

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, SEPTEMBER 25TH, 1865, 7½ 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, Kappes, MacArthur and Thompson—10.

Absent—Councilmen Colley, Fletcher, Jameson, Lefever, Loomis Schmidt, Seidensticker and Staub—8.

The proceedings of the regular session, held September 18th, 1865 were read and approved.

By Mr. Kappes—Petition :

INDIANAPOLIS, September 25, 1865.

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

The undersigned respectfully petitions your honorable body to grant him permission to boulder the gutter on Meridian street, opposite his block ; and, also, to lay sidewalk and curb on south side Georgia street, commencing at Meridian and running west 202½ feet to the alley, under the direction of City Engineer.

Respectfully submitted.

E. S. ALVORD.

Which, on motion, was granted.

## By Mr. Grosvenor—Petition :

INDIANAPOLIS, September 25, 1865.

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

The undersigned, your petitioners, ask of your honorable body that a bridge be constructed across the canal at the Ray street crossing.

Respectfully submitted.

N. McCarty,	W. S. Pierce,
J. H. McKernan,	S. Yandes.

Which, on motion, was referred to the Board of Public Improvements, with instruction to have the Civil Engineer to advertise for sealed proposals for said work.

## By Mr. Coburn—Petition :

INDIANAPOLIS, September 8, 1865.

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

The undersigned owners and occupants of the property adjoining the alley running north from Washington street, between Meridian and Pennsylvania streets, respectfully represent that by the re-arrangement of the bouldering and drainage of the north side of Washington street, the water is dammed up in said alley and the alley is constantly covered with mud. They also represent that said alley has been once bouldered at the cost of the property owners, and delivered over to the city. They therefore ask that the Council order said alley to be properly drained, at the proper cost and expense of the city.

American Express Co.	John M. Wood,
S. L. Tomlinson,	I. N. Phipps,
Alford, Talbot & Co.,	E. W. Sloane,
George Knodle,	Adam Knodle,
S. A. Fletcher & Co.	

Which, on motion, was referred to the Board of Public Improvements.

## By Mr. Grosvenor—Petition :

INDIANAPOLIS, September 25, 1865.

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

GENTLEMEN:—We the undersigned owners of the property adjoining the alley extending from Walnut street, north, to Fort Wayne Avenue, do petition to your honorable body for the privilege of graveling and improving said alley from Walnut street to the north line of the lot owned by J. M. Lunt, Esq. expense for same to be paid by the owners of the property bordering or adjoining that part of the alley so improved, under direction of the City Engineer.

Respectfully,

C. W. Smith,	W. D. & D. H. Wiles,
James D. Brown,	Gustavus Zschechy,
George Brown,	J. M. Lunt.

On motion, the prayer of the petitioners was granted.

## By Mr. Grosvenor—Petition :

INDIANAPOLIS, September 25, 1865.

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

The undersigned property owners, living on Fletcher Avenue, most respectfully petition your honorable body to grant them the privilege to gravel the sidewalks

at their own expense, on said Avenue, and opposite their property, under the direction of the Civil Engineer. The Avenue is now under contract for grading and will be almost impassable the coming winter, unless the prayer be granted.

Fletcher Rubush, D. B. Groff,  
W. G. Rubush, Charles Richmann,  
J. Hardwick, William Spotts.

On motion, the prayer of the petitioners was granted.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, Sept. 20, 1865. }

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 they herewith submit the reports of the Street Commissioner of work done and money expended during last month :

He had on hand at last report.....	\$91 65
Orders this month.....	2,500 00
<hr/>	
Total .....	\$2,591 65
He has expended—Discount.....	\$567 00
He has filed vouchers for ....	1,980 77
<hr/>	
	\$2,547 77
<hr/>	
Leaving in his hands.....	\$43 88

Respectfully submitted,

HENRY COBURN,  
W. CLINTON THOMPSON, } Board.

INDIANAPOLIS, Sept. 25, 1865.

Report of the Street Commissioner to the Board of Public Improvements :

I have the honor to report that :

- 1st. I repaired the sidewalks on Illinois street, between North street and corporation line.
- 2d. I filled up the holes on Illinois street, between North street and corporation line.
- 3d. I cleaned the gutters on Illinois street, between Ohio and Washington streets.
- 4th. I cleaned the gutters on Meridian street, between North street and corporation line.
- 5th. I built a new culvert under the Madison railroad track near Lake McCarty.
- 6th. I cleaned the gutters on Tennessee street, between Ohio and Michigan streets.
- 7th. I built a culvert on Tennessee street at the intersection of Ohio street.
- 8th. I built a stone culvert on Circle street at the intersection of Meridian street.
- 9th. I cleaned the gutters on Michigan street, between Mississippi street and the Canal.
- 10th. I cleaned the gutters on Vermont street, between Tennessee and Illinois streets, and filled the gutters on the north side of the same street.
- 11th. I cleaned the gutters on Washington street, between Meridian and Tennessee streets.
- 12th. I cleaned the gutters on Washington street, between Alabama and Pennsylvania streets.
- 13th. I dug the ditch along the Madison railroad track near Lake McCarty.
- 14th. I took up the boulders on Indiana Avenue, at the intersection of Illinois street, and replaced them.

- 15th. I opened the gutters on Vermont street, between Tennessee street and the Canal.
- 16th. I opened the gutters on Mississippi street, between North and Maryland streets.
- 17th. I opened the gutters on Market street, between Tennessee street and the Canal.
- 18th. I opened the gutters on Tennessee street, between Maryland and Louisiana streets.
- 19th. I opened the gutters on Maryland street between Illinois and Mississippi streets.
- 20th. I put down three foot bridges on Tennessee and Georgia streets and also one on Tennessee and Maryland streets.
- 21st. I opened the gutters on New York street, between New Jersey and Alabama streets.
- 22d. I opened the gutters on Alabama street, between New York and Vermont streets.
- 23d. I lowered the opening on south side at the bridge on Illinois street and Pogue's Run.
- 24th. I cleaned the gutters on Indiana Avenue, between Illinois street and the Canal.
- 25th. I cleaned the gutters on Michigan street, between Tennessee and Illinois streets.
- 26th. I cleaned the gutters on New Jersey street between Washington street and Fort Wayne Avenue.
- 27th. I cleaned the gutters on St. Joseph street, between New Jersey and Alabama streets.
- 28th. I cleaned the gutters on the east side of New Jersey street, between Washington street and the railroad.
- 29th. I cleaned the gutters on Market street, between Delaware and Pennsylvania streets.
- 30th. I filled the crossing on West street, at the intersection with Michigan street.
- 31st. I filled the holes on Meridian street, between corporation line and St. Clair streets.
- 32d. I cleaned the gutters on Washington street, between Delaware and Meridian street.
- 33d. I filled the gutters on Illinois street on the west side below Washington and Louisiana streets, and on the east side between Georgia and Louisiana street.
- 34th. I cleaned the East Market Square.
- 35th. I made six new foot bridges on Tennessee street, at the intersection of Ohio street.
- 36th. I cleaned the gutters on Pennsylvania street, between Market and Washington streets.
- 37th. I finished the bridge on Washington street across the Canal.

Respectfully,

AUGUST RICHTER, *Street Commissioner.*

Which, on motion, were accepted and approved.

By Mr. Coburn, from the Board of Public Improvements.

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, September 29, 1865.* }

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

GENTLEMEN:—We would report that the Union Railway Company have accepted the proposition of the Board to rebuild the bridge across Pogue's Run at the crossing of Delaware street, and that the city will widen the bridge the full width on Pennsylvania. This arrangement will save the city considerable, as the Street Commissioner can widen the Pennsylvania street bridge for much less than one-half the Delaware street one can be built for. It will be done as soon as the material can be had.

The foot-bridge on Delaware, built two years ago, is a good one, and can be used at some other point. We have ordered the Street Commissioner to take it down and preserve it.

HENRY COBURN,  
AD. SEIDENSTICKER,  
W. CLINTON THOMPSON. } *Board.*

Which, on motion, was accepted and approved and the Street Commissioner directed to remove the foot bridge to the north side of the bridge on South street.

By Mr. Coburn, from the Board of Public Improvements:

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, September 20, 1865.* }

*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 Charles S. Roney is the best bidder for the paving of the north sidewalk of Michigan street, between Pennsylvania and Meridian streets, at \$1.03 per superficial yard, and the contract be awarded to him.

HENRY COBURN,  
AD. SEIDENSTICKER,  
W. CLINTON THOMPSON, } *Board.*

Which, on motion, was concurred in, and the contract awarded.

By Mr. Coburn, from the Board of Public Improvements:

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, September 20, 1865.* }

*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 Engineer have the ordinance for the grading and graveling of Pratt street, between Illinois and Meridian streets, re-advertised.

HENRY COBURN,  
AD. SEIDENSTICKER,  
W. CLINTON THOMPSON, } *Board.*

Which, on motion, was concurred in.

By Mr. Coburn, from the Board of Public Improvements:

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, September 20, 1865.* }

*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 in relation to the petition of Wm. Sanders and others to have West street drained, would report that we will instruct the Street Commissioner to notify the Terre Haute R. R. Co. to construct a culvert across West street, so as to drain the east side of said street.

HENRY COBURN,  
W. CLINTON THOMPSON, } *Board.*

Which, on motion, was received.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, September 20, 1865. }

*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 resolution referred to us to examine and report if a culvert was necessary at the crossing of Washington and Mississippi streets, we think that it is, as the gutter is very deep and difficult to get out of with heavily loaded teams. We therefore recommend its construction.

H. COBURN,  
W. CLINTON THOMPSON, } *Board.*

Which, on motion, was concurred in, and the Street Commissioner directed to perform said work.

By Mr. Coburn, from the Committee on Accounts and Claims :

INDIANAPOLIS, September 25, 1865.

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

GENTLEMEN:—The Committee on Accounts and Claims, to whom was referred the bill of Mr. James Wood, the Civil Engineer, would report that the bill amounting to \$225.00, be not allowed, for the reason that the account, if for services of assisting Engineer, at the salary of the Assistant, the service has not been rendered. The assistance rendered was not by an Engineer, and not in the Engineer's office, but by a person outside of the Engineer's office and occupying a position as deputy in another office.

HENRY COBURN,  
J. HENRY KAPPES,  
W. CLINTON THOMPSON, } *Committee.*

The question being on concurring in the report, Mr. Glazier called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Coburn, Emerson, Grosvenor, Kappes, MacArthur and Thompson—7.

Those who voted in the negative were Councilmen Allen, Boaz and Glazier—3.

So the report was concurred in.

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

INDIANAPOLIS, Sept. 25, 1865.

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

GENTLEMEN:—The Committee on Streets and Alleys, to whom was referred a deed of conveyance for twelve feet of ground in width, running from Delaware street across the east half of block ninety-eight (98), for a public alley, would report that they have examined the same, and recommend that the grant be accepted, and that the Clerk be directed to have said deed recorded.

AUSTIN H. BROWN,  
HENRY COBURN, } *Committee.*

Which, on motion, was concurred in and the deed accepted and approved.

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

INDIANAPOLIS, September 25, 1865.

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

GENTLEMEN :—The Committee on Streets and Alleys, to whom was referred that portion of the report of the Civil Engineer made to the Council, Sept. 18th, 1865, relating to the profile of McCarty street, between East street and Virginia Avenue, report that they have examined the same, and recommend its approval by the Council.

The Committee would remark that the grade established by this profile will carry off the water that may fall upon McCarty street, and is such that other streets in the vicinity can be drained into and carried to Virginia Avenue by means of a sewer, should the Council hereafter determine to order such improvements. In that case the Committee have been assured that the right of way can be obtained for the construction of such sewer across private property. The Committee, in view of the present financial condition of the city, do not recommend that this sewer be ordered at this time.

AUSTIN H. BROWN, }  
HENRY COBURN, } *Committee.*

Which, on motion, was concurred in.

By Mr. Emerson, from the Committee on Bridges :

INDIANAPOLIS, Sept. 25, 1865.

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

GENTLEMEN :—The Committee on Bridges beg leave to report that the St. Clair Street Bridge is broken down ; it needs a new stringer and several cross ties. Your Committee are of the impression that it would be good policy to re-plank with new plank, as the old one is nearly worn out. Your Committee would further report that Ohio Street Bridge needs planking anew ; said bridge is in a dangerous condition ; the Committee would recommend that the Civil Engineer advertise for proposals for said work.

All of which is respectfully submitted.

R. B. EMERSON, }  
WM. BOAZ, } *Committee.*

Which, on motion, was concurred in, and the Civil Engineer directed to advertise for proposals.

## From the Chief Fire Engineer—Report :

INDIANAPOLIS, Sept 25, 1865.

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

GENTLEMEN:—I would herewith respectfully present you with a statement of expenditures of the Fire Department for the four months ending, and including bills allowed by your honorable body, September 18, 1865.

EXPENSES OF.	Co. No. 1.	Co. No. 2.	Co. No. 3.	Hook and Ladder.	Watch Tower.	General expenses.
Salary of members for four months.....	\$1,395 00	\$1,419 50	\$1,422 50	\$307 50	\$615 00	.....
For Coal.....	90 50	26 50	83 00	.....	.....	.....
For Engine repairs.....	61 50	34 03	286 90	.....	.....	.....
For Blacksmithing and Horse shoeing.....	41 65	41 90	12 85	19 45	.....	.....
For Hay.....	16 48	31 81	.....	11 96	.....	.....
For Oats.....	29 05	34 00	21 46	13 60	.....	.....
For Corn.....	.....	13 00	.....	6 95	.....	.....
For Shipstuff and Bran.....	80	18 93	20 50	17 05	.....	.....
For Harness repairs.....	10 90	18 00	10 60	14 20	.....	.....
For Oil, Grease, and Paints.....	6 88	11 85	7 25	11 90	.....	.....
For Hardware and Nails.....	3 75	9 80	5 45	84	.....	.....
For Lumber for Stalls.....	.....	28 59	.....	7 20	.....	.....
For striping Ladder Wagon.....	.....	.....	.....	6 00	.....	.....
For Chief Fire Engineer's salary, 3 months.	.....	.....	.....	.....	.....	\$250 00
David Seibert ground rent to May 1865.....	.....	.....	.....	.....	.....	120 00
For discount on \$400, City Orders.....	.....	.....	.....	.....	.....	97 00
For whitewashing engine houses.....	.....	.....	.....	.....	.....	50 00
For decoration for Pres. Lincoln's funeral..	.....	.....	.....	.....	.....	10 25
For repair of cisterns.....	.....	.....	.....	.....	.....	7 60
For repair of steam pump.....	.....	.....	.....	.....	.....	12 75
For repair of city wagon.....	.....	.....	.....	.....	.....	27 00
For hogsheads and kindling.....	.....	.....	.....	.....	.....	10 95
For soaps.....	.....	.....	.....	.....	.....	12 00
For soap, salt, and matches.....	.....	.....	.....	.....	.....	13 62
For paper for Chief Engineer.....	.....	.....	.....	.....	.....	1 25
Total.....	\$1,656 51	\$1,687 91	\$1,870 51	\$416 65	\$615 00	\$612 42
Making a grand total, for four months, of.....	.....	.....	.....	.....	.....	\$6,859 00

1865.

## RECEIPTS.

May 15, To balance from last year's account.....	\$4 82
July 11, To City Orders.....	400 00
Total.....	\$404 82

Which has been expended by me for the following articles :

July 5, Cash paid R. Martin for striping Ladder Wagon.....	\$6 00
" 13, To discount on \$100.00, City Orders.....	22 00
" 13, Cash paid Lane & Bodley for grate bars.....	19 54
" 13, Cash paid I. & C. Railroad Company for freight.....	84
" 18, Cash paid Joseph Kingham for brooms.....	12 00
" 31, Cash paid Ferguson & Co., for hogsheads.....	65
Aug. 2, Cash paid Sawyer & Hasselman for hogsheads.....	6 75
" 9, Cash paid Merrill & Co. for paper.....	1 25
" 9, Cash paid David McCoy for corn.....	19 95
" 18, Cash paid discount on \$300.00, City Orders.....	75 00
" 18, Cash paid John Scudder for hay.....	16 48
" 18, Cash paid Peter Stout for hay.....	11 96
" 18, Cash paid M. Jones for hay.....	21 56
" 18, Cash paid Charles Glazier for oats.....	98 21
" 18, Cash paid John Glazier for ship stuff.....	57 18
" 23, Cash paid McVey & Co., for hay.....	10 25
" 25, Cash paid A. Wallace for box of soap and matches.....	13 62
" 25, Cash paid Solomon Kaufman for hogsheads.....	1 30

Amount carried forward..... \$390 54



Amount of receipts brought forward.....	\$404 82
Amount of expenses brought forward.....	\$390 54
Sept. 13, Cash paid Sawyer & Hasselman for hogsheads.....	2 25
“ 13, Steward & Morgan for paint.....	11 90
“ 13, Steward & Morgan for oil for No. 3.....	7 25
	416 94
Leaving a balance due me Sept. 12, 1865.....	\$12 12

I would also report that the cistern on the corner of Washington and California streets, also the one on New Jersey and Walnut streets, are in a leaky condition and need repairing; the cost will not exceed \$50.00 for the two. I would ask the privilege of having these cisterns repaired at once. The Department is all in good order. Most respectfully submitted,

CHAS. RICHMANN, *Chief Fire Engineer.*

Which, on motion, was accepted and approved.

From the City Treasurer—Report:

CITY TREASURER'S OFFICE, }  
Indianapolis, September 25, 1865. }

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

The City Treasurer would report to your honorable body, that owing to the shortness of time since receiving the Tax Duplicate for the current year, it has been impossible to make sale of the real estate for Delinquent Taxes, as directed by you in a resolution requiring me to sell on or before the 30th of September inst.; and further, as the delinquents are paying up generally, I would respectfully ask an extension of the time for publication and sale, until the 29th day of October next.

Respectfully,

WM. H. CRAFT, *City Treasurer.*

Which, on motion, was concurred in, and time extended.

Dr. Thompson called up special ordinance No. 71, entitled:

AN ORDINANCE to provide for furnishing and erecting lamp posts, lamps and fixtures on Illinois street, between the north side of St. Clair street and the Corporation line north,

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, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, MacArthur and Thompson—10. Noes, none.

So the ordinance passed.

Mr. Emerson called up special ordinance No. 70, entitled:

AN ORDINANCE to provide for the grading and graveling of North street, between Blackford and Minerva streets, including the sidewalks,

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, Boaz, Brown, Coburn, Emer-

son, Glazier, Grosvenor, Kappes, MacArthur and Thompson—10. Noes, none.

So the ordinance passed.

Mr. Brown called up general ordinance No. 18, entitled :

AN ORDINANCE authorizing the Cincinnati, Indianapolis and Danville Railroad Company to construct a track through the City of Indianapolis, and prescribing the terms thereof,

Which was placed upon its second reading.

Mr. Brown moved to amend Mr. Loomis's pending motion to amend, by inserting said amendment as paragraph number *nine* to section *two*, instead of striking out number *eight* and inserting in *lieu thereof* said amendment.

Which motion prevailed.

On motion the amendment was amended by striking out the word "*all*" between the words "on" and "freights" in the third line of said amendment.

The question then being on the adoption of the amendment, as amended, which reads as follows, to-wit :

9th. That the Cincinnati, Indianapolis and Danville Railroad Company shall not discriminate in the rates charged on freights, per mile, as between Danville, Illinois, and Cincinnati, and to the detriment of Indianapolis.

The ayes and noes were called for.

Those who voted in the affirmative were Councilmen Coburn, Glazier, Kappes, MacArthur and Thompson—5.

Those who voted in the negative were Councilmen Boaz, Brown, Emerson and Grosvenor—4.

There being no quorum voting, the amendment was not adopted.

Mr. Brown moved a call of the Council.

Which motion prevailed.

Present on call of Council—Councilmen Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, MacArthur and Thompson—9.

There being no quorum present, Dr. Thompson moved—

That the City Marshal proceed at once to bring in the absentees, and that the Council await their arrival, or a sufficient number to constitute a quorum.

Which motion was adopted.

The Marshal returning with Councilmen Staub, which constituted a quorum,

The question was again put, shall the amendment be adopted? those who voted in the affirmative were Councilmen Coburn, Kappes, MacArthur, Staub, and Thompson—5.

Those who voted in the negative were Councilmen Boaz, Brown, Emerson, Glazier and Grosvenor—5.

There being a tie vote, His Honor, Mayor Caven, voted in the affirmative, making *six* in the affirmative and *five* in the negative,

So the amendment was adopted.

Mr. Brown moved to amend by striking out the word "*shall*" in the eleventh line of the sixth paragraph of the second section, and inserting in lieu thereof, the word "*may*."

Which amendment was adopted.

Mr. Grosvenor moved to amend by inserting after the word "*mile*," in the last line of the eighth paragraph of the second section, the following words, to-wit: "and a refusal to bring stone coal, as it may be offered, at the price above named, shall subject the said Railroad Company to the penalties of section third of this ordinance."

Which amendment was adopted.

On motion of Dr. W. Clinton Thompson, the ordinance, as amended, was then read the third time, as follows, to-wit:

AN ORDINANCE authorizing the Cincinnati, Indianapolis and Danville Railroad Company to construct a track through the City of Indianapolis, and prescribing the terms thereof.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis, That the Cincinnati, Indianapolis and Danville Railroad Company be and the same is hereby authorized to construct a track for said Railroad within the limits of the City of Indianapolis, upon the following route, to-wit: Beginning at a point in the centre of Mississippi and Louisiana streets, and running thence diagonally across said Louisiana street and over part of Block No. 90; thence across Kentucky Avenue; thence across part of Block No. 90, until it reaches a point on the Canal midway between Georgia and Louisiana streets; thence across said Canal and Block No. 91, until it reaches a point on Georgia street, midway between West street and said Canal; thence diagonally across said street until it reaches a point near and north of the centre of said Georgia street; thence with said street, from said point, in a straight line, to White River.*

SEC. 2. The right of said Company to construct and maintain a track through the City of Indianapolis, as aforesaid, is subject to the conditions and terms following, that is to say:

1st. This grant shall not be construed to interfere with the private rights of the owners of real estate, over which said road may be located, relative to damages for such occupancy and appropriation thereof, but is made subject thereto.

2d. When said track crosses any street or alley, it shall be made to conform strictly to the grade of such street or alley, as heretofore established by the city authorities, unless the Common Council, upon the application of said Company, shall consent to a variation from said grade.

3d. At the crossings of streets and alleys, said Company shall lay said track in such manner that it shall cause as little obstruction as possible to the use of said streets and alleys for the passage of wagons and other vehicles, and shall plank said track between the rails at all such crossings, and two feet on each side of such rails, the entire width of such streets or alleys, and shall, also, plank or gravel the sidewalks where they may cross said railroad; and shall, also, make said crossings safe and convenient for the passage of persons and vehicles; and said Company shall keep said crossings when so made, in good repair and condition, so long as it shall use said streets and alleys for the purposes aforesaid.

4th. Said Company shall construct, and continually keep in good repair, under and on the line of said track, at such points as may be deemed necessary by the City Engineer, or other officer of the city, under the orders of the Common Council, sufficient culverts and drains to admit the free passage of water along and from the streets aforesaid.

5th. All acts and things above required to be done by said Company, shall be done immediately after the laying of said track across such streets, alleys or sidewalks aforesaid; and in case the said Company shall fail to put such crossings in the order above required, or to keep the same in repair, or to construct and keep in repair such culverts and drains, the same shall be done by the Street Commissioner, by the direction of the Common Council, and the said City Council may collect the cost of the same, with twenty (20) per cent. damages in addition thereto, by suit against said Company before the Mayor of said city, or any other Court of competent jurisdiction.

6th. Said Company shall not permit any car or locomotive to stand at the crossing of any street or alley, so as to obstruct the free passage of teams, vehicles, or persons, without danger or inconvenience; and the said Company, in all cases, when a train is going out or coming in, shall ring their engine bell, so as to give notice of its arrival or departure; nor shall said Company run any locomotive or car on said track at a faster rate than that allowed by the general ordinances of the Common Council on that subject, under the penalties therein prescribed, and all suits for such violations may be brought against the principal resident officer or agent of said Company, who shall be held responsible for the acts of the employes of the Railroad Company in this particular.

7th. It shall be the duty of the said Railroad Company to provide at each street crossing on the route of such track, sufficient flagmen to signal all trains that may cross such streets between the hours of six o'clock A. M. and six o'clock P. M., of each day.

8th. That said Cincinnati, Indianapolis and Danville Railroad Company shall, for a period of not less than twenty years, bring to the City of Indianapolis from any station, switch or point on said road, where freight may be received or discharged, stone coal, and shall charge therefor, for said period of twenty years, a rate not exceeding four-tenths of a mill per bushel for each mile, and a refusal to bring stone coal, as it may be offered, at the price above named, shall subject the said Railroad Company to the penalties of section 3d of this ordinance.

9th. That the Cincinnati, Indianapolis and Danville Railroad Company shall not discriminate in the rates charged on freights, per mile, as between Danville, Illinois, and Cincinnati, and to the detriment of Indianapolis.

SEC. 3. In case said Railroad Company shall fail to comply with each and all of the conditions of this ordinance herein set forth, the said right of way herein granted, shall forfeit to said City of Indianapolis, and the railroad tracks belonging to said Company may, at any time thereafter, be removed from the limits of the city by order of said Common Council; and furthermore, in case said right of way be transferred, said transfer shall be subject to all the conditions set forth in this ordinance.

SEC. 4. No more than one track for said road shall be laid across any street without the previous consent of the City Council.

SEC. 5. This ordinance shall be in force from and after its passage and publication for (2) two successive weeks in the Indianapolis Daily Journal.

Ordained and established this 25th day of September, 1863.

JOHN CAVEN, Mayor.

Attest.

C. S. BUTTERFIELD, City Clerk.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, MacArthur, Staub and Thompson—10. Noes, none.

So the ordinance passed.

Mr. Brown moved—

That the Civil Engineer be directed to notify the contractors for public lamps on Delaware street, between South and McCarty streets, and on Meridian street, between Pogue's Run and McCarty street, that unless the lamps are placed on the posts, according to contract, by the 1st day of October next, that steps will be taken to declare their contract forfeited.

Which motion prevailed.

Mr. MacArthur moved—

That the Street Commissioner be ordered to notify the President of the Citizens' Street Railroad Company to put in repair, forthwith, that portion of West street from which their rails have been removed.

Which motion prevailed.

Mr. Emerson moved—

That the Street Commissioner is hereby directed to notify the officers of the Lafayette Railroad Company, to plank their track the whole width of Washington street, at least one foot each side, and also the space between the rails, with three-inch plank.

Which motion prevailed.

Mr. Brown moved that the rules be suspended and Gen. R. S. Foster, Chairman of the Committee of Arrangements for the reception of LIEUT. GENERAL GRANT, be permitted to state their plans to the Council.

The question being, on the suspension of the rules those who voted in the affirmative were Councilmen Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, MacArthur, Staub and Thompson—10. Noes, none.

So the rules were suspended.

General Foster then addressed the Council on the subject.

Mr. Brown moved—

That the hospitalities of the City of Indianapolis be extended to Lieut. General ULYSSES S. GRANT and that the Common Council and City Officers be requested to attend the reception in a body; and that a Committee of three be appointed to co-operate with the Citizens' Committee in making the necessary arrangements for the reception of General Grant, and that this Council pledge itself to pay the necessary expenses incurred by such Committee from the City Council.

Which was adopted.

His Honor, Mayor Caven, appointed as such Committee Councilmen Kappes, Glazier and MacArthur.

On motion of Mr. Boaz, the Council adjourned.

Present at roll-call on adjournment: Councilmen Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, MacArthur, Staub and Thompson—10.

JOHN CAVEN, *Mayor*.

ATTEST:

C. S. BUTTERFIELD, *City Clerk*.