

PROCEEDINGS
OF THE
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
FRIDAY, NOVEMBER 20TH, 1868, 7 O'CLOCK, P. M. }

The Common Council met pursuant to adjournment:

Present—His Honor, the Mayor, Daniel Macauley, in the chair,
and the following members:

Councilmen Brown, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

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

The proceedings of the regular session held Nov. 16th, 1868, were read and approved.

The special order for the evening being the consideration of the following ordinance:

AN ORDINANCE granting permission to construct a Railroad track from the Lafayette and Indianapolis Railroad track at the intersection of Market and Missouri streets, to the corner of Blake and Washington streets.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the Indianapolis and Lafayette Railroad Company be, and are hereby, allowed and permitted to construct a railroad track, or switch, from the track of the Indianapolis and Lafayette Railroad, at or near the intersection of Market and Missouri streets, to Blake street, at a point where said street intersects the National Road, with a track diverging to the mill of Soul, Gib

son & Co., on the National Road, between Bleke and Blackford streets; the route thereof to conform to that indicated on the plat or profile filed with the petition of Sohl, Gibson & Co., and others. This grant is made upon the following conditions: That the said Indianapolis and Lafayette Railroad Company shall make said track conform to the grade established by the city, and said track shall at all times be so maintained as to conform to the grade as established by the city. The said Railroad Company shall properly and securely plank all street and alley crossings, and cause the same to be kept in good repair, and in proper condition for safe, convenient, and comfortable passage, and so to lay and maintain said track that it shall cause as little obstruction to the use of said streets and alleys as possible. The street and alley crossings shall be planked between the rails of said track, and for four feet on the outer edge of each rail.

SEC. 2. 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 the 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 be it 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: *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.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

On motion, the ordinance was read the second time.

Dr. Woodburn moved to strike out all after the word "freights," down to and including the word "street," in the second section, and insert in lieu thereof the proviso at the end of section 2.

Which was adopted.

Mr. Brown moved to strike out all in the first two lines of the second section, and insert the words "now or hereafter entering Indianapolis."

Which was adopted.

Mr. Brown offered the following amendment:

SEC. 3. The Common Council, in granting the right of way herein contained, reserves the right to authorize, by ordinance, the connecting with such railway, or other switches leading to other manufacturing establishments.

Which was adopted.

Mr. Cottrell offered the following amendment:

Said Railroad Company shall maintain at all times, and keep in good, safe and usable condition, a bridge across the Canal on Market street where its

track crosses the same, of sufficient strength and size to admit the full and unobstructed use of the same, by teams, carriages, and all other purposes for which bridges are used.

Mr. Davis called for the ayes and noes on the amendment.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Kappes, MacArthur, Seidensticker, Stanton and Woodburn—7.

Those who voted in the negative were Councilmen Davis, Foster, Geisel, Goddard, Henschen, Jameson and Loomis—7.

There being a tie vote, His Honor, the Mayor, voted in the negative.

So the amendment was lost.

Mr. Seidensticker offered the following amendment :

Add to the first section, "and all necessary culverts and sewers under such track, when ordered by the Common Council, shall be built and maintained by the said Railroad Company."

Which was adopted.

Also, the following amendment :

Add in section 1, in line 8, after the word "others," which shall be accurately copied by the City Clerk in the City Ordinances, and the original of which shall be filed with the records of city ordinances.

Which was adopted.

Dr. Jameson offered the following amendment in lieu of section 2 :

SEC. 2. That said track or switch, and the approach to the same over the track of the Indianapolis, Cincinnati and Lafayette Railroad, from the Union track, shall be opened for the use of all railroads now or hereafter entering the City of Indianapolis, on the payment of the sum of one dollar per car for the use of the same, and no part of said track or switch shall be used for the storage of cars, nor shall any stock yard or yards be maintained thereon : And it is further provided that, in case said Indianapolis and Lafayette Railroad Co. shall fail or refuse to comply with all the conditions of this ordinance, the Council may direct the Marshal to remove said track or tracks from the street aforesaid, and all the rights and privileges herein granted shall revert to the City.

Which was adopted.

Mr. Stanton offered the following amendment :

Nor shall the same be used for making up trains thereon.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Cottrell, Davis, Foster, Geisel, Goddard, Jameson, Kappes, MacArthur, Stanton and Woodburn—10.

Those who voted in the negative were Councilmen Brown, Henschen, Loomis and Seidensticker—4.

So the amendment was adopted.

Mr. Loomis moved that the ordinance be engrossed.

Upon which the ayes and noes were called.

Those who voted in the affirmative were Councilmen Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Woodburn—11.

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

So the motion to engross was adopted.

The following is the ordinance as amended:

AN ORDINANCE granting permission to construct a Railroad track from the Indianapolis, Cincinnati and Lafayette Railroad track, at the intersection of Market and Missouri streets, to the corner of Blake and Washington streets.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the Indianapolis, Cincinnati and Lafayette Railroad Company be, and is hereby, allowed and permitted to construct a railroad track, or switch, from the track of the Indianapolis, Cincinnati and Lafayette Railroad, at or near the intersection of Market and Missouri streets, to Blake street, at a point where said street intersects the National Road, with a track diverging to the mill of Sohl, Gibson & Company on the National Road, between Blake and Blackford streets, the route thereof to conform to that indicated on the plat or profile filed with the petition of Sohl, Gibson & Co. and others, which plat shall be accurately copied by the City Clerk in the record of City Ordinances, and the original of which shall be filed with the file of the City Ordinances. This grant is made upon these conditions: That the said Indianapolis, Cincinnati and Lafayette Railroad Company shall make said track conform to the grade established by the city, and said track shall at all times be so maintained as to conform to the grade as established by the city. The said Railroad Company shall properly and securely plank all street and alley crossings, and cause the same to be kept in good repair, and in a proper condition for safe, convenient and comfortable passage, and so to lay and maintain said track that it shall cause as little obstruction to the use of said streets and alleys as possible. The street and alley crossings shall be planked between the rails of said track and for four feet on the outer edge of each rail, and all necessary culverts and sewers under such track, when ordered by the Common Council, shall be built and maintained by the said Railroad Company.

Sec. 2. That said track, or switch, and the approach to the same over the track of the Indianapolis, Cincinnati and Lafayette Railroad from the Union track, shall be opened for the use of all Railroads now or hereafter entering the City of Indianapolis, on the payment of the sum of one dollar per car for the use of the same, and no part of said track or switch shall be used for the storage of cars, nor shall any stock yard or yards be maintained thereon, nor shall the same be used for making up trains thereon: *And it is further provided,* That in case said Indianapolis, Cincinnati and Lafayette Railroad Co. shall fail or refuse to comply with all the conditions of this ordinance, the Common Council may direct the Marshal to remove said track or tracks from the streets aforesaid, and all the rights herein granted shall revert to the city

SEC. 3. The Common Council in granting the right of way herein contained, reserves the right to authorize by ordinance the connecting with such Railway or other switches leading to other manufacturing establishments.

This ordinance shall take effect and be in force from and after its passage. Ordained and established this 20th day of November, 1868.

DANIEL MACAULEY, *Mayor*,

ATTEST:

D. M. RANDELL, *City Clerk*.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Loomis, Seidensticker and Woodburn—10.

Those who voted in the negative were Councilmen Brown, Kappes, MacArthur and Stanton—4.

So the ordinance passed.

On motion the Council adjourned.

DANIEL MACAULEY, *Mayor*.

ATTEST:

D. M. RANDELL, *City Clerk*.