

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, Jan. 27, 1873, 7 o'clock, P. M. }

The Common Council met in regular session.

Présent—His Honor, the Mayor, Daniel Macauléy, in the chair,
and the following members :

Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber,
Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood,
Thalman, Whitsit, Wiles and Woodburn—17.

Absent—Councilman Bigham—1.

The Board of Health submitted the following report:

INDIANAPOLIS, Jan. 27, 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. 27, 1873:

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

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

The City Commissioners submitted the following report:

INDIANAPOLIS, Jan. 27, 1873.

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

GENTLEMEN:—The Board of City Commissioners have acted in the case of widening and extending Locke street, from Indiana avenue to Elizabeth st., referred to them by your honorable body for the assessment of damages and benefits resulting from such extension and widening, and would report as follows:

We have appraised the entire damages, being the value of the strips of ground taken for said widening and extension, at the sum of \$980.

We have estimated and appraised the entire benefits resulting from the said widening and extension to property, at \$980.

Of the benefits assessed, we estimate the amount to be paid by the city of Indianapolis (on her hospital property), at the sum of \$175.

The damages and benefits are set out in detail in the following schedule:

Damages to the city of Indianapolis for a strip of ground ten feet wide, taken off the east side of the City Hospital Block, in out-lot 158.....	\$150 00
Benefits to the City Hospital property in increasing its value by opening said 50 foot street from the avenue to Elizabeth street, in out-lot 158.....	325 00
Balance of benefits to the City on said block	\$175 00
Damages to Abraham Salle for a strip of ground ten feet in width off the east end of lot 14 in Wiley's sub. of block 6, in L. & U. M. R. R. Co.'s sub. of out-lot 158.....	\$16 00
Benefits to said Salle on said lot.....	24 00
Balance of benefits to said Salle on said lot.....	\$8 00
Damages to said Salle for strip ten feet wide off east end of lot 15 in in said last named sub.....	\$16 00
Benefits to said Salle on said lot.....	24 00
Balance of benefits to said Salle on said lot.....	\$8 00
Damages to said Salle for strip ten feet wide off east end of lot 16 in said sub.....	\$17 00
Benefits to said Salle on said lot.....	25 00
Balance of benefits to said Salle on said lot.....	\$8 00
Damages to said Salle for strip ten feet wide off east end of lot 17 in said sub.....	\$17 00
Benefits to said Salle on said lot.....	25 00
Balance of benefits to said Salle on said lot.....	\$8 00
Damages to said Salle for strip ten feet wide off east end of lot 18 in said sub.....	\$17 00
Benefits to said Salle on said lot.....	26 00
Balance of benefits to said Salle on said lot.....	\$9 00
Damages to said Salle for ten feet off east end of lot 19 in said sub.	\$17 00
Benefits to said Salle on said lot.....	26 00
Balance of benefits to said Salle on said lot.....	\$9 00
Damages to Willis W. Wright for strip nine feet five inches wide off the east end of the north half of square five, in Harris's sub. of out-lot 157.....	\$80 00
Benefits to said Wright on said part of said square.....	120 00
Balance of benefits to said Wright on said tract.....	\$40 00

Damages to Mary A. Day for a strip nine feet five inches wide off the east end of the south half of square five, in Harris's sub. of out-lot 157.....	\$100 00
Benefits to said Day on said tract.....	100 00

Balance of benefits to said Day on said tract..... \$ 0 00

Damages to Mary A. Day for strip 25 feet 7 inches wide off the west end of the south half of square 6, in Harris's sub. of out-lot 157..	\$275 00
Benefits to said Day on said tract.....	00 00

Balance of damages to said Day on said tract..... \$275 00

Damages to Mary A. Day for strip 25 feet 7 inches wide off the west end of the north half of square 6, in Harris's sub. of out-lot 157..	\$275 00
Benefits to said Day on said tract.....	00 00

Balance of damages to said Day on said tract.. \$275 00

Benefits to S. A. Colley's heirs on lot 10 of Athon's sub. of part of out-lot 158.....	\$30 00
Benefits to Henry Thomas on lot 9 of the same sub. above named...	30 00
Benefits to James S. Athon on lot 8 of said sub.....	30 00
Benefits to H. A. Anderson on lot 7 of said sub.....	30 00
Benefits to Wolf Bernnauer on lot 6 of said sub.....	30 00
Benefits to Eliza Franklin on lot 1 in Fronk & Ray's sub of part of out-lot 158.....	10 00
Benefits to Lewis Swink on lot 2 in the sub. last above named.....	10 00
Benefits to Alfred Moden on lot 3, said sub.....	10 00
Benefits to Jno. H. Kappes on lot 4, said sub.....	10 00
Benefits to P. & J. Sanders on lot 5, said sub.....	10 00
Benefits to J. W. Ely on lot 6, said sub.....	8 00
Benefits to William Johnson on lot 7, said sub.....	8 00
Benefits to Lavinia Wells on lot 8, said sub.....	8 00
Benefits to Charles or Elizabeth Asmus on lot 9, said sub.....	8 00
Benefits to N. & M. Milton on lot 10, said sub.....	8 00
Benefits to H. B. Meyer on lot 1 of Waldo's sub. of part of out-lot 158.....	6 00
Benefits to Mrs. Mary T. Mc. Waldo on lot 2 in the sub. last above named.....	6 00
Benefits to said Waldo on lot 3, said sub.....	6 00
Benefits to said Waldo on lot 4, said sub.....	5 00
Benefits to said Waldo on lot 5, said sub.....	5 00
Benefits to said Waldo on lot 6, said sub.....	4 00
Benefits to said Waldo on lot 7, said sub.....	4 00

Benefits to said Waldo on lot 8, said sub.....	4 00
Benefits to said Waldo on lot 9, said sub.....	5 00
Total damages.....	\$980 00
Total benefits.....	\$980 00

Respectfully submitted,

JOSEPH M. SUTTON,
IGNATIUS BROWN.
SAMUEL M. SEIBERT,
WM. S. HUBBARD,
Board City Commissioners.

Which was received.

ORDINANCES ON FIRST READING.

Mr. Kennington presented the following petition :

INDIANAPOLIS, Jan. 27, 1873.

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

GENTLEMEN :—The undersigned, owner of some real estate fronting on Nebraska street, between Japan street and Madison avenue, respectfully petition your honorable body to pass an ordinance providing for the grading of Nebraska street and graveling the sidewalks of the same with good river or creek gravel. And your petitioner will ever pray, &c.

JAMES FRANK.

Which was received.

Mr. Kennington introduced special ordinance No. 5, 1873, entitled :

An ordinance to provide for grading and graveling Nebraska street and sidewalks from Japan street to Madison avenue.

Which was read the first time.

Mr. Cottrell introduced special ordinance No. 6, 1873, entitled :

An ordinance to provide for grading and graveling Yeiser street and sidewalks from the Madison Road (or avenue) to Japan (or East street.)

Which was read the first time.

Mr. Rush presented the following petition :

INDIANAPOLIS, Jan. 2, 1873.

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

GENTLEMEN :—The undersigned, owners of the real estate fronting on the alley running north and south, between Market and Ohio streets, and between Winston and Highland streets, in out-lot 61, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling of said alley. And your petitioners will ever pray, &c.

John Herrman, A. F. Wiese and Henry Wiese.

Which was received.

ORDINANCES ON SECOND READING.

General ordinance No. 1, 1873, entitled :

An ordinance providing for the construction of a sewer on Second street, between Illinois and Meridian streets,

Was taken up, read the second time, and, on motion, referred to the Committee on Sewers and Sewer Engineer.

General ordinance No. 70, 1872, entitled :

An ordinance providing for the construction of a sewer in Potomac alley, from Meridian street to Severn alley.

Was taken up, read the second time and ordered engrossed.

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.

Was taken up and, on motion, stricken from the files.

By unanimous consent the rules were suspended for the purpose of taking up and considering the report of the Special Com-

mittee in regard to the condition and location of establishments for rendering animal offal, &c., made to Council Sept. 24, 1872.

Said report was taken up, read by the Clerk and concurred in.

His Honor, the Mayor, appointed as such Committee Councilmen Gibson, Rush and Bollman, and citizens Geo. T. Evans, A. Naltner, W. P. Gallup and George Merritt.

Mr. Gimber presented the following petition :

INDIANAPOLIS, Jan. 27, 1873.

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

The undersigned respectfully petition your honorable body for the privilege of erecting and operating in the south-western limits of the city, near the river, such buildings and machinery as may be necessary for the manufacture of grease fertilizers and such other products to be obtained from refuse of slaughter houses, dead animals, bones, &c.

We believe that with proper machinery and appliances the business can be carried on so as not to be offensive—and if our company can get a permit to build we can concentrate all the bone-boiling, dead-animal-rendering, and such like business in our place, and be able to use all the late inventions in machinery, &c., for preventing the nuisance such establishments often are.

If your honorable body do not see fit to grant us the permit, we petition you to appoint a committee to confer with our Company and help locate a place for such business, as you must be aware some place must soon be provided to get rid of the refuse animal matter of the city.

Very respectfully,

INDIANA FERTILIZER CO.

By G. T. EVANS, Secretary.

Also, the following remonstrance :

INDIANAPOLIS, Jan. 20, 1873.

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

GENTLEMEN:—The undersigned, owners of real estate in the Fifth Ward, respectfully petition your honorable body to pass an ordinance providing that Messrs. Kingan & Company be prohibited from erecting any building in said

Ward, for the purpose of turning the offal of their slaughter house into manure. And your petitioners will ever pray, &c.

John Ott, John Eberhardt, J. W. Hudson, E. J. Hudson, and 38 others.

Which were, on motion, referred to the above mentioned Special Committee.

Mr. Gimber also offered the following motion :

Moved, That the City Marshal be, and he is hereby, directed to notify Kingan & Co. to cease hauling, at once, the offal from their slaughter house on to the property known as Widow Long's property, on Dacotah street.

Which was adopted.

Mr. Batty, from the Select Committee, made the following report :

INDIANAPOLIS, Jan. 27, 1873.

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

Your Committee, to whom was referred the ordinance to protect the Tunnel on Illinois street from becoming a nuisance, respectfully report the accompanying ordinance as a substitute therefor.

Your Committee would further recommend the adoption of the following resolution :

Resolved, That a reward of Five Dollars be paid to every person who shall cause the arrest and secure the conviction of any person who shall violate the first section of an ordinance entitled "An ordinance to define and punish nuisances,

Respectfully submitted,

JOHN H. BATTY,
HENRY GIMBER,
W. H. CRAFT,

Committee.

Which was concurred in, and resolution adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Rush, Sherwood, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—Councilman Reagan—1.

General ordinance No. 2, 1873, entitled :

An ordinance to define and punish nuisances, as reported by the committee.

Was taken up, under a suspension of the rules, and read the first, second and third times, and passed by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Rush, Sherwood, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—Councilman Reagan—1.

General ordinance No. 66, 1872, entitled :

An ordinance to amend section 14 of an ordinance, entitled " An ordinance relative to the licensing and regulating of certain extraordinary trades and establishments," ordained May 4th, 1869.

Was taken up, read the second time and ordered engrossed.

General ordinance No. 77, 1872, entitled :

An ordinance to prevent the playing of the game of Billiards, Bagatelle, or Pigeon-Hole, on the first day of the week, commonly called Sunday.

Was taken up, read the second time, when

Dr. Woodburn introduced the following entitled ordinance as an amendment thereto :

General ordinance No. 4, 1873, entitled :

An ordinance concerning the retailing of intoxicating liquors.

Which was read the first time.

When Mr. Craft offered the following amendment :

Or to be sold or drank on the premises on the first day of the week, called Sunday.

Which was accepted.

Mr. Gimber offered the following amendment :

Amend by inserting in the proper place—

That any person found visiting a saloon where intoxicating liquors are sold or offered for sale, on the first day of the week, commonly called Sunday, shall, upon conviction before the Mayor, be fined in any sum not exceeding ten dollars.

Which was accepted.

His Honor, the Mayor, offered the following amendment :

Provided, if said person shall prove the visit was made for a lawful purpose or on legitimate business, the penalty shall not attach.

Which was also accepted.

Mr. Batty moved that both ordinances and amendments be referred to the Committee on Revision of Ordinances and City Solicitor, with instructions to prepare and report an ordinance governing the matter provided for in said ordinances and proposed amendments.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Gibson, Pressly, Rush, Sherwood, Thalman, Whitsit, Wiles and Woodburn—10.

Negative—Councilmen Cottrell, Craft, Gimber, Hardesty, Kahn, Kennington and Reagan—7.

By consent, Mr. Craft presented the following petition :

INDIANAPOLIS, Jan. 27, 1873.

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

The undersigned did on Nov. 7th, 1872, pay to John W. Coons, Treasurer of the City, the sum of \$249.20 for taxes assessed for city purposes against part of the east half southwest quarter of section 6, township 15, north of range 4 east, containing 21.82-100 acres. The payment was made upon the demand of said Treasurer. Your petitioner learns from a recent decision, made by the Supreme Court of the State of Indiana, that the said land was

not taxable for city purposes, and therefore prays your honorable body to refund to him this tax of \$249.20 erroneously paid.

Respectfully,

S. A. FLETCHER.

Which was referred to the Committee on Finance and City Solicitor.

By consent, Mr. Gibson offered the following motion :

Moved, That Swing & Woollen be, and are hereby, granted further time, not exceeding fifteen days, to remove the earth in front of their new building corner of Pennsylvania street and Massachusetts avenue.

Which was adopted, provided said parties make said sidewalk passable within 24 hours from the service of such notice.

By consent, Mr. Pressly offered the following motion :

Moved, That the Street Commissioner be, and is hereby, instructed to remove the ice from the gutter on the west side of East street from Louisiana street to Pogue's Run, so the water can flow therein. Immediate action in this case will save the city from several suits for damages.

Which was adopted.

Also, the following motion :

Moved, That the City Marshal be instructed to notify the Superintendent of the Indianapolis, Cincinnati and Lafayette Railroad Company, or other person having charge of said Railroad, to prevent the water from flowing from their engine house at the east end of Louisiana street, and from their water tank located on Louisiana street near East street, in said city, from flowing in the gutters, and upon and along East street north of the track of said Railroad immediately. And in case the said Railroad Company shall fail or neglect to comply with the above requirement, then it shall be the duty of the City Attorney to prosecute all persons connected with or in any manner causing such flow of water, for erecting and maintaining a public nuisance, before the Mayor.

Which was adopted.

Mr. Batty offered the following motion :

Moved, That the City Clerk advertise for proposals for putting in a cistern of at least 800 barrels dimension at the corner of Tinker street and College avenue, or at such other place in that immediate neighborhood as the Chief Fire Engineer shall deem best.

Which was referred to the Committee on Fire Department and Chief Fire Engineer.

Mr. Thalman offered the following motion :

Moved, That C. Hegerhorst have permission to erect a wooden awning in front of his place of business on West Ohio street.

Which was adopted.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST :

JOHN R. CLINTON, City Clerk.