

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, DECEMBER 7TH, 1863, 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:

Councilmen Allen, Brown, Boaz, Blake, Cook, Coburn, Emerson,  
S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever,  
McNabb, Staub and Thompson—15.

Absent—Councilman Colley, Haughey and Wallace—3.

The proceedings of the special session, held December 4th,  
1863, were read and approved.

From the Mayor—Communication :

I wish to call the attention of the Council to a matter which has become quite a serious nuisance. There are quite a number of hitching posts for horses along our streets, and the horses seem to have a monomania for standing on the pavement obstructing the passage, littering the pavement, and being also dangerous. I presume we cannot well dispense with these posts altogether, but they should be so constructed as to keep the horses off the pavement.

It might be done, perhaps, by placing two posts some distance apart, and a bar extending through and beyond them, so far as to prevent a horse passing around. If a single post, the bar should extend beyond each side forming a T. This bar should be of iron, as one of wood would soon be gnawed and bitten, and look unsightly. Perhaps it would be well for some committee to take

the matter under advisement, as they could, no doubt, suggest some better plan than that herein suggested.

In my Message read before you on the 12th of May last, was the following :

“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 offences 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 permitted, 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, too, 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 finger board at such points, until disuse would obliterate the appearance of a street, and thus be the means of protecting persons from penalties for offences unwittingly committed.”

I now wish to call your attention further to this subject. The ordinance prohibits riding or driving over a sidewalk, and affixes a penalty therefor. Perhaps two in three of such violations are committed by persons from the country, and who are ignorant of the ordinance. That ignorance of the law is no excuse for its violation, is a well settled principle.

Your ordinance regulating the police force, requires each policeman to take an oath to support the Constitution of the United States and the State of Indiana, and that they will “ discharge faithfully all their official duties.” This Council prescribes such official duties, amongst others, “ such watchmen during their hours of service, . . . shall arrest, with or without process, and bring before the Mayor of said city any person discovered or caught in the act of violating any ordinance of said city.” The rules established by the Police Board requires the same.

The Charter requires the Mayor to take an oath of office ; and then provides that it shall be the duty of the Mayor to see that

the laws of the State, and the by-laws and ordinances of the Common Council be faithfully executed within such city.

It further provides, that "the same rules of pleading and practice shall be observed in the Mayor's Court that are in District Courts."

If, then, a policeman sees a violation of an ordinance, it is his duty to arrest the offender, and bring him before the Mayor, and the Mayor, on conviction of the guilt, as a matter of fact, is obliged to fine. It is not, then, for a policeman to decide that the law is improper or inexpedient, and that he will not enforce it, nor can the Mayor. Their inquiries are, What is the law, and has it been violated? Many persons have loose notions, that the officers should overlook such violations, but it must be remembered that you, whose right and duty it is, have ordained these ordinances, and that we are sworn simply to execute them. When you ordain laws, you do not expect a policeman or the Mayor to nullify them at their will and pleasure; to make and unmake at will; to put their veto upon them, in practical effect, by refusing to execute them. When you are about ordaining an ordinance, do you stop to inquire, "Will this suit the tastes of the Police, or the Mayor, and will they execute it or not." Of course not. You expect us to execute them faithfully according to our oath, without deciding upon their wisdom or not. It is an exceedingly dangerous principle for executive or ministerial officers to usurp the prerogatives of the legislative. If permitted, we do not know by what law we are governed—whether by the written laws of the land, or the whims of the Mayor, or the fancies of a policeman. It is better, then, to faithfully execute a bad law, because you have a remedy by repealing it; but once tolerate the principle, that mere executive or ministerial officers may substitute their notions of what the law ought to be for what it is, and the very first principle of government has been sapped.

The Mayor has discretion to regulate the amount of the fine, in view of the circumstances, and the lowest fine is inflicted; but still it is irritating to persons from the country, and they regard it as very illiberal, and go away with unkind feelings towards the city, and its officers.

Recently, a brick pavement was laid west of Masonic Hall. The side walk, until then, had been unimproved, and farmers were in the habit of driving into the vacant lot to feed, and after the pavement was laid, it was covered with sand. Quite a number have driven over and been fined. I have urged the removal of the sand, but am informed it is necessary to remain for a time. I have solicited the Street Commissioner to drive stakes at intervals on the outside, and nail strips on top from one to the other, which he promised to do, but owing to the great amount of labor he has to perform, he has, as yet, not been able to do the work.

It has been charged, that some of the Police permit persons to drive over when they could prevent it, and then arrest for the

sake of the fee. I can hardly think this is so; for I have charged them strictly to prevent it in all cases when possible, and they assert that they do, and in frequent instances when I have suggested to them to remit their fees, they have always done so cheerfully. In all cases, when it would seem to distress the defendant, I remit my own fees, and the City Attorney, Marshal and Policemen do the same. They have repeatedly proposed to do so, before I would request it, and in no instance when I have so requested, have they refused, but always did so with a willingness that went far to convince me that they were actuated only by a sense of duty.

Your ordinance declares that a party driving over a sidewalk shall be punished. You appoint policemen to see to it that offenders against these ordinances are brought to this punishment. He is sworn to do this. He sees an individual drive over a sidewalk; a farmer, perhaps. Your ordinance makes no exception, nor can the policeman. The offender is brought before the Mayor. There is the ordinance for his government, and the fact of the violation is proven, or admitted. Many persons think the Mayor ought to acquit on the ground that the offender was ignorant of the law, or that but little harm was done; but how can the Mayor, a sworn officer, decide that the defendant is not guilty, when it is plainly proven that he is, or when he admits it. It is not, then, for officers to evade their duty, however unpleasant it may be. The remedy, if there is any, is with you. It is true, that on the other hand, complaints are made that this ordinance is not more rigidly enforced. Parties claim that they have been to great expense to make these improvements, and they demand of the city to protect them.

I am free to confess, that in what manner we can combine proper protection to our pavements, and at the same time protect farmers and persons from the country, and those ignorant of our ordinances, from penalties, is a matter of no little difficulty, and which I am not prepared to suggest a remedy. I would recommend that a committee take this matter under advisement, and determine whether or not we can repeal the ordinance, so far as it applies to graveled sidewalks; and if not, to devise some other plan to obviate the difficulty.

J. CAVEN.

Which, on motion of Mr. Brown, was referred to the Committee on Revision of Ordinances.

By Mr. S. A. Fletcher, Jr., Chairman Committee on Accounts:  
AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis:

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the following named persons be allowed the amounts set opposite their respective names, from any moneys in the Treasury not otherwise appropriated, as follows:

## POLICE EXPENSES.

David Powell, 30 days as chief of police, at \$2 per day,	\$60 00
William S. Johnson, 30 days as lieutenant of police, at \$1 75 per day.....	52 50
John S. Bray, 30 days, as policeman....at \$1 75 per day,	52 50
George Taffe, 30 days as policeman,....at 1 75 per day,	52 50
Thomas D. Amos, 24 days, as policeman, at 1 75 per day,	42 00
Wm. W. Loucks, 30 days, as policeman, at 1 75 per day,	52 50
Hannibal Taffe, 30 days, as policeman, at 1 75 per day,	52 50
Joseph Charles, 23 days, as policeman, at 1 75 per day,	40 25
W. F. Brenner, 30 days as policeman, at 1 75 per day,	52 50
Robt. Redmond, 30 days, as policeman, at 1 75 per day,	52 50
Samuel Buser, 30 days, as policeman,...at 1 75 per day,	52 50
Frederick Lang, 30 days, as policeman, at 1 75 per day,	52 50
Henry Paul, 30 days, as policeman,.....at 1 75 per day,	52 50
Stephen Wilson, 30 days, as policeman, at 1 75 per day,	52 50
A. Unversaw, 30 days, as policeman,...at 1 75 per day,	52 50
H. S. Adams, 30 days, as policeman,...at 1 75 per day,	52 50
J. W. Bradley, 30 days, as policeman, at 1 75 per day,	52 50
A. E. Catterson, 30 days, as policeman, at 1 75 per day,	52 50
D. I. Thompson, 30 days, as policeman, at 1 75 per day,	52 50
Jesse T. Murphy, 30 days, as policeman, at 1 75 per day,	52 50
Jacob B. Power, 30 days, as policeman, at 1 75 per day,	52 50
Jos. P. Duvall, 30 days, as policeman, at 1 75 per day,	52 50
Chas. E. Carter, 24 days, as policeman, at 1 75 per day,	42 00
Wm. Bretney, 30 days, as policeman, at 1 75 per day,	52 50
M. W. E. Doran, 30 days, as policeman, at 1 75 per day,	52 50
R. B. Barbee, 30 days, as policeman,....at 1 75 per day,	52 50
G. Thomas, extra, 5 days, as policeman, at 1 75 per day,	8 75
Total for Police Expenses.....	<u>\$1348 00</u>

## FIRE DEPARTMENT EXPENSES.

Frank Glazier, engineer to November 30th, 1863, inclusive.....	\$39 00
Daniel Glazier, engineer to November 30th, 1863, inclusive.....	65 00
Charles Curtis, engineer to November 30th, 1863, inclusive.....	65 00
William McDougal, fireman to November 30th, 1863, inclusive.....	51 00
E. H. Webster, fireman to November 30th, 1863, inclusive.....	51 00
James Fox, fireman to November 30th, 1863, inclusive....	51 00
James A. Isgrigg, driver to November 30th 1863, inclusive.....	25 50
Amount carried forward,.....	<u>\$347 50</u>

Amount brought forward.....	\$347 50
James Smith, driver to November 30th, 1863, inclusive.	51 00
William Dawson, driver to November 30th, 1863 inclusive.....	51 00
William Curtis, driver to November 30th, 1863, inclusive.....	51 00
Samuel Blythe, driver to November 30th, 1893, inclusive.....	51 00
George Kenzell, driver to November 30th, 1863, inclusive.	51 00
Charles W. Rhoades, watchman to November 30th, 1863, inclusive.....	51 00
Lafayette Doughty, watchman to November 30th, 1863, inclusive.....	51 00
William Miller, driver to November 30th, 1863, inclusive.....	51 00
<b>Total for Fire Department.....</b>	<b><u>\$755 50</u></b>

## SPECIFIC.

Daniel Glazier, making dog checks and stamps.....	\$23 10
William Shafer, making dog checks.....	1 75
C. Kindler, hauling wood to the poor.....	6 93
Hugh Slavin, hauling wood to the poor.....	28 50
John G. Waters, assisting Clerk from August 1st, to September 19th, 1863.....	115 50
Thomas Dorsey, sawing 39 cords of wood at 78½ cents per cord.....	30 71
Joseph K. English, white-washing, scrubbing, boxes &c..	15 50
George W. Pitts, ice furnished city offices.....	73 50
Henry Coburn, hauling wood to the poor.....	4 50
William Boaz, Jr., 11 days, distributing wood to poor, at \$1 75 per day.....	19 25
John Unversaw, amount paid for cleaning out Mayor's office.....	8 00
N. Hoffmeister, room furnished to hold election in May 5th, 1863.....	3 00
<b>Total for Specific.....</b>	<b><u>\$330 24</u></b>

## FOR JAIL EXPENSES, PRINTING, PERCENTAGE, INTEREST PAID ON ORDERS.

W. J. H. Robinson, keeping city prisoners for October...	\$534 10
Ellis Barnes, printing Proceedings, &c., to December 1st, 1863.....	317 50
Joseph K. English, percentage in full to November 12th, 1863.....	171 17
Joseph K. English, interest paid on orders.....	63 58
<b>Total.....</b>	<b><u>\$1086 35</u></b>

## STREET IMPROVEMENT.

Alexander Wood, assisting Engineer 5 weeks, at \$1 65 per day.....	\$49 50
Michael Shea, assisting Engineer 5 weeks, at \$1 65 per day.....	49 50
Stephen Wilson, posting bills for Engineer.....	16 00
Cornelius Collins, city's portion for grading and graveling the sidewalk on the north side of Georgia street, between Meridian, and Pennsylvania streets.....	6 07
Cornelius Collins, city's portion for grading and graveling the first alley south of Maryland street, running east and west through square 77, between Delaware street, and the first alley west of said street.....	21 20
Samuel R. Mann, balance of city's portion for grading and graveling North street, between the west side of California, and the west side of Blackford street.....	26 32
<b>Total for Street Improvement.....</b>	<b>\$168 59</b>

## STREET REPAIRS.

H. Timmerman, 200 yards gravel, at \$1 00.....	\$200 00
H. Timmerman, cutting gutters on New York street, between Alabama and New Jersey street, 30 00	\$230 00
Clemmens Vonnegut, nails, spikes and tools furnished Street Commissioner.....	105 98
J. W. White, 4000 feet lumber \$1 80 per hundred.....	72 00
Peter Wetzel, 127 loads gravel at 10 cents per load.....	12 70
Augustus Richter, 25 yards bouldering at 75 cents.....	18 75
S. Behymer, 42 loads gravel at 25 cents per load.....	10 50
Jacob S. Walker, lumber furnished Street Commissioner.	76 88
Pomeroy, Fry & Co., nails furnished Street Com.....	5 75
<b>Total for Streets Repairs.....</b>	<b>\$532 56</b>

Joseph Kruger & Co., partial estimate for building cisterns at Meridian and Circle streets, and crossing of New Jersey and Market streets.....	\$1832 40
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## RECAPITULATION.

Police Expenses.....	\$1348 00
Cisterns.....	1832 40
Fire Department.....	755 50
Jail Expenses.....	534 10
Street Repairs.....	532 56
Street Improvement.....	168 59
Printing.....	317 50
Percentage.....	171 17
Interest paid on Orders.....	63 58
Specific Appropriations.....	330 24
<b>Total.....</b>	<b>\$6053 64</b>

SEC. 2. The City Clerk is hereby authorized and directed to issue warrants upon the city treasury to the persons named, and for the amounts as set forth specifically in section first of this ordinance.

SEC. 3. This ordinance to take effect and be in force from and its passage.

Ordained and established this 7th day of December, 1863.

JOHN CAVEN, *Mayor*.

Attest:

C. S. BUTTERFIELD, *City Clerk*.

The ordinance was read the first time, and, on motion of Mr. Allen, was read a second time by its title.

Mr. S. A. Fletcher, Jr. then moved that the rules be suspended, and the ordinance read a third time now.

The question being on the suspension of the rules? those who voted in the affirmative, were Councilmen Allen, Brown, Boaz, Blake, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb and Staub.—14.

Noes, none.

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

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

Noes, none.

So the ordinance passed.

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

INDIANAPOLIS, December 7th, 1863.

*Mr. President*—Your Committee, to whom was referred the petition of G. W. Bronson and Mary M. Doxon, to vacate the alley running east and west from Oak street, in Coburn's [addition would report that we have examined the matters and things set forth in said petition, and find them correct; also, that the proper notice in such cases required, has been given, proof of which is herewith attached; we, your committee, would therefore recommend the said vacation.

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

And now come the petitioners, G. W. Bronson and Mary M. Doxon, and produce proof that they have given proper notice of their intention to apply to this Council to vacate the said alley,



by advertising for twenty days in the Weekly Indiana State Journal, which proof is as follows, to wit:

STATE OF INDIANA, }  
Marion County, } ss.

Personally appeared before the undersigned, A. C. Grooms, book-keeper of Journal Company, publishers of the Indiana Weekly State Journal, a newspaper of general circulation, printed and published in the city of Indianapolis, in the county aforesaid, who being duly sworn, upon his oath saith, that the notice of which the attached is a true copy, was duly published in said paper for three weeks successively, the first of which publication was on the 2d day of November, 1863, and the last on the 16th day of November, 1863.

A. C. GROOMS.

[SEAL.] Subscribed and sworn to before me, this 4th day of  
December, 1863.

C. S. BUTTERFIELD, *Notary Public.*

And also by posting up written notices at three of the most public places in the immediate neighborhood of said alley, which is as follows, to-wit:

“NOTICE.

“The undersigned give notice, that they will present to the Common Council of the City of Indianapolis, at its meeting to be held on Monday evening, November 23d, 1863, or as soon thereafter as the same can be heard, a petition asking for the vacation of an east and west alley, running west from Oak street, in Curn’s subdivision of out-lot No. 182, in the City of Indianapolis.

“G. W. BRONSON.

“MARY M. DOXON.

“Indianapolis, November 2, 1863.”

STATE OF INDIANA, }  
Marion County, } ss.

I, G. W. Bronson, swear that I did, on the 29th day of August, 1863, post up written notices, of which the foregoing is a full and true copy, at the following three most public places in the immediate neighborhood of the alley mentioned in said notice, to-wit: one on the building at the south-west corner of Oak and Curve streets; one on the west end of Government stable, near Jackson street, and one on fence at corner of East and Spring streets. So help me God.

G. W. BRONSON.

[SEAL.] Subscribed and sworn to this 19th day of October,  
1863, before me,

C. S. BUTTERFIELD, *Notary Public.*

And no person appearing to object to said vacation, and there being no remonstrance against said vacation, and the Common

Council being fully advised in the premises, ordered and decreed that the said alley be and the same is hereby declared vacated.

Mr. Brown presented the following :

### CONTRACT AND BOND OF BENNETT BROOKS.

*This Agreement*, made and entered into this 7th day of December, 1863, by and between Bennett Brooks, of the County of Marion, and State of Indiana, of the first part, and the Common Council of the City of Indianapolis, of the second part.

*Witnesseth*, That the said party of the first part does covenant and agree to build the bridge over the Cincinnati R. R. track, at its crossing with Noble street, for the sum of eight hundred and seventy-five dollars, payable in city orders, but payment thereof to be withheld so long as any sums remain unpaid to laborers employed by the contractor for work done in prosecution of said contract. Said bridge to be built in accordance with the following specifications, and as shown upon the drawings made for same ; the sizes of material to be as follows : the posts, cap and sill of bent to be 8x8, braces 8x6; all to be properly framed together, and pinned with hickory pins, and to be of such height as to raise the bridge 8 inches above the plates on the abutment walls ; the cords to be 8 in number, 8x14, as shown on plan. Wall plates to be (of the proper depth to raise the cords, 14 feet and 6 inches above the R. R. metals at the lowest point,) and to be 12 feet wide ; the joist to roadway to be 6 inches at the ends and 10 inches in middle, and 4 inches thick throughout ; sidewalk to be raised 8 inches above the road ; sidewalk joist to be 4x6, fixed so as to incline sidewalk to gutters, planking to be 2 inches thick and 8 inches wide, laid in line with traffic of road, and the joints all broken, and to be well spiked to joist. Hand-rail to be on to posts forming ballistrade to bridge, and to be diagonally braced, braces 4x2; posts not more than 6 feet apart. All to be properly morticed and tenanted together, and boarded on both sides with matched boarding ; timbers to run out as shown on drawing, and braced to ballistrade as shown. All the timber through the entire bridge to be of white oak. All the ballistrade may be of poplar. All the ballistrade to be well painted with two good coats of paint on both sides.

To be finished on or before the 1st day of January, 1864, to the entire satisfaction of the Civil Engineer, and should said work not be finished by the time specified, and according to the above specifications, then the said party of the second part shall have the privilege and option of forfeiting this contract, and of reletting the same, and the party of the first part shall be responsible for all damages that may accrue by said failure to perform said work according to contract.

In testimony whereof, we, the foregoing named parties, hereunto set our hands, this 7th day of December, 1863.

BENNET BROOKS,

For the Common Council of the City of Indianapolis,  
JAMES WOOD, *Civil Engineer.*

*Know all men by these presents, That we, Bennet Brooks, and Benjamin Pottage, of the County of Marion, and State of Indiana, are held and firmly bound to the Common Council of the City of Indianapolis, in the sum of fifteen hundred dollars, the payment whereof well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents.*

The conditions of the above obligation are such, that if the above bound Bennet Brooks shall faithfully comply with the foregoing contract, made and entered into this 7th day of December, 1863, with the Common Council of the City of Indianapolis, and fulfil all the conditions and stipulations therein contained, according to the true intent and meaning thereof, in all respects, then this obligation to be void; otherwise, to remain in full force and virtue in law.

Witness, our hands and seals the day and year last above written.

BENNET BROOKS, [SEAL.]  
BENJAMIN POTTAGE. [SEAL.]

Which, on motion, were accepted and approved.

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

*Resolved,* That the following first and final estimate allowed H. Timmermann, for grading and graveling the alley, running north and south through square 21, be and the same is hereby adopted as the estimate of this Council, and the property owners are hereby required to pay the sums set opposite their respective names.

The question being, shall the resolution pass? those who voted in the affirmative were Councilmen Allen, Brown, Boaz, Blake, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb and Staub—14. Noes, none.

So the resolution passed.

First and Final Estimate allowed H. Timmermann, for Grading and Graveling the 30 foot Alley running north and south through square 21, made at 40 cents per lineal foot.

OWNERS' NAMES.	Lot.	Square.	Feet.	Inches.	Assessment.
Charles A. Brommer, south half.....	7	21	33	9	\$13 50
Philip Burket, north half.....	7	21	33	9	13 50
G. H. McLaughlin, south half.....	8	21	33	9	13 50
Amanda G. Patterson, north half.....	8	21	33	9	13 50
Elizabeth J. George,.....	9	21	67	6	27 00
G. A. Wells, lot 10 and south part of.....	11	21	85	0	34 00
Levi Wood, lot 12 and north part of.....	11	21	117	6	47 00
Anton F. Miller,.....	14	21	120	0	48 00
Charles Helwig,.....	15	21	72	6	29 00
Charles Helwig, north half.....	16	21	36	3	14 50
Charles Aldag, south half.....	16	21	36	3	14 50
Earnest Kline,.....	17	21	120	0	48 00
Common Council,.....			50	0	20 00
					\$336 00

I certify the above Estimate correct, and made in compliance with an order of the Common Council.

JAMES WOOD, *Civil Engineer.*

Indianapolis, December 7th, 1863.

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

WHEREAS, there was, on the 31st day of August, 1863, an estimate allowed John Stumph, for grading and bouldering Pennsylvania street, between the north side of Ohio and the north side of Michigan streets: And whereas, said estimate assessed against R. L. Walpole the sum of \$550 91, the amount due against two hundred and seven feet six inches on Pennsylvania street, in the south east corner of square No. 16. And whereas, it appears from the records in the Recorder's office of Marion County, that the said R. L. Walpole owned but one hundred and ninety feet front on said Pennsylvania street; and that A. L. Roach owned seventeen feet six inches of the north side of the said two hundred and seven feet six inches assessed against said R. L. Walpole: therefore,

*Resolved*, That the following estimate allowed John Stumph for grading and bouldering Pennsylvania street, between the north side of Ohio and the north side of Michigan streets, dated December 7th, 1863, be, and the same is hereby approved and adopted as the estimate of this Council; and the said A. L. Roach is hereby required to pay the amount with which he is assessed.

The question being, shall the resolution pass? those who voted in the affirmative were Councilmen Allen, Brown, Boaz, Blake,

Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb, Staub and Thompson—15.

Noes, none.

So the resolution passed.

First and Final Estimate allowed John Stumph, for Grading and Boulderling Pennsylvania Street, between the north side of Ohio and north side of Michigan Streets, made at 265½ cents per lineal foot.

OWNERS' NAMES.	Lot.	Square.	Feet.	Inches.	Assessment.
A. L. Roach, 17 feet and 6 inches by 157 feet 6 inches north of 190 feet, off the southeast corner of square.....	.....	16	17	6	\$46 46
					\$46 46

I certify the foregoing Estimate correct, and made in compliance with an order of the Common Council.

JAMES WOOD, *Civil Engineer.*

INDIANAPOLIS, December 7, 1863.

By Mr. Brown—Sealed Proposals:

To grade and pave with brick, and curb the outer edge with flat rock stone, that part of the sidewalk not already paved, on the west side of Delaware street, between the north side of the Union Railroad track and Washington street: Kruger & Co., paving, 80 cents per superficial yard; curbing 76 cents per lineal foot; security, George F. Meyer. George L. Gorham, paving, 83 cents per yard; curbing, 75 cents per foot; security, George F. Meyer.

To grade and boulder the alley running north and south through square 63, between Washington street, and the first alley south of said street: John Stumph, at 87 cents per superficial yard; security, John B. Stumph. R. P. Dunning, at 89½ cents per superficial yard; security, George W. Pitts.

To furnish and erect lamp-posts, lamps and fixtures, on Illinois street, between the north side of North street and the north side of St. Clair street: Deloss Root & Co., at 39 dollars per post; security, Nelson Kingman.

Which, on motion, were referred to the Committee on Streets and Alleys and the Committee on Gas Light.

From the City Clerk—Report:

INDIANAPOLIS, December 7th, 1863.

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

Gentlemen—Affidavits have been filed with me, in accordance with the provisions of the City Charter in such cases made and

provided, to-wit: Mary Achey, in favor of Kruger & Co., for the sum of \$106 06. Also, against Hiram Gaston, for \$166 22, for grading and bouldering Kentucky Avenue, between Washington and Tennessee streets. You will please order that precepts be issued against the parties for the amounts.

Respectfully submitted,

C. S. BUTTERFIELD, *City Clerk.*

Which, on motion, was accepted, and the City Clerk directed to issue the precepts.

From the Sexton—Report :

Report of the Sexton for the month ending December 7th, 1863 :

NO. OF INTERMENTS.

Under 1 year.....	6
1 to 5 years.....	10
5 to 10 years.....	3
10 to 20 years.....	6
20 to 30 years.....	13
30 to 40 years.....	2
40 to 50 years.....	2
50 to 60 years.....	4
60 to 70 years.....	1
80 to 90 years.....	2
90 to 100 years, and over.....	1
	50

From the country.....2

G. W. ALLRED, *Sexton.*

Which, on motion, was accepted, and ordered to be spread upon the minutes.

The Chief of Police submitted the following :

## PAY ROLL and Report of the Police Force of the City of Indianapolis, for the month ending Nov. 30, 1863.

NAMES.	Number of Days Run.	Intoxication.	Prostitution.	Associating with Prostits.	Assault and Battery.	Assault and Battery, with intent to kill.	Grand Larceny	Petit Larceny	Disturbing the Peace.	Driving on Sidewalk.	Exhibiting Show without License.	Violating Dog Ordinance.	Violating Sun's Ordinance.	Obstructing Sidewalks.	Obstructing Gutters.	Feeding on Streets.	Hitching to Shade Trees.	Hitching to Lamp Posts.	Shooting in Streets.	Resisting Officers.	Carrying Concealed Weapons.	Gambling.	Running Vehicles without License.	Committing Nuisance.	Violating Cemetery Ord.	Total.
David Powell, Captain.....	30																									15
William S. Johnson, Lieutenant.....	30								1																	4
John S. Bray.....	30	12			2																					1
George Taffe.....	30	1																								4
Thomas D. Amos.....	24	4																								1
William Loucks.....	30	10			2		1							2												15
Hannibal Taffe.....	30	1			1																					2
Joseph Charles.....	23	1																								1
William F. Brennemer.....	30	4					1																			6
Robert Redmond.....	30	7			1																					8
Samuel Buser.....	30	6																								8
Frederick Lang.....	30	3					1							2												13
Henry Paul.....	30	13			1		1		1					1												17
Stephen Wilson.....	30	18																								18
Andrew Unversaw.....	30	11							1																	23
Hubbard S. Adams.....	30	21												2					1							23
Jephtha W. Bradley.....	30	6												2												8
Abel E. Catterson.....	30	10												2												12
Daniel I. Thompson.....	30	1						1						2												2
Jesse T. Murphy.....	30																									
Jacob B. Power.....	30	4	1				1																			6
Joseph P. Duvall.....	30	10			3				1																	15
Charles E. Carter.....	24																									
William Bretney.....	30	7						1						13												21
M. W. E. Doran.....	30	3												11				1								15
Robert B. Barbee.....	30	17			1		1							4												23
George Thomas, extra.....	5																									
Total.....	170	1	1	11			8	1	4					49												246

Which, on motion, was accepted and approved.

I certify, on honor, that the above Pay Roll and Report is correct and just, and that it was made out in accordance with orders to me directed by the Common Council of the City of Indianapolis.

DAVID POWELL, Chief of Police.

From the Winder of the Town Clock :

INDIANAPOLIS, November 30th, 1863.

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

I hereby resign my office as Town Clock Winder.

HARRY CRAFT.

On motion of Mr. S. A. Fletcher, Jr., the resignation of Mr. W. H. Craft, as Winder of the Town Clock, was accepted, and Mr. F. M. Herron appointed to fill the vacancy.

On motion of Dr. P. H. Jameson, the Council went into an election for Wood Measurers, which resulted as follows :

FOR THE EASTERN MARKET.

William Turner received.....	8 votes.
William M. Graham received.....	7 votes.

William Turner having received a majority of all the votes cast, was declared duly elected.

FOR THE WESTERN MARKET.

William Scudder received.....	13 votes.
William M. Graham received.....	2 votes.

William Scudder having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Brown, the following ordinance was taken up, to-wit:

AN ORDINANCE to provide for the taking up of the boulders and for the grading and re-paving, with boulders, the alley running north and south through square 65 between Washington and Pearl streets.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the whole width of the alley running north and south through square 65, between Washington and Pearl streets, be properly graded and re-paved with boulders, the boulders now laid therein to be taken up and used as far as practicable in such re-paving and that the expense of grading and re-paving such alley, as aforesaid, (except so much thereof as is occupied by the crossings of streets and alleys,) be assessed against, and collected from, the owners of the lots bordering on said street, between the limits aforesaid, according to the provisions of sections 66 to 69, inclusive, of the City Charter.

SEC. 2. The Civil Engineer is hereby directed to set the proper stakes and also to advertise by publication for ten days in the Indianapolis Daily Journal, and by posting up printed notices in not less than five of the most public places in the city, that sealed proposals will be received by the Common Council, at the meeting of the Council to be held on the 21st day of December, 1863, for the execution of said work.



SEC. 3. This ordinance shall take effect and be in force from and after its passage.

Ordained and established this 7th day of December, 1863.

JOHN CAVEN, *Mayor*.

Attest:

C. S. BUTTERFIELD, *City Clerk*.

Which was read the third time.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Brown, Boaz, Blake, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb, Staub and Thompson—15.

Noes, none.

So the ordinance passed.

Mr. Brown introduced the following ordinance:

AN ORDINANCE to provide for the taking up of the boulders and for the re-paving, with boulders, the alley running north and south through square 65, between Pearl and Maryland streets.

SECTION. 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the whole width of the alley running north and south through square 65, between Pearl and Maryland streets be re-paved with boulders, the boulders now laid therein to be taken up and used as far as practicable in such re-paving and that the expense of grading and re-paving such alley as aforesaid, (except so much thereof as is occupied by the crossings of streets and alleys,) be assessed against, and collected from the owners of lots bordering on said street, between the limits aforesaid, according to the provisions of sections 66 to 69, inclusive, of the City Charter.

SEC. 2. The Civil Engineer is hereby directed to set the proper stakes and also to advertise by publication for ten days in the Indianapolis Daily Journal, and by posting up printed notices in not less than five of the most public places in the city, that sealed proposals will be received by the Common Council, at the meeting of the Council to be held on the 21st day of December, 1863, for the execution of said work.

SEC. 3. This ordinance shall take effect and be in force from and after its passage,

Ordained and established this 7th day of December, 1863.

JOHN CAVEN, *Mayor*.

Attest:

C. S. BUTTERFIELD, *City Clerk*.

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

Mr. Brown then moved that the rules requiring the Clerk to give notice of the pendency of ordinances relating to Street Im-

provements, and requiring ordinances to be taken up in their regular order, be suspended, and the ordinance read a third time now.

The question being on the suspension of the rules? those who voted in the affirmative, were Councilmen Allen, Brown, Boaz, Blake, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb, Staub and Thompson.—15.

Noes, none.

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

The question being, shall the ordinance pass? those who voted in the affirmative, were Councilmen Allen, Brown, Boaz, Blake, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb, Staub and Thompson—15.

Noes, none.

So the ordinance passed.

By Mr. Allen :

*Resolved*, That the Engineers of the Steam Fire Engines in the Fire Department in this city, be allowed the sum of seventy-five dollars per month, from and after the 1st day of January, 1864.

The question being, shall the resolution pass? those who voted in the affirmative, were Councilmen Allen, Boaz, Cook, Coburn, S. A. Fletcher, Jr., H. A. Fletcher, Glazier and Staub.—8.

Those who voted in the negative were Councilmen Brown, Blake, Emerson, Jameson, Lefever, McNabb and Thompson.—7.

So the resolution passed.

By Mr. Lefever :

*Resolved*, That John Stumph be allowed a final estimate for building a bridge over the Cincinnati Railroad, at the crossing of Noble street, when finished to the satisfaction of the Civil Engineer.

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

Noes, none.

So the resolution passed.

By Mr. Boaz—Motion :

That a Committee of three be appointed by the Mayor to ask the County Commissioners for an appropriation of one thousand dollars to buy wood for the poor families in the suburbs of the city,

Which motion was adopted.

His Honor, the Mayor, appointed as said Committee, Councilmen Boaz, Jameson and Emerson.

By Mr. Emerson—Motion :

That the Gas Company, or any other person putting down pipes in the streets, be requested to give notice either to the Chief Fire Engineer, or the City Clerk, of their intention to lay down gas across any street, in order to prevent accidents to our engines by night.

Which, on motion of Mr. S. A. Fletcher, Jr., was referred to the Committee on Revision of Ordinances.

On motion of Mr. Brown, the ordinance entitled :

AN ORDINANCE establishing a Board of Public Improvements, defining its Powers and Duties, and regulating the Construction of Buildings within the City Limits.

Was taken from the table, and referred to the Committee on Revision of Ordinances.

On motion of Dr. P. H. Jameson, the ordinance entitled

AN ORDINANCE authorizing the construction, extension and operation of certain Passenger Railways in and upon the Streets of the City of Indianapolis.

Was taken up.

Dr. W. Clinton Thompson presented the following proposition, communication, &c., from the "Citizens' Street Railroad Company :

PROPOSITION.

OFFICE OF THE BROOKLYN CITY AND NEWTOWN RAILROAD Co.,  
 Corner of Front and Dock Streets, Brooklyn, N. Y., Nov. 20, 1863. }

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

*Gentlemen:*—Since my return East, I have given the subject of building a Street Railroad in your city careful attention, and have satisfied myself that should the "Citizens' Street Railroad Company" obtain from your Council a charter, under the ordinance pending in your board, we will, and do hereby stipulate and agree to build and equip *three* miles of said road, with an adequate number of cars on and running, by the 4th of July, 1864; also, to build and equip two miles additional by July 4th, 1865; also, to build and equip two additional miles by July 4th, 1866, and construct such additional amount from time to time, according to the ordinance now before your Council, and accepting the ordinance as amended.

In regard to our ability to promptly fulfill what we stipulate, I would refer you to letters from some of the leading business men of this city, herewith presented.

Trusting to your favorable consideration, I remain

Your ob't serv't,

R. B. CATHERWOOD,  
 In behalf of the Company.

Accompanying the foregoing proposition were letters of recommendation from Messrs. Winslow, Lanier & Co., of New York; Messrs. Farlee & Piper, of New York; H. V. Gahagan, Secretary of the Guardian Life Insurance Company, of New York; and William C. Rushmore, Cashier of the Atlantic Bank, of Brooklyn, N. Y.

## COMMUNICATION.

INDIANAPOLIS, December 7th, 1863.

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

*Gentlemen:*—At a meeting of the President and Directors of the "Citizens' Street Railroad Company of Indianapolis," this day held, it was determined that if your honorable body will substitute for section 14, of the ordinance now before you, the section hereto attached, and will pass said ordinance after amending section No. 1 so as to give the rights conferred in said ordinance to this company, they will procure, within twenty days from the passage of said ordinance, such signatures to the bond hereto attached as will be entirely acceptable to your body. They will accept said ordinance and proceed at once with the construction of said road. That the President and Directors of this company do not consider it dishonorable in your honorable body to ask for propositions from competing organizations, but believe that it is your duty to the city to grant the charter to the company that will construct said road in the shortest period of time. Nor did they conceive they were offering any *bonus* in submitting such proposition. They do not ask the Council to take any responsibility in granting this charter to a company that is unable to perform its obligations, and therefore provide by the section hereto attached that if the bond herewith is not made perfectly satisfactory to your honorable body in twenty days that all privileges conferred by the ordinance shall be forfeited. They have aimed to deal frankly with the Council, and have looked not to what some other organization was willing to do, but rather to the pressing demands of the city, and to their own ability to perform.

And now, believing that they have responded fully to all the demands of the city as to the time within which the road is to be constructed, they feel that the ordinance should be granted to them. They refer your honorable body to the correspondence enclosed, and to the amendments to sections No. 1 and 14, hereto attached.

Respectfully submitted,

JOHN A. BRIDGLAND, *Pres't.*

R. B. CATHERWOOD,

WM. H. MORRISON,

E. B. MARTINDALE,

WM. WALLACE,

JNO. C. NEW,

J. A. CROSSLAND,

} *Directors.*

## PROPOSED AMENDMENT TO SECTION 1.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That under and by virtue of an Act of the General Assembly of the State of Indiana, entitled "An Act to provide for the Incorporation of Street Railroad Companies," approved June 4, 1861, and by virtue of the powers and authority of the Common Council otherwise by law vested, consent, permission and authority are hereby given, granted and duly vested unto the company now organized with John A. Bridgland as President, a body politic and corporate, by the name of the "Citizens' Street Railroad Company of Indianapolis," and their successors to lay a single or double track for passenger railway lines, with all necessary and convenient tracks for turn outs, side tracks and switches, in, upon and along the course of the streets and alleys of the city of Indianapolis, hereinafter named, and to keep, maintain, use and operate thereon railway cars and carriages, in the manner, and for the time and upon the conditions hereinafter prescribed.

## PROPOSED AMENDMENT TO SECTION 14.

SEC. 14. This charter is granted and the rights and privileges herein conferred are subject to the following conditions and qualifications, to-wit: That said company shall have at least three (3) miles of said *road* fully completed and equipped and cars running upon the same by the 4th of July 1864. That they shall have two additional miles so completed and equipped by the 4th day of July 1865, and two additional miles (making in all seven miles,) fully completed and equipped and cars running thereon by the 25th day of December, 1866, unless the Common Council of said city shall grant to said company a further extension of time. That said company shall, within twenty days from the passage of this ordinance, file with the Mayor of the City of Indianapolis, a Bond, in the penal sum of One Hundred Thousand Dollars, with such security as may be approved by the Mayor and a majority of the Common Council of said city; that said company will construct the number of miles of said *road*, within the times herein specified, and on the failure of said company to file such bond, within twenty days from the passage of this ordinance, and on the failure of said company to construct the number of miles of said *road*, within the times herein specified, all rights and privileges herein granted, and all work done upon said *road*, shall be forfeited and revert to the city of Indianapolis: *Provided, however,* That if said company is delayed in the construction of said *road*, by the order or injunction from any Court, or Judge thereof, the time of such delay shall be given to said company, over and above the time given by this section, for the completion of each given number of miles of said *road*.

## BOND OF THE CITIZENS' STREET RAILROAD COMPANY.

*Know all men by these Presents,* That the Citizens' Street Railroad Company, of Indianapolis, Indiana, and we, Robert B.

Catherwood, D. C. Hyde, (of Hyde & Conklin) and Henry B. Catherwood, of the City and State of New York, and John A. Bridgland, of Richmond, Indiana, are held and firmly bound unto the City of Indianapolis, and State of Indiana, in the penal sum of One Hundred Thousand Dollars; for the payment of which, well and truly to be made and done, we bind ourselves jointly, and severally, and firmly by these presents.

Sealed and dated this.....day of December, A. D., 1863.

The Conditions of the above obligation are such, that,

WHEREAS, The said City of Indianapolis, and State of Indiana, did, on the.....day of December, 1863, by its Mayor and Common Council, pass an ordinance, granting to the said Citizens' Street Railroad Company, of Indianapolis, the right to construct, own, maintain, and operate Street Horse Car Railroads, on the several streets and alleys of said City of Indianapolis, and

WHEREAS, The 14th section of said ordinance requires said Citizens' Street Railroad Company to construct three miles of said road by the 4th day of July, 1864, and two additional miles by the fourth day of July, 1865, and two additional miles by the twenty-fifth day of December, 1866, making seven miles of road.

Now, if the said Citizens' Street Railroad Company shall have completed the number of miles within the times specified, according to the requirements of said 14th section of said ordinance, then this obligation shall be void; else to be and remain in full force.

R. B. CATHERWOOD,

D. C. HYDE, of *Hyde & Conklin*, } *Of New York.*

HENRY B. CATHERWOOD, }

JOHN A. BRIDGLAND, *Of Indiana.*

Sealed and delivered in the presence of

JAMES N. PIPER.

On the 4th day of December, 1863, before me personally appeared Robert B. Catherwood, D. C. Hyde, and Henry B. Catherwood, known to be the individuals described in, and who executed the within indorsement, acknowledged that they executed the same.

JAMES N. PIPER,

Notary Public, City and State of New York.

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK. }

Robert B. Catherwood, one of the subscribers to the foregoing bond, being duly sworn, says that he is a resident of the City of New York, and a freeholder within the State, and is worth the sum of Seventy-five Thousand Dollars, over all debts and liabilities.

R. B. CATHERWOOD.

Sworn to, before me, this 4th day of December, 1863.

JAMES N. PIPER,

Notary Public, City and County of New York.

CITY OF NEW YORK,  
COUNTY AND STATE OF NEW YORK. }

Henry B. Catherwood, sworn, says that he resides in the City of New York, that he is worth the sum of Twenty-five Thousand Dollars, over all debts and liabilities.

HENRY B. CATHERWOOD.

Sworn to, before me, this 4th day of December, 1863.

JAMES N. PIPER,  
Notary Public, City and County of New York.

CITY OF NEW YORK,  
STATE AND COUNTY OF NEW YORK, }

I, Henry W. Genet, Clerk of the City and County of New York, and also Clerk of the Supreme Court for the said City and County being a court of record, do hereby certify that James N. Piper, before whom the annexed depositions were taken, was, at the time of taking the same, a Notary Public in and for the State of New York, dwelling in said City and County, duly appointed and sworn, and authorized to administer oaths to be used in any Court in said State, and for general purposes; and that his signature thereto is genuine, as I verily believe.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Court and County, the 4th day of December, 1863.

H. W. GENET, *Clerk.*

Which were read and laid upon the table.

Mr. Brown moved that H. C. Newcomb, Esq., and W. P. Fishback, Esq., be heard on behalf the "Indianapolis Street Railroad Company."

Which motion prevailed.

Mr. Newcomb addressed the Council briefly, urging the claims of the Street Railroad Company, of which Thomas A. Morris is President.

Dr. W. Clinton Thompson replied to Mr. Newcomb, and defended the Citizens' Street Railroad Company.

Dr. P. H. Jameson moved that Judge Martindale be heard in behalf of the Citizens' Street Railroad Company.

Which motion prevailed.

Judge Martindale addressed the Council briefly, defending the proposition, and urging the claims of the Company, of which John A. Bridgland is President.

On motion of Mr. Emerson, Colonel John A. Bridgland addressed the Council in behalf of the Citizens' Street Railroad Company.

Mr. S. A. Fletcher, Jr., moved to amend the ordinance, by adding the following section, to-wit :

SEC. — Any company or individual to whom any privilege herein named shall be granted, by the city, shall enter into a good and sufficient bond in the penal sum of one hundred thousand dollars, with the city; said bond to be drawn by the City Attorney, and to be endorsed by not less than five responsible freeholders and residents of the city as sureties, to be approved by this Council, that they will comply with the 14th section of this Charter, said bond to be given within twenty days after the passage of this ordinance.

Which was laid over.

Dr. Thompson moved to amend by adding the following proviso to section 14, to-wit:

*Provided*, That all the officers and directors of said company shall take and subscribe an oath that such restraining order or injunction was not instigated or procured, directly or indirectly, by or with the consent, suggestion, or procurement, or in any other way or manner, of them or any of them, nor for or by them, to obtain an extension of time, but that the said proceedings were instituted in opposition to their will and desire, and that they have promptly used all means in their power to have the same rescinded or dissolved at the earliest period possible.

Which amendment was adopted.

Dr. Jameson moved that amendment No. 3—the substitute for Section 14—be adopted.

Pending which, Mr. S. A. Fletcher, Jr., moved that the Council adjourn.

Mr. Emerson called for the ayes and noes.

The question being, shall the Council adjourn? those who voted in the affirmative were Councilmen Allen, Brown, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb and Staub—10.

Those who voted in the negative were Councilmen Boaz, Blake, Cook, Coburn and Thompson—5.

So the Council adjourned.

JOHN CAVEN, *Mayor*.

ATTEST:

C. S. BUTTERFIELD, *City Clerk*.