

Statutes

(PROCEEDINGS
OF THE
COMMON COUNCIL)
OF THE
CITY OF INDIANAPOLIS,

FOR THE FISCAL YEAR COMMENCING MAY 12, 1863.
COMMON COUNCIL.

COUNCIL CHAMBER,
Indianapolis, May 12, 1863. }

The Common Council met in regular session this evening at 8 o'clock.

Present—His Honor, the Mayor, John Caven, and Councilmen Colley, Blake, Brown, S. A. Fletcher, Jr., Haughey, McNabb, and Thompson.

The following new members elect, having filed their certificates with the Clerk within the time specified in the Charter, appeared and took their seats as Councilmen :

- | | |
|---------------------|----------------------|
| P. H. Jameson, | from the First Ward, |
| Henry Coburn, | “ Second “ |
| Horace A. Fletcher, | “ Third “ |
| Roswell B. Emerson, | “ Fourth “ |
| Samuel Lafever, | “ Fifth “ |
| William Boaz, | “ Sixth “ |
| Charles Glazier, | “ Seventh “ |
| William Allen, } | “ Eighth “ |
| William Cook, } | |
| Joseph Staub, | “ Ninth “ |

The proceedings of the Council at the regular meeting, held May 5th, 1862, were read by the Clerk, and approved by the Council.

By Mr. Haughey—Motion :

That the old rules of the Council be adopted for the government of the new Council.

Which motion was adopted.

The following bonds of city officers elect, were presented to the Council, and read by the Clerk :

BOND OF C. S. BUTTERFIELD AS CLERK.

Know all men by these presents, That we, Cyrus S. Butterfield, A. Butterfield, H. A. Fletcher, J. G. Douglas, and Ellis Barnes, are held and firmly bound unto the State of Indiana in the penal sum of one thousand dollars, lawful money, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Signed and sealed with our seals, and dated this 12th day of May, 1863.

The condition of the above bond is such that, Whereas, the said Cyrus S. Butterfield was, on the 5th day of May, 1863, duly elected Clerk of the City of Indianapolis, for the term of two years, and until his successor is elected and qualified. Now, should the said Cyrus S. Butterfield faithfully and impartially discharge the duties of said office, and pay over all moneys that come into his hands as said Clerk to the proper person, and deliver all books and papers, &c. to his successor in office, then this obligation shall be void, otherwise to remain in full force and virtue in law.

CYRUS S. BUTTERFIELD,	[SEAL.
S. A. BUTTERFIELD,	[SEAL.
H. A. FLETCHER,	[SEAL.
J. G. DOUGLAS,	[SEAL.
ELLIS BARNES,	[SEAL.

BOND OF JAMES WOOD AS CIVIL ENGINEER.

Know all men by these presents: That we, James Wood, J. Stumph, and Fred Ritzinger, of Marion County, and State of Indiana, are held and firmly bound unto the State of Indiana in the sum of five hundred dollars, lawful money, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Sealed with our seals, and dated this 12th day of May, 1863.

The condition of the above obligation is, that: Whereas, the said James Wood was, on the 5th day of May, 1863, duly elected Civil Engineer of the City of Indianapolis for the term of two years, and until his successor is elected and qualified. Now, therefore, should

the said James Wood faithfully and impartially discharge the duties pertaining to his office, and deliver all books, papers and documents belonging to the said office to his successor in office, then this obligation shall be void, otherwise to remain in full force and virtue in law.

JAMES WOOD, [SEAL.]
JOHN STUMPH, [SEAL.]
FRED. RITZINGER, [SEAL.]

BOND OF JOHN UNVERSAW AS MARSHAL.

Know ye: That we, John Unversaw, William Boaz, and John S. Russell, of Marion County, and State of Indiana, are held and firmly bound unto the State of Indiana in the sum of two thousand dollars, for the payment whereof, well and truly to be made, we bind ourselves, our heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals this 12th day of May, A. D., 1863.

The condition of the above obligation is such that: Whereas, the above bound John Unversaw was, on the 5th day of May, 1863, elected to the office of Marshal of the City of Indianapolis, County of Marion and State of Indiana. Now, therefore, if the above named John Unversaw, shall well and faithfully discharge the duties of said office of Marshal, and faithfully pay over to the proper person all moneys that may come to his hands as such Marshal, then this obligation shall be null and void, otherwise to remain in full force.

JOHN UNVERSAW, [SEAL.]
WILLIAM BOAZ, [SEAL.]
JOHN S. RUSSELL, [SEAL.]

BOND OF JOHN B. STUMPH AS ASSESSOR.

Know all men by these presents: That we, John B. Stumph, John Stumph, and Valentine Butsch, are held and firmly bound unto the State of Indiana in the penal sum of five thousand dollars, for the payment of which, well and truly to be made and done, we bind ourselves, our administrators, executors and assigns firmly.

Witness our hands and seals this 7th day of May, 1863.

The condition of the above obligation is such, that: Whereas, the above, John B. Stumph, has been elected Assessor of the City of Indianapolis, County of Marion, and State of Indiana, for two years, from and after the first Tuesday in May, 1863. Now, should the said John B. Stumph discharge the duties of the office of City Assessor, during the term for which he has been elected, according to law, then this obligation shall be void, otherwise to remain in full force and value in law.

JOHN B. STUMPH, [SEAL.]
JOHN STUMPH, [SEAL.]
V. BUTSCH, [SEAL.]

INDIANA UNIVERSITY
INDIANAPOLIS LAW SCHOOL
LIBRARY

Stumph. B. Bond.
5/12/63

BOND OF JOHN M. KEMPER AS STREET COMMISSIONER.

Know all men by these presents: That we, John M. Kemper, George W. Buchanan, and Andrew Wallace, of Marion County, State of Indiana, are held and firmly bound unto the State of Indiana in the penal sum of five hundred dollars, lawful money, for payment of which, well and truly to be made, we bind ourselves, heirs, executors and administrators, firmly by these presents, jointly and severally.

Signed and sealed with our seals, and dated this 12th day of May, A. D., 1863.

The condition of the above bond is such that: Whereas, the said John M. Kemper was, on the 5th day of May, 1863, duly elected Street Commissioner of the City of Indianapolis, for the term of one year, and until his successor is duly elected and qualified. Now should the said John M. Kemper faithfully and impartially discharge the duties of said office, and pay over all moneys that may come into his hands as said Street Commissioner, according to law, and deliver all books and papers to his successor in office, then this obligation shall be void, otherwise to remain in full force and virtue in law.

JOHN M. KEMPER, [SEAL.]
 GEORGE W. BUCHANAN, [SEAL.]
 ANDREW WALLACE, [SEAL.]

Which, on motion, were severally approved.

After which His Honor, the Mayor, delivered the following as his Inaugural Address to the Council:

Gentlemen of the Council:

In compliance with a provision of the Charter, which makes it the duty of the Mayor "to recommend to the Common Council such measures as he deems for the public good," I will suggest for your consideration some matters which I deem worthy of your attention.

I would recommend that you make provision for an immediate revision of the City Ordinances. No revision has been made since 1859; since which time important amendments have been made to the Charter, and also very great changes in the Ordinances—Ordinances repealed and new ones enacted—and, contained as they are in the written records of the Council, or scattered through newspapers, but few of which have been preserved, it is difficult for even the officers, and impossible for the public, to be informed respecting the municipal code. Many important decisions have been made construing the Charter and Ordinances, and I would recommend that it be made part of the duties of the revisor to append marginal notes and references to these decisions, after the manner of our Revised Statutes.

I would further recommend that the proceedings of the Council be printed immediately after each meeting, in sheets in the form of leaves of a book, and regularly numbered, so that each successive sheet can be stitched to its predecessors; thus forming a continuously complete, and gradually accumulating journal of all your proceedings, and which, at the end of each year, can be indexed and bound.

A number of copies should be printed, and each member of the Council can be furnished with the record in a readable form, and which he can carry home with him, and thus readily keep himself informed of what has been done; and, being a valuable aid to consistency in what shall be done in future; sufficient might be printed to further supply contractors, and others having business with the city, and also answering a very valuable and convenient purpose when transcripts from our records are required as testimony in the courts.

Should the Council deem this an unnecessary expense, I would, at least, recommend that this system be pursued in reference to Ordinances passed. These are required to be published in the newspapers, and while the type is up it would cost but little more to have a number of copies printed, in pamphlet leaves, so as readily to be connected in book form, and at periods bound and indexed after the manner of our annual Statutes, also with the addition of marginal notes of current decisions. This would render a revision easy, and, for a long time, unnecessary.

Many of our Ordinances are frequently violated by persons from the country, ignorantly and innocently, and often by poor persons and young boys. Such violations, for instance, as driving over sidewalks, fastening to trees and lamp-posts. These parties are arrested and brought before the Mayor, and being found guilty, the Mayor is obliged to inflict the penalty. The Council ordain the Ordinances, and it is made the Mayor's duty to enforce them, although it often seems a hardship to do so, and irritating our customers and those to whom we desire to offer inducements to visit our city. I would recommend that sign-boards be posted just outside the city on each road leading into it, having painted on them a statement of such offenses as are most liable to be committed, together with the penalty. These violations are seldom committed wilfully by country people, and while these Ordinances are necessary, and violations cannot be prevented, every means should be employed to inform the public, and save them, as far as possible, from the expense, annoyance, and often mortification, brought upon them without the slightest evil intent upon their part. There are two points in the city at which crossing the sidewalk has been so frequent as to present the appearance of a thoroughfare, and persons mistaking it for such, innocently drive over them and are fined. It would be well to place some kind of sign-board at such points until disuse would obliterate the appearance of a street, and thus be the means of protecting persons from penalties for offenses unwittingly committed.

I would urge the most stringent measures respecting the cleanliness of our streets. This is important, not only to comfort, convenience and good taste, but is absolutely essential to health and life. Every community has its abundant quota of negligent and filthy persons who make the public streets the receptacle of vast stores of putrifying offal. This should be closely looked to. Nothing offensive to the senses should be permitted to remain. Our citizens are willing to pay for this, although the expense may amount to a considerable item. Persons violating these Ordinances for preserving the decency of the streets, should be so dealt with as to discourage a repetition.

Our city is being surrounded with additions not laid out in accordance with the general plan of the city, and in many respects very objectionable; as, for instance, the narrowness of the streets. Such additions are being laid out, and have been, outside the city and beyond our control; and we are being hemmed in, with ingress or egress, through mere alleys. After awhile, these will be incorporated with us; but the mischief is done, and buildings erected, and it is exceedingly difficult, if not often impossible, to reform the map of a city badly laid out. I would recommend that the attorney be requested to report whether any legislation can be had to remedy this evil.

This city pays between \$2,500 and \$3,000 per annum jail fees for simply locking up persons during the night. The jail fee is charged against these persons by the Mayor as part of the prosecution, but only about one-fourth is collected. If we had station houses, the city would save that much money and be the gainer in another way, by, instead of making the fine \$1 00 and taxing up the jail fee, which is usually \$1 40, the fine could be \$2 00. The result would be, that in case of non-payment, the city would be out nothing, and in case of payment be \$1 00 better off. I would recommend that three stations be established, one at each engine house, proper additions being built therefor, and extra pay be given to those in the fire department at those houses for watching and guarding the prisoners during the night. This would be more economical than renting houses and paying extra watchmen. Another consideration is that at present when an arrest is made at night it requires considerable time to go to the jail with the prisoner, thus leaving that portion of the city during that time without a watchman. I am indebted for this suggestion to our late City Attorney, who has given the subject careful deliberation in a position in which he has had opportunity to know.

Upon us devolves the appointment of a large number of subordinate officers, having in their control the fire department and the preservation of the peace of the city. It is very important that honest, capable, and faithful men should be selected, and no other consideration should influence our selection.

No man is at liberty to give his vote for his friend who is incompetent.

Friendship is well in its place, but our first duty is owing to the

welfare of the city; we were not elected to procure places for our friends, but to perform certain duties, and these we were sworn to perform. Let each then be guarded and not permit this social or friendly feelings to betray him into forgetfulness of the best interests of the city.

I would further call your attention to the propriety of the establishment of houses of refuge. This subject seems to have received some degree of attention in theory from the law-givers of our State, and ordaining it as a State policy. The Constitution provides "that the General Assembly shall provide houses of refuge for the correction and reformation of juvenile offenders."

In 1855 an act was passed to carry out this provision of the Constitution, the preamble of which is as follows:

"WHEREAS, The Constitution of the States requires that the General Assembly shall provide houses of refuge for the correction and reformation of juvenile offenders; and, whereas, common sense and common humanity demand that some steps should be taken at once, within this State, to separate the youthful culprit from the veteran and hardened criminal.

Section 4 of said act is as follows:

"The system of management and laws to be prepared, as in the foregoing section directed, shall contemplate the making such House of Refuge not simply a place of correction but a reform school, where the young convict, separated from vicious associates, may, by careful physical, intellectual and moral training, be reformed and restored to the community with principles and character fitting him for a good citizen, an honorable and honest man."

This seems to be on the right path. The true law-giver will seek to destroy the source of crime. By destroying the root the growth of the fruit is prevented. By rearing the youth of the land in intelligence and virtuous principles all else can almost be left to itself.

"Our Constitution provides that "The penal code shall be founded on the principles of reformation, and not of vindictive justice." This is a noble provision. There is wisdom and goodness, head and heart embraced in that provision. Punishment should not be designed merely to inflict suffering on the guilty for the sake of suffering, but as an inducement to prevent its repetition by the offender himself, and to operate as a warning to deter others, and every effort should be employed to render such punishment reformatory in its character. To imprison a boy in our county jail among felons, is a poor school of reform. That he is vicious is often more his misfortune than his fault. Perhaps an orphan, or worse, he grows up neglected and ignorant, and exposed to the worst influences, and that he should likewise grow up a criminal should not surprise any one. Society which permitted it, is the worst, if not the only criminal of the two. It is easy to deal with the mere surface of crime—to fine and imprison; but the humane law-giver will seek deeper, and ever remember that the most valuable police regulation is that which stands guardian over the morals of the young.

No police regulations can preserve peace and good order in a vicious and ignorant community. Our charter authorizes the establishment of such an institution, and it would enable the benevolent amongst us to find these unfortunates and give direction to that benevolence which at present cannot find or exercise control or influence over its objects.

It might embrace, too, within its provisions those given to habitual intoxication. I have long entertained the conviction that this should be treated as a disease, if not an insanity, rather than a crime. It is perhaps not so generally regarded. The victims themselves do not so regard it; but test the question by the logical fact whether or not their conduct is rational, and we have an answer at once. Men sacrifice everything for drink—they drink themselves into poverty, disgrace and ruin for themselves and families—cast away everything desirable in life, hope, ambition, health, and even life itself. And can it be that this is not madness? Call it what we may, it is a wicked spell—so strong as to destroy self-control, moral, or physical restraint. And must one like this be left to destroy himself without an effort to save him. No more than the maniac, who has repeatedly attempted suicide. Sometimes, it is the poor and friendless alone in the world, drinking to drown his sorrow. It is not usually the mean, selfish, or niggardly that become drunkards—such a temperament is the best security in the world. It is usually the generous and the social, whose very geniality seeking society and being sought, has been his ruin; and yet such, though they may be lost to the reforming influence of blows, and of the world's neglect or scorn, are yet not lost to the influence of sympathy, for oftentimes one gentle word of advice, one soothing tone of hope may do more to reform and encourage the wicked and despairing than all the manacles that ever were forged, and all the solitary dungeons that ever were builded.

Separated for a time from vicious associates, surrounded by good influences, encouraged to regain his self-respect, and debarred from access to his cups until consciousness has been restored, he may go forth clothed in his right mind, to a future of hope and happiness.—Where should we seek the most to effect reform? Of course where it is most needed—among the worst; and although we may not always succeed—though it should not always do others good, or make them better, it will ourselves. The heart always comes purer and better from a labor of love. The highest and purest enjoyment is the consciousness of doing good, and he is the wisest man who most cultivates this sublime and Heaven-born sensibility. Each noble and generous impulse grows stronger with its exercise, as each blow upon the anvil makes the arm that struck it stronger to strike the next, and the true philanthropist will never cease to labor or to hope for his race.

I will call the attention of the Council to another subject, although it is one you cannot remedy, as it is a provision of the charter.

It is provided that the Mayor shall, as part of his compensation, receive fees which are dependent upon conviction. Our laws make

similar provision for the fees of Justice of the Peace. This is wrong in principle, to make the compensation of a judicial officer dependent upon his own decision. If there is anything in the world that should be removed, in the remotest degree, from every corrupting influence, it is the judiciary from the highest to the lowest, for even the lowest acts upon the property and the liberty of the citizen. And although great care should be exercised in the selection of pure men, yet the best are subject to improper influences and the cravings of avarice are invidious, and often exercise an influence unconsciously even to the party influenced. It would be at least as well not to hold out the temptation.

My own conviction is, that courts are but seldom, if ever, influenced by such temptation, but this is not all, courts of justice should be so administered that their purity should ever remain above suspicion.

Violations are often committed of Ordinances not important in their character, by parties, too, entirely ignorant and innocent of intention, and the consequences of the act almost if not wholly harmless. Yet coming within the prohibition of the law, an officer sworn to execute the laws, (not to make them nor responsible for their wisdom,) is obliged to inflict the penalty, and the accused looking at it from his stand-point of selfishness and irritation, and feeling too innocent of intention, and that the act was harmless, goes out feeling that he is wronged, charges it at once to a corrupt motive, and with his respect for courts impaired, and prepared more than before to commit a wilful violation in a spirit of defiance. Courts should be so administered, if possible, that even the veriest criminal should be convinced that even if his sentence was wrong, in fact, that the court was impartial.

Our city finances have become an important feature. Our expenditures are annually a large sum, and necessarily increasing with our growth. Our people are willing to pay taxes liberally, but they expect, and have a right to expect, that it will not only be honestly, but judiciously expended. Let us see to it that these expectations are realized.

And now, gentlemen, let us enter upon our duties actuated but by one impulse, but one ambition—the welfare, the prosperity, and the honor of our beautiful city—and when she shall have become the proudest and purest metropolis of the West, may each of us be able to point to her with pride and exultation and truthfully say, What she is, in her greatness and goodness, I helped make her.

J. CAVEN.

Which was disposed of in the following manner :

By Mr. Haughey—Motion :

That so much of the Mayor's Message as refers to Revision of Ordinances, be referred to the Committee on Revision of Ordinances; That so much as refers to Sidewalks and Streets, be referred to the Committee on Streets and Alleys; That so much as refers to Jail

Fees and Police Stations, be referred to the Committee on Police ; That so much as refers to House of Refuge, be referred to the Committee on Public Buildings ; That so much as refers to Fees of Judicial Officers, be referred to the Judiciary Committee ; That so much as refers to Finances, be referred to the Committee on Finance.

Which motion was adopted.

By Mr. Thompson—Motion :

That three thousand copies of the Mayor's message be printed in the English language, and two thousand copies in the German language.

Which motion was adopted.

The Mayor announced the following

STANDING COMMITTEES.

JUDICIARY.

S. A. Colley,
A. H. Brown,
S. A. Fletcher, Jr.

FINANCE.

T. P. Haughey,
Henry Coburn,
H. A. Fletcher,

ACCOUNTS.

S. A. Fletcher, Jr.,
Stephen McNabb,
W. C. Thompson,

FIRE DEPARTMENT.

William Allen,
John Blake,
T. P. Haughey.

POLICE.

H. A. Fletcher,
A. H. Brown,
S. A. Colley.

STREETS AND ALLEYS.

A. H. Brown,
Henry Coburn,
William Cook.

BRIDGES.

R. B. Emerson,
William Boaz,
Joseph Staub.

MARKETS.

W. J. Wallace,
William Allen,
William Cook,

PUBLIC BUILDINGS.

John Blake,
William Boaz,
R. B. Emerson,

CISTERNS.

Stephen McNabb,
Charles Glazier,
Samuel Lafever.

GAS LIGHT.

W. C. Thompson,
Samuel Lafever,
W. John Wallace.

REVISION OF ORDINANCES.

P. H. Jameson,
S. A. Colley,
Charles Glazier.

EDUCATION.

H. A. Fletcher,
P. H. Jameson,
Joseph Staub,

By Mr. Jameson—Motion :

That the Mayor, by virtue of his office, be a member of the Judiciary Committee.

Which motion was adopted.

By Mr. Haughey :

To the Mayor and Common Council :

GENTLEMEN:—I have appointed John S. Russell as Deputy Marshal of the City of Indianapolis, Indiana, and respectfully ask you to confirm such appointment.

JOHN UNVERSAW, *Marshal.*

May 12th, 1863.

By Mr. Haughey :

Resolved, That the appointment of John S. Russell as Deputy Marshal, be, and the same is hereby confirmed.

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

So the resolution was passed.

By Mr. Haughey—Motion :

That the rules be suspended, and the Council proceed to elect a Chief Fire Engineer, Treasurer of the Board of School Trustees, a Board of Health, Market Master, Sealer of Weights and Measures, Printer in English language, Printer in German language, Winder of Town Clock, Board of Police, and President *pro tempore* of the Council.

Which motion was adopted.

The Council then went into an election by ballot to fill the above named offices, Messrs. Brown and Coburn acting as tellers, which resulted in the choice of the following named persons :

Police Board—William Boaz, Henry Coburn and John Blake.

Chief Fire Engineer—Charles Richmann.

Treasurer of Board of School Trustees—David V. Culley.

Board of Health—Doctors George W. Mears, Mansur H. Wright and John M. Gaston.

Market Master—John Jacob Wenner.

Sexton of the Graveyard—Garrison W. Allred.

Sealer of Weights and Measures—James Loucks.

President Pro Tem. of Council—Theodore P. Haughey.

City Printer in English Language—Ellis Barnes.

City Printer in German Language—Richard Henninger.

Winder of Town Clock—Thomas B. Hand.

By Mr. S. A. Fletcher, Jr.—Motion :

That the members of the Common Council from the 8th and 9th Wards now draw for the long or short terms.

Which motion was adopted.

Which resulted in Messrs. Allen, from the 8th Ward, and Staub, from the 9th Ward, drawing the long terms, and to hold their seats for four years; and Messrs. Cook, from the 8th Ward, and Wallace, from the 9th Ward, drawing the short terms, and to hold their seats for two years.

By Mr. Thompson—Petition :

INDIANAPOLIS, May 12, 1863.

To the Mayor and the Members of the Common Council :

We, the undersigned, property owners on Tennessee street, between St. Clair street and the corporation line north, respectfully ask your honorable body to pass an Ordinance for grading and graveling said street and sidewalks :

OWNERS' NAMES.	Feet. Inches.
R. M. Patterson.....	80
Frederick Smith.....	80
L. W. Andrews.....	100
Jacob P. Dunn.....	80
W. M. Duzan.....	120
William Sullivan.....	40
R. L. Lukens... ..	40
Fred. Rand.....	60
George K. and Porter K. Perrin.....	120
J. H. Ross.....	120
J. Armstrong.....	80
E. W. Sloane.....	80
George E. West.....	40
George Merritt.....	80

On motion, the above petition was referred to the Committee on Streets and Alleys.

By Mr. Colley—Petition:

INDIANAPOLIS, May 12, 1863.

To His Honor, the Mayor, and Members of the Common Council :

GENTLEMEN: The undersigned, owner of lot No. 3, in out-lot No. 48, does hereby most respectfully petition your honorable body to

pass an Ordinance for the grading of the alley running east and west between lots numbered 3 and 4, in out-lot No. 48.

Yours respectfully,

JOHN G. HOERETH.

On motion, the above petition was laid on the table.

By Mr. Haughey—Remonstrance :

INDIANAPOLIS, May 12, 1863.

To His Honor, the Mayor, and Members of the Common Council :

We, the undersigned, owners of property fronting on the alley running east and west from Alabama street to Delaware street, and adjoining the East Market square on the north, respectfully remonstrate against the improvement of said alley by grading and graveling the same, but would prefer to have the same bouldered, provided the city will improve the said market square. But we are utterly opposed to its improvement in any manner, unless the said square is improved, as the improvement would be of no use to any of us unless said improvement of the market space is made.

WILLIAM WILKENSON,	108 feet.
OBED FOOTE,	195 feet.
S. W. DREW,	87 feet.

On motion, the above remonstrance was referred to the Committee on Streets and Alleys.

By Mr. S. A. Fletcher, Jr., Chairman Committee on Accounts :

Resolved, That the City Clerk draw an order in favor of the following named persons, as Inspectors, Judges and Clerks of the late City Election, to the amount of five dollars (\$5 00) each :

W. H. Kendrick, services as Inspector.....	\$5 00
Lem. Van Laningham, " "	5 00
E. F. Norwood, " "	5 00
James G. Douglass, " "	5 00
Garrison W. Allred, " "	5 00
John S. Russell, " "	5 00
W. H. Loomis, " "	5 00
T. L. Roberts, " "	5 00
Samuel W. Seibert " "	5 00
Ellis Barnes, services as Judge,.....	5 00
David Powell, " "	5 00
Reuben Adams, " "	5 00
Chas. Secrest, " "	5 00
John A. Buchanan, " "	5 00
R. D. Brown, " "	5 00
Stephen Wilson, " "	5 00
Nicholas McCarty, " "	5 00
Aaron Rosier, " "	5 00
F. E. Chandler, " "	5 00

John G. Waters, services as Judge.....	\$5 00
Albert McLane, " "	5 00
A. W. Jenkins, " "	5 00
Chas. Youngerman, " "	5 00
John Farrel, " "	5 00
William Fiscus, " "	5 00
William Grayham, " "	5 00
M. W. E. Doran, " "	5 00
W. M. Hall, services as Clerk.....	5 00
S. D. McCann, " "	5 00
Oliver I. Moffitt, " "	5 00
John J. Dumont, " "	5 00
J. R. Griffith, " "	5 00
Lewis B. Reeves, " "	5 00
William Deitrich, " "	5 00
R. Reinmann, " "	5 00
Charles P. Meickel, " "	5 00
Eli Thompson, " "	5 00
A. F. Shortridge, " "	5 00
Owen Williams, " "	5 00
Daniel B. Charles, " "	5 00
R. J. Moulton, " "	5 00
Calvin Fletcher, Jr., " "	5 00
J. B. Nell, " "	5 00
E. R. Morely, " "	5 00
D. F. Gilmore, " "	5 00

The question being, shall the resolution pass? those who voted in the affirmative were, Messrs. Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Haughey, Lafever, Staub and Thompson—15.

Those who voted in the negative were Messrs. McNabb and Jameson—2.

So the motion passed.

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

MR. PRESIDENT: The Committee on Streets and Alleys, to whom was referred the petition of Jno. C. Wright and others, beg leave to report that should the contract be awarded for cleaning the bouldered streets, the same contract will include cleaning the gutters on those streets. The Committee would recommend that the Street Commissioner be directed to employ such force as may be needed, and the Committee on Streets and Alleys may deem necessary to immediately clean all other gutters, and that the expense of such work be paid out of the general fund.

AUSTIN H. BROWN.

JOHN BLAKE.

S. A. FLETCHER, JR.,

} Committee.

INDIANAPOLIS, May 12, 1863.

Which motion was adopted.

MR. PRESIDENT: The Committee on Streets and Alleys, to whom was referred the bids of Samuel W. Patterson and G. W. Burrows to grade and gravel Washington Street and the north sidewalk between the first alley west of the Carlisle House, and the western arm of the Canal, beg leave to report that they do not think it would be proper to make any award, for the reason that the rules of the Council were not observed as to giving notice of the pendency of the Ordinance prior to its passage. A rule of the Council is as binding as an Ordinance, and there is serious doubt whether a Street Assessment could be recovered from resisting property holders, in case where Ordinances for improving Streets are passed without strictly observing all the rules of the Council.

AUSTIN H. BROWN,
JOHN BLAKE,
S. A. FLETCHER, JR., } *Committee.*

Which, on motion, was referred to the Civil Engineer, with instructions to report a new Ordinance, if, upon consulting the City Attorney, he decide that the Ordinance is rendered null, because of notice not having been given, by publication in the city papers, of its pendency.

MR. PRESIDENT: The Committee on Streets and Alleys, to whom was referred the petition of Jesse Jones, would recommend that the prayer of the petition be granted.

AUSTIN H. BROWN,
JOHN BLAKE,
S. A. FLETCHER, JR., } *Committee.*

Which report was concurred in.

MR. PRESIDENT: The Committee on Streets and Alleys, to whom was referred sundry bids for proposed street improvements, beg leave to report that they find the following named parties to be the best bidders for the particular work named, and recommend that contracts be awarded them:

For grading and graveling Ohio street and north sidewalk between Delaware and Pennsylvania streets, James Stewart.

For grading and graveling Market street, exclusive of sidewalks, between Delaware and Pennsylvania streets, James Stewart.

For grading and paving with brick the sidewalk on the east side of Pennsylvania street, between the north side of Market street and the south side of Ohio street, Lefever & Kruger.

For cleaning the bouldered streets and alleys in both the Eastern and Western Districts, Cornelius Collins.

We also recommend that further proposals be invited for grading and graveling the sidewalk on Georgia street, between the east side of Meridian and Pennsylvania streets.

AUSTIN H. BROWN,
JOHN BLAKE,
S. A. FLETCHER, JR., } *Committee.*

INDIANAPOLIS, May 12, 1863.

On motion, the report of the Committee on Streets and Alleys was concurred in, and the contracts awarded as recommended by the Committee.

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

PROPOSALS FOR GRADING AND GRAVELING.

To grade and gravel the first alley south of Washington street, running east and west, through square sixty-two, between Alabama street, and the first fifteen foot alley east, running north and south through said square; Thomas Wren, grading, 29 cents; graveling, 79 cents. Security, Patrick Hanrohan. Wm. Schmidt, grading, 45 cents; graveling, 95 cents. Security, Charles Wehling

For grading and graveling the alley running east and west through square forty-three: Thomas Wren, grading, 35 cents; graveling, 1 dollar. Cornelius Collins, grading, 25 cents; graveling, 90 cents. Security, Andrew Wallace.

For grading and graveling the first alley west of Delaware street, running south from Maryland street, in square seventy-seven: Dennis O'Connell, grading, 25 cents; graveling, 97 cents. Security, Jacob Rubush. Cornelius Collins, grading, 25 cents; graveling, 95 cents. Thomas Wren, grading, 34 cents; graveling, 84 cents.

For grading and graveling the first alley south of Maryland street, running east and west, through square seventy-seven, to the first alley running north and south: Dennis O'Connell, grading, 25 cents; graveling, 84 cents.

On motion, the above proposals were referred to the Committee on Streets and Alleys.

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

INDIANAPOLIS, May 12, 1863.

MR. PRESIDENT: The Committee on Streets and Alleys, to whom was referred the motion of Mr. Metzger, beg leave to recommend that the Street Commissioner be directed to regrade the gutter in front of the Spencer House property on Illinois street, and erect walls along the street, along side of the gutters, so as to prepare the same for covering said gutters with flagging; such covering by flagging, with a proper number of holes, to be covered with iron grating, sufficient to allow proper ventilation, to be done at the expense of the proprietor of the Spencer House, upon his own contract.

AUSTIN H. BROWN,
JOHN BLAKE,
S. A. FLETCHER, JR., } *Committee.*

On motion, the above report was accepted and concurred in by the Council.

By Mr. Colley :

AN ORDINANCE to provide for the grading of the alley running east and west between lots numbered three and four, in out-lot numbered forty-eight.

The Ordinance was read the first time, and, on motion, was read a second time by its title.

By Mr. Emerson :

Resolved, That the first and final estimate allowed James Stewart for grading and graveling the sidewalk on the north side of New York street, between Indiana Avenue and the west side of Ellsworth street, dated May 12, 1863, be and the same is hereby approved and made the estimate of this Council, and the property owners are hereby required to pay the sums set opposite their respective names.

Those who voted in the affirmative, were Messrs. 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 was passed.

First and Final Estimate allowed James Stewart for Grading and Graveling the Sidewalk on the North Side of New York Street, between Indiana Avenue and West Side of Ellsworth Street, made at 26½ cents per lineal foot :

OWNERS' NAMES.	Lot.	Square.	Feet.	Inches.	Assess- ment.
Daniel Kreglow.....	7	28	189	10	\$50 30¼
Samuel King, off east side...	8	28	55	6	14 70¼
R. Thomas, w. of 55, 6 off e. side.....	8	28	24	.....	6 36
McKernan & Pierce, w. of 79, 6 off e. side	8	28	24	.....	6 36
Eliza P. Stagg, e. of 30, off w. side....	8	28	33	.....	8 74
Louis Hahn, off w. side.....	8	28	30	.....	7 95
Moses Fatout's heirs.....	1	29	118	.....	31 27
John P. Manner, c. half.....	32	29	59	.....	15 63½
August Brenker.....	32	29	59	.....	15 62½
Common Council.....			66	6	17 62¼
			658	10	\$174 59

I certify the above estimate correct, and made in accordance with an order of the Common Council. JAS. WOOD, *Civil Engineer.*

INDIANAPOLIS, May 12, 1863.

On motion, the contract and bond of John Stumph for building a sewer from the east line of Delaware street, west on McCarty street, to the Bluff Road, was taken from the table, and, on motion, was referred to the Judiciary Committee.

By Mr. Emerson :

Resolved, That James Stewart be allowed a final estimate for grading Vermont street and sidewalks, and graveling the sidewalks between Tennessee and Mississippi streets, when finished to the satisfaction of the Civil Engineer.

Those who voted in the affirmative, were Messrs. 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. H. A. Fletcher :

Resolved, That the meetings of the Council be held on Monday evenings, on the second and fourth Mondays of each month, at 7½ o'clock.

Those who voted in the affirmative, were Messrs. Allen, Brown, Boaz, Blake, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Haughey, Jameson, Lefever, McNabb, Staub and Thompson—16. Noes: Mr. Colley—1.

So the resolution passed.

By Mr. Haughey—Motion :

That an order be drawn in favor of Andrew Wallace for ten dollars, to pay George W. Williams for amount due him for bounty as a member of the 70th regiment.

On motion, the above claim was referred to the Committee on Accounts.

By Mr. H. A. Fletcher—Motion :

That the Street Commissioner be authorized at once to deter parties from taking dirt from the big hole on St. Joseph street.

Which was adopted.

By Mr. Emerson—Motion :

That the Street Commissioner be authorized to cut down Tennessee street, on the south side of Market street, so as to make the street passable.

Which was adopted.

By Mr. Thompson—Motion :

That the sum of one hundred dollars be allowed the Committee on Streets and Alleys for the purpose of paying clerk hire.

Which was adopted.

By Mr. Brown—Motion :

That a special committee be appointed to confer with the Civil Engineer, with regard to the grade of Alabama street, between Massachusetts Avenue and Washington street.

Which was adopted.

And the Mayor appointed as said committee Messrs. Brown, Coburn and Jameson.

By Mr. Brown—Motion :

That, in the opinion of the Council, the Shows on Illinois street are a nuisance, and that the Mayor hereafter decline to license them.

Which was adopted.

By Mr. S. A. Fletcher, Jr.—Motion :

That the yearly account of Joseph W. Davis as Chief Fire Engineer, be referred to the Committee on the Fire Department.

Which was adopted.

From the City Assessor :

INDIANAPOLIS, May 4, 1863.

To the Honorable Common Council of the City of Indianapolis :

The undersigned hereby makes a return of the assessment of real and personal property of the City of Indianapolis for the year 1863. The Council will appoint the time of the meeting of the Board of Equalization, of which the Clerk will give the proper notice. The books to be open at my office, No. 14, New & Talbott's Block.

JOHN B. STUMPH, *City Assessor.*

On motion, the above report was accepted, and the Clerk directed to give notice that the Council will meet on the first Monday in June at 7½ o'clock P. M., as a Board of Equalization, and hear complaints, and equalize the assessment as justice and right may require.

On motion, the Council adjourned to meet on next Monday, May 18th, 1863, at 7½ o'clock P. M.

JOHN CAVEN, *Mayor.*

Attest :

C. S. BUTTERFIELD, *City Clerk.*