company, of Indianapolis,” would respectfully report :

That, if a charter is granted to them for that purpose, they will agree to construct two (2) miles of said road by the fourth (4th) day of July, 1864, and one additional mile during the year 1864, making three miles of road during the year 1864.

That they will agree to construct at least one mile of said road during each succeeding year thereafter up to and including the year 1870.

The said company would further say that they may construct said road much more rapidly than above proposed, and continue the construction of the same after 1870 more rapidly than they pledge themselves to do before that time; but taking into view the very unsettled state of finances, and the great uncertainty of the future at the close of the present rebellion, they do not feel warranted in making pledges to the City more favorable than above given.

They believe that the length of road to be constructed and the number of lines built, beyond what they have herein proposed, must depend, to a great extent, upon the future growth and prosperity of this city. That growth no one can foretell, and the best guarantee to the city for the construction of road as rapidly as public interest may require it, is contained in the charter now before the Council, which will enable your honorable body to *force* the construction of the road at your pleasure, or compel the company to give way to competing organizations.

Respectfully submitted on behalf the company,

R. B. CATHERWOOD, *President.*

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

• By Mr. Haughey—Communication :

INDIANAPOLIS, November 23d, 1863.

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

The undersigned, President of the “Indianapolis Street Railroad Company,” begs leave to represent to your honorable body that the company he represents has no desire to appear before the Council and enter into competition with other parties, of whose responsibility they know nothing, or to offer anything in the shape of a *bonus* to induce the Council to grant them a charter to construct and operate Street Railroads. When they petitioned the Council on this subject, they expected that the Council would exercise its own judgment in passing an ordinance, and hoping that it would take every caution to protect the interests of the city by adopting wholesome restrictions as to the occupancy and use of its streets, &c. If, in so doing, the Council passed an ordinance which the “Indianapolis Street Railroad Company” could not accept, they would immediately notify the Council of that fact, and let it take such action as it might think best.

While they decline to enter into the competition above mentioned, for the reasons stated, they desire to say that they will accept the Charter as it now stands, though some of the late amendments are not altogether unobjectionable.

They desire further to say, that they have organized this company with a view of furnishing, as fast as they can be supplied, facilities to the people of Indianapolis to ride upon one of the best constructed roads and in the best cars in the country, and they have no hesitation in saying that they are fully able to do this just as rapidly as any other company can, and that they intend to rather anticipate the wants of the public in this respect than to be behind them.

To satisfy any doubts that may exist on this point, they desire to say that they will execute a bond in the penal sum of Fifty Thousand Dollars (\$50,000), with good and sufficient surety, to the satisfaction of the City Council, that they will fully comply with the requirements of the 14th section of the charter. It is their intention, should the charter be granted them, to complete at least as much more before the close of the year 1864.

Very respectfully,

T. A. MORRIS, *President,*  
*Indianapolis St. R. R. Co.*

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

Dr. P. H. Jameson, Chairman of the Committee on Revision of Ordinances, reported an ordinance entitled

AN ORDINANCE protecting School Property.

Which was read the first time, and, on motion of Dr. Jameson, was read a second time by its title.

Dr. P. H. Jameson, Chairman of the Committee on Revision of Ordinances, reported an ordinance entitled

AN ORDINANCE further defining the duties of the City Assessor, increasing his salary, and repealing an ordinance.

Which was read the first time, and, on motion of Dr. Jameson, was read a second time by its title.

Dr. P. H. Jameson, Chairman of the Committee on Revision of Ordinances, reported the following ordinance:

AN ORDINANCE preventing Frauds in the Sale of Wood, and providing for Wood Measurers.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That any person selling wood, or offering wood for sale within the City of Indianapolis, who shall knowingly make any false representations, as to the quantity of wood contained in any load offered for sale, with intent to defraud any person who may purchase the same, or who shall fraudulently so con-

struct any load of wood which may be exposed for sale, as to conceal therein inferior or unsalable wood, and different from the parts of the load exposed to view, with intent to defraud any person who may be the purchaser thereof; or who shall fraudulently resort to any other trick or artifice, by concealment or misrepresentation, to deceive any purchaser, and thereby defraud him or her, either as to the quantity or quality of such load of wood, shall, upon conviction thereof before the Mayor, be fined in any sum not less than three dollars, nor more than twenty-five dollars.

SEC. 2. The Common Council shall, at the first regular meeting of the same, after the first Tuesday in May of each year, elect two Wood Measurers, who shall hold their offices for one year; one of said Measurers shall be selected for that part of the city east of the west side of Pennsylvania street and Madison Avenue, and one of said Measurers shall be selected for that part of the city west of said street and avenue.

SEC. 3. It shall be the duty of said Wood Measurers to measure accurately all loads of wood exposed for sale in the city of Indianapolis, and furnish to each owner, or person in charge of such load, a ticket, having inscribed, legibly thereon, the owner's name, the date of said measurement, and the number of cords and cubic feet of wood contained in the said load, together with the signature of one of said Wood Measurers; and furthermore to report to the Mayor or City Attorney any violation of this ordinance.

SEC. 4. If the owner or person having charge of any load of wood as aforesaid, shall sell the same without previous measurement, as herein provided, on that part of any street which borders on squares numbered sixty-three and sixty-eight, in the City of Indianapolis, known respectively as the State House and Court House Squares, or at any other place which may hereafter be designated by the Common Council as a wood market; or if said owner or other person shall, in any way, obstruct, hinder or prevent, by intimidation, or otherwise, said Wood Measurers, or either of them, in the performance of their or his duties, the said owner or other person so offending, shall, on conviction thereof before the Mayor, be fined in any sum not less than one dollar, nor more than ten dollars.

SEC. 5. Any Wood Measurer, elected under this ordinance, who shall furnish the owner or other person having charge of any load of wood, with a ticket as aforesaid, which shall indicate a greater number of cubic feet, or cords of wood, than are actually contained in said load, shall, on conviction thereof, be fined in any sum not less than ten dollars, nor more than fifty dollars.

SEC. 6. Said Wood Measurers shall be allowed to receive from the owner or other person having charge of each load of wood, for services rendered in measuring the same, as aforesaid, the sum of five cents, when said service is rendered at any time after the first day of October, and before the first day of April; and the

sum of ten cents when said service is rendered at any time after the first day of April, and before the first day of October.

SEC. 7. At the first regular meeting of the Common Council after the passage of this ordinance, two city Wood Measurers shall be elected, as provided in the second section of the same, to serve until the next annual election thereafter. All vacancies at any time occurring in said offices of City Wood Measurers shall be filled at any regular meeting of the Common Council.

SEC. 8. This ordinance shall be in force from and after its passage and publication for two consecutive weeks in the Indiana Weekly State Journal.

Ordained and established, this 23d day of November, 1863.  
JOHN CAVEN, *Mayor*.

Attest:

C. S. BUTTERFIELD, *City Clerk*.

Which was read the first time, and, on motion of Dr. Jameson, was read a second time by its title.

Dr. Jameson then moved that the rules be suspended, and the ordinance read a third time now.

The question being, on the suspension of the rules, those who voted in the affirmative, were Councilmen Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Haughey, Jameson, Lefever, McNabb, Staub and Thompson—17.

Noes, none.

So the rules were suspended, and the ordinance read a third time.

The question being, shall the ordinance pass? those who voted in the affirmative, were Councilmen Allen, Brown, Blake, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Haughey, Jameson, Lefever, Staub and Thompson—14.

Those who voted in the negative, were Councilmen Boaz, Colley and McNabb—3.

So the ordinance passed.

Dr. Jameson, Chairman of the Committee on Revision of Ordinances, gave notice that at the next meeting of the Council for Revision of Ordinances, he would call up all the pending ordinances on their third reading, and desired a full attendance.

Mr. Brown reported, verbally, that the ordinance preventing the removal of houses over bridges, &c., as reported by the Committee on Revision of Ordinances, had been referred to the Committee on Streets and Alleys, for amendment; and wished an expres-

sion of the Council, as to the propriety of reporting, in its stead, an ordinance establishing a Board of Public Improvement.

When, Mr. S. A. Fletcher, Jr., moved that the Committee on Streets and Alleys be instructed to prepare an ordinance to provide for a Board of Public Improvement.

Which motion was adopted.

Mr. McNabb, Chairman of the Committee on Cisterns, reported, verbally, that the Committee had, in compliance with instructions from the Council, examined the large cistern on Circle street, and that, in their opinion, the arch was perfectly safe; that the heaviest steam fire engine in the city had been upon it pumping the water out, when the ground was very damp and unsettled and that the leak was caused by filling it too full of water, while the walls were green, which caused them to spring below the arch; and that the contractors, Messrs. Kruger & Co., were repairing it, and it would be ready for use in a short time.

Which was satisfactorily received.

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

INDIANAPOLIS, November 23, 1863.

*Mr. President*—The Committee on Streets and Alleys, to whom was referred sundry bids for cleaning bouldered streets and alleys, beg leave to report as follows:

1st. That they find Andrew Stewart to be the lowest bidder, his bid being at the rate of \$29 per square for streets, and \$18 per square for alleys. We do not, however, recommend that a contract be awarded.

2nd. That the Street Commissioner was directed by the committee to clean a few squares of bouldered streets, to ascertain if the same could not be done for less than the prices paid the former contractor. He reports that he can do, and is doing, this work at an average cost to the city of \$20 per square for streets, and \$12 per square for alleys.

We, therefore, recommend that the system of cleaning bouldered streets, by contract be abandoned, and that the ordinance on that subject be repealed. The Street Commissioner can be authorized to do this work and considerable money saved to the city—

AUSTIN H. BROWN,	}	<i>Committee.</i>
HENRY COBURN,		
WILLIAM COOK,		

Which was concurred in.

Mr. Brown also reported the following ordinance on the subject, to-wit:

AN ORDINANCE to repeal an ordinance entitled "An ordinance providing for the cleaning of the bouldered streets of the city," passed March 24th, 1863.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis*, that an ordinance entitled "An ordinance providing for the cleaning of bouldered streets of the city," passed March 24th, 1863, be and the same is hereby repealed.

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

Ordained and established this 23d day of November, A. D. 1863.

JOHN CAVEN, *Mayor*.

Attest:

C. S. BUTTERFIELD, *City Clerk*.

Which was read the first time, and, on motion of Dr. W. Clinton Thompson, was read a second time by its title.

Mr. Brown then moved that the rules be suspended and the ordinance read a third time now.

The question being on the suspension of the rules, those who voted in the affirmative, were Councilmen Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Haughey, Jameson, Lefever, McNabb Staub and Thompson—17. Noes, none.

So the rules were suspended and the ordinance read the third time.

The question being, shall the ordinance pass? those who voted in the affirmative, were Councilmen Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Haughey, Jameson, Lefever, McNabb, Staub and Thompson—17. Noes, none.

So the ordinance was passed.

By Mr. Brown:

*Resolved*, That the Street Commissioner be allowed such sum as will make his annual pay one thousand dollars per annum, commencing with the first day of November, 1863, and that the City Clerk be directed to issue orders, quarterly, in favor of said officer beginning with the quarter ending January 31st, 1864, at the rate per annum allowed by this resolution.

The question being, shall the resolution pass? those who voted in the affirmative, were Councilmen Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Haughey, Jameson, Lefever, McNabb, Staub and Thompson—17. Noes, none.

So the resolution passed.

By Mr. McNabb—Motion :

That the City Engineer contract with Thomas Wren, for sloping the mouth of the alley on South street, west of the canal, provided it cost not more than \$10.

Which motion was adopted.

By Mr. Brown—Motion :

That the Street Commissioner be directed to clean all the bouldered streets and alleys, except those bouldered this year, and that all the dirt on the streets, west of Meridian street, be deposited on the west market space, until filled up to the satisfaction of Civil Engineer.

Which motion was adopted.

By Mr. Jameson—Motion :

That the City Marshal be instructed to open the alley in the rear of Dr. Parvin's stable.

Which motion was adopted.

By Mr. Brown—Motion :

That the City Clerk issue an order in favor of John M. Kemper, Street Commissioner, for one hundred and fifty dollars, to pay the cost of timber and lumber for bridges; also, an order for four hundred dollars to pay for cleaning the bouldered streets and alleys.

Which motion was adopted.

By Mr. Brown—Motion :

That the action of the Council at its meeting on the 9th of November appointing a distributor of wood purchased for the poor, be rescinded, and that the Mayor exercise his own discretion in appointing such distributor.

Which motion was adopted.

By Mr. Brown—Motion :

That the subject of purchasing a desk for the Police office be referred to the Board of Police.

Which motion was adopted.

By Mr. Jameson—Motion :

That when the Council adjourn, it adjourn to meet on Monday evening next, the 30th inst., at half-past seven o'clock, for the consideration of the pending ordinances, as reported by the Committee on Revision of Ordinances.

Which motion was adopted.

On motion the Council adjourned.

JOHN CAVEN, *Mayor.*

ATTEST :

C. S. BUTTERFIELD, *City Clerk.*