

Which motion did not prevail

Mr Pitts moved that the City Attorney be instructed to report whether in his opinion Negroes compelled to pay School Tax?

Which motion prevailed

On motion the Council adjourned

Attest  
 James N Sweetser  
 City Clerk

James McCreedy Mayor

Common Council Chamber  
 January 15th 1855

The Council met at half past 6 O'clock P M. Present, the Mayor and all the Councilmen

The following report was received

Jan 15 1855

To the Common Council

The undersigned to whom was referred the Treasurers monthly account have examined the same and found it correct  
 James McCreedy, Mayor  
 James N Sweetser, City Clerk

The following report was presented

To the Common Council of the City of Indianapolis:

At your last meeting the undersigned was instructed to report "whether in your opinion, negroes are liable to pay School tax." By a proviso in the first section of an act entitled "An act amendatory of, and supplemental to, an act entitled "An act to provide for a general and uniform System of Common Schools, and School Libraries, and matters properly connected therewith, approved June 14 1852; acts of 1853 p 124, it is declared "that in all enumerations, the children of negroes and mulattoes shall not be taxed for School purposes, nor shall any negro or mulatto derive any of the benefits of the Common Schools of this State. The said first Section of the act of 1853, is amendatory of the 9th Section of the act of June 14" 1852, and the said 9th Section is not "set forth and published at full length" as required by Sec 21 Art 4 of the Constitution of 1851, for which reason, according to the decision of the Supreme Court in the case of Langdon V Applegate at the present term, the said amendment is unconstitutional. But in the absence of any such provision, as that contained in the first Section of



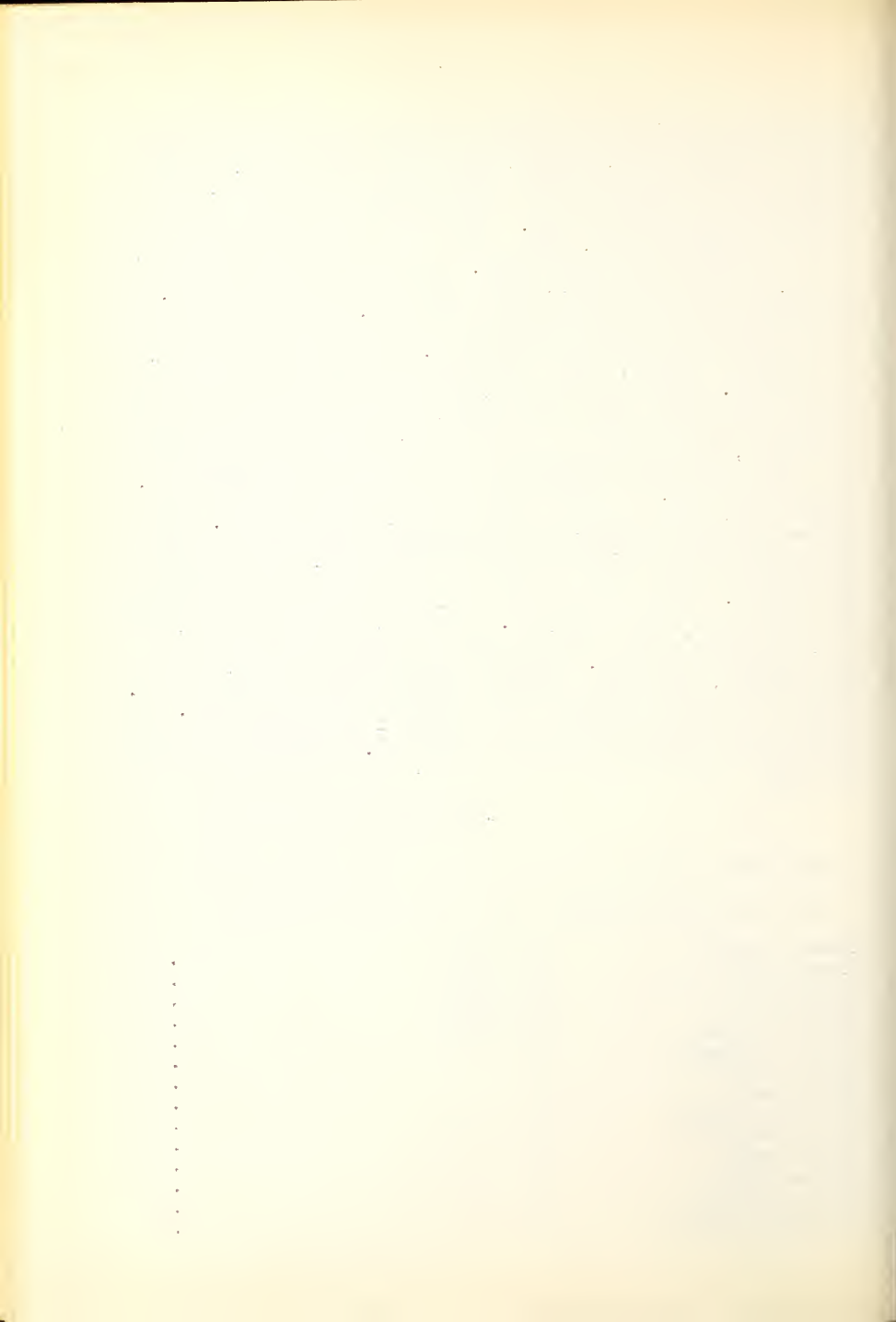
the act of 1853, the children of negroes and mulattoes would not be admitted into the same Schools to be educated with those of the whites, indeed, they ought not to be. Such a course would be injurious to both whites and blacks. The law contains no provisions for their separate education, nor for a distribution of the fund. For them to be subjected to the burdens of the system, when they cannot have its benefits, would be unjust and oppressive. With the single exception of fugitives from labour, negroes in common with whites, are protected in their persons and property, and fugitives from labor receive such protection until the master sees proper to exercise his right of recaption. For this protection, it is just and proper, that they should be taxed for purposes of revenue. But there is a difference of condition arising from difference of race and color, and the relation in which they have always stood to the whites, which has necessarily prevented, and always will prevent them from being admitted to terms of perfect equality theoretically or practically, with the whites, and from being made their associates and companions, either in the School room, or elsewhere. If the general assembly thinks such a course advisable, it should make provision for their separate education. If no such provision is made they ought to be free from the burdens of the system. It is in the power of the legislature to provide for their separate education. Whether, to what extent, and in what manner, this shall be done is a question for the legislature to decide. As the question now stands, I am of the opinion, that they are not bound to pay the School tax. If its collection could be enforced it would be unjust. It would be taking something for nothing - a trampling upon the unfortunate, who are already overthrown. It would be at war with the spirit of our institutions, and of the age in which we live

Respectfully Submitted  
N B Taylor, City Attorney

On motion of Mr Pitts said report was concurred in

The following accounts were presented and allowed

Samuel Murphy	for labor	\$ 120.00
Franklin Woodruff	for labor	31.50
Hiram Lewis	for labor	38.75
Sharley Cock	for labor	17.75
Michael Curran	for labor	6.50
Patrick McGrah	" "	1.00
Andrew Seres	" "	7.00
John Moraty	" "	9.00
Patrick Griffin	" "	5.75
John Tereter	" "	4.50
Thomas Cain	" "	12.00
Michael Talvey	" "	7.00
John Donahue	" "	7.50
Denis Harrinton	" "	7.00



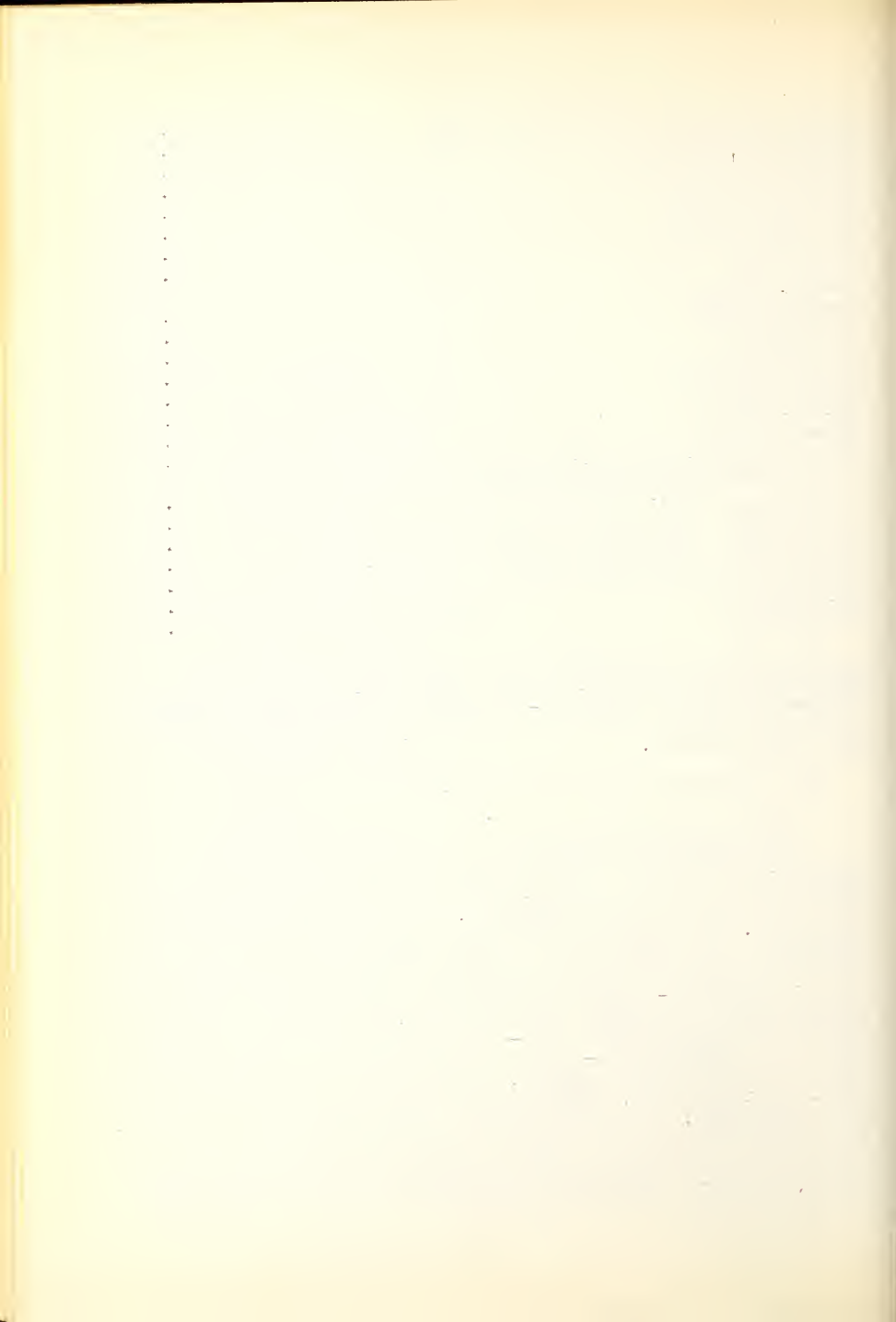
Michael Manning	for labor	7.00
Patrick Shea	" "	7.00
Michael O'Connell	" "	6.00
James Conner	" "	6.00
Patrick Manning	" "	7.00
Wm Luney	" "	10.50
Patrick Sullivan	" "	13.00
Henry Avel	" "	5.00
Hugh Slaven	" "	75
George Wright	" "	9.00
Henry Stulty	" "	6.00
W H Carle	" "	38.75
Anty Venderser	" "	11.25
Edmund Castello	" "	3.50
Martin Duffy	" "	7.07
Enes Tacher	" "	22.50
Waters & McNabb for Brick (walling wells		\$ 5.50
Levi Comegys repairing Bridge across Pogues		
run, on Penna Street		8.00
John Schopp over assessment of tax		2.40
F A Morris removing nuisances		2.00
Drum & Hill Candles for Council Chamber		16.80
Delzell & Tyler Blank Books		8.10
John Shea	Labor	1.00
Micheal Nail		1.75

John Wies & Peter Whilsel notified the Council of a Mechanics Lien on the following Cisterns, one at the Corner of Penna & Market Streets - one at the corner of Washington & Penna Streets & one at the crossing of Virginia Avenue & New Jersey Street.

The following report was presented

To the Common Council

The undersigned Committee on the Fire Department to whom were referred so much of the report of the Chief Fire Engineer as relates to the necessity of procuring more hose for the different Fire Companies, beg leave to submit the following. On enquiries from the proper officers of the Companies, the Committee find that the Marion Co have about 500 feet of good reliable hose and about the same number that is not reliable - the Relief Co have about 500 feet of comparatively new hose, which is good, and 500 feet of old which cannot be relied upon - the Invincible Co have about 800 feet of good hose - from the Western Liberties Co the Committee have heard nothing, but presume that having received their quota of hose, later than the others, that it is in a good condition, and sufficient for their purposes at present. In view of the facts as above stated and also the great necessity of providing ample and reliable apparatus for the use of the Fire Department, the Committee would recommend the Council to purchase immediately, through its Secretary,



one thousand feet of the best copper rivetted hose, and when received distribute the same as follows, to Marion Fire Co. 400 feet, Relief Fire Co. 300 feet, and Invincible Fire Co. 300 feet

Respectfully Submitted  
 Alex Graydon Jr)  
 Jno L Avery     ) Com  
 John Trucksess )

On motion of Mr Karns said report was concurred in, and the City Clerk instructed to ascertain upon what terms, hose can be purchased

On motion of Mr Karns, the City Clerk was authorized to issue a warrant to Messrs Jones & Glazier, upon the Certificate from the Committee that the amount of lumber contracted for, was delivered

A communication was presented from Mr Underhill asking permission of the Council to erect a Lamp post in front of his property in Square No 4, Subject to removal to its proper location, when the Lamps should be regularly extended that far

Mr Graydon moved, That he be allowed the privilege of erecting said Lamp according to his proposition

Which motion did not prevail on a rising vote 4 members voted in the Affirmative and 6 in the Negative.

Mr Maguire moved That the Lamp post erected by Mr Blackford at the corner of Washington & Meridian Streets be adopted by the City

Which motion prevailed

A petition was presented from citizens living in the neighborhood of the M & I R R., asking the Council to take measures to restrain said Company from obstructing the Streets. Upon the presentation of whic petition, a reading of the Ordinances was called, and no general ordinance being found to remedy the evil, complained of, Mr Seibert presented an ordinance, entitled, "An Ordinance relative to Rail Roads within the City of Indianapolis." Which ordinance upon motion was referred to the Judiciary Committee

Mr Karns presented an affidavit of H C Woodward & Wm M. Patten against Henry Stumph Sexton of the Grave Yard, for mal-conduct in office

Mr Karns moved "that said complaint be referred to a Committee of three for investigation.

Which motion prevailed, and Messrs Karns, Avery & Boaz





were appointed said Committee

On motion of Mr Dunlap the Council proceeded to the election of School Trustees

Calvin Fletcher, David S Beaty & J R Osgood were elected School Trustees

On motion of Mr Pitts, the Civil Engineer was instructed to make an estimate of the work done on Square 29, by Mr Duffry, and the Clerk was authorized to issue warrants for the amount due from the City

Mr Seibert moved That the City Treasurer be authorized to make the valuation of E $\frac{1}{2}$  Lot 9 in Square conform to the valuation of the W $\frac{1}{2}$  of Lot 10 in said Square

On motion it was laid on the table

Mr Graydon offered the following resolution

Resolved That the members of the Legislature from this County be respectfully requested to urge the adoption of an amendment to Section 62 of the act entitled "An act for the incorporation of Cities" whereby the Common Council shall have power to order any sidewalk Street or alley improved at the expense of the owners of property, on any such Street or alley, whenever in the opinion of said Common Council it may be necessary. And also to amend the said Act, so that the lighting of Streets may be done in the manner as above prescribed

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 Trucksess

In the Negative - None

Mr Seibert offered the following resolution

Resolved That the Street Commissioner be directed to set posts on the South Side of Virginia Avenue North of the Central Rail Road sufficient to protect the Side walk from being driven on by wagons and drays, and also to have the Side walk repaired

Adopted by the following vote

Those who voted in the Affirmative are Messrs Boaz, Colley, Dunlap, Graydon, Gowan, Karns, Keeley, Nelson, Seibert & Trucksess. 10

In the Negative, Messrs Avery, Jones, Maguire & Pitts. 4

Mr Nelson moved That the Ordinance in reference to Ball Alleys be taken from the table, and the Ayes and Noes being demand said Motion did not prevail by the following vote



Those who voted in the Affirmative are Messrs Dunlap,  
Gowan, Maguire, Nelson & Pitts 5

In the Negative, Messrs Avery, Boaz, Colley, Graydon,  
Jones, Karns, Keeley, Seibert & Trucksess 9

Mr Karns moved That the estimate of the Bridge across  
Pogues Run on Noble Street, be taken from the table

Which motion prevailed by the following vote

Those who voted in the Affirmative are Messrs Avery,  
Colley, Graydon, Gowan, Karns, Keeley, Pitts, Seibert &  
Truxsess 9

In the Negative, Messrs Dunlap, Jones, Maguire, & Nelson 4

On motion it was referred to the Civil Engineer to make a  
reestimate

Mr Colley moved That when the Council adjourns, they  
adjourn to meet on Monday evening next.

Mr Nelson moved to amend by saying, until the next  
regular meeting, Which amendment did not prevail.

Adjourned

Attest

James N Sweetser  
City Clerk

James McCready Mayor