

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, NOVEMBER 16TH, 1868, 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, Davis, Foster, Geisel, Goddard, Henschen,
Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Stan-
ton and Woodburn—14.

Absent—Councilmen Burgess, Coburn, Colley and Cottrell—4.

The proceedings of the Common Council held November 9th, 1868,
were read and approved.

Mr. Kappes moved that the rules be suspended for the purpose of
receiving the report of the Committee on Railroads, in regard to the
contemplated railroad switch in the Fourth Ward.

The question being on a suspension of the rules, those who voted
in the affirmative were Councilmen Brown, Foster, Geisel, Goddard,

Henschen, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—12.

Councilman Davis voting in the negative.

So the rules were suspended, and

Mr. Loomis, Chairman of the Railroad Committee, made the following report :

INDIANAPOLIS, Nov. 16, 1868.

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

GENTLEMEN:—Your Committee, to whom was referred the petition of Sohl, Gibson & Co., asking a grant of right of way for the Indianapolis, Lafayette and Cincinnati Railroad Company to construct a switch or side track from the so-called main track of the Indianapolis and Lafayette Railroad Company's track, near the intersection of Market and Missouri streets, to a point near the corner of Blake street and the National Road, the route of said track being shown by the annexed plat, (marked "A,") as also the petition of Merritt & Coughlin and others, advising the construction of said track, if constructed at all, on the north side of the alley running east and west between Chandler & Taylor's machine shops, and Field, Braden & Scanlon's paper mill; together with the remonstrance of Merritt & Coughlin and others against the granting of such requested right of way over the ground, as shown by plat A. have had the questions at issue under consideration, have examined all the papers referred to your committee, and, also, in answer to the petition of Merritt & Coughlin, asking that said track be constructed on and along the alley above referred to. Obtained from the City Civil Engineer a plat of said alley, showing the grade of the same from the upper race, or Canal, (across which the railroad must pass,) to Blake street. (See plat B.) The said plat B shows a grade of 105 60-100 to the mile, and a fall on Geisendorff street, at the crossing of said alley, of 5 58-100 feet, thus practically destroying the said alley, as also Geisendorff street, the former being directly in the rear of Sohl, Gibson & Co.'s, and Skillen's flouring mills, Chandler & Taylor's machine works, and Geisendorff's woolen mill, and can be of little or no benefit to Geisendorff's flouring mill, the Indianapolis cotton manufactory and other interests asking and petitioning for this proposed right of way.

Your committee find that the petitioners for the proposed track, as per plat, represent \$400,000 of real estate and machinery, with a capital of five hundred and seventeen thousand dollars, showing \$1,470,000 annual product, thus representing nearly two-thirds of the milling and manufacturing interests of our city. Your committee find further, that by the present facilities the parties directly interested in the proposed railroad track, load and unload annually 4,261 railroad cars, by wagons, at a cost of \$21,150. They estimate the expense of the same number of cars, with the proposed track, to be \$6,391; showing a saving to our manufacturing and milling interests, in that neighborhood, of \$14,750.

Your committee, with a view of encouraging home interests, and especially the manufacturing and milling interests, ask to recommend the passage of the ordinance granting the right of way to the Indianapolis, Cincinnati and Lafayette Railroad Company to lay the track upon the line shown by the herewith submitted plat, together with section 3, which is herewith submitted, marked A. All of which is respectfully submitted.

W. H. LOOMIS, }
G. A. FOSTER, } *Committee.*

Which was received.

Mr. Stanton, from the same Committee, submitted the following report:

INDIANAPOLIS, Nov. 16, 1868.

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

We, the undersigned members of the Railroad Committee, respectfully report that we find that there is a strong desire on the part of many of the citizens of the Fourth Ward to grant the right of way asked for by the Cincinnati and Chicago Railroad Company to Sohl & Gibson's mill, and Geisendorff's mill, and that there is also a strong feeling on the part of many of said Ward against the grant of the said right of way, principally because the same passes to a pork house in said Fourth Ward.

Your Committee feel that there are some heavy manufacturing interests to be benefitted by the railroad switch, and yet there is an earnest remonstrance on the part of many citizens against said grant of right of way, and we, feeling unwilling to decide for the people in so important a matter, respectfully suggest that the better way to decide this vexed question is to refer it to the people within the vicinity of the line of said track, and suggest that said limits shall be between Michigan street on the north, Washington street on the south, Mississippi street on the east, and the city boundary on the west, the wishes of the people to be ascertained by petition or remonstrance, as the case may be, of the property owners within said limits; and said petition and remonstrance to be presented to this Council at its next regular meeting.

HENRY COBURN,	} Committee.
A. P. STANTON,	
JNO. B. MACARTHUR,	

Which was received.

Mr. Stanton presented the following remonstrance :

INDIANAPOLIS, Nov. 11, 1868.

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

The undersigned, resident property holders in the Fourth Ward, having learned that a petition is pending before your honorable body for a switch track from the Indianapolis, Cincinnati and Lafayette Railroad to run to the Pork House in the Fourth Ward occupied by B. Coffin & Co., would respectfully remonstrate against the granting of said petition.

Said Pork House is considered a nuisance in the Ward, and is not located on the river, as your ordinance regulating such establishments require them to be, and we are earnestly opposed to any action that shall encourage its continuance in that locality.

William Coughlen,	H. T. Pope,
C. A. Elliott,	H. F. Pope,
T. J. Morse,	And 101 others.

Which was received.

Mr. Loomis presented the following petitions :

INDIANAPOLIS, Nov. 16, 1868.

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

The undersigned petitioners, many of whom signed a remonstrance, or counter petition, against a switch to run from near the crossing of Missouri and Market streets to a point near the south end of Blake street, did so not to defeat the running of said track, but, if practicable, to prevent its running

pass the Pork House on Blake street; but if no such practicable route can be found, we are in favor of said track by the route that will best accommodate the mills and manufactories of the west part of the city; and in case it runs near said Pork House the owners are to guarantee that no cattle yard shall be established or maintained on or near said premises—that said switch shall be used only for the transportation of freight and not for a storage place for cars.

Van Camp, Jackson & Co.,
Eli Thompson,
Abel E. Davis,

H. M. Goe,
Jas. A. Isgrigg,
And 33 others.

INDIANAPOLIS, NOV. 16, 1868.

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

GENTLEMEN:—The undersigned respectfully petition your honorable body to grant the Indianapolis, Cincinnati and Lafayette Railroad Company permission to construct a railroad track from the track of the Lafayette Railroad Company, near the intersection of Market and Missouri streets, to a point near the corner of Blake street and the National Road. The route of said track is shown by the plat herewith filed.

Respectfully,
Sohl, Gibson & Co.,
C. E. Gruver,
Wm. E. Featherston,

Geo. W. Byrns,
Wm. B. Price,
And 67 others.

Which were received.

On motion by Mr. Seidensticker, representatives of both parties were allowed to express themselves, pro and con, which they did elaborately.

Mr. Loomis offered the following amendment to the ordinance:

SEC. 3. Any Railway Company centering in Indianapolis, or connecting with the Indianapolis and Lafayette Railway Company within the City of Indianapolis, shall by their cars and locomotives be admitted to the within proposed track, or tracks, either for ingress or egress, to deliver or take out freights upon payment by such road to the Company building the within proposed track or tracks of not to exceed two dollars per car load over their track north of Louisiana street to the end of the proposed switch on Blake street, and no part of said track or tracks shall in anywise be used for the storage of cars. And it is further provided that no stock yards shall be established or maintained upon or along said proposed line of railroad. And it is further provided that the City Council may, for a violation of the conditions herein contained, direct the City Marshal to take up and remove said track or tracks.

Dr. Jameson, also, offered the following amendment:

Provided, That said switch and the approach to the same over the track of the Lafayette Railroad, from the Union Depot, shall be open for the use of all railroads entering the City of Indianapolis, on the payment of the sum of one dollar per car for the use of the same.

Which were received.

Mr. Loomis moved that the report submitted by the Chairman of the Committee be adopted.

Upon which motion a discussion ensued.

Dr. Jameson stated that he thought the subject had been sufficiently discussed, and moved the previous question.

The demand for the previous question being sustained, the question was then taken on Mr. Loomis' motion to adopt the report of the Committee.

The ayes and noes being called, those who voted in the affirmative were Councilmen Brown, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Loomis, Schmidt, Seidensticker and Woodburn—11.

Those who voted in the negative were Councilmen Kappes, MacArthur and Stanton—3.

So the report was adopted.

Mr. Loomis moved that when the Council adjourn it adjourn to meet on Friday evening November 20, 1868, and that the Railroad matter under consideration be made the special order for the session.

Which was adopted.

REGULAR ORDER OF BUSINESS.

Mr. Brown offered the following motion :

That the City Marshal be directed to cause the immediate removal of all obstructions to the free use of Helen street.

Which was adopted.

Dr. Jameson offered the following motion :

That the Street Commissioner be, and he is hereby, instructed to raise the track and superstructure of the Street Railway Company, on Virginia Avenue, between South street and the southeast Corporation line, so as to conform to the grading of the street as recently constructed, said work to be under the superintendence of the City Engineer, in such manner as to leave the street and the Street Railway in good order; said work to be done in the most economical manner, and an account of the cost thereof shall be kept, which cost shall be paid by the city to the Street Railway Company, as the Courts may determine: *Provided*, The above meets with the approval of the Citizens' Street Railway Company.

Which was adopted.

Mr. Seidensticker presented the following petition :

INDIANAPOLIS, Nov. 16, 1868.

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

The undersigned respectfully shows to your honorable body that on or about last Wednesday he received a notice of a precept having been issued against him as owner of lot No. 73, in out-lot 130 in the City of Indianapolis, on an estimate for grading and graveling Grant street, in favor of Thomas Carr.

The undersigned further shows, that said Thomas Carr never presented his estimate to the undersigned, nor notified him, either verbally or in writing, of any claim which he had, otherwise the same would have been promptly paid.

When the notice of precept was served upon me, I called upon Mr. Carr and inquired why he had not called with the estimate? He replied laughingly, that *he* could not run all over town to find me. He admitted that he did not call at my house or place of business. Both could have been easily ascertained by reference to the Directory, or by inquiry on the street, as I have done business here for about fifteen years.

I submit to your decision, whether it is right to subject to payment of costs under circumstances like these. If not, I respectfully ask that the resolution ordering the precept against me be rescinded.

JOHN B. MANY

John B. Many, upon his oath, says that the facts stated in the above petition are true

JOHN B. MANY.

Subscribed and sworn to before the undersigned, a Notary Public.

A. SEIDENSTICKER, N. P.

In reference to which, Mr. Seidensticker offered the following motion :

That the motion heretofore adopted ordering a precept against lot 73, in out-lot 130, owned by John B. Many, on the estimate in favor of Thos. Carr, be, and the same is hereby, rescinded.

Which was adopted.

Dr. Jameson presented the following petition :

INDIANAPOLIS, Nov. 16, 1868.

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

I hereby request the City Council of Indianapolis to grant and give me permission to bowlder a way over the sidewalk into my premises, on Fort Wayne Avenue, so as to enable me to drive in with a wagon, &c., my property being the point of two streets and without an alley or any other side-way to drive in conveniently with wood, &c.

LOUIS SCAULMYER.

Which was granted.

Mr. Brown moved that the rules be suspended, and that special appropriation ordinance No. 51—1868, appropriating money for sundry claims against the City of Indianapolis, be put upon its passage.

The question being on a suspension of the rules, those who voted in the affirmative were Councilmen Brown, Davis, Foster, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the rules were suspended, and the ordinance read the third time and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Davis, Foster, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Kappes introduced special ordinance No. 109—1868, entitled :

AN ORDINANCE to provide for grading and paving with brick and curbing the outer edge of the sidewalk on the west side of Alabama street, between Ohio and New York streets.

Which was read the first time.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, Nov. 13, 1868.

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

The undersigned respectfully represents that his real estate described as follows—the south half of lot No. 3, in Square No. 55, in the City of Indianapolis—is assessed at \$11,500, when, in justice, it ought not be assessed at more than \$8,000.

Your petitioner respectfully prays your honorable body to correct said assessment.

JOSEPH PARISSETTE.

STATE OF INDIANA, }
MARION COUNTY, } ss:

Joseph Parissette, being duly sworn, on oath says, that the matters contained in the foregoing petition are true, as he really believes.

JOSEPH PARISSETTE.

Subscribed and sworn to before me, this 16th day of November, 1868.

WM SULLIVAN, Not. Public.

Which was referred to the Committee on Finance.

Mr. MacArthur offered the following motion :

That Mr. Murphy be allowed to cut down and remove all the locust trees in the center of Blackford street between New York and North streets, at his own expense.

Which was referred to the Board of Public Improvements.

Mr. Seidensticker presented the following petition :

INDIANAPOLIS, Nov. 16, 1868.

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

The undersigned would respectfully petition your honorable body to grant permission to remove the old pavement in front of No. 14, East Washington street, and replace the same with a new flag-stone pavement. This improvement is much needed. The material is now on the ground, and it is desired that you act at once upon the petition. Respectfully,

MRS. M. HUG.

Which was granted.

Mr. Stanton presented the following petition :

INDIANAPOLIS, Nov. 13, 1868.

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

GENTLEMEN:—The undersigned, an owner of real estate on the south side of West Market street, between Mississippi and Missouri streets, would state that a wooden culvert has been built diagonally across Market street to lead off the water from the west side of Mississippi street just opposite my residence, greatly to my injury, and I ask you to have measures taken to render the damage done me made satisfactory, so as to prevent further damages by the overflow of water that runs on my sidewalk into my lot.

I am, most respectfully,

BENJAMIN POTTAGE.

Which was referred to the Board of Public Improvements.

Mr. Stanton presented the following remonstrance :

INDIANAPOLIS, Nov. 2, 1868.

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

GENTLEMEN:—We, the undersigned, owning all the property on North street between the Canal, or Missouri and West streets, having seen from the proceedings of your honorable body, that a petition signed by Wm. H. Corbaley, M. A. Strachan, James Gibson, John Miller, Joseph Denny, and others, asking that your honorable body will pass an ordinance ordering the grading and graveling of North street within the bounds before mentioned : Therefore we, the undersigned remonstrants, respectfully but earnestly remonstrate against the passage of such an ordinance for the following reasons : First, that said West street, between the bounds before mentioned, is in good condition, and the south sidewalk already graveled. Second, that at present we are so overburdened with taxation that it would be impossible for us to pay our respective quotas without great sacrifice.

W. A. Schofield,
D. B. Schofield,
J. F. Schofield,
S. J. Affantranger,

Moritz Caufman,
Joseph Curtis,
Madison Mason.

Which was referred to the Board of Public Improvements.

On motion, the contract and bond of William Kown for repairing South street, between Delaware and Pennsylvania streets, was approved.

On motion, the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST :

D. M. RANSELL, *City Clerk.*