

Council Chamber
Friday June 9 1854

The Council met at 7 O'clock P M. Present the Mayor and all the Councilmen except Messrs Boaz, Karns and Keeley. The minutes of the preeceeding meetin were read and approved. A report was received from the City Attorney in the words and figures as follows, to wit.

To the Common Council of the City of Indianapolis

The undersigned to whom was referred the enclosed Ordinance entitled "An Ordinance in relation to lighting certain Streets and parts of Streets in the City", for his opinion as to its valictity, reports, that having examined the same he is of the opinion that the act for the incorporation of Cities approved June 18, 1852, and which, by a resolution of the Common Council on the 7th day of March 1853, was adopted as the charter of the City, confers no power on the Common Council to pass such an Ordinance as the one proposed. The Common Council have the power to pass an ordinance concerning the lighting of Streets public grounds and buildings, Sec 35, P 26, Act June 18, 1852. But said act does not give them the authority to levy a tax for that specific purpose, nor to assess the cost of lighting the same on the owners of property in the City, or a long the Streets thus lighted. In the case of constructing or altering streets and taking down and appropriating buildings, the said act provides for assessing the cost upon the owners of the property to be benefited thereby, Sec 58, 59, 60, 61.

And where the owners of two thirds of the whole line of lots bordering on any street or alley in the City, or a part of any street or alley not less than one whole between any two streets crossing the same &c petitions the Mayor and Council to have the side walks graded and paved or the whole width of the street graded, or graded and paved, or for either kind of improvement, or altogether, the Common Council may cause to the same to be done by contract, and the owners of the lots bordering on such street are liable for the payment of the cost of said improvement, in proportion to the length of the line of the lots bordering thereon, and owned by them. And the sums so assessed may be collected by suit against the person or persons refusing to pay the same. Se. 62, 63, 64, 65, of said act.

No such authority, however, is conferred in case of lighting the streets, public grounds and buildings. If therefore the Council see proper to do so, the expense of such lighting must be defrayed from the fund arising from the general tax levied and collected by virtue of Section 42, of said act.

Respectfully Submitted
Napoleon B Taylor
City Attorney

Mr. Maguire moved

That the City attorneys report be spread at length on the minutes.

Which motion prevailed.

On motion

The Ordinance entitled An Ordinance in relation to lighting certain Streets and parts of Streets in the City" was laid on the table.

Mr. Dunlap moved

That the City Engineer be directed to make an estimate of a permanent Stone culvert across Washington Street at Illinois Street, and also a stone culvert across Illinois Street both on the North and South Sides of Washington Street. Which motion prevailed.

Mr. Pitts moved

That the Street Commissioner have the right to make suitable gravelling at all new foot bridges where it is necessary. Which motion prevailed.

On motion the Council adjourned.

Attest

James N. Sweetser
City Clerk

James McCready Mayor