

P R O C E E D I N G S
 OF THE
 C O M M O N C O U N C I L .

A D J O U R N E D S E S S I O N .

CHAMBER OF THE COMMON COUNCIL OF THE }
 CITY OF INDIANAPOLIS, }
 MONDAY, MARCH 8TH, 1864, 7½ o'clock, P. M. }

The Common Council met pursuant to adjournment.

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, Jameson, Lefever,
 McNabb and Thompson—13.

Absent—Councilmen Blake, Colley Haughey and Staub—4.

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 :*

| | |
|--------------------------------------|----------|
| Spiegel Thoms & Co., pest-house..... | \$70 00 |
| George W. Mears, pest-house..... | 197 00 |
| John M. Gaston, pest-house..... | 69 00 |
| Tarleton & Keene, pest-house..... | 19 00 |
| C. E. Geisendorff, pest-house..... | 28 31 |
| Spiegel Thoms & Co., pest-house..... | 6 75 |
| George W. Mears, pest house..... | 23 18 |
| T. A. Loyd & Co., pest-house..... | 3 55 |
| D. A. Woodbridge, pest-house..... | 2 05 |
| L. S. Greusard, markets..... | 7 00 |
| Total..... | \$425 84 |

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 after its passage.

Ordained and establish this 8th day of March, 1864.

JOHN CAVEN, *Mayor*,

Attest :

C. S. BUTTERFIELD, *City Clerk*.

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

Mr. Allen 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, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb and Thompson—13.

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, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb and Thompson—13. Noes, none.

So the ordinance passed.

By Mr. Allen, Chairman Committee on Fire Department:

INDIANAPOLIS, March 7, 1864.

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

Gentlemen—The Committee on the Fire Department, to whom was referred the petition of Brinkman & Ruschaupt, asking for authority to erect a shed for carriages, &c., on the west side of Delaware street, between Washington and Maryland streets, would report, as there is already a shed erected on said premises, and the addition they propose to build will only be a cover to the present building, we would recommend that the prayer of the petitioners be granted.

WILLIAM ALLEN,
THEODORE P. HAUGHEY, } *Committee.*

Which on motion was laid upon the table.

Mr. Emerson, Chairman Committee on Bridges presented a bill from Bennett Brooks, for extra work and material on the bridge over the I. & C. R. R. track, at its crossing with Noble street.

Which, on motion, was referred to the Committee on Bridges.

Mr. Brown, Chairman Committee on Streets and Alleys, reported resolutions approving sundry estimates for furnishing and erecting lamp-posts, lamps and fixtures.

Which, on motion, were laid upon the table.

By Mr. Brown, Chairman Select Committee :

INDIANAPOLIS, March 8th, 1864.

Mr. President—The special committee to whom was referred the subject of appropriating money to pay bounties to such of the re-enlisted soldiers of the 17th Regiment Indiana Volunteers as have been credited to Indianapolis upon their muster-in rolls, and to levy a special tax to raise revenue to meet such appropriation, beg leave to make the following report :

The Legislature of 1861 passed an act authorizing incorporated cities to appropriate out of their treasuries such sums as they may deem proper for the protection and maintenance of the families of volunteers, and “to levy *each year* a special tax upon all the taxable property and polls within their respective jurisdictions, for the purpose of paying the said appropriations or the interest thereon.” This power does not, in the opinion of your committee, authorize a special levy to be made at any other time than that fixed by law for making the general levy, which is within one month after the return of the Assessor. The act referred to does not authorize the issuing of bonds upon which to borrow money to meet expenses incurred in protecting and maintaining the families of volunteers.

The act of 1857, governing incorporated cities, provides that “loans may be made by a vote of two thirds of the Common Council in anticipation of the revenue of the current and following year, and payable within that period; but the aggregate amount of such loan shall not exceed the levy and tax authorized by this act for municipal expenses for the same year.” It is also provided that “no incorporated city, under this act, shall have power to borrow money except in the execution of the powers herein expressly granted, unless three-fourths of the resident tax-payers shall petition the Common Council to contract such debt or loan,” and that a levy may be made sufficient to pay the interest on such loan, with an addition of not less than five cents on the hundred dollars to create a sinking fund to liquidate the principal. The powers expressly granted in 1857 do not embrace the additional powers granted in 1861, to appropriate money for the benefit of the families of volunteers, and to levy special taxes to meet such appropriations. Therefore, it follows that such indebtedness must be met by special taxation, and that such revenue, so created cannot be anticipated by loans upon bonds.

Again, the amount of any such loan, if it could be legally made, cannot exceed the levy and tax authorized for municipal expenses for the same year, and must only be in anticipation of the revenue

of the current and following year. The current year is the fiscal year from May, 1863, to May, 1864, and the following year, that from May, 1863, to May, 1865. It is known that the resources for the current year are not only exhausted, but the amount of outstanding indebtedness, added to a reasonable expenditure for the year following, for needed municipal purposes, will greatly exceed the revenue to be collected between now and May, 1865, without taking into account our bonded debt of \$25,000. Therefore, a loan cannot be legitimately made in anticipation of revenues already anticipated.

Your committee, in view of the limited powers granted the Council, cannot recommend that money be borrowed or bonds be issued to pay the bounties claimed.

The committee do not consider that faith has been violated by a refusal to make the appropriation asked. Nor do we concur in the belief that but for the re-enlistment and credit to this city of the veterans of the 17th Regiment our city would not have filled its quota. The first call was filled by home enlistments, and the second call has been nearly filled by the same class of recruits, enlisted since the 5th of January, without counting the veterans. It is certain, too, that over one hundred and fifty veterans have been credited to this county, in regiments and batteries without counting those of the 17th regiment. And all of these one hundred and fifty are residents of this county.

Your committee would suggest that experience has taught us that the local bounty system is, at best, not the surest way to encourage enlistments, and we recommend that in future we husband our resources and devote what can be spared to liberal appropriations for the benefit of the hundreds of families of soldiers in our midst. Indianapolis has so far done well in this regard, and should continue in well doing. If the government bounties are not sufficiently large, let them be increased, and let the tax levies be made by United States officials in sufficient amounts to meet all expenditures necessary to recruit the armies of the Union to what is required.

Your committee would add that a conference was had with the County Commissioners, and that they declined to make any further appropriations to pay bounties.

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|---------------------|---|-------------------|
| AUSTIN H. BROWN, | } | <i>Committee.</i> |
| P. H. JAMESON, | | |
| S. A. FLETCHER, Jr. | | |
| S. McNABB. | | |

Which, on motion of Mr. H. A. Fletcher, was concurred in.

From the Chief Fire Engineer—Report:

INDIANAPOLIS, March 7th, 1864.

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

Gentlemen—I would most respectfully report that I have sold the engine Friendship, formerly belonging to the Independent

Relief Fire Co.; also, one hose reel, and 600 feet of the old hose, for the sum of \$1100, \$600 down, and the balance, \$500, to be paid in two years; have taken a note, with mortgage on the apparatus, to secure the payment of the same.

I have also been informed by Mr. Ryan, City Attorney, that his agent at Fort Wayne had collected the \$300 due from the Torrent Fire Company of that city, for the engine Conqueror.

I ask that I may be allowed to use said money, to pay for the repairs of engine No. 1, which amounts to, including the freight from Indianapolis to New York City, \$795 56.

Most respectfully,

CHARLES RICHMANN,

Chief Fire Engineer.

On motion of Dr. Jameson, the Chief Fire Engineer was directed to pay the money received by him from the sale of hand fire engines and apparatus, into the treasury; and the City Clerk directed to issue his warrant upon the city treasury for the amount of the bill for the repairs of Steam Fire Engine No. 1.

On motion of Mr. Glazier, the ordinance entitled:

AN ORDINANCE to provide for the grading and bouldering of Virginia Avenue, and curbing the outer edge of the sidewalks with white oak plank, between Washington street and Pogue's Run.

Was taken up and read the third time.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Brown, Boaz, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb and Thompson—13. Noes, none.

So the ordinance passed.

On motion of Mr. Coburn, the ordinance entitled:

AN ORDINANCE to provide for the grading and bouldering of Massachusetts Avenue, and curbing the outer edge of the sidewalks with white oak plank, between Pennsylvania and New Jersey streets.

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, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb and Thompson—13. Noes, none.

So the ordinance passed.

On motion of Mr. Emerson, the ordinance entitled :

AN ORDINANCE for the grading and graveling of Washington street and the National Road, exclusive of the sidewalks, between Missouri and Blake streets.

Was taken up and read the third time.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Brown, Cook, Coburn, Emerson, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb and Thompson—12.

Councilman Boaz voting in the negative.

So the ordinance passed.

On motion of Mr. Brown, the ordinance entitled :

AN ORDINANCE to provide for the grading and graveling of Illinois street and sidewalks, between South street and McCarty street; and for the grading and graveling of the Bluff Road and sidewalks, between Merrill and McCarty streets.

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, S. A. Fletcher, Jr., H. A. Fletcher, Glazier, Jameson, Lefever, McNabb and Thompson—13. Noes, none.

So the ordinance passed.

Mr. Allen introduced an ordinance entitled :

AN ORDINANCE to provide for the grading and graveling of Meek street and sidewalks, between Noble street and the Donation line east.

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

Dr. W. Clinton Thompson introduced an ordinance entitled :

AN ORDINANCE establishing Police Districts for the City of Indianapolis; establishing and regulating the Police Force of said City, and repealing all existing ordinances on the subject.

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

Mr. Brown, introduced an ordinance entitled :

AN ORDINANCE to prohibit the exhibiton of wild animals, deformed persons or monstrosities within buildings, or on grounds fronting on certain streets.

Which was read the first time, and, on motion, was referred to the Committee on Revision of Ordinances.

On motion of Dr. Jameson, the Council adjourned to meet on Monday evening next, the 14th inst., at 7½ o'clock.

JOHN CAVEN, *Mayor*

Attest:

C. S. BUTTERFIELD, *City Clerk.*