

Common Council Chamber  
December 11th 1854

The Council met at 6 $\frac{1}{2}$  O'clock P.M. Present all the members except the Mayor

On motion Mr. Pitts was called to the chair and took his seat as President pro tem  
The following report was presented  
Mr. President

The Judiciary Committee to which was referred the communication of the Board of Trustees in relation to the disbursement of the School fund belonging to the City, have examined the law, and find that by the 4th Section of "the act to provide for a general and uniform system of Common School" each civil township in the State is declared a township for School purposes, and the Trustees of the townships are declared to be trustees also for School purposes. By other Sections of the law these trustees are given the charge of all school houses and all things pertaining to the educational interests of the township. By the same law it is made the duty of the township treasurer (who by this act is made Treasurer also for school purposes) to receive all moneys belonging to the township and pay it out according to the orders of such Board. By the 32nd Section of the same act it is provided that "incorporated cities and towns shall constitute School corporations independent of the townships in which they shall be situated, and shall by trustees election by the people, or by officers appointed by the corporation, perform all the duties required of township trustees" The Committee are therefore of the opinion that the disbursement of the School fund of the City is under the exclusive control of the Board of Trustees elected by the City Council for the purpose of superintending the school interests of the City, and that it is the duty of the Treasurer to pay out the funds only on the order of the Board of Trustees. It is proper however, in justice to the Council, to state that in several cases in which action has been taken by the Council in matters within the Jurisdiction of the Trustees it was at the request of the Board, or of some of the members, and that so far from desiring to exercise authority as to matters confided to the Trustees, it was done at their own solicitation. The Committee are not called upon to express any opinion as to the power of the Trustees to purchase or sell Lots or other Real Estate or to remodel the ward school system, without the authority of the Common Council, this report having reference merely to the disbursement of the School fund.

Respectfully Submitted  
D. Maguire  
L. Dunlap  
G. W. Pitts

On motion of Mr. Dunlap said report was laid on the table.



Mr Maguire presented the following report

Mr President, the Judiciary Committee to which was referred the Ordinance to provide for lighting the City, with instructions to so amend it as to provide that when property holders in any Square shall erect Lamp posts the City shall take charge of them and pay the expense of lighting the lamps &c, present the following Ordinance as a substitute Viz:

"An Ordinance in relation to lighting the City.

Sec 1. Be ordained by the Common Council of the City of Indianapolis: That whenever the property holder or holders or a square or part of a square in any part of the City, shall put up Street lamp posts and furnish the same with lamps, pipes, and all the necessary fixtures to fit the same complete to burn gas, the City Council hereby agree, on proper application to the City Engineer, to adopt said Lamp posts as City property, and thereafter to be at all proper and necessary expense to furnish said Street Lamp posts with gas, light, extinguish, renew and keep the same in good repair: provided, no lamp post shall be furnished with gas, at City expense, unless the same in the opinion of the City Engineer has been located at the proper point on the Side walk, and in other respects made to correspond with the posts and lamps now put up, or which may hereafter be put up, under City Authority

Sec 2. That the posts and lamps already erected, under the direction of the City Engineer, and which has been paid for by the property holders of the proper square where located, shall be entitled to the benefits of this ordinance, and the cost of furnishing gas, and lighting the lamps heretofore in said City (except those erected for private purposes and not under the provisions of any Ordinance adopted by the Common Council) shall be placed to the credit of the payers thereof on the tax duplicate on the presentation to the Common Council of a certified statement from the City Treasurer that the same has been so paid

Sec 3. The Civil Engineer shall annually in the month of December make a contract with the Gas Light & Coke Company to furnish the City Street lamps with gas, and also for cleaning, lighting, extinguishing and keeping the same in repair for the ensuing year: or he may in his discretion contract for cleaning, lighting, extinguishing and keeping said posts and lamps in repair with some other company or person - reserving, in either case, the right to the City to light and extinguish the lamps through the night watch, if thought expedient, a copy or the substance of which contract or contracts, the Civil Engineer shall lay before the City Council for examination and confirmation at the first or some subsequent meeting in January



Sec 4. The expense for gas, repairs, cleaning, lighting and extinguishing the City Street lamps, as contemplated in the foregoing Sections, shall be paid quarterly at the regular time of payment of Salaries to City officers

Sec 5. The Civil Engineer shall report to the Council from month to month the number and location of Street Lamps set up and accepted under the Ordinance

Sec 6. That any person or persons who shall injure the posts lamps or fixtures belonging thereto, or who shall mischievously turn on the gas or shut the same off, shall on conviction be fined in any sum not exceeding five dollars, and moreover be liable to pay twice the amount of the injury done

Sec 7. All ordinances, and parts of Ordinances coming in conflict with this ordinance shall be and the same are hereby repealed; Provided however, That their repeal shall not affect any liability incurred under said Ordinance for the erection of lamp posts or for the expense of lighting, extinguishing, and cleaning the lamps.

Sec 8. This Ordinance shall take effect and be in force from and after its publication

On motion of Mr Graydon the rules were suspended, and said Ordinance was ordained by the following vote.

Those who voted in the Affirmative are Messrs Avery, Boaz, Colley, Dunlap, Graydon, Gowan, Jones, Karns, Keeley, Maguire, Nelson, Pitts, Seibert and Trucksess

In the Negative - None

Messrs Karns, Avery and Nelson from a select Committee reported the cost of a Station house to be \$20.43½

On motion it was laid on the table

A communication was presented from Mr Underhill in reference to obstructions in Pennsylvania Street

On motion it was laid on the table

Mr Colley offered a resolution calling the attention of the Captain of the Watch to a house of bad repute in the North east part of the City

On motion of Mr Karns it was laid on the table

The following accounts were presented and allowed

Christian Steinmeyer for hanging bell on the Invincible Engine house	\$11.75
C W Furgason for blank Tax duplicate	10.50
	<hr/> 22.25



on motion the accounts of Mr Turner and Mr Merrill were referred to the Committee on accounts

A communication was presented from the Fire Association requesting the Council to have a map of the City with the locations of the Cisterns marked, placed in Engine house in the City

On motion of Mr Graydon it was laid on the table

The following contract was presented for confirmation?

This agreement made by and between the Common Council of Indianapolis and William H Jones witnesseth that the said Common Council have leased to said Jones a strip off the North West corner of Lot No 4 in Square Seventy two in the City of Indianapolis being  $3\frac{1}{2}$  feet on Maryland Street and running back thirty six feet the said width of  $3\frac{1}{2}$  feet for the sum of two dollars per year payable in advance, And the said Jones agrees to pay the said sum of two dollars per year punctually in advance, and the said Jones further agrees to deliver up the possession thereof to said Council at the expiration of any year on **receiving** ten days previous notice. In witness whereof the said parties have hereto set their hands this 11th day of December A D 1854

George W Pitts  
John Trucksess  
Wm H Karns  
W H Jones

And said contract was confirmed by the following vote  
Those who voted in the Affirmative are Messrs Colley, Graydon, Gowan, Karns, Keeley, Pitts & Trucksess 7  
In the Negative - Messrs Avery, Boaz, Dunlap, & Nelson 4

Mr Keely moved That the Civil Engineer in making a contract for plastering the Invincible Engine house also have the window sills fixed and the Hall prepared for the reception of the plastering

Which motion prevailed

Mr Gowan moved that the Street Commissioner be instructed to repair the embankments at the ends of the foot bridge across the canal on the North side of Washington Street

Which motion prevailed

On motion the Council adjourned

Attest

James N Sweetser  
City Clerk

James McCready Mayor