

PROCEEDINGS
OF THE
COMMON COUNCIL.

SPECIAL SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, DECEMBER 28TH, 1863, 7½ O'CLOCK, P. M. }

The Common Council met in special session.

Present—His Honor, the Mayor, John Caven, in the chair;
and the following members:

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

Absent—Councilmen Blake, Colley and Wallace—3.

The proceedings of the regular session, held December 21st, 1863, were read and approved.

By Mr. Brown—Communication:

INDIANAPOLIS, December 28th, 1863

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

The Indianapolis Street Railroad Company, would respectfully represent to your honorable body, that they have had under consideration the ordinance granting them the right of way, &c., by your honors, and they feel that they have given it that mature consideration which its importance demands. Its importance is two fold; first, as a franchise to the Company; and, second, it is important to them as owners of a large amount of city property.

It would not be expected of them, as safe business men, that they should commence an enterprise involving so large an outlay of money, without first carefully looking into the ordinance granting them the right of way; it needs no argument to show

that if, in our judgment, the franchise was, with the condition which you have seen proper to connect with it, valuable to us in themselves, that we would readily accept them; for, if so, the other object of increasing the value of our city property would certainly appeal to our pockets successfully. It requires us to fully complete four miles of road by the 4th day of July, 1864, and two miles additional by the 4th day of July, 1865, and two additional miles by the 25th day of December, 1866. A Committee was appointed by the Company to visit other cities to ascertain such facts, in relation to the construction of roads, as would enable the Company to properly determine whether they could comply with the requirements of the ordinance granted. This Committee find that they could not contract with any Company or person, whose ability to comply with their engagement was unquestioned, to supply suitable cars in time to insure the completion of the first four miles of road within the time required. Nor could they make definite engagements for the requisite amount of iron rail. This results principally from the disturbed state of the country, and consequent scarcity of labor.

The conditions of the ordinance forfeit all our rights, as also the labor and material, which may have been expended by a failure on our part to build the road within the time specified, this alone ought to determine our action, for prudent men will see the liability of great loss. There are other features of the ordinance which, upon careful investigation are found to be much more stringent, we think, than just. But we do not deem it our province to dictate an ordinance, but simply to examine such as you proffer, and to accept or decline. In this case we feel it our duty to ourselves, as also to the Council, respectfully to decline the right of way offered; and leave it with you, gentlemen, either to amend it in such manner as your wisdom may advise, or grant the franchise to such other Company as may feel willing to undertake what we feel unable to perform.

By order of Directors.

Very respectfully submitted,

T. A. MORRIS, *President.*

WILLIAM Y. WILEY, *Secretary.*

Which was read, and on motion of Dr. Jameson, was laid upon the table.

His Honor, the Mayor, read the following dispatch:

By Telegraph from Brooklyn, December 27th, 1863.

To HON. JOHN CAVEN:—Wrote you this day, if Indianapolis Company decline, we will re-organize and renew our proposals, Crossland here: all arranged. Your Council can act accordingly: the work can be done by us. R. B. CATHERWOOD.

Which on motion was laid upon the table.

An informal vote being had, at the request of His Honor, the Mayor, as to whether the Council would grant the charter to the Citizens' Street Railroad Company, upon their re-organization, and the renewal of their proposition, those who voted in the affirmative were Councilmen Allen, Brown, Boaz, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Haughey, Jameson, Lefever, McNabb, Staub and Thompson—15.

Noes, none.

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

AN ORDINANCE regulating and protecting Streets, Alleys, Sidewalks, Gutters, Shade Trees, &c., &c.

Was taken up and read a third time.

The question being, shall the ordinance pass? those who voted in the affirmative, were Councilmen Allen, Brown, Boaz, Cook, Coburn, Emerson, H. A. Fletcher, Glazier, Jameson, McNabb and Thompson—11. Noes, none.

So the ordinance passed.

By Dr. Jameson—Motion:

That E. Kingsbury be permitted to exhibit Stereoscopic views, at his place of business, under Odd Fellows Hall, without license, inasmuch as he proposes to donate the net proceeds of such exhibition to benevolent purposes; which proceeds are to be accounted for monthly.

Which motion was adopted.

By Mr. Brown—Motion:

That the "Indianapolis Association" be permitted to give exhibitions, without city license, inasmuch as the net proceeds of such exhibitions, are to be devoted to charitable purposes.

Which motion was adopted.

By Mr. Brown—Motion:

That the Street Commissioner be directed to clean the gutters on Maryland street, between Meridian and Delaware streets; and that he be directed to place gravel on the west side of Virginia Avenue, near the intersection of Pennsylvania and Washington streets.

Which motion was adopted.

By Mr. McNabb—Motion:

That the gas post at the north-west corner of the Union Depot, be repaired, and hereafter lighted as other gas lamps are lighted in the city, and that the city pay the Union R. R. Com-

pany for the gas consumed at said post as it passes through a metre owned by them.

Which motion was adopted.

By Mr. Boaz—Motion :

That the Mayor be and he is hereby authorized to pay the sum of fifty dollars, (provided for at a previous meeting of the Council,) to all volunteers who may have enlisted since the 9th day of December, 1863.

Which motion was adopted.

On motion the Council adjourned.

JOHN CAVEN, *Mayor.*

ATTEST :

C. S. BUTTERFIELD, *City Clerk.*