

D.H.Boyd's petition praying the Council to refund to him \$2.22 being the amount of taxes assessed on \$500 taxable property said to be erroneously returned. Was read but before action

The Council adjourned to meet on Monday evening next.

Attest: David V.Culley, Prest.City Council
Daniel B.Culley,
Secy.C.C.

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First Meeting of the Common Council under the Act for the Incorporation of Cities. Approved June 18th 1852

Common Council Chamber
March 14th 1853

Present: The Mayor, Messrs Louden, Delzell, Greer, Fidler, Culley & Pitts Councilmen.

The Committee on Streets and Alleys reported a plan for a bridge and recommended that it be adopted by the City for the building of all bridges.

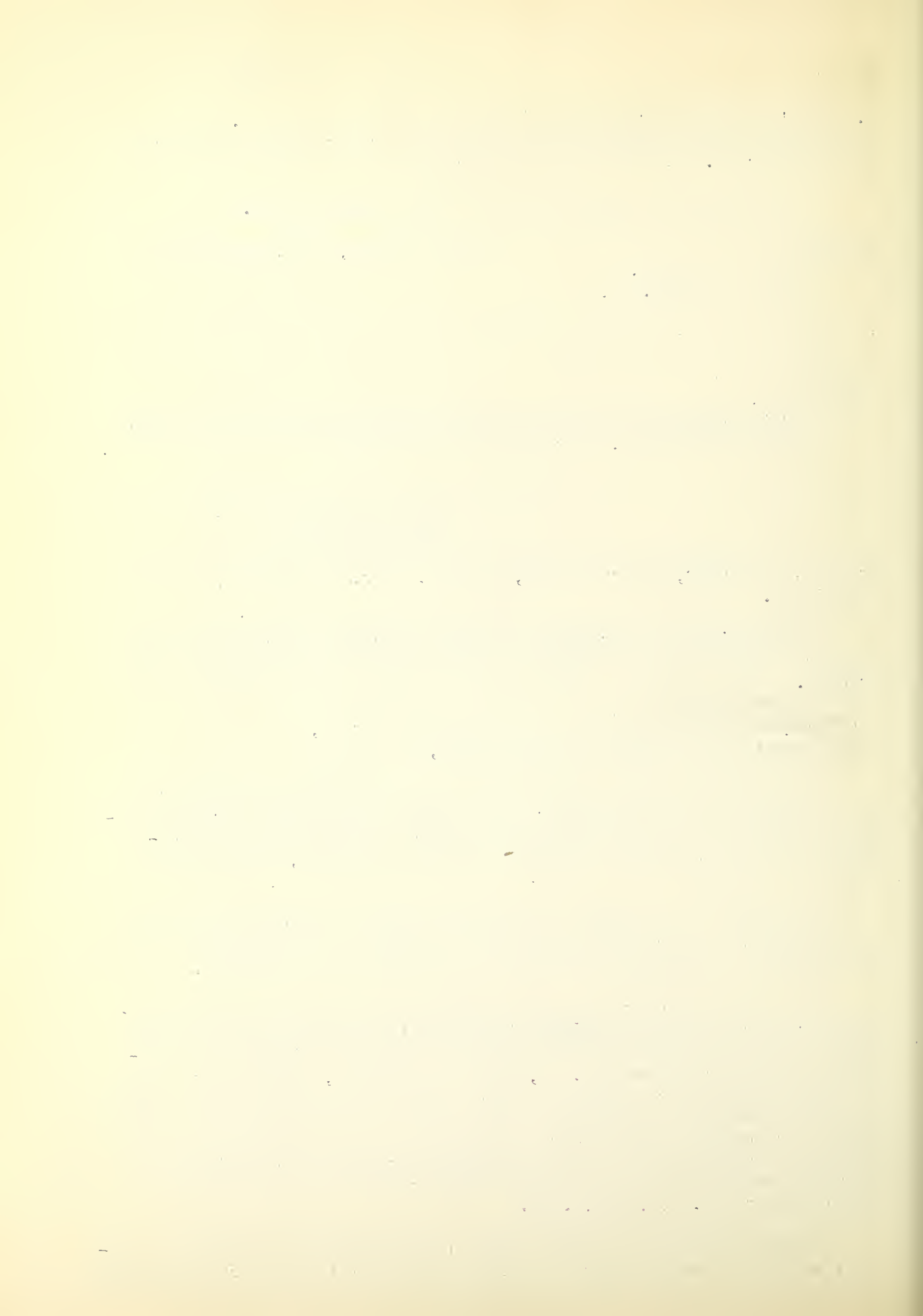
The following report was read from the City Attorney,
To the City Council of Indianapolis,

In compliance with a resolution of your honorable body requiring me to examine and report whether in my judgment Washington street in Indianapolis was conveyed by the State to the Central Plank Road Company in the grant to said Company of the National Road, I beg leave to report as follows:

The title to the State to Washington Street was derived from the United States by a grant different from and prior to the grant to the State of Indiana of the National Road and even prior to its location .

By an act of Congress entitled an act to enable the people of Indian Territory to form a Constitution and State Government and for the admission of said State into the Union on an equal footing with the original States" approved Apl. 19, 1816 it is enacted, among other things as follows: "That four sections of land be and the same are hereby granted to said State for the purpose of fixing their seat of government thereon which four sections shall under the direction of the Legislature of said State be located at any in such township and range as the Legislature aforesaid may select on such land as may hereafter be acquired by the United States etc. (R.S. 1838, p. 34).

On the 11th day of January 1820 the Legislature of the State of Indiana appointed commissioners to select and locate a site for the permanent



seat of government (Acts 1819-20 p.18).

The location was made upon what was popularly called the "Donation Land" of Indianapolis, during the recess of the Legislature at the next session. On the 6th day of January 1821, the location was adopted by the Legislature and commissioners were appointed to lay off the town for a permanent seat of government (Act 1820-21, p.44). Those commissioners were authorized among other things to lay out streets and alleys and to devote them to the public use. The proceedings of the Commissioners were approved of and adopted by the Legislature Nov.28,1821. (Act 1821-22 P.18). Those acts are collected and printed together among the Acts of 1830-31, pp.63 to 81 inclusive.

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By the above it appears that Washington street was granted to the State and devoted to the public use as a public highway by the several Acts of Congress and of the State Legislature above cited.

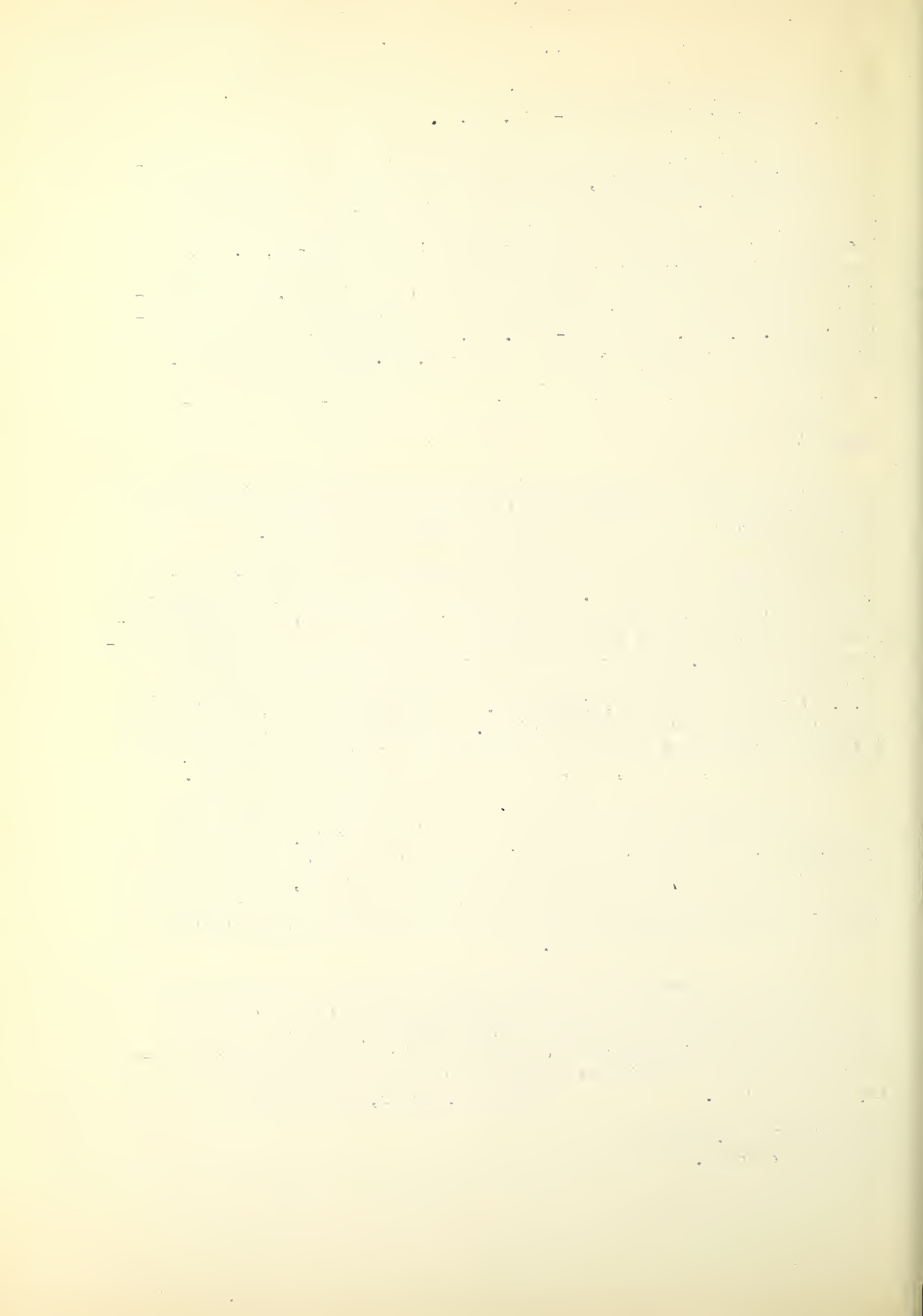
The title to the National Road was derived as follows; Congress by an Act approved March 2d. 1829 for the continuation of the Cumberland Road authorized the road to be opened through the State of Indiana commencing at Indianapolis and extending to the eastern and western boundaries of the State. An appropriation was made by the same act and the President was authorized to have the road opened through the State (U.S.Statutes at large pp.349 & 350). Afterwards the U.S. granted the National Road to the State of Indiana. On the 8th day of January 1850 the State granted the possession and use of the National Road together with the bridges, timber, etc. to the Central Plank Road Company.

It thus appears that Washington Street became a public highway long before the National Road was located in the State. Its direction is different from the general direction and course of the National Road and there is nothing in the Act of Congress of March 2, 1829 indicating that it was the intention of Congress to take Washington Street from the control of the corporate authorities of Indianapolis and appropriate it as part of the National Road.

I am therefore of the opinion that the grant by the Legislature of this State of the National Road within this State to the Central Plank Road Company did not convey Washington Street to said Company but that the same is under the exclusive control of the corporate authorities of this city in the same manner and to the same extent as any other street.

Albert G.Porter, City Attorney

On Motion by Mr.Louden
Laid on the table.



Mr. Louden moved that a committee be appointed to confer with a similar committee of the Plank Road Company relative to the bridge on Washington Street. Carried.

Messrs Delzell, Louden & Buchanan.

The Treasurer's report for last month read and approved.

The select committee appointed on the subject made the following report:

The committee to which was referred the subject of dividing the School lot No. 11 in Square No. 37 for engine purposes and directing the sale of the balance of said lot if thought expedient, report that they are of opinion that it is inexpedient to subdivide or sell said lot or a portion thereof at present believing that the same will be needed for engine purposes, and desire to be discharged from the further consideration of the subject aforesaid.

Samuel Delzell
George W. Pitts Com.
John Greer

The report was concurred in & the committee discharged.

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Mr. Greer offered the following:

Resolved: That the Committee on Streets, alleys, etc. be authorized to contract for the erection of bridges across the canal as follows: one at North St., one at Indiana Avenue; one at Georgia Street; one at South Street; the above bridges each to be 28 feet wide."

Adopted by the following votes:

Ayes: Louden, Delzell, Fitler, Pitts, Greer & Culley. Noes None.

Mr. Culley offered the following:

"Resolved: That the committee on Streets, alleys, etc. be directed to report an ordinance extending the width of all sidewalks to fifteen feet within the limits of the following Streets: viz: East, West, North & South Streets."

Mr. Louden moved that the resolution be laid upon the table; which Motion did not prevail.

The question recurring upon the adoption or rejection of the Resolution it was adopted by the following vote:

Ayes: Messrs Greer, Pitts, Culley & Fitler
Noes: " Louden & Delzell.

Mr. Pitts offered for adoption the following:

"Resolved, That the committee on Streets, alleys, etc. be and they are hereby authorized to contract for the erection of foot bridges at the following locations, viz: one at the crossing of canal on North side of

Washington Street, and one at crossing of canal on Maryland Street; said bridges to be at least eight feet wide."

Adopted by the following vote:

Ayes: Messrs Louden, Delzell, Culley, Fitler, Greer & Pitts. Noes, None.

Mr. Louden offered for adoption the following:

"Resolved, That the Street Commissioner be instructed to purchase 5000 feet 2 $\frac{1}{2}$ inch oak plank for the use of the city; also purchase 25 pieces for foot bridges of 6x6 in. oak."

Adopted by the following vote:

Ayes: Messrs Louden, Delzell, Culley, Fitler, Greer & Pitts, 6. Noes, None.

Mr. Louden offered for adoption the following:

"Resolved, That the Street Commissioner be instructed to have two foot bridges made on either side Washington Street midway between Tennessee and Illinois Streets.

Adopted by the following vote.

Ayes: Messrs Louden, Delzell, Culley, Fitler, Greer, & Pitts: 6, Noes none.

Mr. Delzell offered the following for adoption:

Resolved, That the Street Commissioner be directed to build two bridges at the crossing of New Jersey and Ohio Streets.

Adopted by the following vote:

Ayes: Messrs Louden, Delzell, Culley, Fitler, Greer & Pitts, 6; Noes none.

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Mr. Fitler offered the following for adoption:

"Resolved, That the Marshal notify J.S. Dunlop not to build the privies that is contemplated to be built by him in the vaults that he is now digging on Meridian Street in front of lot No. ".

On Motion laid on the Table till next meeting.

Mr. Fitler offered the following for adoption:

"Resolved, That the committee on Streets, alleys, etc. be authorized to receive sealed proposals for building a stone culvert of double arch, at the crossing of Pogues Run on Meridian Street, 60 feet wide."

Mr. Louden moved the resolution be amended by the addition "and report to the Common Council the proposal so received."

Adopted by the following vote:

Ayes: Messrs Louden, Culley, Delzell & Pitts 4
Noes: " Fitler & Greer 2

The question recurring upon the adoption of the resolution as amended it was adopted by the following vote:

Ayes, Louden, Culley, Delzell, Pitts, Fitler & Greer.

Mr. Culley offered the following:

"Resolved, That a committee of three be appointed to draft By Laws for the government of the common Council as required by the "Act of Incorporation."

Adopted by the following vote:

Ayes: Messrs Louden, Delzell, Culley, Fitler & Greer 5

Noes: Mr. Pitts 1

The Mayor appointed Messrs Culley, Greer & Louden said committee.

Allowed John Pleasant for what was said to be an illegal assessment \$2.00

On Motion the Council adjourned.

Caleb Scudder, Mayor.

Attest

Daniel B. Culley, City Clerk.
