

Many others followed

# Hitchrack first city-county issue

The last round of the 1909 controversy over whether there would be hitching racks surrounding the courthouse lawn, was fought inside the building.

The city's case against the county commissioners had been strengthened by a public statement from Dr. John M. Hurty, secretary of the State Board of Health. It said: "

... the local or the State Board of Health shall have power to condemn and abate conditions causative of disease, and public hitchracks in the middle of a city certainly cause disease . . . I, myself, have the power as state health commissioner to order what is reasonable and necessary for the prevention and suppression of disease."

**AUTHORITATIVE AS** that may have sounded, the city's case was not based solely on the potential health hazard of accumulating horse manure. After picking through the legal fine points, city attorney Henry Duncan charged that the commissioners' rack proposal was too loosely worded. Asked Duncan: Would the rack be put in the middle of the street, thus obstructing traffic and making the city liable for damages in the event of an accident?

The bottom line of Duncan's argument was reminiscent of a more recent issue involving placement of parking meters: Who owns the perimeters of the courthouse? The city's attorney contended that the county's jurisdiction stopped at the edge of the lawn.

## Looking Back

*By Rose H. McIlveen*

**EVEN BEFORE** their day in court, it was whispered among courthouse habitués that the commissioners would find a way to get even with the city council, no matter how the court ruled. Apparently the city fathers did not take the rumors seriously enough.

On the morning of June 8, Cyrus E. Davis, J.E. Henley and R.G. Miller argued the commissioners' case before Judge Fred Wilson. After Duncan's closing statement, the judge adjourned the court until the following morning — presumably so he could sleep on his decision.

On the morrow he ruled that in the case of the City of Bloomington vs. the Board of Commissioners of Monroe County, et al., the latter were within their rights to install a hitching rack on the square. Furthermore, he said that the county's bid specifications were quite explicit as to materials to be used and the location of the rack.

**IN A LITTLE** postscript to the article about the case, the *Daily Telephone* of June 9 reported that the contract for the rack had been

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