

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—DECEMBER 13, 1886.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, December 13, A. D. 1886, at 7:30 o'clock, in regular session.

PRESENT—Hon. Thomas E. Endly, President of the Board of Aldermen, in the Chair, and Aldermen Brown, Crosby, King, Laut, Prier, Prichard, Rail, Schmidt, and Wright—10.

ABSENT—None.

The Proceedings of the Board of Aldermen for the regular sessions held November 22d, 1886, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following message was read:

To the President and Members of the Board of Aldermen:

Gentlemen:—I submit herewith the following papers for your consideration, favorably passed upon by the Common Council at its regular session held December 6th, 1886.

For the Common Council:

MICHAEL F. SHIELDS, City Clerk.

Alderman Prier moved that the regular order of business be suspended, and that the Appropriation Ordinances be taken up and placed upon their passage; which motion was adopted.

APPROPRIATION ORDINANCE.

This being the regular appropriation night, the following entitled Appropriation Ordinances (passed by the Common Council) were placed on their final passage without a suspension of the Rules.

The following entitled ordinance was read the first and second times, and then read the third time:

Ap. O. 65, 1886—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$1,613 84.]

And it was passed by the following vote :

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Rail, Wright, and President Endly.

NAYS, 1—viz: Alderman Schmidt.

The following entitled ordinance was read the first time, read the second time, and then read the third time:

Ap. O. 66, 1886—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$851.00.]

And it was passed by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Rail, Wright, and President Endly.

NAYS, 1—viz: Alderman Schmidt.

The following entitled ordinance was read the first and second times:

Ap. O. 67, 1886—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$34,712.22.]

Alderman Schmidt moved to amend the above entitled ordinance by striking out the claim of the Indianapolis Water Co. (\$8,240 97), for water rent for quarter ending November 30th, 1886, and to refer the claim to the Committee on Finance, and Accounts and Claims.

Alderman Pritchard moved as an amendment the above motion that the committee report at next meeting; which failed of adoption by the following vote:

AYES, 5—viz: Aldermen Crosby, King, Laut, Pritchard and Rail.

NAYS, 5—viz: Aldermen Brown, Prier, Schmidt, Wright and President Endly.

Alderman King moved to lay the original motion on the table; which failed of adoption by the following vote:

AYES, 5—viz: Aldermen Crosby, King, Laut, Pritchard and Rail.

NAYS, 5—viz: Aldermen Brown, Prier, Schmidt, Wright and President Endly.

The original motion then failed of adoption by the following vote :

AYES, 5—viz: Aldermen Brown, Prier, Schmidt, Wright and President Endly.

NAYS, 5—viz: Aldermen Crosby, King, Laut, Pritchard and Rail.

Alderman Schmidt moved to refer the claim (Indianapolis Water Co's) to a special committee and the City Attorney; which failed of adoption by the following vote :

AYES, 5—viz: Aldermen Brown, Prier, Schmidt, Wright and President Endly.

NAYS, 5—viz: Aldermen Crosby, King, Laut, Pritchard and Rail.

On motion the ordinance, (Ap. O. 67, 1886), was then read the third time, and it was passed by the following vote :

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Rail, Wright and President Endly.

NAYS, 1—viz: Alderman Schmidt.

The following entitled ordinance was read the first and second times and then read the third time.

Ap. O. 69, 1886—An ordinance appropriating money for the payment of the compensation of the members of the Common Council and Board of Aldermen; of the City officers; of the County Auditor and the Treasurer for the city; of the officers and members of the Fire and Police Departments; of the Committee Clerk, the City Janitor and the Janitor and Assistant Janitors of Tomlinson Hall, of the City of Indianapolis. [Amount appropriated, \$12,081.10.]

And it was passed by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Rail, Wright, and President Endly.

NAYS, 1—viz: Alderman Schmidt.

The following entitled ordinance was read the first and second times, and then read the third time :

Ap. O. 70, 1886—An ordinance supplemental to an ordinance entitled "An ordinance appropriating the sum of one hundred and two thousand six hundred and sixty-six dollars and sixty-seven cents, to pay the temporary loan of April 1st, 1886;" ordained November 22d, 1886, correcting an error in said ordinance. [Amount appropriated, \$2,633.]

And it was passed by the following vote :

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Rail, Wright, and President Endley.

NAYS, 1—viz: Alderman Schmidt.

The report from the City Civil Engineer, accompanied with estimates, (see pages 976 and 977, *ante*), was read, and the favorable action of the Common Council thereon, concurred in.

The following estimate resolution (see page 978 *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Freaney Brothers, for erecting two lamp posts, lamps and fixtures (complete to burn gas, except the service pipes), on Mississippi street, between Merrill and Garden streets, be, and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote :

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 978 *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Freaney Brothers, for erecting two lamp-posts, lamps and fixtures (complete to burn gas except the service pipes), on Willard street between Merrill and Garden streets be and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright and President Endly.

NAYS—None.

The following estimate resolution (see page 978 *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of H. C. Roney, for grading and paving with brick, the north sidewalk of Malitt avenue, from Yandes street to the first alley west of Yandes street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 978 *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Michael Higgins, for re-grading and graveling the roadway of California street, from Washington street to Market street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

NAYS, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 979 *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of J. W. Cooper & Co., for grading and graveling the first alley east of Highland street, from Ohio street to the

first alley south of Ohio street, be, and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 979 *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of James W. Hudson, for grading and bowdlering the first alley east of the intersection of Clifford avenue and Pendleton Pike, from Clifford avenue to Pendleton Pike, be, and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 979 *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Joseph Bernauer, for grading and paving with brick the sidewalks of Wright street, from Buchanan street to C. burn street, be, and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 980 *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Robert K. nnington, for grading, bowdlering and curbing the gutters of South street, from Delaware street to New Jersey street, be, and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 980 *ante*) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Fulmer & Seibert, for grading and graveling Super or street and sidewalks, from Pratt street to Second street, be and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 980 *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Fulmer & Seibert, for constructing a brick sewer, two and one-half feet internal diameter, in an 1 along Delaware street, from St. Mary street to and connecting with the sewer at North street, be, and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following estimate resolution (see page 980 *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Richter & Twina, for grading, bowldering and curbing the gutters of East street, from South street to the C, H & I R. R. tracks, be, and the same is hereby adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Brown, Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following report of the Chief Fire Engineer (see page 983 *ante*), was read, and the action of the Common Council was concurred in:

Indianapolis, Ind., Dec. 6, 1886.

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

Gentlemen:—I herewith present the name of M. W. Rodgers for appointment in the Fire Department, to fill the vacancy caused by the death of Fremont Taffe.

Respectfully submitted,

J. H. WEBSTER, Chief Fire Engineer.

On motion the report of the Committee on Fire Department, relative to the appointment of Henry Cook to fill vacancy (see page 914 *ante*), was concurred in.

The following resolution (see page 985 *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That a certain concurrent resolution adopted by said Council on the 15th day of November, and by the Board of Aldermen on the 2d day of November, 1886, providing for a temporary loan of one hundred thousand dollars, with which to pay the principal and in interest of the temporary loan of April 1, 1886, be, and the same is hereby annulled, said loan having been fully paid off by the Treasurer, without having borrowed any money under the authority of said resolution.

And it was concurrently adopted by the following vote:

AYES 10—viz: Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President Endly.

NAYS—None.

The following report (see page 985 *ante*), was read, and the favorable action of the Common Council thereon was concurred in.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—Your Committee on Finance respectfully report that the one hundred thousand dollar temporary loan made in April last has been paid by the Treasurer out of monies on hand in the treasury, but which can only be spared for a short time. We find that a six months loan can not be made on as favorable terms as for one year, and in our opinion would only have to be renewed at the expiration of six months. We recommend that you authorize a loan of \$70,000 00 to be made for one year, at a rate of interest not exceeding 5 per cent per annum.

Respectfully submitted,

Isaac Thaman,
John R. Pearson,
Julius F. Reinecke,
Henry L. Smith,
Joseph H. Howes,
Committee on Finance.

The following resolution (see page 986 *ante*), was read.

WHEREAS, The City of Indianapolis is in present need of funds to meet its current running expenses, as well as funds to meet the interest on its obligations falling due January 1st, 1887; *And whereas*, It has therefore become necessary to provide for such present necessities by making a temporary loan in anticipation of the city's current year's revenues; therefore, be it

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That a temporary loan of seventy thousand dollars (\$70 000 00) be, and the same is hereby, authorized and ordered, to be negotiated as follows: The Finance Committees of said bodies shall negotiate said loan at a rate of interest not exceeding five (5) per cent per annum from date until paid, and that for a term not exceeding one year from the date of such loan, the interest to be made payable as may be most beneficial to the city.

Resolved, further, That the Mayor and City Clerk be and they are hereby, authorized and directed to execute the proper time warrants or obligations of the city for the amount of said loan, as directed by the said Finance Committees, and for the payment of said obligations the faith of the City of Indianapolis is hereby irrevocably pledged.

And it was concurrently adopted by the following vote:

AYES, 10—viz: Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Rail
Schmidt, Wright, and President Endly.

NAYS—None.

The City Attorney submitted the following report:

To the President and Members of the Board of Aldermen:

Gentlemen:—On November 8th, 1886, your honorable body referred to me for an opinion, the following guarantee of the Indianapolis Union Railway Company, by V. T. Malott, Vice President and Manager, and the personal guarantee of V. T. Malott, to wit:

“Indianapolis, Oct. 25, 1886.

To the Honorable, the Common Council and Board of Aldermen of the City of Indianapolis:

Gentlemen:—In the event that Ordinance No. 50, amending General Ordinance No. 34, of 1886, as now pending before the Board of Aldermen, shall be finally ordained and established, and in consideration thereof, this company guarantees that citizens of said city or other private person will, on or before the signing of the contract, and not later than April 1st, 1887, for the improvement of the tunnel as proposed in said Ordinance No. 34, pay into the city treasury the one-half of the estimated cost of the improvement, which half shall not exceed the sum of fifteen thousand dollars, as contribution to the cost of such improvement; and in case of the failure of citizens or others to so pay in said amount, this company will pay the same, or any deficit thereof.

THE INDIANAPOLIS UNION RAILWAY COMPANY,
By V. T. MALOTT, Vice President and Manager.

I personally guarantee the foregoing agreement.

V. T. MALOTT.”

Accompanying said written guarantees, attached thereto, and referred to me therewith at said time, was the following corrected report made that day to your honorable body, to-wit:

“To the President and Members of the Board of Aldermen:

Gentlemen:—Your Special Committee to whom was referred G. O. 50 and G. O. 51, 1886, report as follows: We recommend that G. O. 51, 1886, do not pass.

As to G. O. 50, we submit herewith a letter from Mr V. T. Malott, and as Manager of the Union Railway Company. It is his personal guarantee that the subscription by citizens to the South Illinois tunnel fund shall be paid into the treasury by the time the contract is ready to be let to construct the same.

The ordinance provides that fifteen thousand dollars shall be paid in by the Union Railway Company, when fifteen thousand dollars (if that much additional is necessary), shall be paid in from voluntary subscriptions. We think this secures the building of the tunnel, costing not to exceed \$30,000 00.

We recommend G. O. 50, 1886, be passed.

We make written statement of Mr. Malott as manager and personal guarantee, a part of this report, and recommend its acceptance.

Respectfully submitted,

James A. Pritchard,
M. L. Brown,
H. W. Laut,
John Rail.”

Having examined the foregoing written guarantee of the Indianapolis Union Railway Company, endorsed with the personal guarantee of V. T. Malott, in connection with General Ordinance No. 50, 1886, therein referred to, together with the said report of the Special Committee thereon, I am of the opinion that the city's interests will be fully protected by the adoption of said report, to the extent of the sum of \$15,000 00, guaranteed as aforesaid.

Respectfully submitted,

WM. L. TAYLOR, City Attorney.

Alderman Schmidt moved that the foregoing matter be referred back to the City Attorney, and that he be instructed to draft an amendment to G. O. 50, 1886, so as to specify a given time in which to pay the \$15,000 00 to the Treasurer for the city, and to report at next meeting; which motion failed of adoption by the following vote:

AYES, 5—viz: Aldermen King, Laut, Prier, Rail and Schmidt.

NAYS, 5—viz: Aldermen Brown, Crosby, Pritchard, Wright and President Endly.

The foregoing report of the City Attorney, together with the report of the Special Committee embodied therein, was then adopted by the following vote:

AYES, 7—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Wright and President Endly.

NAYS, 3—viz: Aldermen Prier, Rail and Schmidt

The following entitled ordinance was then read the second time:

G. O. 50, 1886—An ordinance to amend General Ordinance No. 34, 1886, entitled: "An ordinance to vacate a portion of Illinois street for Union Railway purposes."

Alderman Schmidt offered the following amendment:

Amend by striking out the figures \$15,000 00, and insert in lieu thereof the words and figures thirty thousand (\$30,000.00) dollars.

Which failed of adoption, by the following vote:

AYES, 8—viz: Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Wright, and President Endly.

NAYS, 2—viz: Aldermen Rail and Schmidt.

Alderman Schmidt offered the following amendment:

Amend by inserting after the word "building," (in second line of printed ordinance of the Proceedings of the Board of Aldermen of June 15, 1886, at page 532), the words as follows: "And shall provide and maintain, at all times, an exit gate from its said car sheds on the south side thereof, convenient to said Illinois street."

Which failed of adoption, by the following vote:

AYES, 4—viz: Aldermen King, Laut, Rail and Schmidt:

NAYS, 6—viz: Aldermen Brown, Crosby, Prier, Pritchard, Wright and President Endly.

Aldermen Schmidt offered the following amendment:

Amend by striking out "Provided, further, that no contract for the improvement of said tunnel shall be executed until the full amount of the estimated cost thereof shall be paid into the city treasury by said The Indianapolis Union Railway Company, and by citizens making voluntary contributions in aid of said improvement."

Which motion failed of adoption, by the following vote :

AYES, 4—viz: Aldermen Laut, Prier, Rail and Schmidt.

NAYS, 6—viz: Aldermen Brown, Crosby, King, Pritchard, Wright and President Endly.

Alderman Prier offered the following amendment :

Amend the third *proviso* to Section one of G. O. 50, 1886, by inserting after the words "paid into the city treasury," the words "which shall be paid on or before the first day of April, 1887."

Pending action on the above amendment by consent of the Board of Aldermen, Mr. V. T. Malott, Vice-President and General Manager of the Indianapolis Union Railway Company, submitted the following proposition :

Indianapolis, Oct. 25, 1886

To the Honorable, the Common Council and Board of Aldermen of the City of Indianapolis:

Gentlemen:—In the event that ordinance No. 50, amending General Ordinance No. 34, of 1886, as now pending before the Board of Aldermen, shall be finally ordained and established, and in consideration thereof, this company guarantees that citizens of said city or other private persons, will on or before the signing of the contract, and not later than April 1st, 1887, for the improvement of the tunnel as proposed in said ordinance No. 34, pay into the city treasury the one-half of the estimated cost of the improvement, which half shall not exceed the sum of fifteen thousand dollars as contribution to the cost of such improvement; and in case of the failure of citizens or others to so pay in said amount, this company will pay the same, or any deficit thereof.

THE INDIANAPOLIS UNION RAILWAY COMPANY,
By V. T. MALOTT, Vice President and Manager.

I personally guarantee the foregoing agreement.

V. T. MALOTT.

The above interlineation was made by this said company, and by the undersigned for himself personally, this 13th day of December, 1886.

THE INDIANAPOLIS UNION RAILWAY COMPANY,
By V. T. MALOTT, Vice President and Manager.

and V. T. MALOTT.

Which was accepted by the following vote :

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Prier, Pritchard, Rail, Wright, and President Endly.

NAYS, 1—viz: Alderman Schmidt.

And there was no action taken on the amendment offered by Alderman Prier.

The following entitled ordinance was then read the third time :

G. O. 50, 1886—An ordinance to amend General Ordinance No. 34, 1886, entitled: "An ordinance to vacate a portion of Illinois street for Union Railway purposes."

And it was passed by the following vote :

AYES, 9—viz: Aldermen Brown, Crosby, King, Laut, Pritchard, Rail, Wright and President Endly.

NAYS, 1—viz: Alderman Schmidt.

The ordinance as passed is as follows, to-wit:

GENERAL ORDINANCE No. 50, 1886.

An ordinance to amend General Ordinance No. 34, 1886, entitled "An ordinance to vacate a portion of Illinois street for Union Railway purposes."

SECTION 1. *Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis,* That Section one of General Ordinance No. 34, 1886, entitled "An ordinance to vacate a portion of Illinois street for Union Railway purposes," be amended to read as follows:

SECTION 1. *Be it ordained by the Common Council and Board of Aldermen of the City of Indianapolis,* That the surface and such other part as may be required of the following described portion of Illinois street viz: Commencing at a point fifty (50) feet south of the intersection of the north line of Louisiana street and the west line of Illinois street; thence south with the west line of Illinois street two hundred and ten (210) feet; thence east to the east line of Illinois street; thence north with said east line two hundred and ten (210) feet; thence west to the place of beginning—be, and the same hereby is, vacated for Union Railway purposes:

Provided, That by its acceptance of this ordinance the said The Indianapolis Union Railway Company shall be held to agree to raise the grade of its tracks at the crossing of said Illinois street at least two (2) feet, and that it will bear of the expense not to exceed fifteen thousand (15,000) dollars in making such improvements of the Illinois street tunnel as shall be provided for in plans and specifications; therefore that shall be prepared by the City Civil Engineer, and approved by the Civil Engineer who shall be selected by said The Indianapolis Union Railway Company; and in case said two Engineers can not agree upon such plans and specifications, said Engineers shall choose a third disinterested Engineer, and the majority of said three Engineers shall determine upon such plans and specifications, and the improvement of said tunnel shall be made in accordance with the plans and specifications so prepared and adopted by a majority of the said three Engineers.

Provided, That if said city, in making such improvement, shall defray any part of the expense thereof out of voluntary subscriptions made by citizens, such third disinterested Engineer shall be selected by such citizens; but nothing herein contained shall be so construed as to require the city to pay any part of the expense of improving said tunnel; and

Provided, further, That no contract for the improvement of said tunnel shall be executed until the full amount of the estimated cost thereof shall be paid into the city treasury by said The Indianapolis Union Railway Company and by citizens making voluntary contributions in aid of such improvement.

And by its acceptance of this ordinance, said The Indianapolis Union Railway Company shall further be held to agree to include in the construction of their depot and sheds, and to maintain in good condition a commodious foot-way, not less than ten feet in width, for public use, on one side of Illinois street, in accordance with plans to be prepared and adopted in the same way that the plans and specifications above mentioned, are to be prepared and adopted; and said The Indianapolis Union Railway Company shall also be held by its acceptance of this ordinance, to agree to light at its expense, said tunnel when so improved.

And provided further, That the property in said improved tunnel under the portion of said street herein above vacated, shall become and be the property of the city, and the city shall have the title and use of said tunnel, and the same shall be subject to its municipal powers over streets and other city thoroughfares; and nothing herein contained shall be so construed as to make it the duty of the said The Indianapolis Union Railway Company to maintain the same after the same shall have been so improved.

Provided, further, That said The Indianapolis Union Railroad Company shall not erect any wall upon or across the part of Illinois street so vacated, in such manner as to obstruct the view of said street under said car sheds, and on either side thereof from north to south, for a width of sixty feet nearest to the depot building.

And provided further, That the vacation of said street is made upon condition that said railway company shall erect its Union Depot and train sheds so as to occupy therewith the part of said street so vacated, as contemplated in the preamble of this ordinance.

And said Section one of said General Ordinance No. 34, 1886, is hereby so amended.

SECTION 2. This ordinance shall take effect and be in force from and after its passage.

Alderman Pritchard, on behalf of the Conference Committee, submitted the following report; which was concurred in:

To the President and Members of the Board of Aldermen:

3 *Gentlemen:*—Your Conference Committee on Telephones recommend that the two accompanying motions of G. D. Burgess and Stout & Barnister, be passed, concurring in the action of the Council.

“That Geo. D. Burgess, manager Michigan Coal and Lumber Co., be granted the right to string a private telephone wire from his east Market street office to No. 149 north Delaware street, and from thence to his yard on east North street near the railroad. Wire to be strung under the direction of the Superintendent of the Fire-Alarm Telegraph.”

“That Stout & Barnister be permitted to put up wire between their Illinois street office with their coal yard on the railroad at Noble street.”

Respectfully submitted,

M. M. Cummings,
D. F. Swain,
Council Conference Committee.

James A. Pritchard,
Isaac King,
G. S. Wright,
Aldermanic Conference Committee.

Alderman King offered the following motions; which were adopted:

That John Morgan and William Quirn be allowed to lay a stone walk across Pearl street, between Meridian and Illinois streets, at their own expense, under the instructions of the City Civil Engineer.

That the Street Commissioner notify the owners of No. 60 east Maryland street, to repair the sidewalk at once.

On motion, the Board of Aldermen then adjourned.

THOMAS E. ENDLY, President.

Attest: JOSEPH T. FANNING, Clerk.