

# PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—SEPTEMBER 8, 1879.

The Common Council of the City of Indianapolis met in the Council Chamber, on Monday evening, September 8th, A. D. 1879, at half-past seven o'clock, pursuant to adjournment.

**PRESENT**—Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the chair, and 19 members, viz.: Councilmen Bermann, Bieler, Brown, Bryce, Carey, Dowling, Downey, Harmentig, Kahn, King, Lamb, Morrison, McKay, Rooker, Sheppard, Shilling, VanVorhis, Wiese, and Wood.

**ABSENT**—Councilmen Hamilton, McGinty, O'Connor, Pearson, Prier, and Tucker—6.

The Proceedings of the second and third sessions of the Board of Equalization, held on August 29th and 30th, 1879, and the proceedings of the special session of the Common Council, held on August 30th, 1879, having been printed, and placed on the desks of the Councilmen, said journals were approved as published.

His Honor, Mayor Caven (by consent), presented the following communication; which was referred to the Committee on Printing:

DEPARTMENT OF THE INTERIOR, }  
CENSUS OFFICE, }  
Washington, D. C., August 26, 1879. }

To His Honor, the Mayor of Indianapolis:

*Sir*:—An effort will be made, in the tenth census, to give a complete view of the criminal and charitable statistics of the United States, showing the number and condition of the dependent and delinquent classes, and the methods of dealing with them adopted in the several States. Special attention will be paid to the work of public and private institutions, whether maintained by States, counties, cities, towns, or by ecclesiastical or other corporations, or by voluntary charitable associations. It is also important to know the amount of relief extended to the poor at their homes.

In order to the accomplishment of the end in view, the first requisite is a full list of all prisons, reformatories, hospitals, dispensaries, infirmaries, asylums, "homes," charity schools, truant schools, aid societies, provident associations, etc., in the country. I have the honor to solicit your co-operation in this inquiry, and respectfully request that you will cause to be prepared a list of all institutions and associations of this character which are situated or have their headquarters in your city. I inclose blanks for such lists, and a return envelop, with postage prepaid.

The inquiry as to the dependent and delinquent classes has been committed to Mr. Fred. H. Wines, the Secretary of the Illinois Board of State Commissioners of Public Charities, who is authorized to conduct all correspondence relating thereto.

Will you also inform this office: (1.) Does the city of which you are the executive maintain, at public expense, any city prison, workhouse, almshouse, or other charitable or correctional institution? (2.) In whose hands is the administration of out-door relief? (3.) To whom should communications be addressed respecting the *cost* of crime and pauperism? (4.) Who is at the head of your police department?

An early reply will greatly oblige,

Very respectfully, your obedient servant,

FRANCIS A. WALKER,  
Superintendent of Census.

#### FIRST SPECIAL ORDER.

##### *Fall Creek and Pogue's Run Nuisance Case.*

Councilman Lamb offered the following resolution :

*Resolved by the Common Council, the Board of Aldermen concurring,* That when money is appropriated for the purpose of drainage, as between the two, Fall Creek and Pogue's Run, the same shall be first applied to the improvement of the said Pogue's Run.

And it was adopted by the following vote :

AYES, 14—viz. Councilmen Bermann, Brown, Carey, Dowling, Downey, Har-  
mening, Kahn, King, Lamb, McKay, Sheppard, VanVorhis, Wiese, and Wood.  
NAYS, 2—viz. Councilmen Rooker and Shilling.

On Councilman Sheppard's motion, it was ordered—

That the City Marshal be, and is hereby, directed to instruct Geisendorff & Co. to immediately repair the lower dam on Fall Creek, the present condition of said dam being very injurious to the health of our citizens, and it is evident the present condition of the lower dam over Fall Creek is intolerable.

The majority and minority reports of a certain select committee [see pages 200, 271, 272, 273, and 274, *ante*], were read for information.

The following entitled ordinance was then read the second time :

G. O. 38, 1879—An Ordinance providing for the Removal and Abatement of the Mill-Dam across Fall Creek next below and nearly west of the bridge over the said stream, on the Michigan Road, near the City of Indianapolis, in Centre Township, Marion County, Indiana.

The question being on the engrossment of the ordinance, the ayes and nays were demanded, and the Council refused to order the same to be engrossed, by the following vote :

AYES, 4—viz. Councilmen Bryce, Carey, Rooker, and Shilling.

NAYS, 14—viz. Councilmen Bermann, Bieler, Brown, Dowling, Downey, Harmening, Kahn, King, Lamb, McKay, Sheppard, VanVorhis, Wiese, and Wood.

By request, Councilman Rooker was permitted to withdraw the ordinance from the files.

The Committee on Contracts, through Councilman Brown (by consent), submitted the following report; which was concurred in, and the several contracts awarded, as recommended:

To the Mayor, Common Council, and Board of Aldermen:

*Gentlemen*:—Your Committee on Contracts, to whom were referred sundry proposals presented to Council, Monday evening, September 1st, 1879, have examined the same, and find them to be as follows, viz.:

First. For improving the first alley north of Woodlawn avenue from Dillon street to Olive street, by grading and graveling—

James Heller, 18 cents per lineal foot front on each side.

James Mahoney, 14 cents per lineal foot front on each side.

James Mahoney, being the lowest and best bidder, your committee recommend that he be awarded the contract.

Second. For grading the first alley east of Mississippi street, from Garden street to Pogue's Run—

Thomas Niland, 10 cents per lineal foot front on each side.

James Mahoney, 5 cents per lineal foot front on each side.

James Mahoney, being the lowest and best bidder, your committee recommend that he be awarded the contract.

Third. For grading and paving with brick, and curbing with stone, the south sidewalk of New York street, from Liberty street to Noble street—

James Mahoney, 73 cents per lineal foot front, for paving and curbing.

John L. Hanna, 73½ cents per lineal foot front, for paving and curbing.

James W. Hudson, 66 cents per lineal foot front, for paving and curbing.

D. A. Haywood, 64 cents per lineal foot front, for paving and curbing.

John Schier, 29½ cents per lineal foot front for grading and paving, and 30 cents per lineal foot front for curbing with stone.

John Schier, being the lowest and best bidder, your committee recommend that he be awarded the contract.

Fourth. For grading and paving with brick the west sidewalk of State avenue, from Washington street to Market street—

D. A. Haywood, 48 cents per lineal foot front.

John Schier, 46½ cents per lineal foot front.

George Woodfill & Son, 45 cents per lineal foot front.

James Mahoney, 44 cents per lineal foot front.

John L. Hanna, 37½ cents per lineal foot front.

John L. Hanna, being the lowest and best bidder, your committee recommend that he be awarded the contract.

Fifth. For grading and paving with brick the sidewalks of Meridian street, between Seventh and Twelfth streets—

Thomas Reeves, 40 cents per yard.

John L. Hanna, 37½ cents per lineal foot front, on each side.

SIG. 44.

George Woodfill & Son, 35 cents per lineal foot front, on each side. \*  
 Ed. Shingler, 31½ cents per lineal foot front, on each side.  
 James W. Hudson, 31 cents per lineal foot front, on each side.  
 John Schier, 30¾ cents per lineal foot front, on each side.  
 D. A. Haywood, 30½ cents per lineal foot front, on each side.  
 Arthur Vance, 29¼ cents per lineal foot front, on each side.  
 Dewey, Twiname & Graham, 25 cents per lineal foot front, on each side.

Dewey, Twiname & Graham, being the lowest and best bidders, your committee recommend that they be awarded the contract.

Sixth. For grading and graveling Chesapeake alley and sidewalks from Missouri street to the first alley west of Missouri street—

Thomas Niland, 24 cents per lineal foot front, on each side.  
 James Mahoney, 22 cents per lineal foot front, on each side.

James Mahoney, being the lowest and best bidder, your committee recommend that he be awarded the contract.

Respectfully submitted,

M. L. Brown,  
 J. H. Sheppard,  
 Committee on Contracts.

The City Civil Engineer (by consent), submitted the following report; which was received, and the contract and bond accompanying said report was concurred in and approved:

To the Common Council of the City of Indianapolis:

*Gentlemen*:—I herewith submit the contract and bond of J. L. Spaulding, for improving the sidewalk of Washington street, where not already properly improved, from White River bridge to Ray street. Penalty of bond, \$1,000. Surety, Francis Bergman.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The Committee on Finance, through Councilman Kahn (by consent), submitted the following report; which was concurred in:

To the Mayor, Common Council, and the

Board of Aldermen of the City of Indianapolis:

*Gentlemen*:—Your Committee on Finance, to whom was referred the contract and bond of the Indianapolis Fertilizer Company, would report the same back, with the recommendation that the same be approved; and we would further direct His Honor, the Mayor, to sign the contract on the part of the city, as soon as the Fertilizer Company has paid into the city treasury the amount specified in the contract.

Respectfully submitted,

Leon Kahn,  
 M. L. Brown,  
 C. F. Wiese,  
 Committee on Finance.

The contract and bond, referred to in preceding report, and printed in the proceedings of September 1st, 1879 [see pages 409 and 410, *ante*], was then concurred in and approved.

The same committee, also, submitted following report; which was approved:

To His Honor the Mayor, Common Council, and  
Board of Aldermen of the City of Indianapolis:

*Gentlemen*.—Your Committee on Finance, to whom was referred the report of the Board of Public Improvement and the Street Commissioner, setting forth the expenditures for the street repair department for the month of August, together with total expenditures for the fiscal year to September 1st, 1879, would beg leave to report that we fail to see any good reason why such report should be referred to this committee, the Board of Public Improvement having this matter under their direct supervision, and should certainly see to it that the bills of the Street Commissioner are properly examined and audited.

Respectfully submitted,

Leon Kahn,  
M. L. Brown,  
C. F. Wiese,  
Committees on Finance.

His Honor, Mayor Caven (by consent), presented the following communication; which was referred to the Board of Public Improvements, with instructions to consult with the State House Commissioners:

Indianapolis, September 3, 1879.

To the Mayor, Common Council, and Board of Aldermen:

*Gentlemen*.—At a meeting of the stone-cutters of the City of Indianapolis, a committee was appointed to inform your Honorable Bodies that the cutting of the superstructure of the Indiana State House is about to be taken to the quarries near Spencer, Owen county, Ind.

You no doubt are aware of the fact that the specifications call for the work to be done on the ground or in the City of Indianapolis. Now, we think the taking of the stone-cutting away from the city is contrary to the interest of every business man of this city, as well as an injury to the mechanics. As it will take at least six or seven years to build the State House, you can at once see the benefit to this city by doing the cutting here, as there will be at least between two and three thousand dollars per week left here in the city.

Therefore, we most respectfully ask your Honorable Body to take an interest in the matter.

Very respectfully,

THE COMMITTEE.

Councilman Rooker (by consent), offered the following resolution; which was referred to the Board of Public Improvements, with power to act:

WHEREAS, The Common Council and Board of Aldermen of the City of Indianapolis did, on July 14th and 16th, 1879, grant the Trustee of Centre Township permission to grade Twelfth street, from Meridian street to Illinois street, and to remove the earth and gravel therefrom down to such grade, and to use such surplus earth and gravel in making a fill between the northern terminus of Meridian street and Fall Creek;

AND WHEREAS, Said Township Trustee has, without waiting for grade-stakes, removed the earth and dug gravel-pits in said Twelfth street below the established grades of both Illinois and Meridian streets, and has thereby interfered with the convenient use as well as the drainage of said Twelfth street, and has caused ponds of water to accumulate and stand therein: Therefore, be it

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis*, That the City Civil Engineer be instructed to forthwith establish the grade of Twelfth street, between the points named, and then to notify said Township Trustee to immediately grade said street in accordance with such stakes, filling up all places below the proper grade with gravel of the quality taken from the gravel-pit dug in said street.

*Resolved, further,* That if said Township Trustee shall neglect, fail, or refuse to enter upon the work of repairing the damage recited in the preamble of these resolutions on or before the 15th instant, the Street Commissioner is hereby ordered to do such work of grading, and to collect the costs thereof from said Township Trustee.

Councilman Carey moved that the vote by which the prayer of the petition of Joseph R. Perry et al. [see page 428, *ante*], was granted, be re-considered.

Which motion to re-consider was adopted by the following vote :

AYES, 13—viz. Councilmen Bermann, Brown, Bryce, Carey, Downey, Kahn, Lamb, Morrison, McKay, Sheppard, Shilling, VanVorhis, and Wood.

NAYS, 6—viz. Councilmen Bieler, Dowling, Harmening, King, Rooker, and Wiese.

On Councilman VanVorhis' motion, the action of the Council in granting the prayer of said petition, was rescinded and annulled.

On Councilman VanVorhis' motion, it was ordered that the President of the Board of Aldermen be requested to call a special meeting of the Board of Aldermen, to take action upon the foregoing subject.

On Councilman Carey's motion, the Police authorities were instructed to protect the Circle Park, etc.

On Councilman Morrison's motion, it was ordered—

That William N. Lake be required to deposit with the City Treasurer two hundred dollars, to liquidate any damage that has or may be caused the City of Indianapolis; and that the City Marshal be hereby instructed to make demand of said Lake for money.

#### SECOND SPECIAL ORDER.

##### *General Ordinance No. 43, 1879.*

The following entitled ordinance was read the second time, and considered by sections :

G. O. 43, 1879—An Ordinance relative to the erection and maintenance of Privies, Water-Closets, Urinals, Cesspools, and other Receptacles of Fluid or Semi-Fluid Filth in the City of Indianapolis, and regulating the Location, Construction, Cleansing, and Emptying of the same.

SECTION 1. On Councilman VanVorhis' motion, said section was amended by striking out the word "and" before the word "subject," and the words "from time to time."

SECTION 2. On Councilman VanVorhis' motion, said section was amended by adding the words "for each week such refusal, failure, or

neglect shall continue after being duly notified by the Secretary of the Board of Health."

SECTION 3. Was read and approved.

SECTION 4. Councilman VanVorhis moved to amend by inserting after the words "escape therefrom" the words "provided, that the Board of Health may, by written permit, allow privy vaults to be otherwise constructed, if in their judgment the nature of the ground is such, where such vaults are to be constructed, as to render the use of brick and cement unnecessary."

Councilman Morrison moved to amend by striking out the words "and not in excess of ten feet" after the words "five feet"; also, by adding after the words "hard-burned bricks" the words "or good oak planks"; also, by striking out the words "and the sides and bottoms of such vault shall be cemented in such a manner that the contents thereof can not ooze or otherwise escape therefrom"; which amendments were severally adopted.

Councilman McKay moved to amend by striking out the words "less than five feet" and inserting in lieu thereof the words "exceeding ten feet"; which amendment was adopted.

By consent, Councilman VanVorhis withdrew his amendment.

SECTIONS 5, 6, AND 7. Were read and approved.

SECTIONS 8 AND 9. On Councilman Lamb's motion, said sections were amended by adding at the end of each one the words "unless such person shall have first obtained the written consent of the Board of Health."

On Councilman McKay's motion, section 9 was further amended by inserting after the word "situated" the words "and within a distance of 65 feet from any building occupied as a dwelling."

SECTIONS 10, 11, 12, 13, AND 14. Were read and approved.

SECTION 15. On Councilman VanVorhis' motion, said section was amended by striking out the words "which must have been approved by the Board of Health."

On Councilman McKay's motion, said section was further amended by adding after the words "or company" the words "except during the months of December, January, and February."

SECTION 16. On Councilman VanVorhis' motion, said section was amended by striking out the words "for such certificate the person, firm, or company before mentioned shall pay to the Secretary of the Board of Health the sum of one dollar."

SECTION 17. On Councilman VanVorhis' motion, said section was amended by striking out the words "fifty cents" and inserting in lieu thereof the words "seventy-five cents."

SECTION 18. On Councilman VanVorhis' motion, said section was amended by striking out the last sentence.

SECTION 19. On Councilman VanVorhis' motion, said section was amended by striking out the words "and to pay to said last named officer the sum of twenty-five cents for each of such newly numbered and registered vehicles"; also, the words "such payment and."

SECTION 20. Was read and approved.

SECTION 21. On Councilman VanVorhis' motion, said section was amended by striking out the word "permit" after the words "the date when the" and inserting in lieu thereof the words "written approval"; also, by striking out the words "issued, and, in a similarly arranged column, the date when such permit," and inserting in lieu thereof the words "given, and when the permit required by the said succeeding section."

SECTION 22. On Councilman VanVorhis' motion, said section was amended by the substitution of the following, in lieu thereof:

SEC. 22. Every person, firm, or company, shall be required, before entering upon the work of emptying any privy-vault, cess-pool, or other receptacle of filth, to obtain the written approval of the Board of Health, and to pay into the city treasury the sum of seventy-five cents for each and every privy vault, cess-pool, or other receptacle of filth to be emptied. And the City Clerk shall, upon the presentation of such written approval and the receipt given for such payment, issue a permit authorizing such person, firm, or company to prosecute such work under the direction of the Board of Health. And it shall be the duty of each and every person, firm, or company to whom such permit shall be issued, to return the same to the office of the Board of Health, in the City Hall, within ten days of the date when the written approval of said Board was given, with a written entry as to the date upon which the work was done, or a like endorsed written statement of why it was not prosecuted and completed within the allotted time.

SECTION 23. On Councilman VanVorhis' motion, said section was amended by inserting after the words "If by measurement" the words "the price charged for such removal shall not exceed the sum of seven cents for each cubic foot of contents so removed and."

SECTIONS 24, 25, AND 26. Were read and approved.

SECTION 27. Was read and stricken out.

SECTION 28. On Councilman Lamb's motion, said section was amended by striking out the words "five dollars" and substituting "twenty-five dollars"; also, amended by striking out the words and figures "twenty-seven (27)" and inserting in lieu thereof the words and figures "twenty-six (26)"; also, by changing "sec. 28" to "sec. 27."

SECTION 29. Was read and changed to sec. 28, and then approved.

SECTION 30. Was read and changed to sec. 29, and then approved.

Said ordinance, as amended, was then ordered to be engrossed.



The following entitled ordinance was then read the third time:

G. O. 43, 1879—An Ordinance relative to the Erection and Maintenance of Privies, Water-Closets, Urinals, Cesspools, and other Receptacles of Fluid or Semi-Fluid Filth in the City of Indianapolis; and regulating the Location, Construction, Cleansing, and emptying of the same.

And it was passed by the following vote:

AYES, 17—VIZ. Councilmen Bermann, Bieler, Brown, Bryce, Carey, Dowling, Harmening, Kahn, King, Lamb, Morrison, McKay, Rooker, Sheppard, Shilling, VanVorhis, and Wiese.

NAYS—None.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,

President of Common Council.

Attest: JOS. T. MAGNER, City Clerk.