

PROCEEDINGS
OF THE
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, MAY 29TH, 1865, 8 O'CLOCK, P. M. }

The Common Council met in adjourned session.

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

Councilmen Allen, Boaz, Brown, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, Schmidt and Seidensticker—14.

Absent—Councilmen Coburn, MacArthur, Staub and Thompson—4.

His Honor, the Mayor, announced that the first business in order was the consideration of the Hack Ordinance.

By Mr. Seidensticker, from the Committee on Revision of Ordinances :

INDIANAPOLIS, May 29, 1865.

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

The undersigned, Committee on Revision of Ordinances, to whom the Ordinance for the regulation of hacks, etc., was referred, report the same back *amended* in conformity to the suggestions of the Council. We also report an amendment of the 6th section.

AD. SEIDENSTICKER, *Chairman.*

On motion of Mr. Emerson, the amendments offered by the Committee on Revision of Ordinances were adopted.

The ordinance was then read, as amended, the third time, as follows, to-wit:

AN ORDINANCE amendatory of and supplemental to an ordinance entitled "An Ordinance to establish public stands for licensed public hacks, carriages, express wagons, or other vehicles kept or used for the purpose of transporting passengers, freight, or other articles, to and from points within the City of Indianapolis, for pay and hire, and to regulate the licensing of such vehicles, and the amount to be charged by the owners thereof for transporting passengers and their baggage, and prohibiting minors from driving any such vehicle, unless specially permitted;" passed August 31st, 1863.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That section 1st of the above entitled ordinance, which reads as follows:

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That it shall not be lawful for any owner or driver of any licensed public hack, carriage, express wagon, or other vehicle kept or used for the purpose of transporting passengers, freight, or other articles, to or from any point within the City of Indianapolis for hire or pay, to stand the same on any part of Washington street, nor upon such portions of any other street or avenue lying within forty feet of the corner of any street or avenue, or within twenty feet of the corner of any alley; nor shall it be lawful for any owner of such vehicle to stand the same at any point on any street or avenue at a greater distance from the outer edge of the curbing of any sidewalk than twelve feet: *Provided, however,* that this section shall not apply to any person while temporarily discharging passengers, freight, or other articles, at places on any street or avenue within the City of Indianapolis.

Be amended so as to read as follows, to-wit:

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That it shall not be lawful for the owner or driver of any licensed public hack, carriage, or other vehicle, kept or used for transporting passengers, for hire or pay, to and from any point within the City of Indianapolis, to stand the same on any street, avenue, or alley within said city, except on the west side of Alabama and Tennessee streets, and on the inner side of Circle street: *And further,* that it shall not be lawful for the owner or driver of any licensed express wagon or other vehicle, kept or used for the purpose of transporting freight, or other articles, to or from any point within the City of Indianapolis for hire or pay, to stand the same on any street or avenue in a greater number than two such vehicles to each half square or block, on either side of the street; nor shall it be lawful for the owner or driver of any such vehicle to stand the same at any point on any street or avenue at a greater distance from the outer edge of the curbing of any sidewalk than twelve feet: *Provided, however,* that this section shall not apply to any person while temporarily receiving or discharging passengers, freight, or other articles, at places on any street or avenue within the City of Indianapolis.

SEC. 2. That section 6 of the above entitled ordinance, which reads as follows:

SEC. 6. No person under the age of twenty-one years shall drive or control any public hack, carriage, express wagon, or other vehicle, used for the purpose of transporting passengers to and from points within the City of Indianapolis, unless he shall have obtained written permission to do so from the Mayor of the City of Indianapolis, which permission the said Mayor may at any time revoke; and any person under the age of twenty-one years who shall drive or control, or attempt to drive or control any public hack, carriage, express wagon, or other vehicle, used for the transportation of passengers as aforesaid, without having obtained such permission to do so of the Mayor of the City of Indianapolis, shall be fined therefor in any sum not exceeding fifty dollars.

Be amended so as to read:

That no person under the age of twenty-one years shall drive or control any public hack, carriage, or other vehicle used for transporting passengers to and from points within the city of Indianapolis, under any circumstances; and any person under the age of twenty-one years, who shall drive or control, or attempt to drive or control, any public hack, carriage, or other vehicle used for the transportation of passengers as aforesaid, shall be fined therefor in any sum not exceeding fifty dollars.

SEC. 3. That Section 13 of the above entitled Ordinance, which reads as follows, to-wit:

SEC. 13. It shall be the duty of the driver of every vehicle kept for the public hire, to remain near enough to his vehicle while the same is standing on any street or alley, to control the horses attached thereto, and any driver who shall be convicted before the Mayor of violating any provisions of this section, shall be fined in any sum not less than five dollars nor more than fifty dollars.

Be amended so as to read as follows, to-wit:

SEC. 13. It shall be the duty of the driver of every vehicle kept for public hire to remain within ten feet of his vehicle while the same is standing on any street or avenue, except when in the act of opening or closing the doors of such vehicle, when receiving or discharging passengers, or while receiving or discharging express freight or baggage, and any driver who shall be convicted before the Mayor of violating any provision of this section, shall be fined not less than five dollars nor more than fifty dollars.

SEC. 4. In case any hack or other licensed vehicle shall stand on any street or avenue, in front of any business house, store-room or dwelling, the owner or driver thereof shall move the same away at any time that it may be necessary for any wagon or dray to approach to the edge of the sidewalk to receive or deliver goods, and any owner or driver who shall fail to so move away his vehicle from in front of any business house or store-room, when called upon to do so by the owner or occupant of any such business house or store-room, shall, upon conviction before the Mayor, for every such offence be fined not less than five dollars nor more than fifty dollars.

SEC. 5. This ordinance shall be in force from and after its passage and publication for two successive weeks in the Weekly Indiana State Journal, and the said ordinance shall be published once a week for two weeks in the Indianapolis Daily Journal: *Provided*, That nothing herein contained shall be construed to affect any action now pending, or any right of action now existing in favor of said city.

Ordained and established this twenty-ninth day of May, 1865.

JOHN CAVEN, *Mayor*.

ATTEST:

CYRUS S. BUTTERFIELD, *City Clerk*.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Emerson, Fletcher, Glazier, Grosvenor, Kappes, Lefever, Loomis, Schmidt and Seidensticker—12.

Councilman Colley voting in the negative—1.

So the ordinance passed.

By Mr. Loomis—Petition:

INDIANAPOLIS, May 29, 1865.

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

The undersigned, property owners on School street, between South and Huron streets, petition your honorable body to allow them to grade and gravel said street and sidewalks at their own expense, under the direction of the Civil Engineer.

S. A. FLETCHER, Jr.,
ANDY WALLACE,
WHITE,
W. H. LOOMIS.
And Torbot's Heirs.

By Mr. Seidensticker—Motion:

That the prayer of the petitioners be granted, provided the City is to be at no expense for improvement of cross-streets, and that said work be finished within

four months, and that the Engineer be directed to set the proper grade-stakes at the request of the petitioners.

Which motion was adopted.

By Mr. Loomis—Petition :

INDIANAPOLIS, May 29, 1865.

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

The undersigned property holders on the first alley south of South street, running east and west and between Noble and School streets, respectfully request the said Council to have the said alley graded and graveled at the expense of said property holders.

Respectfully,

J. H. B. NOWLAND,
WM. MARTIN,
ANDREW WALLACE,
ALONZO MEEK.
H. ANDERSON.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Loomis—Petition :

INDIANAPOLIS, May 29, 1865.

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

The undersigned, property owners on Meek street, between Liberty and Noble streets, in the north part of out-lot No. 86, petition your honorable body that the street and sidewalks of the above named street, be graded and graveled.

G. P. BEELER,
J. WICK,
F. GANSBERG,
ANTHONY HEINER,
And others.

Which, on motion, was referred to the Board of Public Improvements.

By His Honor, Mayor Caven—Petition :

INDIANAPOLIS, May 29, 1865.

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

CENTLEMEN :—The undersigned would most respectfully request that permission be granted them to plank the sidewalk adjoining their place of business, so as to let our team pass over it. There is no alley by which we can get to Washington street excepting a private alley, which is constantly in such bad condition as to be almost impassable.

Most respectfully,

CLARK & CO.,
285 East Washington st., Indianapolis, Ind.

Which, on motion, was referred to the Board of Public Improvements.

By His Honor, Mayor Caven—Petition :

INDIANAPOLIS, May 13, 1865.

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

Your petitioners would respectfully represent that some sixteen years ago, a company, known as The Central Plank Road Company, together with other por-

tions of the old National Road, graded and planked that portion of Washington street east of Noble street, to the Corporation line, and continued to own, and collect toll upon it until last October, when, with other portions of said road, it was declared by the Supreme Court of Indiana to be "inconvenient for public travel," and the right of said company was declared forfeited. That portion of the road east of the Corporation line reverted to the county, and was by them granted to another company, known as the Indianapolis and Cumberland Gravel Road Company. By analogy, we suppose the portion within the city reverted to the city.

Your petitioners would further represent that said portion is not only inconvenient for public travel, but absolutely dangerous. We think it no exaggeration to represent that for nearly two years the number of wagons and other vehicles broken there would average more than one a week. But if not half this number have suffered, it is notorious that the street is in a condition which is detrimental to the public interest, and a disgrace to the parties who are responsible for its improvement.

It must certainly be that few, if any, of the members of the Council have lately seen the street, or it would not have been so long left in its impassible and dangerous condition, while less important streets are kept in good order.

We would respectfully ask that this street be so far improved as to make ingress to the city by that road at least equally safe and convenient with other roads to the city. We would urge this, not only on the ground of sound public policy, but as a measure of common humanity also.

If, for any cause, the city, or the parties responsible, should not be prepared to make a permanent improvement, we would respectfully suggest, that if the street were graded the old planks taken up, and even six inches of gravel put upon it, the present dangerous and disgraceful condition would be so remedied as to answer a tolerable purpose for several years, by but very little subsequent attention or expense. The cost of this grading and temporary graveling would be but a trifle, and the property owners have no right to object, seeing that they never have been taxed for the improvement of the street, except the sidewalks. But even if they had, there is no law or custom, human or divine, that will justify the maintenance of such a dangerous nuisance in a live and wealthy city.

Respectfully,

T. A. GOODWIN,
Sec. I. & C. G. R. Co.

Which, on motion, was referred to the Board of Public Improvements.

By His Honor, Mayor Caven—Petition:

INDIANAPOLIS, May 29, 1865.

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

The undersigned, citizens of the counties of Marion, Boone, Hendricks, Montgomery, Fountain and Warren, in the State of Indiana, and Vermillion county, in the State of Illinois, would respectfully represent that it is in contemplation to construct a Railroad from Indianapolis, Indiana, to Danville, Illinois, through the towns of Brownsburgh, Jamestown, Crawfordsville, Covington and Danville, Illinois, connecting at the last named point with the Great Western Railroad through the State of Illinois, and also connecting at the city of Indianapolis with the Indianapolis and Cincinnati Railroad; that already the required subscriptions have been obtained, except some thirty thousand dollars, in the counties of Marion, Boone, Hendricks and Fountain, and that we confidently believe that the whole amount will shortly be raised; that it is necessary to obtain the right of way through certain streets in the city of Indianapolis to reach the Union Depot and connect with the Cincinnati Railroad. We therefore ask your honorable body to grant the right of way over and through the following named streets, to-wit: Beginning upon Louisiana street, opposite the east end of the Terre Haute Freight Depot; thence west with said street to West street; thence north with said street to Maryland street; thence west with said street to White River; and for such other donations and right of way as you may see proper to grant or secure for the purposes aforesaid.

It is hardly necessary to urge the necessity and advantage of this proposed railroad upon your honorable body. It is sufficient to say, that passing through a number of rich and populous counties, it will bring to the city of Indianapolis a large and profitable trade, and besides—and which is of the utmost importance—will open to the city of Indianapolis a new and valuable supply of coal, soon to be greatly needed at this point.

Respectfully submitted,

JOHN LINGERMAN,	}	<i>Hendricks Co.</i>
JESSE R. COPE,		
M. P. SENNETT.		
WILLIAM WILSON,	}	<i>Boone Co.</i>
JOHN LOWRY,		
DAVID HARTER,		
JOHN BLAIR,	}	<i>Montgomery Co.</i>
S. C. WILLSON,		
JAMES P. WATSON,		
W. A. SANGSTER,	}	<i>Fountain Co.</i>
E. McDONALD,		
JOSEPH RISTINE.		
COLONEL CHANDLER,		<i>Vermillion Co., Ill.</i>

BY JAMES WILSON.

By Mr. Seidensticker—Motion :

That said petition be referred to the Board of Public Improvements, with instructions to advertise for two weeks on what streets said company ask a right of way.

Which motion was adopted.

By His Honor, Mayor Caven—Petition :

INDIANAPOLIS, May 5, 1865.

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

GENTLEMEN:—We, the undersigned, property holders on Meridian street, between Ohio street and the Corporation line north, respectfully petition your honorable body to order the grading and bouldering of said street some time during the Spring of 1866; and, as in duty bound, we will ever pray, &c.

ALFRED HARRISON,
JOHN C. S. HARRISON,
J. H. BADDWIN,
T. B. McCARTY, Auditor of State,
And others.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, May 29, 1865.

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

The undersigned, through whose property Pogue's Run is running, between Market street and Winston street, propose to straighten the very crooked course of said creek in the square referred to, and they respectfully ask the permission of the Council to perform said work, under the supervision of the Civil Engineer; and your petitioners will ever pray.

CABINET MAKERS UNION,
BY G. STARK, Agent.
STREIF & DIEZ.

By Mr. Seidensticker—Motion :

That the prayer of the petitioners be granted, provided that the work of straightening said course be performed under the direction of the Civil Engineer.

Which motion was adopted.

By Mr. Grosvenor—Petition :

INDIANAPOLIS, May 29, 1865.

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

We, the property holders of block No. 93 of McGill's sub-division petition the honorable Council of the City of Indianapolis, praying for the vacation of the alley running east and west through said block, commencing at Mississippi street, and running through to the Canal. Our object in doing this is to make a change in the block.

JANE WALDO,
REBECCA MCGILL,
ANDREW MCGILL,
ROBERT MCGILL,
And others.

Which, on motion of Mr. Lefever, was laid on the table.

By Mr. Brown—Petition :

INDIANAPOLIS, May 29, 1865.

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

The undersigned respectfully asks for permission to dig a well and erect a pump for street sprinkling, on South Pennsylvania street, about one-half square south of Washington street. He would respectfully suggest that the managers of the Sinking Fund, in front of whose property the well is to be dug, have signified their assent, provided the Council will grant said permission. The undersigned pledges that he will keep the surroundings of said well dry and clean. The difficulty of procuring water near enough obliges him to ask for this permission.

CH. HILGEMEIER.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Brown—Petition :

INDIANAPOLIS, May 29, 1865.

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

The I. & M. R. R. Co. respectfully ask that the gutter be opened on the south side of South street, immediately north of the I. & M. freight depot, in order to let the water farther east, and other accumulations, pass along said gutter, instead of running along the company's track north and across the street, and that the same be done at the city's expense. The company are now engaged in raising their tracks about eight inches higher than their present grade, which will make the above asked for improvement indispensable.

Yours, truly,

W. PHELPS, Agent.

Which, on motion, was referred to the Board of Public Improvements.

Mr. Brown presented a communication from Mr. A. E. Vinton, in relation to paying for flag-stone crossing on Pennsylvania street, near the Post Office.

Which, on motion, was referred to the City Civil Engineer, to ascertain if the work was ordered by the city.

By Mr. Seidensticker, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, May 20, 1865. }

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

GENTLEMEN:—The Board to whom was referred sundry bids, petitions, &c., would respectfully submit the following report: They find the following persons the lowest bidders:

PAVING SIDEWALKS.

John Stumph, for paving and curbing the sidewalks on New York street between Tennessee and Mississippi streets; paving, 85 cents per yard; curbing, 85 cents per lineal foot.

John Stumph, paving and graveling the sidewalks on Massachusetts Avenue, between Pennsylvania and New Jersey streets; paving, 80 cents; graveling, \$1.25.

SEWER.

W. H. Sibley, for building sewer on Market street, between Pogue's Run and Corporation line east, \$4.85 per foot.

INTRODUCTION OF ORDINANCES.

We introduce the following ordinances, at the petition of the property holders on the respective streets:

AN ORDINANCE for the grading and graveling of East street and sidewalks, between St. Clair and Cherry streets.

AN ORDINANCE for grading and graveling of Illinois street and sidewalks, between McCarty and Ray streets.

AN ORDINANCE for the grading and graveling of Wabash street and sidewalks, between East and Noble streets.

HENRY COBURN,
AD. SEIDENSTICKER,
W. CLINTON THOMPSON, } Board.

On motion, so much of said report as relates to paving sidewalks was concurred in, and the contracts awarded; and so much as relates to building sewer on Market street, between Pogue's Run and corporation line east, was referred to the Civil Engineer, to ascertain the exact length of said sewer; and so much as relates to introduction of ordinances was received, and the following entitled ordinances introduced, to wit:

AN ORDINANCE to provide for the grading and graveling of Illinois street and sidewalks, between McCarty and Ray streets.

AN ORDINANCE to provide for the grading and graveling of East street and sidewalks, between St. Clair and Cherry streets.

AN ORDINANCE to provide for the grading and graveling of Wabash street and sidewalks, between Noble and East streets.

Which were severally read the first time, and, on motion, were read the second time by their titles.

By Mr. Seidensticker, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, May 29, 1865. }

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

The Board also herewith present two reports of the Street Commissioner, and recommend on appropriation in his favor of one thousand dollars, to enable said officer to proceed with his labors.

HENRY COBURN, }
AD. SEIDENSTICKER, } *Board.*

INDIANAPOLIS, May 17, 1865.

To the Board of Public Improvements of the City of Indianapolis :

GENTLEMEN:—I have received of John M. Kemper, late Street Commissioner, about sixteen thousand eight hundred feet of lumber, two crow-bars, eight shovels, one hand-saw, one foot-adze, two picks, seven hoes to scrape streets, and two half-kegs of spikes. I would state to your honorable Board that I must have some money to go on with my work, say one thousand dollars.

Respectfully,

AUGUST RICHTER, *Street Commissioner.*

INDIANAPOLIS, May 29, 1865.

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

The undersigned respectfully reports, that since he entered upon his official duties, he has finished the cleaning of East Washington street and Virginia Avenue, and is now cleaning Delaware street.

He has prepared the repairs of the culvert on East near South street, so that the masonry work can be made. He has filled up the crossings on several culverts on New Jersey street and Virginia Avenue.

He is now engaged in repairing holes in the bouldered streets, and also in taking out the masonry and obstructions of the culverts under the Washington street bridge across Pogue's Run, and in clearing said culverts, preparatory to its repairs.

He would respectfully report, that at the intersection of Liberty and Market streets, on the North side, the construction of a culvert of plank is necessary, also, that a new culvert is necessary on the west side of Ohio street, at the intersection of Nobl- street, as the old culvert there is entirely worn out and dangerous for passengers.

The two gutter stones on South Illinois street, south of Pogue's Run, must be lowered about 10 or 12 inches, as the water has already broke through the side-walks. All this work is needed immediately, and I respectfully ask authority to do it.

The bridge across the Canal, on North street, requires entirely new flooring, but as it is doubtful whether the stretchers are good, I would recommend that the Committee on Bridges examine and report on this point.

AUGUST RICHTER, *Street Commissioner.*

Which, on motion, were received.

By Mr. Seidensticker :

Resolved, That the sum of one thousand dollars be appropriated, to be expended by the Street Commissioner in repairing streets, culverts, and bridges, and that said officer be required to disburse said money under direction of and account to the Board of Public Improvements.

The question being on the passage of the resolution? those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Colley,

Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, Schmidt and Seidensticker—14.

Noes none.

So the resolution passed.

By Mr. Seidensticker, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, May 24th, 1865. }

B. K. ELLIOTT—*Dear Sir* :—The within petition referred to the Board of Public Improvements was considered at our meeting to-day, and is herewith submitted, to you, with a respectful request that you examine whether the Council have the power to compel the Railroad company to improve said street as petitioned for. We refer you to the ordinances on pages 227 and 229 of the Revised edition.

We also would request you to give us your opinion as to whether the Council could enforce the refunding of the monies expended on the bridge crossing said road on Noble street. If you come to an affirmative decision, report ordinances or other measures to enforce these measures.

Respectfully, yours,

HENRY COBURN, }
AD. SEIDENSTICKER, } *Board.*

INDIANAPOLIS, May 29, 1865.

Messrs. Coburn and Seidensticker, Board of Public Improvements:

GENTLEMEN:—I am in receipt of your communication of 24th inst. In response to your inquiries, I submit the following:

I think the railroad company can be compelled to pay the cost of the bridge erected across their track at the intersection of Noble street. The liability of the company may depend, as to its extent, upon circumstances of the case, but that they are liable to some extent, I think, is clear. Should you so instruct, I will immediately open a correspondence with the President of the company, and endeavor to adjust the matter.

I am of the opinion that the Indianapolis & Cincinnati Railroad Company are bound to grade and gravel Louisiana street for the space of ten feet in width on each side of their track, and that if, after notification by the Marshal to do so, they neglect to grade and gravel the street, it can be done by the city, and the expense collected from the company. Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which, on motion, were received.

By Mr. Seidensticker :

Resolved, That the City Attorney be directed to open a correspondence with the President of the Indianapolis & Cincinnati Railroad Company, for the purpose of securing the payment of the amount paid by the city for erecting a bridge across the track of the Company at the intersection of Noble street.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, Schmidt and Seidensticker—14.

Noes, none.

So the resolution passed.

By Mr. Seidensticker, from the Judiciary Committee :

INDIANAPOLIS, May 29, 1865.

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

The Judiciary Committee, to whom was referred the petition and remonstrance in reference to runners, referred the same to Mr. Elliott, the City Attorney, with the request to report an ordinance on the subject, if the Council had the necessary power to pass such ordinance. The within ordinance was prepared by the City Attorney, and is herewith submitted.

S. A. COLLEY,
AD. SEIDENSTICKER, } Committee.
W. H. LOOMIS,

AN ORDINANCE to restrain persons from soliciting patronage, offering for sale goods, wares and merchandise, in and about certain places in the City of Indianapolis.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis* That it shall be unlawful for any person to solicit patronage, offer for sale goods, wares or merchandise, or attempt to induce customers to visit places of business, or proclaim the merits of goods, wares or merchandise, upon the streets, alleys, parks or commons of said city; or in and about any public office, Government office, or station of any description whatever. Any person violating the provisions hereof shall be fined in any sum not exceeding fifty dollars.

SEC. 2. Any person employing another for the purpose of soliciting patronage, attempting to secure customers, proclaiming the merits of goods, wares and merchandise, in and about the places, or either of them, mentioned in the preceding section, shall be fined in any sum not exceeding fifty dollars.

SEC. 3. This ordinance shall take effect and be in force from and after its passage and publication in the *Indiana State Journal* for two successive weeks.

Ordained and established this 29th day of May, 1865.

Attest:

JOHN CAVEN, Mayor.

C. S. BUTTERFIELD, City Clerk.

On motion, the report was received, and the ordinance read the first time; and, on motion, was read the second time by its title.

Mr. Seidensticker then moved that the rules be suspended and the ordinance read the third time, and placed upon its passage.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, Schmidt, and Seidensticker—14.

Noes, none.

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

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, Schmidt, and Seidensticker—14.

Noes, none.

So the ordinance passed.

On motion of Mr. Brown, the rules were suspended, in order that the Special Committee on the Revision of the Rules of Council might make its report.

Mr. Seidensticker, from the Special Committee, then reported an ordinance entitled:

AN ORDINANCE prescribing rules and regulations for the government of the City Council, its officers, and officers connected with the city government.

Which was read the first time, and, on motion, was read the second time by its title, and one hundred copies ordered to be printed.

By Mr. Boaz, from the Police Committee:

INDIANAPOLIS, May 29, 1865.

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

GENTLEMEN:—Your Committee on Police, after due consideration and reflection, would recommend to your honorable body the appointment of one additional Lieutenant of Police, one additional day Policeman, and eight night Policemen, and believe the same to be badly need-d for the protection of the citizens of our city at the present time. We further recommend that the additional Lieutenant and day Policeman constitute a part of the regular Police force, and that the eight night Patrolman be under and appointed by his Honor, the Mayor, and Chief of Police.

An ordinance, adopted May, 1859, page 79, sections 6 and 7, authorized a depot Marshal to be appointed annually, by the Union Railway Company, by and with the consent of the Council, without specifying the time at which such appointment shall be made, and section one of an ordinance passed November 30, 1863, page 136, authorizes such appointment, the person to be nominated by the Union Railway Company, and appointed by the Council at its first regular meeting after the first Tuesday in May, of each year, and sections 2 and 9 contemplate the existence of a substitute or deputy, without specifying the mode of appointment.

The Committee are informed that Jacob J. Bisbing, Esq., was regularly appointed in May, 1862 and has ever since been retained by the Union Depot in this capacity, but there has not been any confirmation by the Council since 1862.

The ordinance of 1859 nor that of 1863 neither provide for his continuance until his successor is appointed, as is usually provided for. The question whether he so continues to legally hold over, the Committee have referred to the City Attorney, who will report his opinion.

In 1863, this Council elected Jesse M. Vanblaricum Depot Marshal, but the Depot Company refused to employ him, and the matter dropped.

The two deputies, Dennis Redmand and Arthur Sullivan were appointed by the Union Depot Company, and sworn by the Mayor.

WILLIAM BOAZ,
J. H. KAPPES.

Which, on motion of Mr. Loomis, was laid upon the table.

Mr. Emerson, from the Committee on Public Buildings and Grounds, to whom was referred the petition of lot owners in the City Cemetery, submitted the following opinion from the City Attorney, in relation to the matters and things petitioned for, to-wit:

INDIANAPOLIS, May 29, 1865.

R. B. EMERSON, Esq., *Chairman Committee:*

SIR:—In accordance with your request, I have examined the question presented by the petition of lot owners in the City Cemeteries, and submit the following opinion:

The City has the power to take charge of and improve the Cemeteries, but cannot compel the lot owners to pay any part of the expenses. If expenses are incurred, they must be paid out of the general treasury of the city, and cannot be collected from the lot owners.

Very respectfully yours,

BYRON K. ELLIOTT, *City Attorney.*

Which, on motion, was received.

By Mr. Grosvenor :

Resolved, That the City Clerk be and he is hereby authorized and directed to advertise for proposals for lighting the city with gas, and furnishing the citizens thereof with gas, for twenty years from and after March 3, 1866. That he cause proper advertisements to be inserted in the official city paper, and in one public newspaper in each of the cities of Cincinnati, New York, Boston, and Philadelphia.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Colley, Emerson, Fletcher, Glazier, Grosvenor, Kappes, Lefever, Loomis, Schmidt, and Seidensticker—13.

Noes, none.

So the resolution passed.

By Mr. Brown :

WHEREAS, An alley running east and west, through square 98, is now closed against teams using the same by reason of a brick pavement having been laid across the mouth of same, along Delaware street; therefore,

Resolved, That the Street Commissioner cause the said brick pavement and curbing to be removed, and cause the same to be properly bouldered immediately.

Resolved, further, That the Street Commissioner notify the United States Telegraph Company to remove a telegraph post from the mouth of said alley.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Colley, Emerson, Fletcher, Glazier, Grosvenor, Kappes, Lefever, Loomis, Schmidt, and Seidensticker—13.

Noes, none.

So the resolution passed.

By Mr. Brown—Motion :

That the Civil Engineer report to this Council the reason of his failure to advertise for bids for erecting lamp posts on Delaware and Meridian streets, and grading and graveling New York street between Noble and Winston streets, and grading and graveling North street and sidewalks, between Alabama and East streets, as required by ordinances duly passed by the Council.

Which motion was adopted.

By Mr. Loomis—Motion :

That Cornelius Loucks be permitted to improve the sidewalk in front of his property, on Benton street, under the direction of Civil Engineer.

Which motion was adopted.

By Mr. Kappes—Motion:

That Mr. Curtis be permitted to have so much of lot 3, square 36, fronting on Massachusetts Avenue, excepted from paving, as belongs to him, until he finishes his building on said Avenue, now about to be paved. Mr. C. proposes to pave the sidewalk himself.

Which motion was referred to the Board of Public Improvements.

On motion, the Council adjourned.

JOHN CAVEN, *Mayor*.

ATTEST:

C. S. BUTTERFIELD, *City Clerk*.