Common Council Chamber
July 17 1854

The Council met at 2 O'clock P.M. Present all the Counceilmen and the Mayor

The Civil Engineer reported the cost of a cast iron crossing for Washington Street to be $671.76 and the cost of a flag stone crossing to be $179.16

On motion the report was laid on the table.

The Civil Engineer presented a bid from Robert Herbison for grading the Side walk on the East side of Illinois Street "between Michigan and Vermont Street at 30 cents per cubic yard and for gravelling at 70 cents per cubic yard. And also a bid from Antony Lauman for grading said walk at 25 cents per cubic yard and graveling at 65 cents per cubic yard and offering Charles Mayer as Security.

Mr. Maguire moved that the contract be awarded to the best Bidder. Which motion prevailed.

Mr Maguire from the Judiciary Committee offered an ordinance entitled an Ordinance presenting the duties of the Board of Health of the City of Indianapolis.

Mr. Dunlap offered an amendment to the 3d Section by striking out the following "without the concurrence of the Council and report to the Council as soon as may be," and inserting, "And report the proceeding to the next regular session of the Council for their concurrence" Which was adopted, and the following ordinance entitled

An Ordinance

Prescribing the duties of the Board of Health of the City of Indianapolis.

Sec 1. Be it ordained by the Common Council of the City of Indianapolis. That the Board of Health of the City of Indianapolis, chosen by the Common Council, as directed by the 30th Section of the City Charter, shall have power, whenever they deem it necessary for the Security of the City, to take measures to prevent the introduction of contagious and infectious diseases into the City, and for the immediate and safe removal of any person who may be found therein infected with any such disease; and the Mayor, Marshall, and all other Officers of the City are required to aid and assist the Board of Health in the discharge of their duties.

Sec 2 That it shall be the duty of the said Board

of Health from time to time, whenever they shall deem it proper, to recommend to the Common Council such measures as they may deem necessary to promote and secure the health of the City, and to prevent the introduction of contagious, malignant, dangerous, and infectious diseases.

Sec 3. The Board of Health shall select and report to the Common Council such temporary hospitals and other preparations as they may deem necessary to be established in anticipation of, or in consequence of the prevalence of any epidemic , infectious, contagious or malignant disease; and in case of urgent necessity the said Board shall have power to select and establish such temporary hospitals, as the emergency may require, and report the proceeding to the next regular session of the Council for their concurrence.

Sec 4. The Board of Health are empowered to establish, publish, and enforce all by-laws, rules and regulations necessary for requiring the observance, by inhabitants and visitors of said City, of such sanitary regulations and restrictions as shall seem best calculated to secure them from such epidemic, infections, contagious or malignant diseases, and prevent the spread thereof among them; and for requiring that all inhabitants of the City who have not had the small pox or been protected by vaccination against such disease, shall report or submit themselves to said Board, or the proper person or persons employed by them; for vaccination, with power to prohibit by their bye laws any and all children not so protected from admission into any of the public schools of the City.

Sec 5. The Board of Health shall, by publication in one or more newspapers of the City, whenever they shall deem such publication proper, announce the prevelance in said City of any infectious, contagious, or malignant disease, and shall take measures to ascertain the extent of any such disease and make report thereof through the papers of the City.

Sec 6. The said Board of Health shall report to the Common Council all expenses necessarily incurred by them in the discharge of the duties required of them by the Ordinance, which shall be allowed by the Council and paid out of the City Treasury.

Sec 7. This Ordinance shall be in force from and after its passage 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 Truxsess.

In the Negative - None.

Mr. Colley from the Committee on Streets and alleys verbally reported in favor of granting the prayer of the

petition from the Citizens of the 6th ward east of the Madison and Indianapolis R R track asking for the removal of a culvert through the track and for the digging of a ditch on the West side of said Track.

Mr Boaz moved That the prayer of the petition be granted and the Street Commissioner be instructed to Notify the Rail Road Company to remove said culvert and construct the ditch as prayed for.
Which motion prevailed.

The following accounts were allowed

R Weeks	for Labor	$ 8.12	
Thos Nolan	for Labor	18.00	$26.12

The account of G Kennell & Co for Nozzles & pipes was presented for allowance. On motion of Mr Dunlap was instructed to examine and report by what authority they were purchased.

Mr Dunlap moved That the account of J Davis & Co be referred to the Committee on Cisterns. Which motion prevailed.

The following report was received from the City Attorney and Motion of Mr Colley the City Clerk was ordered to spread it upon the Records.

To the Common Council of the City of Indianapolis

The undersigned having examined the question submitted by the following resolution.

Resolved, That the City Attorney be authorized to enquire into the condition of that part of Maryland Street between Delaware Street and East Street, and report to the Council as soon as convenient if said portion of Maryland Street thus laying between said East and Delaware Streets can be legally opened, Reports that Maryland Street is open to Alabama Street, on square east of Delaware Street. On the original map of the town of Indianapolis, prepared by the Surveyors in the employ of the Commissioners who laid off the town pursuant to the act of January 6 1821, Maryland Street is marked as extending east to New Jersey Street. Georgia Street extended no further east than to Pennsylvania Street, and Louisiana Street no further east than to Meridian Street. North Carolina Street commenced at Cumberland Alley on East Street middle of Square 61, and ran in a South westerly direction to Meridian Street, at a point 181 feet 5 inches South of the North West corner of Square 86. South Carolina Street was laid off at a distance of 648 feet 2 inches South of, and running immediately parallel with North Carolina Street. Short Street commenced on North Carolina Street, nearly opposite

the middle of Square 77, and entered South Carolina Street nearly opposite the mouth of Delaware Street. In the space bounded by North and South Carolina, Meridian, and East Streets, the lots were laid off so as to front on each of the said Streets, and on Virginia Avenue and Short Streets, those fronting on North and South Carolina Streets containing about half an acre. Pennsylvania, Delaware, Alabama, and New Jersey Streets opened into North Carolina Street, and commenced again at South Carolina Street, extending there from South to South Street. By an act of the General Assembly "approved February the 9th 1831" the agent of State for the town of Indianapolis was authorized and required to cause the lands around the said town belonging to the State, to be accurately Surveyed and divided into Lots, according to the plan designated on the plat presented by the said agent to the house of representatives, and cause the corners and boundaries thereof to be distinctly marked and numbered as marked on said plan & c. And as soon as such Survey was completed to cause to be made out two complete maps or plats of the town of Indianapolis, designating the names and width of the several Streets and Alleys, the number and Size of the several squares, designating those set apart for public purposes, the number and Size of the Several in-Lots, and the number and Size of the Several out-Lots, as now established by Law, and also the form, the courses and distances of their boundaries, the content and the number of the Several Lots, and the width and courses of the Several Streets and alleys, by this act authorized to be laid out, which maps or plats shall be Securely folded, varnished, and bound, one of which shall be deposited in the office of the Recorder of Marion County, who shall endorse thereon a certificate of the time of depositing the same, and the plot so deposited shall be considered a public record, and the other plot shall be deposited in the office of said agent." The maps or plats contemplated by the foregoing act, were made out, and one of them was filed in the Recorder's Office of Marion County on the 5th day of July 1831, as appears from the certificate of the Recorder of that date endorsed thereon. The other cannot be found and has no doubt been lost or destroyed. On this last map or plat North and South Carolina, and Short Streets are not laid down. The whole plan of the space included between North and South Carolina, Meridian and East Streets is changed. Pennsylvania, Delaware, Alabama, and New Jersey Streets are continued through and connect with their continuation on the original map from South Carolina Street, and Maryland Street stops at Alabama Street. The map of 1831 is a public Record by virtue of the act under which it was made. In questions relative to the plan of the City, or where there is a difference between the map or plat of 1821, and that of 1831, the latter I think would govern. I can find no act of the Legislature directing the change in express terms, but on the 6th day of January 1831, the House of Representatives, by a resolution, called upon the agent of State for the town of Indianapolis, to make out a map,

for the use of the house, on a Sufficient Scale to exhibit the donation, with the town laid down thereon, so as to show its relative situation & C. On the 18th day of January 1831 the said agent pursuant to said resolution, presented a map of the town and donation lands adjoining, to the house of representatives, and it was from this map made out and presented to the house of representatives on the 18th January 1831, that the maps directed by the act of Feby 9th 1831 were made. It is therefore reasonable to infer that whatever deviations were made from the original map, in the maps prepared under the act of 1831, were authorized and made in accordance with the map made and presented to the house of representatives by the agent of State for said town in compliance with the resolution of January 6th 1831. In the absence of other explanatory testimony this would seem to be the rational and just conclusion. But Mr B J Blythe who was the agent of State for said town, and who was elected such agent shortly after the town was laid off, says that he changed the plan of the Streets & c in the part included in the above mentioned boundaries, vacating North and South Carolina, and Short Streets, the portion of Maryland Street east of Alabama Street, and extending Pennsylvania, Delaware, Alabama, and New Jersey Streets through as they now are, and that he marked the alterations thus made by him on the original map of the town, and presented the map thus changed, to the House of Representatives in answer to the resolution of January 6 1831, and that the map prepared under the act of Feby 9 1831 was copied from the one thus presented by him. This is sufficient to show how this change was made, and that it met with the sanction of the Legislature, if it was required to be shown how, or if it was necessary for the fact of legislative sanction to be established by positive testimony. Maryland Street was not originally laid out through to East Street, but stopped at New Jersey Street, and the map of 1831 and the facts above narrated show that it was afterward vacated west to Alabama Street
I am, therefore, of the opinion that said Maryland Street can not be lawfully opened through from Alabama Street to east Street, unless the Common Council should deem it proper to do so under the power conferred in the act of June 18 1852 for the incorporation of Cities Sec 57, where the course to be pursued is fully laid down. RS. 1852 Vol 1 p 216 Sec 58, 59, 60, 61

Respectfully Submitted
Napoleon B Taylor
City Atty

Mr Karns moved
349. That the account of Mr Butler be allowed.
Which motion prevailed.

Mr Karns verbally reported that the Town Clock would be in running order to morrow.

Mr Maguire moved
That the resolution defining the Salary of the City Attorney be taken from the Table. Which motion prevailed.

Mr Boaz moved
That blank be filled with three hundred. Which motion prevailed and the following resolution

Resolved, That the Salary of the City Attorney shall be fixed at three hundred dollars per annum, to be paid quarterly as other Salaries of City Officers, to commence the first of May 1854

Was adopted by the following vote
Those who voted in the affirmative are Messrs Avery Boaz, Colley, Dunlap, Gowan, Jones, Karns, Keeley, Maguire, Nelson, Pitts, Seibert and Truxsess 13
In the Negative, Mr Graydon 1

Mr Karnes moved
That the vote on the resolution directing the City Clerk to have the ordinance published in Book form be reconsidered.

Which motion prevailed.

Mr. Karns moved to amend said resolution by striking out "three hundred in the German Language" and inserting "one hundred in the German Language

Mr Seibert moved to amend by striking out "100 in the German Language" which motion prevailed.

Mr Truxsess moved to amend said resolution by striking out, 600 copies in the English Language; and upon a call for the Ayes & Noes said motion was lost by the following Vote
Those who voted in the Affirmative are Messrs Boaz, Dunlap, Pitts & Truxsess 4
In the Negative, Messrs Avery, Colley, Graydon, Gowan, Jones, Karns, Keeley, Maguire, Nelson, and Seibert. 10

And the following resolution

Resolved, That the City Clerk be directed to have the Ordinance published in Book form under the directions of the Chairman of the Judiciary, 600 copies to be printed in the English Language

Was adopted by the following vote
Those who voted in the affirmative are Messrs Avery, Boaz, Colley, Graydon, Gowan, Karns, Keeley, Maguire, and Seibert. 9
In the Negative, Messrs Dunlap, Jones, Nelson, Pitts, & Truxsess 5

The following report from Mr West was received and on motion the City Clerk was ordered to spread it on the Record

To the Mayor and Common Council of the City of Indianapolis

The undersigned one of the Trustees of the Public Schools of this City, begs leave to submit for the consideration of your honorable body, his views of the present condition, and future prospects of our City Schools. While the undersigned acknowledges with pleasure the zeal and ability of his colleagues, and their devotedness to the cause, yet on some points which he deems of vital importance to the present and future prosperity of our Public Schools, he is conscientiously compelled to differ with them - and herewith submits to your honorable body the reasons for his objections. That there must be more School house accommodations, before the commencement of the next term, if possible, is not the question, for there is but one opinion with the Trustees on this point - the difference in our views is what this accommodations shall be. The improvements to be made, depends very much on the School System that shall be adopted by the City If the City continues the old district School System, which has been the only system known and practiced, for the last forty years in the rural districts of Indiana, then a certain class of School houses will answer - but if the City adopts the graded System of Schools - then in the construction of New School houses, respect must be had to carrying forward this system - and here the undersigned will respectfully state, that the present system of our Public Schools is, the old district School System. Not one feature of the graded Schools has yet been grafted upon the Public Schools of our City.

Having made these preliminary remarks the undersigned will state his objections to putting an additional storey upon our ward School houses. In the first place, the City will incur the expense, without accomplishing the object, How many scholars must the City provide forthis year in addition to those already provided for? The Trustees agree that there are from 350 to 400 more scholars than the City has school house accommodation for. The next question is, - In what part of the City do we most need these enlargements.? The first, third, and seventh ward School houses are the most crowded - All of the wards except the Fourth, have an excess of Scholars. Let us see if by putting on another story on the First, Third, Fifth and Seventh ward School houses we can accommodate these 400 scholars. These School houses are the first that were built and are from outside to outside 36 by 45 feet - The main room in each, cannot comfortably accommodate more than 75 scholars - though more have been crowded into them. By taking out the petition in that part of the building designed for entrances, there has been room made, in each, for 35 small scholars more. This gives us 110 for each house. In the contemplated addition,

it will be necessary to use this entrance for the stairway so when the improvement has been made, which will not cost less than $1200, for each house, we shall have room for only 40 more scholars in each of these houses than we are now seating; that is, if the additional story corresponds with the present. By incurring the expense of nearly $5000 there has been accomodations for 160 of the 400 that the improvements contemplate In the next place there are serious objections to putting an addition on the School house in the third ward. The lot is only 50 feet by 125. There are but seven feet each side of the house to the outside of the Lot. If a building should be erected on the west line of the Lot, the school house would be deprived of both light and air. The whole play ground is only 50 by 59 feet, and when divided as proposed, there will only be 25 by 59 feet - a space alltogether too contracted for play grounds, for the number of Scholars the house will not commode. The great objection to enlarging the ward School houses in any manner is - that if enlarged so as to be of any essential service, it necessarily fastens for a long time to come, the old district School System upon this City. Our Sister Cities have abandoned this System and adopted the graded School System, whichis more economical, far more efficient and is in keeping with the progress of the age. The undersigned will not submit to your honorable body the same views he suggested to the Trustees, and which have to some extent been embodied in their report. The City to purchase a Lot near the Court House Square, and as convenient to Washington Street as may be - erect a house that will accommodate from 350 to 400 Scholars. Let the Ward School Houses be used for the smaller scholars in the respective Wards, and let these be the Primary Schools of our City. They will answer for this purpose for some time to come - The building to be erected, to be used for the grades of Scholars, between the Primary Schools, and the Central High School. This plan will releive the wards that have an excess of scholars, as the walks are generally good the whole length of Washington Street. Scholars above the Primary grade will not suffer much inconvenience to attend this school. By adopting this plan, the City can systemize her whole educational enterprise, without incurring as much expense,as she would have to to fasten upon herself the district School System. If the population of our City should continue to increase as rapidly for the next year as it has for the past, it will be necessary to build another house such as is here proposed, in the Western part of the City and in time one in the Northern, and one in the Southern parts of the City In the mean time the Ward School houses will be used for Primary Schools, as nursuries for the intermediate and Grammer Schools-while these latter will furnish the material for the High School.

If these views meet with a favorable reception from your honorable body, and the graded School System be adopted - my colleagues will co-operate with the undersigned in carry-

ing out the decision and instruction of the Council - and he will not be less courteous, should the Council otherwise determine. All of which is respectfully submitted

H F West

Mr Pitts moved
That the profile of New York Street west of West Street.
Which motion prvailed.

Mr Pitts moved
That said profile be referred to a select committee consisting of three
Which motion prevailed.

Messrs Avery, Gowan and Karns were appointed said committee.
*

Mr Dunlap offered the following resolution
Resolved, That the fine of Fifty dollars assessed against Ernest Lupp for Slaughtering animals within the corporation in violation of an Ordinance be and the same is remitted, except Five dollars and cost accruing in said prosecution.

Adopted by the following vote
Those who voted in the affirmative are Messrs Avery, Boaz, Colley, Dunlap, Graydon, Gowan, Jones, Karns, Keeley, Nelson, Pitts, Seibert and Truxsess
In the Negative - None.

* Mr Maguire presented a petition signed by citizens living in the neighborhood of Ernest Lupp asking the Council to remit the fine imposed upon said Lupp for Slaughtering animals within the City.

Mr Graydon offered the following resolution
Resolved, That a committee be appointed whose duty it shall be to inquire into the expediency of the Council purchasing a Lot in a Central location for the purpose of erecting thereon a building to be occupied by the Mayor & City Council and the Releif Fire Company.

Adopted 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 Truxsess 14
In the Negative - None

Messrs Graydon, Jones & Colley were appointed said Committee.

Mr Colley offered the following resolution
Resolved, That the Salary Ordinance be so amended as to fix the Mayors Salary and all other city officers Salaries at the amounts paid said officers for their Services for the year eighteen hundred and fifty three, and that the Judiciary Committee make said amendment.

Mr Dunlap moved to lay said resolution on the table, and upon a rising vote the motion prevailed Seven members voting in the affirmative and Six in the nagative & Mayor.

Mr Karns presented an ordinance entitled "An Ordinance in relation to the Salaries of City Officiers, and providing for the payment of the Same," the amounts of the respective Salaries being blank.

Mr Dunlap moved
That the Council adjourn, and the Ayes & Noes being demanded the motion was lost by the following vote
Those who voted in the affirmative are Messrs Boaz, Dunlap, Maguire, Nelson, Pitts & Seibert 6
In the Negative Messrs Colley, Graydon, Gowan, Jones, Karns, Keeley, & Truxsess 7

Mr Dunlap moved that the Mayor be allowed five hundred dollars.

Mr Karns moved that the Mayor be allowed Six hundred dollars.

Which motion prevailed on a call for the Ayes & Noes by the following vote

Those who voted in the Affirmative are Messrs. Boaz, Colley, Graydon, Gowan, Jones Karns, Truxsess and the Mayor. 8
In the Negative Messrs Avery, Dunlap, Keeley, Maguire, Nelson, Pitts & Seibert 7

Mr Karns moved that the Marshall 'be allowed' five hundred dollars.

Which motion prevailed on a call for the Ayes & Noes by the following vote

Those who voted in the Affirmative are Messrs Boaz, Colley, Graydon, Gowan Jones, Karns & Truxsess and the Mayor 8
In the Nagative, Messrs Avery, Dunlap, Keeley, Maguire, Nelson, Pitts & Seibert 7

Mr Colley moved That the Deputy Marshall be allowed four hundre dollars

Which motion prevailed on a call for the Ayes & Noes by the following vote

Those who voted in the affirmative are Messrs Boaz, Colley, Graydon, Gowan, Jones, Karns Truxsess and the Mayor. 8
In the Negative are Messrs Avery, Dunlap, Keeley, Maguire, Nelson, Pitts and Seibert 7

Mr Colley moved, That the City Clerk be allowed Six hundred dollars.

Which motion prevailed on a call for the Ayes & Noes by the following vote

Those who voted in the affirmative are Messrs Avery, Boaz, Colley, Graydon Gowan, Jones, Karns, Keeley, & Truxsess 9
In the Negative, Messrs Dunlap, Maguire, Nelson, Pitts, & Seibert 5

Mr Karns moved, That the Civil Engineer be allowed five hundred dollars

Which motion prevailed on a call of the Ayes & Noes by the following vote

Those who voted in the affirmative are Messrs Avery, Boaz, Colley, Dunlap, Graydon, Gowan, Jones, & Karns. 8
In the Negative, Messrs Maguire, Nelson, Pitts, & Seibert 4

Mr Jones moved, That the Street Commissioner be allowed three hundred and fifty dollars.

Which motion did not prevail on the call for the Ayes & Noes by the following vote.

Those who voted in the affirmative are Messrs Avery, Graydon, Jones, Keeley & Truxsess 5
In the Negative Messrs Dunlap, Gowan, Karns, Maguire, Nelson, Pitts, & Seibert 7

Mr Colley moved, That the Street Commissioner be allowed four hundred dollars.

Which motion prevailed on a call for the Ayes & Noes by the following vote

Those who voted in the affirmative are Messrs Boaz, Colley, Graydon, Gowan, Karns, Keeley, & Maguire. 7
In the Negative Messrs Dunlap, Jones, Nelson, Pitts, Seibert & Truxsess 6

Mr Colley moved That the Clerk of Each Market be allowed one hundred and fifty dollars.

Which motion prevailed on a call of the Ayes & Noes by the following vote

Those who voted in the affirmative, are Messrs Boaz, Colley, Graydon, Gowan, Jones, Karns, Keeley & Truxsess 8
In the Negative, Messrs Avery, Dunlap, Maguire, Nelson, Pitts & Seibert 6

Mr Colley moved, That the Sexton of the Grave Yard be allowed one hundred dollars.

Which motion did not prevail on the call for the Ayes & Noes by the following vote.

Those who voted in the Affirmative are Messrs Colley, Graydon, Gowan & Truxsess 4
In the Negative are Messrs Avery, Boaz, Dunlap, Jones, Karns, Keeley, Maguire, Nelson, Pitts & Seibert 10

Mr Karns moved, That the Sexton of the Public Grave Yard be allowed Seventy five dollars

Which motion prevailed on a call for the Ayes & Noes by the following vote

Those who voted in the Affirmative are Messrs Boaz, Colley, Graydon, Gowan, Jones, Karns Maguire & Truxsess. 8
In the Negative Messrs Avery, Dunlap, Keeley, Nelson, Pitts & Seibert 6

Mr Pitts moved, That this Ordinance shall take effect from and after its passage.

Which motion did not prevail.

Mr Seibert moved, That the Ordinance be laid on the Table.

Which motion prevailed by the following vote

On a rising vote Seven members voted in the Affirmative and Seven in the Negative
Whereupon the Mayor cast his vote in the Affirmative.

On motion the Council adjourned.

Attest
James N Sweetser C
City Clerk

James McCready, Mayor