

Common Council Chamber.)
Monday July 11th, 1853.)

The Council met. Present Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Durham, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland & Wingate, Councilmen & C. Scudder, President.

The minutes of the preceeding meeting read and approved.

Mr. A. F. Shortridge presented his bond as Treasurer in the sum of \$50,000 read, and, on motion by Mr. Carlisle was accepted.

The following communication from the Street Commissioner was read:

To the Honorable Body, the Common Council, You are hereby informed that the bridge on Noble Street across the Lawrenceburg & Upper Mississippi Railroad track cannot be crossed by a wagon with half a load.

The hole west of the Depot Tavern is requested to be filled up by the citizens. Wm Hughey, St. Com.

On Motion referred to the committee on Streets and alleys.

On Motion by Mr. Maguire the rules were suspended and the following resolution presented:

Resolved, That hereafter all accounts, submitted for allowance to the Council shall be made out in detail, showing plainly what work is done, when it was done, at what prices, and in what ward and street, with a certificate of the person authorized to make the contract that the work was done by his authority and that the price is reasonable.

Which was adopted by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Durham, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland, and Wingate - 12.

Elder & Harkness acct for Printing amounting to \$48.75. Philip Socks acct for cleaning grave yard \$12.00; & Philip Inners for digging well at intersection of Michigan and Pennsylvania streets 18 ft deep at \$1.00 \$19.80. were all referred to committee on accounts.

Mr. Newcomb chairman of the committee on the Judiciary presented the following report:

The Judiciary Committee to whom was referred the resolution of the Council, as to the necessity of further legislation in order to hold the officers of Railroad trains

to accountability for violation of existing enactments regulating the speed of trains within the city respectfully report, that by the several ordinances relative to Railroads within the city, the Terre Haute, Central, Union Track and Lawrenceburg and Upper Mississippi Railroad Company are limited to a speed of five miles per hour, and the Lafayette and Indianapolis Railroad to four miles, and reasonable penalties are provided where those rates are exceeded; but it is notorious that no regard is paid by those running trains through the city, to the above named provision, and they are habitually violated. Your committee in the consideration of the resolution have come to the conclusion that a uniform rate of speed should be established for all the railroads in the city, and that the maximum limit should be fixed 8 to 10 miles per hour, and that adequate penalties should be imposed upon the Engineers in charge of trains, and upon the Companies themselves, for exceeding that limit. They, therefore, recommend the passage of an ordinance embracing the provisions above indicated.

H. C. Newcomb, Chrm.

On Motion

Laid on the table.

Mr. Newcomb chairman of the Committee on the Judiciary presented the following report:

The Judiciary Committee to whom was referred the resolution of the Council, directing them to confer with the officers of the Central Plank Road Company, and ascertain upon what terms said Company will cede Washington street to the city; respectfully report that they are advised by said company that it is willing to relinquish to the city so much of Washington Street as is embraced in said road; that the counsel of said company have been directed to investigate the question whether the city or said company has the paramount right to said street, and that if they come to the conclusion that the same now belongs to the city they will not hereafter make any improvements nor build or repair any bridges thereon.

H. C. Newcomb. Chr.

Mr. Newcomb from same committee reported as follows:

"The Judiciary committee to whom was referred the resolution of the Council relative to the establishment of a house of refuge, or the enactment of a vagrant law, respectfully report, that while they are favorable to the proposition embraced in the first branch of the resolution at a proper time; the city has not at this time the necessary means to carry the same into effect, nor is the population of the city sufficient to justify the step at present, they, therefore, request to be discharged from the further consideration of that part of the resolution. The committee further report



that they have the subject of a vagrant law under consideration and will be ready to report the same at the next regular meeting.

H. C. Newcomb Chr.

Which was received, and their request granted.

Mr. Newcomb from same committee reported as follows:

"The Judiciary Committee, to whom was referred the memorial of Levi Comegys and Joseph McCord relative to an alleged purchase by said Comegys & McCord of lot No 4 in Square No. 37, report, that the City Council at a meeting held in the twenty fifth day of November, A. D., 1851, authorized David V. Culley to sell said lot; and on the 1st of November, A. D. 1852, said Culley reported to the Council that said Comegys & McCord were desirous of purchasing the same, and proposed to pay for it \$700 in instalments, \$200 payable March 1st 1853, the balance in three annual payments with interest and the Council then passed a resolution accepting said proposition and directing the President & Secretary to said proposed purchasers, to execute a bond to said proposed purchasers, to make a deed in behalf of the Council on payment therefor according to the terms of their proposition. No bond was executed nor was the \$200 paid at the time provided, nor was the same tendered until after the Council had in effect rescinded the resolution accepting the above proposition by appropriating said lot to a different purpose. The evidence before the Committee leads them to the conclusion that said Comegys and McCord had voluntarily abandoned the proposition to purchase said lot, before and after the 1st of March, 1853, and that the city is under no legal obligation to convey the same to Comegys & McCord; They, therefore, offer the following resolution:

H. C. Newcomb, Chr.

"Resolved, That the Council deem it incompatible with the public interests to sell lot No. 4 in Square No. 37 and that the Street Commissioner cause the same to be cleared off within thirty days in order that the same may be used for city purposes."

Which resolution was adopted by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Durham, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland & Wingate.

Mr. Bradshaw from the committee on claims reported as follows:

The Committee on Claims to whom was referred the account of F. Foultz for repairing "O.K. Bucket wagon respectfully report that they have examined the above bill and work and think the price not too high with a proposed reduction of \$2.50 and would recommend the allowance of said bill.

Wm A. Bradshaw

H.H. Nelson



1190. Allowed F. Foltz Repairs to O. K. Bucket wagon \$44.75

Mr. Pitts from the committee on cisterns reported verbally a recommendation that the clerk issue to George D. Pipher, two-thirds of the price of the cistern erected by him, according to the contract.

After some remarks by several of the members
The recommendation was agreed to.

On Motion by Mr. Newcomb the whole matter of purchasing a lot for Fire Engine purposes for Invincible Fire Co. No. 2, was referred to the committee on the Fire Department.

Mr. Newcomb from a select committee on that subject presented the following vote:

"The committee appointed to confer with the publisher of the VolksBlatts and ascertain upon what terms he will publish the city ordinances in said paper, respectfully report that they have waited upon said editor, who proposes publishing in his paper such matters as the Council may direct to be so published at the same price paid to the Locomotive without any charge for translation, and they herewith transmit the written proposition of said editor.

H.C. Newcomb,)
L. Dunlap) Com.
Saml Delzell)

To Messrs. Newcomb, Dunlap, Delzell, committee of the Common Council to confer about the price of German printing:

Gentlemen: In answer to your inquiries as to what would be my price for printing the ordinances and other matter that may be required to be printed by the city and what would be the charge for translation, I beg to state,

That I am willing to print all matters required to be printed at the same rates paid to the "Locomotive," and that I will dispense with every extra charge for translation. I am induced to make this proposal by the conviction entertained by me, that the publication of the city ordinances, etc. in German, is not only useful but almost a necessity for the great number of Germans residing here.

Very Respectfully

Julian Boetticher, Pub. VolksBlats

Mr. Delzell offered the resolution following:

"Resolved, That the ordinances hereafter to be passed which are required by law to be published in a newspaper, shall be published in German in the Volks Blatt of this city, on the terms proposed in a communication of Julian Boetticher this day submitted to the Council."

Mr. Newcomb moved to lay it on the table until next meeting.

Which motion prevailed by the following vote:

Those who voted in the affirmative were: Messrs. Dunlap,

Durham, Karns, Maguire, Nelson, Newcomb, & Pitts. 7

Those who voted in the negative were. - Messrs. Bradshaw, Carlisle, Strickland & Wingate - 4.

A petition from A. Wallace praying the Council to pass an ordinance granting the merchant the privilege of using four feet of the pavement at the outer edge.

On motion, laid on the table.

Mr. Dunlap presented the following petition:

"To the City Council of Indianapolis:

At a meeting of the Directors and Executive Committee of the Marion County Agricultural Society held at the Court House on the 18th day of June, 1853, the following resolution as offered by Mr. Howland and unanimously adopted to wit:

"Resolved, That an application be made by the President and Secretary of this Society to the Common Council of the city of Indianapolis for the right to use the West Market House and ground owned by the city in Square 43 for the purpose of holding the county fair on Wednesday and Thursday the 5th & 6th days of October next, and for such time before and after as shall be necessary to erect a fence and remove the same, including the week only so far as regards the Market House.

Powell Howland
Prest.

R. Mayhew, Secy.

On Motion by Mr. Dunlap
Referred to Com. on Markets.

Resolutions

Mr. Maguire offered for adoption the following resolution:

"Whereas, It appears that various contracts were made by the last Council with the understanding between the contractors and the Council that payments were to be made in city orders, redeemable out of the revenue of the current year, and the delinquencies of the past year;

And whereas, It has been and is the desire of the present Council to avoid, if possible the finance of city orders upon new contracts thereby saving a large per centum in the amount to be paid; therefore:

Resolved, That the amount of money, if ~~any~~ borrowed by this Council based upon and in anticipation of the receipts of this current year's revenue, be applied exclusively to the payment of such contracts as have been or shall be made for cash.



Which was adopted by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Durham, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland & Wingate - 12.

Mr. Delzell offered for adoption the following:

"Resolved, That the City Clerk be directed to furnish to the Daily papers of the city the proceedings of each meeting of the Common Council within eighteen hours after the adjournment of such meeting. Provided, That such papers publish the proceedings without charge to the city."

Which resolution was not adopted; by the following vote:

Those who voted in the affirmative were: Messrs. Carlisle, Dunlap, Delzell, Maguire, Nelson - 5.

Those who voted in the negative were: Messrs. Bradshaw, Durham, Karns, Newcomb, Pitts, Strickland & Wingate - 7.

Mr. Carlisle offered the following resolution:

Whereas, An Act of the General Assembly of this State, entitled "An Act for the Incorporation of Cities," approved June 18, 1852," was adopted as the charter of the city of Indianapolis by the city Council of Indianapolis March 7th, 1853;

And Whereas, Section thirty eight (38) of said Act is as follows, to wit:

"The Common Council shall have power to make other by-laws not inconsistent with the laws of the State and necessary to carry out the object of the corporation, and enforce the observance of all by laws and ordinances by enacting such penalty for their violation not exceeding fifty dollars (\$50.) for any one offence, which may be recovered in an action at law with costs as they shall deem right and proper."

Therefore, Be it Resolved, That the Judiciary Committee of this Council inquire into the expediency of declaring the resolutions of this body so far as they may be directory to executive or ministerial officer, to be to all intents and purposes by laws, and as such to be enforced and obeyed by all persons whatsoever; and, further, to provide for speedy redress, or the enforcement of immediate penalty in any case of wilful neglect or negligence on the part of any officer or citizen of the said corporation in accordance with the last clause of Sec 85 of the General Law above specified which is in these words, to wit: "The Common Council shall make provision in their by-laws, as to the mode in which charges shall be preferred, and a hearing of the same had."

Which resolution was adopted by the following vote

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Durham, Karns, Maguire, Nelson, Newcomb, Strickland & Wingate - 11



Mr. Dunlap offered the following for adoption:

Resolved, That the City Engineer be directed to make the necessary examination, and prepare a plan and specifications for a bridge across Pogues' Run on Meridian Street, also an estimate of the cost of the same and report at his earliest convenience.

Which resolution was adopted by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Durham, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland, & Wingate. 12.
Negative: None.

Mr. Karns offered the following resolution:

Resolved, That a select committee be appointed by the President to furnish a plan and specification, and estimate for building a cheap house for the Hook & Ladder Company and report at the next meeting."

Which was adopted by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Durham, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland, & Wingate. - 12:
Negative: None.

Messrs. Karns, Wingate & Durham, were appointed said committee.

Mr. Carlisle offered for adoption the following resolution:

Resolved, That the Committee on cisterns be instructed to inquire into the expediency of providing locks for the better security of the cisterns against damages occasioned by evil disposed persons throwing pebbles and filth into the said cisterns, and that fire companies be furnished with a number of keys to said cisterns, and that the committee report upon the same as soon as practicable."

Which was adopted by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Durham, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland, & Wingate. - 12.
Negative: None.

Mr. Bradshaw offered the following:

Resolved, That the Street Commissioner be directed to notify the property holders to remove the brick and other rubbish from sidewalk on South side of Washington street between Alabama & Delaware streets within ten days."

Which was not adopted by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Dunlap, Durham, Maguire, Nelson, & Wingate -
Those who voted in the negative were: Messrs. Carlisle, Delzell, Karns, Newcomb, Pitts, Strickland, & the President.



Mr. Dunlap offered the following resolution:

"Resolved, That the Street Commissioner be directed to cause the well opposite the Branch Bank to be filled with earth at his earliest convenience."

Which was adopted by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Durham, Karns, Maguire, Newcomb, Pitts, Strickland, & Wingate - 12 Negative: None.

Mr. Pitts offered the following:

"Resolved, That the City Engineer be directed, as soon as practicable, to make the necessary examination and prepare a plan specifications for a bridge across the canal on North street, and report the same together with its cost."

Which was adopted by the following vote:

Those who voted in the affirmative were: Messrs. Carlisle, Dunlap, Durham, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland & Wingate: 10.

Those who voted in the negative were: Messrs. Bradshaw and Delzell. - 2

On Motion by Mr. Newcomb

The rules were suspended.

The Clerk reported the bids received for the grading and graveling of Meridian street, which were read, and, on motion,

The said work was awarded to Jeremiah Shea.

On motion by Mr. Newcomb the motion to rescind an order passed June 6th 1853 directing directing the Street Commissioner to notify the property holders near the Central Canal to fill up certain holes was taken from the table.

The question being "whether the order be rescinded?" it was decided in the negative by the following vote

Those who voted in the affirmative were: Messrs. Bradshaw, Dunlap, Karns, Nelson, & Newcomb - 5

Those who voted in the negative were: Messrs. Carlisle, Delzell, Durham, Pitts, Strickland & Wingate - 6

On Motion

The ordinance reported by the Judiciary Committee entitled "An ordinance authorizing the "Evansville, Indianapolis & Cleaveland Straight Line Railroad Company" to construct a track through the city of Indianapolis, and prescribing the duties thereof," was taken from the table blanks filled and read as follows:



Section 1st. Be it ordained by the Common Council of Indianapolis, That Evansville, Indianapolis, and Cleaveland Straight Line 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: Commencing at the North side of the Cumberland road, or Washington street not less than one hundred feet east of the bridge over Pogues' Run on the East side of the city; running from thence on the South side of Pogues' Run near the bank of the same, crossing East street, New Jersey street Alabama street, Delaware street and the intermediate alleys thence passing South of the Gas Works and crossing Pennsylvania Meridian, Illinois, and Tennessee streets, and the intermediate alleys, thence passing North of Osgood's Peg & Last Factory, and crossing Mississippi, Missouri, and West streets, and the immediate alleys, and running to White River at or near the bluff bank where the river strikes the same below the grave yard; but said tract shall not be laid along the line of any street or alley, nor occupy the streets or alleys aforesaid except at such crossings, which shall be as nearly east and west as the general course or direction of said road will permit.

Sec. 2. The right of said company to locate their road through the city of Indianapolis as aforesaid is subject to the conditions and terms following, that is to say:

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

Second, Where said road 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.

Third, At the crossing 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, the entire width of such street or alley, and shall also plank or gravel the sidewalks where they may cross said Railroad, and shall also make the approaches to 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.

Fourth, Said Company shall construct and continually keep in good repair under and on the line of said road, at such points as may be deemed necessary by the City Engineer, sufficient culvert and drains to admit the free passage of water along the streets aforesaid.



Fifth. All acts and things above required to be done by said company, shall be done immediately after the laying of said track across such street, alley, or sidewalk, and in case the said company shall fail to put such crossings in order above required, or to keep the same in repair, or to construct or to keep in repair such culvert, and drains, the same shall be done by the City Marshall by direction of the Council; and the said City Council may collect the cost of the same, with twenty per cent. damages in addition thereto, by suit against said Company before the Mayor of said city, or any other court of competent jurisdiction.

Sixth. 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 their approach or departure; the said company shall not run any locomotive or car on said railway within the city limits at a faster rate than five miles per hour, under a penalty of five dollars for each offense, to be collected by suit against said company or by presentation of the person causing such obstructions or having charge of such locomotive at the option of the City Council.

Sec. 3. No more than one track for said road shall be laid across any street without the previous assent of the Common Council.

Sec. 4. This ordinance shall be published so soon as said company shall file in the office of the City Clerk a certified copy, under the seal of said Company of the proceedings of the Board of Directors thereof accepting the same, and shall be in force from and after the publication."

Which was adopted by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Durham, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland & Wingate - 11.

Those who voted in the negative were: Mr. Delzell.

Mr. Pitts offered the following resolution

Resolved, That the Committee on bridges be authorized to contract for the building of two foot bridges across the canal on Washington Street, the bridges to be eight feet in width.

On Motion,
Referred to Committee on bridges.

On Motion
Ajourned.

Caleb Scudder Mayor

Attest:
Daniel B. Culley
City Clerk.