

the Council adjourned.

C Woodward City Clk pro tem

Common Council Chamber,
December 5th, 1853.

Council met. Present - Messrs. Bradshaw, Carlisle, Durham, Delzell, Edwards, Karns, McCarty, Maguire, Nelson, Newcomb, Pitts, Strickland and Wingate.

The Mayor being absent, Mr. Maguire was called to the chair.

Mr. Edwards moved that the Council adjourn. Not carried.

The minutes of the preceeding meeting read and approved.

The regular order of business was dispensed with, for the purpose of offering resolutions

The Treasurer's monthly report was read and approved

The Civil Engineer reported that two-thirds of the number of feet of property on alley running east and west from Meridian and Illinois Streets were not legally on the petition.

On Motion of Mr. Pitts the petition was referred back to the petitioners

Mr. McCarty moved that the Council adjourn. Not carried.

On motion of Mr. Harris the Civil Engineer was ordered to make an estimate for Hook and Ladder House

Mr. Newcomb from the Judiciary committee made the following report:

"The Judiciary committee to whom was referred the petition of Mrs. Sarah A Smith for a remission of her school tax on the ground that foreign teachers have been employed in the public schools in preference to said petitioners, respectfully report that they consider it inexpedient to take any action upon the petition.

Horatio C. Newcomb, Ch'm.

On motion the report was referred to a select committee with instructions to enquire whether Mrs. Smith's property is valued too high.

The chair appointed the following committee:
Messrs McCarty, Newcomb and Bradshaw.

Mr. Newcomb moved that the committee on Judiciary be discharged from the further consideration of subject of an ordinance to prohibit the sale of intoxicating drinks

Agreed to.

Mr. Bradshaw from the committee on Accounts, reported the following accounts correct:

1394	Walker and Vandegrift for Lumber	\$15.07
1395	Robert Johnson, for services as Deputy Marshal	4.25
1576-7	J. R. Wainscott, for Labor	5.00
1366	Oliver Rice, for Pump for Seminary	14.50
1396	George Rice, for Labor	5.00
1385	F. Bentley, for ^h auling	30.00
1372	Thomas Nolan for Labor	8.12 $\frac{1}{2}$
1397	Frederick Cook for Labor	6.25
1398	Thomas Keenan " "	3.50
1384	James O'Connel " "	2.50
1383	Abner Smith for Labor	17.45
1399	Matthew Smock " "	18.25
1373 &		
1374	Hiram L Lewis " "	35.00
1400	Henry Miller " "	7.50
1474	Adams & Co Transportation	10.00
	All of which were allowed.	
1401	Allowed Wingate and Palmer, for filling alley between lots No 6 and 7, in Square 77	\$5.00
1375	Allowed John L. Avery for work on Western Liberties Fire Co., House	\$105.54

Mr. Edwards moved that the City accept the Town Clock from John Moffitt, and that \$400 be allowed on the same and that the Committee on Clocks obtain a secure place to deposit the same. Adopted as follows: Ayes, Messrs. Bradshaw, Carlisle, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland, Wingate. 13

Mr. Newcomb was added to the committee.

(1378-9-30-1-2)

The Street Commissioner made the following report:

To the City Council of Indianapolis:

Gentlemen: Your Street Commissioner would beg leave to report that the foot bridges are all made, on Washington Street, and the crossings are all graveled east of the Canal

The street and side-walk in front of a lot belonging to Railroad Company, north of Washington street east of Canal needs filling up, but I cannot do anything with it. It is a pond of water, and the citizens complain bitterly

I would ask the priviledge of putting a pump in the well at the corner of Washington and Meridian Streets so that I can

fill the cistern.

Wm Hughey, Street Com.

On Motion of Mr. Edwards, the Street Commissioner was authorized to put a pump in the well at corner of Washington and Meridian Streets.

Mr. McCarty offered the following resolution

Resolved, That the Treasurer of the corporation withhold from paying any further claims on the Treasurer, until he has sufficient set apart for the purpose of paying a note due by the corporation to the Branch Bank at Indianapolis on the 19th inst., of \$2500, except the receipt of orders for taxes.

Adopted by the following votes

Ayes. - Messrs. Bradshaw, Carlisle, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland and Wingate. - 13

"The following petition was presented by Mr Nelson

To the Honorable City Council of Indianapolis:

The petition of the undersigned, respectfully represents, that he is the owner of the whole of Out lot No thirty-eight in said city of Indianapolis, that in the year 1826, the old Fort Wayne road was located in said city of Indianapolis, commencing on Pennsylvania street where it is intersected by North Street, and thence running in a northeasterly direction, passes diagonally through said square 38, owned by your petitioner as aforesaid.

Your petitioners further represents, that said said Road as located in said city has ceased to be of any public utility that access to the City can be had, with just as much convenience by several streets running directly south from the point where the said Fort Wayne Road touches the Donation line, into to the very centre of the City of Indianapolis; that said Road passing as it does diagonally through your petitioners ground, divides it into inconvenient and ill-shaped parcels That it is wholly unnecessary, and not being a street of the city it is not worked upon or kept in repair, in consequence of which it is all times in a bad condition for travel, and at certain seasons of the year becomes a nuisance.

Will your Honorable Body, therefore, in view of all the premises, vacate as much of said old Fort Wayne Road as passes through said Square or Out-lot No 38 of your petitioners

George Brown

Referred to Judiciary committee

The following petition was presented:

To the Common Council of the City of Indianapolis:
Gentlemen:

The undersigned would respectfully represent to your honors that he constructed five cisterns for the use of the city, at the contract price of 37½ cents per barrel; that owing to the difficulty of digging the pits and procuring help and hauling, he did not realize enough on the cisterns

to pay the real outlay upon them; he therefore in view of the fact of the case, would ask an additional allowance on said cisterns equal to 12 $\frac{1}{2}$ cents a barrel, making the cost thereof 50 cents per barrel, the price at which the other cisterns were taken by another contractor.

Very Respectfully, &c.
Wm. Wood

Referred to committee on Cisterns.

Mr. Bradshaw offered the following resolution:

Resolved, That the Committee on Finance be instructed to provide for the payment, as far as is in their power of the note now in bank, and which will become due the 15th inst.

Adopted by the following vote:

Ayes. - Messrs. Bradshaw, Carlisle, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland and Wingate - 13

Mr. Karns offered the following resolution:

Resolved, That the Street Commissioner be directed to have a good pump placed in the public well at the cistern at McCord's without delay.

Adopted by the following vote:

Ayes. - Messrs. Bradshaw, Carlisle, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland, and Wingate. - 13.

Mr. Karns offered the following resolution:

Resolved, That said Street Commissioner be, and he is directed forthwith to examine all public wells, pumps and cisterns, cause the same to be put into good conditions, and that said Commissioner hereafter examine all public Wells, Pumps, and Cisterns as often as once in each week, have the same kept in good condition and the cisterns at all times kept filled with water.

Adopted by the following vote:

Ayes. - Messrs. Bradshaw, Carlisle, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland, and Wingate. - 13.

Mr. Delzell offered the following resolution:

Resolved, That the Street Commissioner be directed to build a foot bridge at the crossing of New York and Alabama Streets.

Adopted by the following vote:

Ayes. - Messrs. Bradshaw, Delzell, Durham, Edwards, Jarns, Maguire, Nelson, Newcomb, Pitts, and Strickland. - 10.

Mr. Nelson offered the following resolution:

Resolved, That the Street Commissioner be required to fill up the pond in front of the alley north of the Bates House on Illinois street.

Adopted by the following vote:

Ayes. - Messrs. Bradshaw, Delzell, Durham, Edwards, Karns, Maguire, Nelson, Newcomb, Pitts, and Strickland. - 10

Mr. Karns offered the following resolution:

Resolved, That the Street Commissioner be directed to gravel the side walk in front of the 2nd Ward School House

Adopted by the following vote:

Ayes. - Messrs. Bradshaw, Delzell, Durham, Edwards, Karns, Maguire, Nelson, Newcomb, Pitts and Strickland. - 10.

Mr. Pitts offered the following resolution:

Resolved, That C.H. Boatright be allowed to remove the dirt from the lumps on North Street according to directions of City Engineer, and that he be allowed the amount that may be assessed by said Engineer for the removing of said dirt.

Adopted by the following vote:

Ayes. - Messrs. Bradshaw, Delzell, Durham, Edwards, Karns, Maguire, Nelson, Newcomb, Pitts, and Strickland. - 10.

The following bid was received from Patrick Shea:

"I will grade and gravel the side walk on New Jersey Street, from Ohio to New York Street at twenty-five cents a yard for grading and seventy cents for gravel and estimate when furnished.

Patrick Shea

The petition for the above improvement was referred to the Civil Engineer, to ascertain whether the same is legal

The following communication was received from the City Attorney

To the Common Council of the City of Indianapolis:
Gentlemen:

In the proceedings of your last meeting, I notice the following:

"Resolved, That the City Attorney is hereby required to enter suit at the next Circuit Court, against J. L. Ketchum, for the recovery of the lots in the West Market Square, and that an able attorney be employed to assist the City Attorney in the prosecution of the suit. Adopted, and Mr. Newcomb employed assistant attorney."

About three months ago I commenced a suit against The President, and Directors of the Indianapolis and Bellefontaine Rail Road Company, for the recovery of lot No 10, in said Market Square, which suit is now pending, and will be tried at the present term of the Circuit Court. Lot No 10, forms a part of the West Market Square, and was purchased by J L. Ketchem, at Sheriff's sale, on the same judgment held by him against the City Council on which the other lots were sold and bought by him, and involves the identical question; and a decision in on case settles the other. After the purchase of Lot No. 10, Mr. Ketchem sold and conveyed it to J.M. Talbott; and Mr. Talbott, sold and conveyed it to said Rail Road Company. At the same time I prepared the papers to institute a suit against Mr. Ketchem, for the recovery of the other lots (Nos. 11 & 12.) in said Square, but the Council received an offer of compromise from him and appointed a committee to act thereon, since which time I have been awaiting the action of the Council, and shall forthwith comply with the order by instituting suit against Mr. Ketchem. But it seems to me that the Council acted unadvisedly, in resolving that an able attorney be employed to assist me in the prosecution of said suit and in employing such attorney before they were solicited to do so by me, and without knowing whether I desired any assistance or not. The people elected me to the office of City Attorney, without solicitation on my part; and I have thus far discharged the duties of the office, and still feel competent to do so. But whenever a case arises in which I think it necessary or advisable to have assistance, I shall not be backward in employing an able attorney to assist me, or to advise the Council thereof.

Respectfully,

N. B. Taylor, City Attorney

The following communication was also received and read from the City Attorney:

To the Common Council of the City of Indianapolis:
Gentlemen:

Previous to the meeting of the 7th of November, 1853, I prepared a report relative to some cases brought against owners of property on Washington Street, west of the Canal, and handed it to Mr. Newcomb to present to the Council at said meeting, but he has since informed me that he did not present it at that meeting nor at the meeting of the 21st of the same month.

On the 6th of November, 1853, at the request of Michael Shea, contractor, I commenced suit before Esq. Fisher against James H. McKernan who refused to pay, for the amount assessed against him for work done on the north side walk of Washington Street and the National Road west of the Canal, and on the 10th of October thereafter, the case was tried and judgment given for the city. On the 11th of October thereafter, I commenced suits, before Esq. Fisher, against Joshua Stevens,

John Carlisle, Martin Davenport, Charles Hocher, Edward Ferguson and John M. Gaston, who likewise refused to pay for the recovery of the amounts assessed against them respectively. On the 18th day of October thereafter, the cases against Carlisle, Davenport, Hocher, and Ferguson were tried, and on the 20th judgment rendered against the city.

On the 21st the case against Gaston was submitted, and on the 22nd the one against Stevens, and judgment in both cases against the city.

I brought no more suits after the determination of these cases, being satisfied that it was useless to do so, or to prosecute the cases further, but I was anxious that the matter should be presented to the Council at its meeting of Nov 7th, and am sorry that Mr. Newcomb failed to hand in my report, although an appeal could have resulted only in the payment of an additional bill of costs by the city. The difficulty is this:- First. - the petition presented to the Council asked for the grading and graveling of the side walk on the North side of Washington Street, between the Canal and White River. The Council on a Motion made by one of its members changed the petition so as to read, the side walk on the North side of Washington Street and the National Road, between the above named points. This change the Council had no right to make.

Secondly. That part of the National Road belongs to the Central Plank Road Company, and the common Council have no power to make a contract for improvements on said Road.

Thirdly The number of feet required by the 62nd section of the act incorporating cities, was not represented by the petitioners along the line petitioned for.

Neither of these points were made on the trial of the case against James H. McKernan as it must have resulted, as did the others against the city

Respectfully

M.B. Taylor, City Attorney.

On motion of Mr. Newcomb, a select committee of three be appointed to confer with the property holders in relation to a side walk on Washington Street in the Fourth Ward.

Mr. Maguire was appointed by the Council chairman of said committee, and the chair appointed Messrs. Edwards and Strickland.

Mr. Delzell moved that the appointment of William Patton as Deputy Marshall be conferred; Provided, The city be at no expense on account of his salary.

On motion, Cary H. Boatright was allowed three Hundred and fifty dollars (\$350) as per contract, for building Bridge across the Canal on Maryland Street.

(1367-8-9-70)

Also to Wm. Wood, Fifty Dollars (\$50), being balance due him for work on Hook and Ladder House.

(1361-2-3-4)

Council Adjourned

Attest

C Woodward
City Clk pro tem

Common Council Chamber,
December 12th 1853.

Council met pursuant to a call from the Mayor. Present. - messrs Carlisle, Dunlap, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland, and Mayor Scudder.

The minutes of the preceeding meeting read and approved.

Mr. Dunlap offered the following resolution:

Resolved, That the City Engineer be directed to advertize for new proposals to erect or repair a Bridge across Pogues Run on Meridian Street.

Adopted by the following vote:

Ayes. - Messrs. Carlisle, Dunlap, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland, and Wingate - 13.

Mr. Delzell presented the following communication:

To the Honorable City Council of the City of Indianapolis:
Gentlemen:

The undersigned on behalf of Invincible Fire Company, would most respectfully beg leave to make the following statement of facts viz: On taking our Engine to the fire on the morning of the 11th, it was discovered that she was froze up and we were consequently thrown out of service for nearly one hour and it was all owing to our not being able to keep our Engine House warm. We would most respectfully therefore petition your Honorable Body to have the House we are in at present repaired in such a manner, and under the direction of the Chief Fire Engineer, as to render us comforable and ensure us, after making good time to fires to be able to do some little good with our Engine. We would also state that we have no stove only an old one that we borrowed from a neighbor and would ask that one be bought for us. We sincerely hope that your Honorable Body will take speedy action on our Petition.

Respectfully

W. C. Lupton, Jr.
On behalf of Invincible Fire Co. No. 2.