

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, Jan. 20, 1873, 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 Batty, Bigham, Bollman, Cottrell, Craft, Gibson,
Gimber Hardesty, Kahn, Kennington, Pressly, Reagan, Rush,
Sherwood, Thalman, Whitsit, Wiles and Woodburn—18.

Absent—None.

The proceedings of the regular session, held January 13th,
1873, were read and approved.

Mr. Sherwood, from the Committee on Contracts, made the following report :

INDIANAPOLIS, Jan. 20, 1873.

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

GENTLEMEN :—Your Committee on Contracts, to whom was referred sundry proposals for building two cisterns, one at the corner of Malotte avenue and Lincoln street, and one at the corner of West and Thomas street, have examined the same and find them to be as follows, to-wit :

Joseph Kruger, one at the corner of Malotte avenue and Lincoln street, at 65 cents per barrel.

Joseph Kruger, one at the corner of West and Thomas streets, at 64 cents per barrel.

Dewey and Twinam 94 cents per barrel for both cisterns.

R. M. Riner 90 cents per barrel for one at the corner of Malotte avenue and Lincoln street, and 68 cents for one at the corner of West and Thomas streets.

Joseph Kruger, being the lowest and best bidder, we would recommend that he be awarded the contract at price bid.

Respectfully submitted,

L. Q. SHERWOOD,
ISAAC THALMAN,
H. S. BIGHAM,
Committee on Contracts.

Which was concurred in and contract awarded.

Also, the following report :

INDIANAPOLIS, Jan. 20, 1873.

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

Your Committee on Contracts, to whom was referred sundry proposals for grading and graveling the alley running east and west through squares 17 and 18, have examined the same, and find them to be as follows, to wit :

R. P. Dunning 49 cents per front foot on each side of the line improved.

Samuel Lefever 37½ cents per lineal foot front on each side of the line improved.

James Mahoney 30 cents per lineal foot front on each side of the line improved.

Samuel Hanway & Co. 23 cents per lineal foot front on each side of the line improved.

Messrs. Hanway & Co. being the lowest and best bidders we would recommend that they be awarded the contract for the improvement of said alley.

Respectfully submitted,

L. Q. SHERWOOD,
ISAAC THALMAN,
H. S. BIGHAM,
Com. on Contracts.

Which was concurred in and contract awarded.

The City Clerk made the following report:

OFFICE OF CITY CLERK, }
INDIANAPOLIS, Jan. 20, 1873. }

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

GENTLEMEN:—The City Clerk would respectfully report that there are on file in his office affidavits for the collection of street assessment by precept as follows:

Hiram Seibert vs. J. M. W. Langsdale, for.....\$10 50
“ “ vs. Mary Chumley, for..... 73 44

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

Respectfully Submitted,

JOHN R. CLINTON, City Clerk.

Which was concurred in and precepts ordered to issue.

The City Marshal made the following report:

INDIANAPOLIS, Jan. 20, 1873.

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

GENTLEMEN:—I have notified the owners of the wagon scales at No. 185 Indiana avenue to move the same and pla^ce the street in good condition within 30 days from January 17, 1873.

Respectfully submitted,

THOMAS D. AMOS, City Marshal.

Which was received.

The Board of Health submitted the following report :

INDIANAPOLIS, Jan. 20, 1873.

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

GENTLEMEN:—The Board of Health submits the following mortality report for the week ending Jan. 20, 1873 :

Under 1 year.....	6
From 1 to 2 years	2
From 2 and 5 years	3
From 5 to 10 years.....	0
From 10 to 15 years.....	4
From 15 to 20 years.....	1
From 20 to 25 years.....	1
From 25 to 30 years.....	1
From 30 to 40 years..	2
From 40 to 50 years..	1
From 50 to 60 years.....	1
From 60 to 70 years.....	0
From 70 to 80 years..	0
From 80 to 90 years.....	1
From 90 to 100 years.....	0
100 and upwards.....	0
Unknown.....	0
Total.....	23

Respectfully submitted,

J. A. COMINGOR, M. D., Pres't.

W. WANDS, M. D., Secretary.

Which was received.

Dr. Woodburn introduced general ordinance No. 3, 1873, entitled :

An ordinance to relieve the property owners upon and along Illinois street from the payment of a tax levied by the Common Council for the construction of a public sewer in said street.

Which was read the first time.

On motion by Dr. Woodburn, the special order for the session, viz., the report of the Committee on Sewers, made to Council August 12th, 1872, was taken up.

Mr. Kahn moved that the report be concurred in.

The subject was discussed at some length, when Mr. Batty moved that the whole matter be postponed until Friday January 24th, 1873, 7 o'clock, P. M.

The question being on the adoption of Mr. Batty's motion to postpone,

The ayes and noes were demanded.

Those who voted in the affirmative were Councilmen Batty, Cottrell, Craft, Gimber, Hardesty, Kahn, Pressly, Thalman, Whitsit and Wiles—10.

Those who voted in the negative were Councilmen Bigham, Bollman, Gibson, Kennington, Reagan, Rush, Sherwood, and Woodburn—8.

So the motion to postpone was adopted.

Mr. Batty moved that when the Council adjourn it be to meet Friday January 24th, 1873, at 7 o'clock, P. M.

Which motion was adopted.

CALL OF THE ROLL OF MEMBERS

For the Presentation of New Business.

Mr. Batty presented the following petition:

INDIANAPOLIS, Jan. 02, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on Washington street, between Pennsylvania and Delaware streets, respectfully petition your honorable body to pass an ordinance providing that Expressmen shall not stand in front of our business houses during the day time with their wagons, as it has ruined our business in that locality in a great measure.

And your petitioners will ever pray, &c.

A. Metzner, John F. Mayer, A. L. Hunt, Bristor & Co.,
T. Zumbush, W. H. Turner, and 2 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Gibson offered the following :

INDIANAPOLIS, Jan. 20, 1873.

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

GENTLEMEN:—Having removed from the Fourth Ward I respectfully tender you my resignation as Councilman for said Ward, to take effect on Monday the 5th day of May, 1873.

DAVID GIBSON.

Which was unanimously rejected.

Mr. Hardesty presented the following report of the City Gas Inspector.

INDIANAPOLIS, Jan. 20, 1873.

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

The following is a report of the number of public lamps lighted and the number of extra hours they have been kept burning during Dec., 1872 :

The illuminating power of the gas and recommendations regarding the public lamps and the lighting of the same :

Number of public lamps burned.....	1,714
Increase since November.....	7
Hours burnt as required by time table.....	215 h. 10 m.

Extra hours burned :

December 2d.....	0 hours 30 minutes.
“ 3d.....	1 “ 30 “
“ 4th.....	2 “ 45 “
“ 5th.....	3 “ 00 “
“ 6th.....	3 “ 30 “
	11 h. 15 m

Total hours burnt.....	226 h. 25 m
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Average candle power.....	15.
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Total cost of lighting city for December, as per gas bill.....	\$4,619 36.
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Deduct value of 42,750 cubic feet for lamps not burned.....	128 25.
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Amount due Gas Company.....	\$4,491 11
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Remarks:—All omissions in the lighting of street lamps in the city should be reported to me in writing, and signed by the party observing the fact. This will give the Gas Inspector an opportunity to have the matter corrected.

The contract with the Gas Company requires said company to have the lamps lighted. This contract will expire next May, and I am informed by the President of the Gas Company that hereafter they will not undertake

the lighting, and the Council will have to consider the subject in time to have arrangements completed to take charge of the lighting. In order to secure the best possible light for the amount of gas burned in the public lamps, it would be well to divide the city into about four districts and employ a suitable person in each district to light and keep the lamps in perfect order. The police should also be furnished with matches, and when a lamp is found blown out or neglected, they should be required to light it, and report all dereliction of duty on the part of the lamp tenders.

The burners should be tested and selected by the Gas Inspector, so as to secure a kind that will give the largest amount of light from the quantity of gas burnt.

Respectfully submitted,

E. T. COX, City Gas Inspector.

Which was received.

Mr. Hardesty, from the Committee on Gas Light, made the following report :

INDIANAPOLIS, Jan. 20, 1873.

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

GENTLEMEN :—Your Committee on Gas, to whom was referred a motion introduced by W. H. Craft, Esq., Councilman from the First Ward, directing the Committee on Contracts to purchase and have erected on all the street lamps, at the corners of all streets intersected by Washington, South and New Jersey streets, running east and west, the Atherton Street Marker, would respectfully report that in our opinion the same is not what is desired, but in lieu thereof would recommend that the name of the streets be painted on the glass of the street lamps, in said limits, inasmuch as said lamps have been erected with that object in view, and that where there is no lamp posts on the corners, that the name of the streets be painted on tin strips and fastened upon the buildings.

Respectfully submitted,

E. J. HARDESTY,
ISAAC THALMAN,

Com. on Gas.

Which was concurred in and approved.

Mr. Kahn offered the following motion :

Moved, That the City Marshal be, and is hereby, instructed to notify the owners of the Hotel building on the corner of Pennsylvania and Ohio streets, to remove the two top stones on the north-west corner of said building, the

same being in a very dangerous position, and in case of refusal to remove the same, or place the same in a safe position, within five days, the Marshal will remove the same and charge expense to property owners.

Which was referred to the Committee on Streets and Alleys.

Mr. Kennington offered the following resolution :

Resolved, That Brown, Frank and Ketcham are hereby permitted to grade the lots, streets and alleys east of Delaware street, in Caven's new subdivision of out-lots 107 and 108: Provided the said grading be done at their expense, and the City Engineer is hereby directed to place the grade stakes for that purpose.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit, Wiles and Woodburn—18.

Negative—None.

Mr. Thalman offered the following motion :

Moved, That an extension of time be granted to Samuel Keers, contractor for grading and graveling Agnes street and sidewalks from New York to North street, until May 1st, 1873.

Which was adopted.

Mr. Thalman offered the following motion :

Moved, That the City Clerk be requested to renew the Insurance Policies that have expired on White River Bridge on the National Road.

Which was referred to the Committee on Bridges, with instructions to insure said bridge at the lowest obtainable rates.

Mr. Wiles presented the following :

INDIANAPOLIS, Jan. 6, 1873.

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

GENTLEMEN :—We, the undersigned, citizens and property owners interested, respectfully petition your honorable body to take some action in the matter of condemning, for the purposes of a street, so much of the Pendleton Gravel Road—as lies within the corporate limits of the city, as per plats filed herewith, and your petitioners will ever pray.

Ingram Fletcher, The Sewing Machine Cab. Co., per S.
M., S. Morris and Bennett F. Morris.

Which, together with the plat, was referred to the City Commissioners and City Solicitor.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, Jan. 20, 1873.

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

GENTLEMEN :—We, the undersigned, citizens and property holders residing on Indiana avenue, do hereby petition your honorable body to reconsider your order in regard to the scales in front of 185 Indiana avenue, and let them remain where they are, as we consider them a public benefit.

Ed. R. Moody, Chas. W. Moody, A. Caylor, James Gibson, J. Lintner, and 17 others.

Mr. Craft moved to refer to the Committee on Streets and Alleys, together with all papers heretofore presented to Council in regard to said scales, and that the action of the Council by which the City Marshal was instructed to move said scales be reconsidered and suspended until such time as the Committee shall report upon the same.

Which motion was adopted.

Dr. Woodburn presented the following communication :

CINCINNATI, Jan. 18, 1873.

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

The undersigned would respectfully represent to your honorable body that having purchased at judicial sale the property and effects of the Junction Rail-

road running into your city, and reorganized under the corporate title of the Cincinnati, Hamilton and Indianapolis Railroad Company, they propose to put the whole property in thorough repair and working condition.

With this view we find we shall need more property in and about your city; we find a certain property, purchased by the late company of J. K. Sharpe, cut by two streets ordered by your Council, which we propose to occupy with our Machine Shops and Repair Yards. If so much of said streets shall be vacated as may interfere with such use, we propose to occupy all the triangle lying between the main track and the Michigan Road, and west of State avenue; such vacation will greatly facilitate such use of all the grounds indicated, and is indispensable to it.

The crossings of State ave and Michigan Road, and Oriental street, we propose and agree to keep in good condition and free for the passage of the public, and further to maintain such shops as may be needed at Indianapolis for the proper maintenance of the Road.

We therefore pray your honorable body to enter such order of vacation as will meet the object indicated herein.

The Cincinnati, Hamilton & Indianapolis R. R. Co.,

By D. McLAREN, President.

Which was referred to the Committee on Streets and Alleys and City Solicitor.

Mr. Craft, from the Select Committee, submitted the following report:

INDIANAPOLIS, Jan. 20, 1873.

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

GENTLEMEN:—The Special Committee appointed to investigate charges against the officers in charge of and persons employed about the City Pest House, respectfully report:

That we have, as we think, given the matter as full and thorough an investigation as the time and circumstances would permit. So far as could be done witnesses were notified, and through the public newspapers notice was given, and all persons who had any knowledge of the matter invited to attend the meeting of the Committee. Wm. Costello and Henry Engleson are the only persons of all who have been treated who make any complaint, and they make none of either of the physicians. So far as the conduct of the physicians is concerned, we find nothing to censure, but believe they have done the best they could possibly do with the means at their command. The case of Hiles was a peculiar one, for after he became able to leave his bed and walk, he continued to foul it in the most filthy manner, and the direction to King to "larrup him" if he did not quit the filthy practice, was intended to

frighten him and to put an end to this filthy practice. After this direction was given, Hiles was not again guilty of the filthy act in his bed or on the floor.

Costello and Engleson do not, in many essential particulars, agree in their statements, but they substantially agree upon two material matters, viz., the condition in which the rooms were sometimes kept, and the sale of whisky by King. The committee are inclined to think that King was reprehensible in these particulars. The witness, Costello, was for about two weeks after his admission to the Pest House, blind, and much of this time delirious, and upon this ground the committee account for many seeming contradictions in his testimony.

The groceries bought for the Pest House are not paid for by the city, but by King. The manner in which the business is transacted being that Dr. Mears pays the bill for King, and with the money of King which he draws from the city to pay King the price for boarding patients, which is five dollars per week. The whisky got by King from Corbaley was not paid for by the city but by King.

The food furnished by King was occasionally seen by Drs. Mears and Davis, and they found at such time the patients supplied with proper food. Dr. Mears testifies that he very often asked Costello if he had proper food and plenty of it, and that Costello invariably answered "yes." Costello testifies that he got but one dose of medicine, a dose of salts. Dr. Mears testifies that he must have got all the medicine ordered as he observed its effects, and that the case of Costello was a bad one, and had the proper remedies not been taken, he could not have recovered. Engleson, King and the others show beyond question that Costello did get medicine. No one having heard all the evidence can resist the conclusion that the statements made by Costello against the Institution are considerably exaggerated. Without going into detail, which would consume much time, the committee report as their conclusions:

That so far as the physicians, Dr. Mears and Dr. Davis are concerned, they are not censurable.

That King is, at times, rough in language and manner, but that he has not been shown to be guilty of gross barbarity or inhumanity. That he has not been as careful about the cleanliness of the Institution or the care of the patients as he should be.

That, at the instance of Costello, he purchased whisky for said Costello, and did sell this article to Costello, Engleson and Hiles. For these reasons your committee recommend that Dr. Mears be instructed to, so soon as it can be properly done, employ some one else to take charge of the Pest House, and that King be removed from the position he now holds.

The Pest House is very small, utterly unfit for the purpose for which it is used, and very scantily furnished; and your committee recommend that a sufficient appropriation be made in order to render the Pest House as commodious and comfortable as the exigencies of the case require, believing that

the health and well being of the city demands it. The personal inspection of the House has been left to the Board of Health, with instructions to make a thorough examination of the premises, and report to this Council what, in their judgment, would be necessary in order to properly equip the House to answer the purpose for which it was instituted. They have performed that duty, and their report is herewith submitted as a part of the full report on the subject under investigation.

W. H. CRAFT,
ISAAC THALMAN,
THOMAS COTTRELL,
BYRON K. ELLIOTT,
Committee.

Which was concurred in.

Mr. Craft, also, submitted the following from the Board of Health:

INDIANAPOLIS, Jan. 20, 1873.

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

GENTLEMEN:—The Board of Health, to whom was referred the investigation of the Small Pox Hospital, discharged that duty Thursday the 16th inst., and beg leave to submit the following report:

The evidence as to the management of the Hospital was taken under oath and has been submitted to your committee for their action.

The building scarcely deserves the name of hospital, there being only two rooms which can be used as wards in the winter season, and will only accommodate five patients. The sanitary condition of the building was not the most desirable. Evidently there had not been by the keeper sufficient attention given to cleanliness. Cleanliness is an essential feature in the management of all well-regulated hospitals, and a small-pox hospital should be no exception to this rule. To carry out this main feature certain conditions are necessary.

1st. A conveniently arranged building with ample room and the necessary facilities and abundance of help, none of which exist under the present management.

By reference to the evidence it will be seen that patients were well satisfied with the fare, testifying that they had the kind of food and as much of it as they desired. Mrs. King bears the reputation of being an excellent cook.

In concluding our report, we would respectfully submit the accompanying plan for additions to the present building, and recommend that you, without

delay, appropriate means sufficient to make these much needed improvements.

J. A. COMINGOR, M. D.,
Pres't Board of Health.

W. WANDS, M. D., Secretary.

Which was concurred in, and the plans, &c., were referred to the Committee on Public Buildings.

By consent, Mr. Gibson offered the following motion :

Moved, That the Physician in charge of the Small-Pox Hospital be, and he is hereby, directed to have the stores for said Hospital purchased as near as practicable in same manner as the stores are purchased for the City Hospital.

Which was referred to the Committee on Benevolence and Dr. Mears.

By unanimous consent the rules were suspended for the purpose of taking up, reading the second and third times, and placing on its passage special ordinance No. 1, 1872, entitled :

An ordinance to provide for grading and paving with Ballard block pavement Delaware street, from the south line of St. Clair street to the south line of Tinker street, the sidewalks to be curbed with stone on either side of said pavement.

Which was read the second time and, on motion by Mr. Kahn, amended so as to read "Ballard or other wooden block pavement."

The ordinance was then ordered engrossed, and read the third time and passed by the following vote :

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit, Wiles and Woodburn—18.

Negative—None.

Mr. Craft presented the following account:

January 16, 1873.

The City of Indianapolis,	To R. O. Hawkins,	Dr.
To services in taking depositions at Pest House, in Pest House investigation, and clothing used and abandoned.....\$50 00		

I indorse the above account, and recommend its payment.

J. A. COMINGOR,
Pres't Board of Health.

Which was referred to the Committee on Accounts and Claims.

On motion the Council adjourned until Friday January 24th, 1873, 7 o'clock, P. M.

DANIEL MACAULEY, Mayor.

ATTEST:

JOHN R. CLINTON, City Clerk.