

After the establishment of such general plan or system, improvements erected upon the line of a proposed street cannot be included in any assessment for damages. November 16th, 1868, the Council passed an ordinance, adopting a general system of streets, and the map showing the chosen plan is prefaced to this work, which renders unnecessary any description, the map being its own best explanation. Applications for opening any of these streets must be made to the Council in writing, designating the particular street to be opened, and the residences of the applicants. If the Council should determine that the street should be opened, the Marshal shall be directed to notify the owners or occupants of the land embraced within the lines of such street, to appear before the Council at a given time, and state any objections they may have to the opening of the street. After their appearance, and the announcement of their claims for damaging, if any there be, the Council shall fix a time for assessing damages. For this purpose, the Council has very nearly the same power as a Court; can compel the attendance of witnesses, administer oaths, etc. Parties who feel themselves aggrieved by the action of the Council can appeal to the County Court. The Council has no authority under any existing law to pay damages from the City Treasury. If the property holders petitioning for the opening of a street, should raise an amount sufficient to pay the final damages awarded, the opening of a street can be enforced, not otherwise.

Street improvements are ordered and made in pursuance of an Act, approved April 4th, 1864. The Act is long, elaborate, and complete. The Council is authorized to order the improvement of any street, lane or alley within the limits of the city.

Property holders file with the Council a petition designating the improvement desired. Should the Council see fit, they pass a resolution declaring their intention to order the work petitioned for, which resolution must be published for the period of ten days. Prior to the expiration of that time, the owners of more than one-half the frontage upon the street proposed to be improved, may file their protest with the City Clerk, and such