

Called Meeting.

Common Council Chamber)
August 23d 1853)

Council met. Present Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Edwards Maguire, Nelson, Pitts, Strickland, & Wingate, Councilmen & Caleb Scudder - Mayor.

The President announced the object to be to make provision for the appointment of an assistant Civil Engineer.

On Motion,

The ordinance defining the duties of the officers of the city was read, amended and adopted as follows:

An Ordinance relative the Officers of the city and their duties."

Section 1. Be it ordained by the Common Council of Indianapolis: That the City Clerk, Treasurer, Marshal, Civil Engineer, Assessor, Street Commissioner, Sealer of Weight & Measures, & City Attorney of said city before entering upon the discharge of the duties of their respective offices; shall give bond and severally take an oath of office. The penalty of the bonds for the Civil Engineer, Street Commissioner, Sealer of Weights and Measures, & City Attorney shall be five hundred dollars, each, the penalty of the bonds of the City Clerk and Assessor shall be five thousand dollars; the penalty of the bond of the Marshal shall be two thousand dollars; the penalty of the bond of the Treasurer shall be fifty thousand dollars.

Sec 2. Each and every officer or agent of the Common Council of the city of Indianapolis is hereby prohibited from buying at a discount any city order or other evidence of indebtedness of said city, and if any such officer or agent shall either directly or indirectly by himself or agent buy at a discount any city order or other evidence of city indebtedness he or they shall be deemed guilty of a misdemeanor, and on conviction before the Mayor shall be fined in any sum not less than five nor more than fifty dollars for each and every such offense.

- Duties of the City Clerk. -

Sec. 3. The City Clerk shall attend all meetings of the Common Council, and record their proceedings; keep the proper accounts books appertaining to his office, record all ordinances in a book to be provided for that purpose, and, in connection with the President, attest: the same; make yearly tax duplicate, preserve all papers and property of the city placed in his keeping, and deliver the same on going out of office to the President; make quarterly reports to the Common Council, and at the first regular meeting in May of each year present a particular statement of all receipts and expenditures of money

belonging to the city of all the debts due and owing to and from the same up to the first day of April; and perform all such other duties as may be required of him by the Common Council. The City Clerk shall attend at the Clerk's office every day, Sundays, fourth of July, Christmas, New Year's day & Thanksgiving day excepted. In the absence or disability of the Clerk pro tempore appointments may be made by a vote of a majority of the Councilmen elected.

Marshal's duties.

Sec. 4. The Marshal shall execute the orders of the Council and see that their ordinances are enforced, and shall give notice to the Council of any nuisances suffered or made in the city; and if the person suffering on his premises or occasionally such nuisance, shall not, on notice, remove it immediately, the Marshal shall remove or abate the same, and shall thereupon be entitled to receive from the person occasioning or suffering such nuisance as aforesaid double the price of removing or abating the same, which shall be recoverable by action against such person to the use of the city. He shall not only be industrious and vigilant in preventing, as far he can, infractions of the ordinances of the city, and in bringing offenders against them to justice, but he shall be equally vigilant in regard to offenders against the penal laws of the State of Indiana, committed within the corporation limits, and in suppressing all riots, disturbances, affrays, and other breaches of the peace within the same. The Marshal shall keep an account of all money received by him for the use of the city, pay the same to the Treasurer on the first Saturday of every month, & take his receipt therefor.

- Treasurers Duties. -

Sec 5. The Treasurer shall receive all moneys due the city and collected from all sources, and pay the same only on the presentation of the properly drawn and attested orders of the Common Council; he shall report to the regular monthly meetings of the Common Council the money transactions of the preceding month, accompanying the same with the proper vouchers; and at the second regular meeting in April, in each year, he shall lay before the Council a full and complete account of the financial year ending the 31st day of March exhibiting separately the number of the order taken up, to whom paid, for what paid, and the amount paid. The Treasurer shall keep all notes and bonds belonging to the city, except his own, (which shall be deposited with the City Clerk) and they shall always be subject to the Common Council. The Treasurer shall attend at the Treasurer's office daily, (Sundays excepted) from 8 o'clock, A. M. to 4 P.M., unless otherwise officially engaged, and at such other hours as may be necessary for the performance of duties enjoined upon him by ordinance.

Duties of the Street Commissioner.

Sec 6. It shall be the duty of the Commissioner of Streets to remove, or cause to be removed, all obstructions in any of the streets, alleys, or sidewalks in said city; and on view or complaint, to notify any person who may have obstructed, or may be obstructing any of the streets, alleys, or sidewalks, or in any way violating any ordinance prohibiting obstructions in the same forthwith to remove such obstructions in the same, and on failure to do so, to make immediate complaint to the Mayor. He shall, also, when required by the Common Council, remove all loose dirt, filth, rubbish or other obstructions of any kinds found on any of the streets, or alleys of the city, and for remedy or prevention of which no other direct and positive provision is or shall be made; and shall for that purpose employ at the expense of the city, a sufficient number of laborers, horses, and carts at such prices as the Common Council may fix upon, and reporting semi-monthly the expense of such cleaning. And it shall be the further duty of said Street Commissioner to see that all laws, ordinances, contracts, and resolutions passed or entered into by the Common Council, regulating or in any way referring to streets, sidewalks, culverts, or bridges be strictly adhered to and carried out. And in no case shall said street Commissioner become in any manner whatsoever, either directly or indirectly interested in the execution of any contract or order entered into or passed by the said Common Council, or the employment of laborers, horses, carts, etc. employed at the expense of the city, under the penalty of immediate dismissal from office, and upon proof and conviction before the Mayor, or of any other officer having jurisdiction, of being so interested, shall moreover forfeit and pay, for the use of the city, any sum not exceeding fifty dollars with costs of suit.

Duties of Civil Engineer.

The Civil Engineer shall project and lay before the Common Council plans of all improvements of streets, lanes, alleys, market spaces, and public commons, and all other public works of said city which may be in contemplation, or which he may deem necessary for the public good and convenience together with the expense of the same; and all applications for public improvements shall be made to the Common Council, which shall be referred to the said Civil Engineer, who shall report thereon to the Common Council, together with plans and estimates of such as he may approve, or other improvement which he may recommend. He shall receive all proposals to do all public works, and lay the same before the Common Council for their approval. He shall examine and consider plans proposed of all market houses, bridges, public buildings, and all other public works, and report to the Common Council such

as he shall approve, together with an estimate of the expenses, and his opinion and recommendation concerning the same. He shall inspect the timber, iron, and other material used or to be used, in the construction of Market Houses, bridges, and public buildings, and all other public works, and shall reject all such as may be unsafe or unfit, and shall forthwith give notice thereof to the Contractor, or to the party furnishing such materials. It shall be the duty of the Civil Engineer, in order to secure a faithful and timely completion of the work, when necessary to notify the contractor to employ additional force of men and horses, and in case of the neglect or refusal of the contractor to comply therewith, the said Civil Engineer is hereby empowered to procure such additional force, and to signify the same, in writing, to the Common Council within ten days thereafter. And the power of the said Civil Engineer, as above expressed shall be stipulated in the contract. He shall superintend all the public works ordered by the Common Council. He shall be made umpire between the city and the contractor. He shall have the power stipulated in the contract, that during the progress of any work, whenever in his opinion the said work is not progressing in a satisfactory manner, or in a manner not agreeable to the terms of the contract, to order the further progress of the work suspended, and to have such unfaithful work taken down and rebuilt at the expense of the contractor in accordance with the terms of the contract, and no appropriation or payment of money shall be made on any public work by the Common Council, until the said Civil Engineer shall certify in writing, that the work has been done agreeably to the contract. He shall report to the Mayor and Common Council all intrusions which may come to his knowledge on any of the streets, lanes, alleys, Market spaces, and commons of said City. He shall, under the direction of the Common Council, or, if he deem it proper and right to be done, then with such direction, make surveys of the streets, lanes, alleys, market spaces, and commons, and execute profile delineations and draughts of the same. He shall faithfully and diligently superintend all grading, paving, Macadamizing in said city for which the Common Council may have already contracted, or may hereafter contract. He shall make all surveys which may require to be done by the Common Council.

Sec 8. Said Civil Engineer shall find and mark out the line of all streets, lanes, alleys, market spaces and commons, which are to be improved, and shall also find and mark the line of improvement to be made. Said Civil Engineer may appoint an assistant Civil Engineer, to assist the Civil Engineer in the discharge of the duties required of him by this ordinance. The pay of said assistant shall be fixed by the Common Council.

Sec. 9. Said Civil Engineer shall keep an office, to be provided by the Common Council, and such office shall be kept open at least three hours each day, except Sundays, Fourth day of July, & such other days as by resolution the Council may determine; and the Civil Engineer shall at all times cause the hours during which the office is open to be posted up in plain words at the door of said office.

Sec 10. Said Civil Engineer shall cause all public surveys maps, charts, draughts, plans, and other documents, made by himself or assistant, to be recorded in said office, in books to be provided at the expense of the city, and shall be carefully preserved in said office.

Sec. 11. Said Civil Engineer, or his assistant, shall not after his election to office, become interested in any contracts, for the public improvement of the streets, lanes, alleys, market spaces, commons, public buildings, or other public work of said city, nor be the security for any contractor for the same, nor shall his assistant. And if said Engineer or assistant shall violate this section, he or they shall on conviction thereof before the Mayor be fined for every such offense not exceeding fifty dollars, with costs of suit, and moreover shall be subject to dismissal from Office.

Sec. 12. If any person shall interrupt or molest the said Civil Engineer, or his assistant, while he or they are in the performance of their official duties by riding or driving any horse, animal, vehicle, of any kind, against the person or surveying instruments or apparatus of said Civil Engineer or assistant, or by moving or deranging and stake, or other landmark, fixed or determined upon by either of them, or by wilfully injuring or impeding them in any way, every person so offending shall, on conviction thereof before the Mayor be fined in any sum not exceeding fifty dollars with the costs of suit.

- Duties of Sealer of Weights and Measures. -

Sec 13. That from and after the taking effect of this ordinance, there shall be a regulation of the weights and measures within this city; and the Standard adopted by the State of Indiana shall be the best by which they shall be compared & determined.

Sec 14. The Common Council, at the expense of the city, shall procure correct and approved Standards, with the several necessary subdivisions together with proper beams or scales, for the purpose of testing and proving the weights and measures to be used in this city.

Sec 15. It shall be the duty of the Sealer of Weights and Measures, and he is hereby authorized to inspect and seal, at least once in each and every year, and as much oftener as he thinks proper, all weights and measures, scales and beams, and other weighing instruments used in said city in weighing and measuring as aforesaid: Provided, That when any weights, measures, scales, and beams are re-examined and found to be correct the inspector shall not be entitled to any fee for for such re-examination.

Sec 16. Any person refusing to exhibit any weights, measures, scales, beams, or other weighing instruments to said inspector, for the purpose of having them so examined, shall be guilty of a misdemeanor, and on conviction thereof before the Mayor of the city shall be fined in any sum not exceeding twenty-five dollars with costs of suit.

Sec. 17. The Sealer of weights and measures shall be allowed to receive the following fees of office, and services by him rendered under the ordinance, viz: - for inspecting and sealing platform scales of two thousand pounds and upwards, one dollar & fifty cents; three hundred to two thousand pounds one dollar, less denomination fifty cents; for inspecting and sealing large beams, weighing one thousand pounds, fifty cents; of smaller denominations each twenty five cents, for inspecting and sealing large weights, of five pounds and upwards, each five cents; sett of counter weights from one half ounce to five pounds, each sett twenty-five cents; for comparing and dealing dry measure bushel each twenty five cents, each one half bushels fifteen cents, for any less denomination each ten cents; for comparing and sealing wine measures, for three gallon measure and upwards, each ten cents; for each smaller dimension, six cents each; for each yard measure six cents.

Sec. 18. That each and every person who may sell any article, by weight or measure, within this city, shall use only such weights measures, beams, and scales, as shall have first been examined and sealed by the said sealer; and that any person offending against the provisions of this section, shall, on conviction thereof before the Mayor, be fined in any sum not exceeding twenty five dollars, with cost of suit.

Sec. 19. That it shall be the duty of said sealer of Weights and measures to examine, put in good order, and seal all weights and measures, beams and scales, without unnecessary delay, after the same shall have been left at his shop or usual place of business. And the said sealer of weights and measures shall be allowed to receive for such services, in addition to the fees named in this ordinance any reasonable sum that he may charge; and in all cases where it may become necessary to remove his weights, measures of standard, to any other than his shop or usual place of business, the person or persons, whose measures, scales, or beams

are to be inspected, or for whom such removal is made, shall pay all expenses of such transportation.

Sec 20. All ordinances coming within the purview of this ordinance are hereby repealed.

Sec 21. This ordinance to be in force from and after its passage and publication.

Which was adopted by the following vote:

Ayes: Messrs. Bradshaw, Carlisle, Delzell, Edwards, Maguire, Nelson, Pitts, Strickland, & Wingate. - 9 -
Noes: None.

Mr Maguire asked to be discharged from serving on the committee relative to "location of lamp posts," which request was granted &

Mr Nelson added to that committee.

On Motion by Mr. Pitts the resolution offered by him relative to graded schools, etc, was taken from the table,

Mr. Dunlap moved to lay the resolution on the table,

Which motion did not prevail, by the following vote:

Ayes: Messrs. Carlisle, Dunlap, Delzell, & Nelson - 4
Noes: Messrs. Bradshaw, Edwards, Maguire, Pitts, Strickland, & Wingate. - 6.

The resolution was read as follows:

Resolved, That the School Trustees proceed to organize the public schools according to their former arrangements, and, also, contract for the repairing of the old Seminary building "according to their report, to be used as a graded school.

Which was adopted by the following vote

Ayes: Messrs. Bradshaw, Edwards, Maguire, Pitts, Strickland and Wingate. - 6
Noes: Messrs Carlisle, Dunlap, Delzell, & Nelson, 4

Mr Delzell offered the following resolution for adoption:

Resolved, That the School Trustees be directed to procure sufficient school rooms and teachers for the children of the city who they may not be able to accommodate with seats in the school houses of the city, and who desire to attend school.

Which did not prevail

Ayes: Messrs. Carlisle & Delzell - 2.
Noes: Messrs. Bradshaw, Dunlap, Edwards, Maguire, Nelson, Pitts, Strickland & Wingate. 8

D B Culley Clerk.

Caleb Scudder

Mayor

Adjourned.