

PROCEEDINGS  
OF THE  
COMMON COUNCIL.  
REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL }  
OF THE CITY OF INDIANAPOLIS, }  
*Monday, Feb. 13, 1871, 7 o'clock P. M.* }

The Common Council met in regular session.

Present—His Honor, the Mayor, Daniel Macauley, in the Chair, and the following members :

Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Reagan, Shepherd, Thalman, Whitsit, Wiles and Woodburn—15.

Absent—Councilmen Newman, Thoms and Weaver—3.

The Proceedings of the regular session held February 6, 1871, were read and approved.

Sealed proposals for public work were opened and read, and referred to the Committee on Contracts.

ORDINANCES ON FIRST READING.

Mr. Harrison introduced special appropriation No. 8, 1871, entitled:

An Ordinance appropriating money for printing.

Which was read the first time.

REPORTS FROM OFFICERS.

The Civil Engineer made the following report:

INDIANAPOLIS, Feb. 13, 1871.

To the Mayor and Common Council of the City of Indianapolis:

GENTLEMEN—I hereby report the following cisterns finished, as per report of the Chief Fire Engineer:

Preston Litton—

For one cistern at the corner of Tennessee and Fifth Sts., 718.41 barrels, at 55 cents per barrel.....	\$395 12
One at the corner of Meridian and Second Sts., 604.68 barrels, at 55 cents per barrel.....	332 57
One at the corner of Pine street and Forest av., 871.96 barrels, at 55 cents per barrel.....	479 57
One at the corner of Tennessee and First streets, 1001.48 barrels, at 55 cents per barrel.....	550 81
Total estimate.....	\$1758 07
Deduct 15 per cent.....	263 97
Total payment.....	\$1495 00
Deduct former payment.....	1026 26
Present payment.....	\$468 74

Respectfully submitted,

R. M. PATTERSON,  
*Civil Engineer.*

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, Feb. 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis :*

The City Clerk would respectfully report the following affidavits for the collection of street assessment by precept, as follows :

Hanway & Rubush vs. Julia A. Mills, for \$14.06.  
Hanway & Rubush vs. Joseph Greenwald, for \$43.30.  
Hanway & Rubush vs. Mary E. Lowe, for \$26.40.  
Hanway & Rubush vs. William W. Roberts, \$28.27½.  
Hanway & Lefever vs. Ebenezer Smith, for \$22.50.  
Samuel Lefever vs. Hahn & Bals, for \$13.50.

And would respectfully recommend that you order the precepts to issue.

D. M. RANSELL,  
*City Clerk.*

Which was concurred in and the precepts order to issue.

The City Gas Inspector made the following report :

INDIANAPOLIS, Feb. 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis :*

GENTLEMEN—I would respectfully call your attention to the fact that the Central Plank Road Company has disposed of its bridge over White River to the County of Marion; that the transfer was made this date, and that I have been informed the said Company will order the lighting of the bridge by gas to be at once discontinued, so as to relieve themselves from the cost attached to such further continuance.

There is now a reflecting gas light at each end of this bridge, with meters attached to same. The safety of life upon such bridge, it is well known to you, depends upon its being well and uninterruptedly lighted.

I would, therefore, recommend that the lighting of said bridge be, for the present at least, at the city's expense; and that the Council

do now immediately order the monthly cost of the two lights spoken of to be added to the monthly public gas bills.

Respectfully.

GEO. H. FLEMING.

*City Gas Inspector.*

Which was concurred in.

Dr. Woodburn presented the following :

Weekly report of contents of register of patients in City Hospital, ending February 4, 1871 :

Number of patients in Hospital at last report.....	48
Number of patients received in Hospital since last report.....	11
Number of patients born in Hospital since last report.....	2
Number of patients discharged from Hospital since last report.....	14
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	47

E. HADLEY,

*Superintendent.*

Which was received.

#### REPORTS FROM COMMITTEES.

Mr. Brown made the following report :

INDIANAPOLIS, Feb. 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis :*

The select committee to whom was referred General Ordinance No. 3, concerning the further prevention of fires and the storage of oils, would respectfully report that a general ordinance on this subject is demanded by the public as a protection both to life and property. Your committee have framed a substitute for the ordinance referred to them, which they beg leave to submit as an amendment, and to recommend that it be passed by the Council at once.

Your committee have not overlooked the fact that there is a great growing mercantile interest to be affected by too stringent regulation

on this subject. They believe, however, that the ordinance herewith reported, while it affords protection to the public from the careless handling of oils, makes no unreasonable demands from those of our citizens interested in the trade, and if rigidly enforced, will rather increase than retard the business.

AUSTIN H. BROWN.

LEON KAHN.

Which was received.

Also the following ordinance :

An Ordinance concerning the further prevention of fires and the storage of oils.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That it shall be unlawful for any person or persons to keep, or knowingly suffer to be kept, upon sale or store, in any place or building within the corporate limits of the city, any crude petroleum, earth or rock oil, or any of its products, except under the following provisions:

1. Crude petroleum, earth or rock oil, or any of its products, may be stored in detached and properly ventilated warehouses, the outer walls of which shall be stone, brick or iron, specially adapted for the purpose by having raised sills at least two feet high, or the ground floor of which shall be at least two feet below the level of the street or adjoining yard; or so constructed as to actually prevent the overflow of such substances beyond the premises where the same may be kept or stored: which said warehouses shall not be occupied in any part as a dwelling—and if less than fifty feet from any adjacent dwelling, the same must be separated by a brick or stone wall at least ten feet in height and sixteen inches thick, constructed in such manner as the Chief Engineer of the Fire Department may prescribe.

2. No refined petroleum, kerosene, earth or rock oil shall be kept upon sale or stored within the corporate limits of the city the fire-test of which shall be less than one hundred and ten degrees Fahrenheit; said test to be determined by authorized inspectors, using the most improved instruments, the barrels or packages containing the same to be legibly stamped or marked with such inspector's stamp or mark.



3. No refined petroleum, kerosene, earth or rock oil, when stored above the cellar or basement of any building, and in barrels of not over forty-five gallons each, or in metallic vessels or tanks, shall exceed in the whole quantity the contents of five of said barrels, provided, however, that the whole quantity of said refined oils that may be so kept or stored over night, shall not exceed the contents of two of said barrels, unless stored in the manner provided for storing crude petroleum; and when stored in cellars or basements, such cellars or basements shall be surrounded by walls of brick or stone, and at least two feet below the level or grade of the sidewalk, street or land adjacent, and the whole quantity which may be stored therein shall not exceed the contents of twenty barrels, unless stored in warehouses specially adapted for that purpose, as required for the storage of crude petroleum under this section; provided, also, that no quantity of said oils greater than one barrel shall be stored or kept in any building occupied in any part thereof as a dwelling.

4. No benzine, benzole, gasoline, naphtha, camphene, burning fluid, turpentine or varnish shall be kept or stored on or above the first story or floor of any building exceeding in the whole quantity the contents of two barrels, nor more in quantity than the contents of five barrels in the whole, when stored below the first floor, unless kept in the manner provided for storing crude petroleum; nor shall more than one barrel in quantity of said last above named articles be kept in any building occupied in any part thereof as a dwelling.

5. In no case shall any of the articles named in this section be allowed to remain on the sidewalk beyond the front line of any building, or in or upon the streets or alleys of the city, or at railroad stations or depots a longer time than is actually necessary for the storage, removal or transportation of the same.

The City Marshal and Chief Fire Engineer, or either of them, are hereby authorized to search any building in which there shall be cause to suspect the keeping of any of such oils in violation of any of the provisions of this section, and in case of the discovery of any such oils therein in quantities greater than by this section allowed, or that the same is kept for sale or stored in violation of the provisions of this section, such oils shall be seized by such officers, or either of them, and removed to some safe place; and it shall be the duty of such officers or officer to prosecute the owner or occupant of the building before the Mayor, and in addition to the penalty required to be inflicted in case of conviction, he or they shall be adjudged to pay

the cost of removing such oils. Any person, persons or corporation for the violation of or non-compliance with any of the several provisions of this ordinance shall, on conviction before the Mayor, be fined in the sum of fifty dollars for each and every offense.

SEC. 2. This ordinance shall be in force from and after the first day of April, 1871, and the same shall be published once a week for two consecutive weeks in the *Daily Evening Commercial*, and it is further made the duty of the Mayor to issue his proclamation containing a copy of this ordinance, and cause the same to be published in each of the daily and weekly papers printed in the city of Indianapolis.

Which was read the first time.

Mr. Harrison made the following report :

INDIANAPOLIS, Feb 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis :*

GENTLEMEN—Your Special Committee, to whom was referred the "West End Bridge" question, beg to report that we have had the subject under consideration, and that there is a diversity of opinion among the members of the committee in relation to the matter, and we, therefore, cannot report any definite recommendation, and ask to be discharged from the further consideration of the subject.

Respectfully,

TEMPLE C. HARRISON,

JOHN PYLE,

EDWARD REAGAN,

Majority of the Com.

Which was received, and the committee discharged.

Mr. Kahn made the following report :

INDIANAPOLIS, Feb. 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis :*

GENTLEMEN—Your Committee appointed to look over and examine the bill of Spiegel, Thoms & Co., have attended to the same, and recommend that the same be allowed.

Respectfully submitted,

LEON KAHN,

J. MARSEE.

Which was concurred in.

Mr. Marsee made the following report :

INDIANAPOLIS, Feb. 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis:*

GENTLEMEN—Your committee, to whom was referred the remonstrance of the Cabinet Makers' Union against the erection of a varnish factory on the south-east corner of Ohio and Winston streets, would respectfully report that they have examined the same, and are of the opinion that the proprietors of the varnish works should be allowed to finish their building, and carry on their work without interference on the part of this Council.

Respectfully submitted,

J. MARSEE,  
ISAAC THALMAN,  
ED. REAGAN.

Mr. Heckman presented the following remonstrance :

INDIANAPOLIS, Feb. 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis:*

GENTLEMEN—The undersigned citizens and property holders of the Ninth Ward most respectfully petition your honorable body not to permit the erection of a varnish factory on the corner of Winston and Ohio streets, as the same will prove to be a nuisance to the neighborhood, and greatly increase the dangers of fires in the immediate vicinity.

Very respectfully,

CHAS. VOLLRATH,  
WM. AEBKER,  
ANDONY HUTH,  
ADOLP FREY,

And 30 others.

Mr. Cottrell presented the following :

INDIANAPOLIS, Feb. 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis:*

GENTLEMEN—Messrs. Ebner, Kramer & Aldag are the owners of lot 16, in square 61 (out-lot) on which they intend building a varnish



factory. I am informed that no offensive smell is produced—and think, if the building is encased in sheet iron, as is promised, that there is no extra danger from fire. I am the owner of the adjoining lots, and also owner of six dwelling houses in the vicinity of the above lot, and have no apprehension of danger.

E. S. ALVORD.

On motion, the report and remonstrance were referred back to the Committee on Fire Department.

Mr. Wiles introduced special appropriation ordinance No. 9, 1871, entitled :

An Ordinance appropriating money for the payment of sundry claims on account of Station House.

Which was read the first time.

On motion, by Dr. Woodburn, General Ordinance No: 76, 1870, appropriating money to aid in building bridge over White river, at west end of Washington street, was taken from the table and read the second time, and, after being amended, was ordered to be printed, and made the special order for next meeting.

An Ordinance appropriating money to aid in defraying the expense of building a new iron bridge over White river, at the west end of Washington street.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the sum of ten thousand dollars be and the same is hereby appropriated to aid in building the abutments for a new bridge over White river, at the west end of Washington street, and also to aid in building the iron structure on the aforesaid bridge.

SEC. 2. That the City Clerk is hereby directed to issue his warrants on the City Treasurer in favor of Thomas D. Kingan, George Merritt and David Gibson, the Commissioners appointed by the Board of County Commissioners to superintend the construction of said bridge, provided, that the City Clerk shall issue his warrants upon certificates to be made from time to time, as the work progresses, by the City Civil Engineer.

SEC. 3. This ordinance shall be in force from and after its passage.

The following ordinances were read the second time and ordered to be engrossed :

General Ordinances Nos. 1 and 2, 1871.

Special appropriation ordinance No. 8, 1871.

Special appropriation ordinance No. 9, 1871.

Special appropriation ordinance No. 10, 1871.

ORDINANCES ON THIRD READING.

Special appropriation ordinance No. 9, 1871, appropriating money for the payment of sundry claims on account of Station House, was read the third time, and passed by the following vote :

Affirmative—Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Reagan, Shepherd, Thalman, Whitsit, Wiles and Woodburn—15.

Negative—none.

Special appropriation ordinances Nos. 8 and 10, 1871, appropriating money for the City Hospital and for the payment of claims for printing, were read the third time, and passed by the following vote :

Affirmative—Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Reagan, Shepherd, Thalman, Whitsit, Wiles and Woodburn—15.

Negative—none.

General ordinance No. 1, 1871, entitled :

An Ordinance to extend the limits of the Third Ward, in the city of Indianapolis.

Was read the third time, and passed by the following vote :

Affirmative—Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Locke, Marsee, Pyle, Reagan, Thalman, Whitsit, Wiles and Woodburn—13.

Negative—Councilman Kennington.

General ordinance No. 2, 1871, entitled :

An Ordinance to extend the First, Second and Ninth wards of the city of Indianapolis.

Was read the third time, and passed by the following vote:

Affirmative—Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Reagan, Shepherd, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—none.

Mr. Whitsit presented the following petition :

INDIANAPOLIS, Feb. 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis:*

GENTLEMEN—Michael N. Sullivan respectfully represents to the Common Council of the City of Indianapolis, that on or about the — day of —, 1868, said Council appointed certain Commissioners to examine and appraise the benefits and damages accruing to your petitioner's real estate, being lot No. 10 in I. Coe's Subdivision, of out-lot No. 91, in the city of Indianapolis, for a strip of ground to be taken off the east side of said lot No. 10, 14½ feet wide and 140 feet long, in widening a certain alley to be called Dillon street; that said widening has not yet been made, but that by a recent order of your Council, the same is shortly to be made. He further represents that said Commissioners reported the damages of petitioner at \$98 and his benefits at \$70, leaving only \$28 dollars to be paid your petitioner, which amount he believes to be entirely too little for his real damages in said lot when taken for said widening of said Dillon street. Wherefore he prays the Council to cause a re-appraisement of said lot to be made before appropriating said ground, and your petitioner will ever pray.

M. N. SULLIVAN.

Which was referred to the Committee on Streets and Alleys.

Mr. Brown presented the following :

INDIANAPOLIS, February 13, 1871.

*To the Mayor and Common Council of the City of Indianapolis :*

GENTLEMEN—I most respectfully petition your honorable body for permission to erect a sign post of the following dimensions: Hight about ten feet, three by four inches in size, a transparent light placed thereon, to be erected at No. 104 south Illinois street.

Most respectfully.

SAMUEL H. COLE.

Which was granted.

On motion the Council adjourned.

DANIEL MACAULEY,  
*Mayor.*

ATTEST :

D. M. RANSELL,  
*City Clerk.*