

REGULAR MEETING.

COUNCIL CHAMBER,
CITY OF INDIANAPOLIS,
October 2, 1893. }

The Common Council of the City of Indianapolis met in the Council Chamber, Monday evening, October 2, 1893, at 8 o'clock, in regular meeting.

Present, Hon. Martin J. Murphy, President of the Common Council, in the chair, and 11 members, viz: Messrs. Allen, Colter, Froschauer, Gasper, Gauss, Habaney, Linn, Rassmann, Schrader, White and President Murphy.

Absent, 10—viz: Messrs. Cooper, Costello, Halloran, Laut, McGuffin, Puryear, Ryan, Schmidt, Sherer and Young.

REPORTS FROM OFFICIAL BOARDS.

DEPARTMENT OF PUBLIC WORKS.
OFFICE OF THE BOARD,
INDIANAPOLIS, October 2, 1893. }

Mr. P. J. Ryan, Chairman Committee on Franchises and Contracts, Common Council, City of Indianapolis:

DEAR SIR—We herewith send to you, for your consideration and approval, "An ordinance, confirming and approving a certain agreement and contract, made and entered into September 29, 1893, by and between the City of Indianapolis, through its Board of Public Works, and the American Telephone and Telegraph Company of Indiana."

Very respectfully,

A. W. CONDUITT,
M. M. DEFREES,
Board of Public Works.

Which was received and ordered spread on the minutes.

REPORTS, ETC., FROM STANDING COMMITTEES.

Mr. White, on behalf of the Committee on Public Morals, to whom was referred

G. O. No. 46, 1893. An ordinance governing the conduct of boot-blacks and newsboys in the City of Indianapolis, providing a penalty for the violation thereof, and providing for the publication of the same.

Made the following report :

Mr. President :

Your Committee on Public Morals, to whom was referred G. O. No. 46, have had the same under consideration and report it back without recommendation.

J. F. WHITE.

C. A. GAUSS.

T. B. LINN.

Which was read and concurred in.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business the following entitled ordinance was introduced :

By Board of Public Works :

G. O. No. 52, 1893. An ordinance, confirming and approving a certain agreement and contract, made and entered into September 29, 1893, by and between the City of Indianapolis; through its Board of Public Works, and the American Telephone and Telegraph Company, of Indiana.

WHEREAS, Heretofore, to-wit: On September 29, 1893, the Board of Public Works of the City of Indianapolis, State of Indiana, for and on behalf of the City of Indianapolis, entered into the following agreement and contract, namely :

SECTION 1. This agreement, made and entered into this, September 29, 1893, by and between the City of Indianapolis, of Marion county, State of Indiana, by and through its Board of Public Works, party of the first part, and the American Telephone and Telegraph Company, of Indiana, a corporation duly organized and incorporated under and by virtue of the laws of the State of Indiana, party of the second part.

SEC. 2. *Witnesseth :* That the party of the first part, through the Board of Public Works of the City of Indianapolis, Indiana, under and by virtue of the powers conferred upon it by an act of the General Assembly of the State of Indiana, entitled "An act concerning the incorporation and government of cities having more than one hundred thousand (100,000) population according to the United States census last preceding, and matters connected therewith and declaring an emergency," approved March 6th, 1891, does hereby authorize and empower the said party of the second part, its successors and assigns, and by the terms of this contract, consent, permission and authority are by said Board given, granted and vested unto said party of the second part, to lay wires and construct lines for telephone and telegraph service in, along and upon the following streets, avenues, alleys and public places of the City of Indianapolis, Marion county, State of Indiana, and to use, maintain and operate the same for and in consideration of, and subject to the terms and conditions hereinafter prescribed.

SEC. 3. Upon Twenty-second street, from the city limits on the east to the city limits on the west On North Tennessee street, southerly from Twenty-second street to West Seventh street. On West Seventh street, from Tennessee street to the alley between North Tennessee and North Illinois streets, sometimes called Muskingum street. On last named alley, sometimes known as Muskingum street, southerly from West Seventh street to West New York street. On West New York street, from said alley, or Muskingum street, to Indiana avenue. On Indiana avenue, from New York street to the southwest corner of West Ohio and North Illinois streets. Also in and upon such other highways as shall be necessary to enable the said party of the second part to connect subscribers and patrons with its central office; but it is expressly understood and agreed that no highways of the city shall be occupied by said party of the second part, except such as are specifically named herein, without the written consent of the Board of Public Works.

SEC. 4. In consideration of the above privileges granted to the party of the second part, its successors and assigns, said party of the second part fully agrees and hereby binds itself, its successors and assigns, to the following terms and conditions, to-wit:

SEC. 5. All wires within the space bounded by North, South, East and West streets, shall be placed under ground, but outside of said streets poles may be erected and wires placed thereon in the usual manner, but the party of the first part shall have the right at any time to extend the circuit within which said wires shall be placed under ground, and the party of the second part hereby fully agrees and binds itself, its successors and assigns, upon due notice from the Board of Public Works to remove its poles and place its wires under ground at such points as may be determined by the Board of Public Works.

SEC. 6. The wires and conduits therefor, under ground, may be placed in streets and alleys, but injury shall not be done to any shade trees, or the property of any person or persons, or to any public or private sewer, water and gas pipes, or other structures heretofore laid by or under authority of the city.

SEC. 7. At least forty-eight hours before opening any street, alley or public place, said party of the second part shall notify the Board of Public Works of its intention so to do, and the said party of the second part, and its servants and employes in the laying of any wires or conduits, in excavating and replacing the earth in any street, alley or public place, and of the pavement thereon, shall be under the supervision of the Board of Public Works, and shall promptly comply with any order of said Board. The earth removed in making any excavation shall be restored, and the pavement be re-laid by said party of the second part in as good a condition as before the making of such excavation, and thereafter be maintained in as good condition as the surrounding pavement, until the street or alley in each case is repaved. No excavation in any street, alley or public place shall be allowed to remain open, or said street, alley or public place be encumbered for a longer period than shall be necessary to execute the work for which the same is made, and no greater distance than one square shall be opened at one time, and the work shall be done continuously and speedily completed.

The cost of restoring the earth, or otherwise, arising from such excavation, and the laying of pavements, and repairs thereto, caused by the opening of any such street, alley or public place, shall be paid by said party of the second part, and said work shall be done under the supervision of the Board of Public Works, and the expense of such supervision shall be paid by said party of the second part, on presentation of bills, certified to by said Board, and any expense to which the city shall be put from neglect of said party of the second part, or its employes, in the doing of any work, or the doing of the same in an unworkmanlike manner, or the digging of ditches or holes, and erection of poles, or restoring the earth, or any excavation or relaying or replacing of any pavements, shall be paid for in like manner by said party of the second part, on presentation of the bills of cost, certified to by said Board of Public Works.

SEC. 8. Outside of the circuit within which the erection of poles is prohibited poles shall be placed so as not to interfere with public travel, or streets, or walks, or with public or private property, and the erection thereof shall be subject to the supervision and direction of the Board of Public Works, and the party of the second part hereby agrees and binds itself to change the location of any pole, or poles, upon due notice from the Board of Public Works.

SEC. 9. The party of the first part shall not be liable, independently or jointly, with the party of the second part, for any damages, or claims for damages, to persons or property that may arise by reason of the construction and operation of the lines of telephone and telegraph of the party of the second part, or in any wise connected with or growing out of the granting of this franchise or contract, to the said party of the second part, and the said party of the second part agrees to indemnify the City of Indianapolis against, and assume all liability and damages for any such claims or damages.

SEC. 10. The said party of the second part shall reserve to the City of Indianapolis the right to the exclusive use of one cross-arm upon all poles erected, and to the exclusive use of one duct in all conduits laid, for its police, fire alarm and other city official telegraph service, free of charge to the said city.

SEC. 11. The party of the second part, before exercising any of the rights hereby granted, shall execute to the City of Indianapolis a good and sufficient bond in the penal sum of ten thousand dollars (\$10,000) with sureties to be approved by the Board of Public Works, conditioned that the party of the second part shall faithfully comply with and perform the terms and conditions of this contract, and the said bond shall be renewed from time to time, on demand of the party of the first part.

SEC. 12. This contract and the grant herein made shall be in force for a term of twenty-five years from the date when it takes effect, and the said party of the second part shall be subject to, and it hereby agrees to be subject to all city ordinances now in existence, or which may hereafter be passed relative to telephone and telegraph companies not conflicting with the rights herein granted.

SEC. 13. All rights under this contract shall cease unless the party of the second part shall have constructed its main line and opened an office for the transaction of business within six months from the time this contract takes effect.

In testimony whereof, we have hereunto set our hands and seals this 29th day of September, 1893.

THE CITY OF INDIANAPOLIS,

By A. W. CONDUIT,

A. SCHERRER,

M. M. DEFREES,

Board of Public Works,

Party of First Part.

[SEAL.]

AMERICAN TELEPHONE AND TELEGRAPH COMPANY, OF INDIANA,

By EDWARD P. MEANY, *President,*

EDWARD W. BELL, *Secretary,*

Party of Second Part.

Approved: T. L. SULLIVAN, *Mayor.*

[BOND.]

Know all Men by these Presents:

That we, the American Telephone and Telegraph Company, of Indiana, as Principal, and American Surety Company, of New York, of the county of New York, State of New York, as Sureties, are held and firmly bound to the City of Indianapolis, Indiana, in the sum of ten thousand dollars (\$10,000) for the payment of which, well and truly to be made, we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The conditions of the above obligation are such that if the above-named company, as principal, shall faithfully comply with the foregoing contract, made and entered into this September 29, 1893, with the City of Indianapolis, and shall fulfill all the conditions and stipulations therein contained according to the true intent and meaning thereof in all respects, then this obligation to be void, otherwise to be and remain in full force and virtue in law.

Witness our hands and seals on this 29th day of September, 1893.

AMERICAN TELEPHONE AND TELEGRAPH COMPANY, OF INDIANA,

[SEAL.]

By EDWARD P. MEANY, *President,*

EDWARD W. BELL, *Secretary.*

AMERICAN SURETY COMPANY, OF NEW YORK,

[SEAL.]

By DAVID B. SICKELS, *Second Vice-President,*

SAMUEL S. PERRY, *Attorney.*

STATE OF NEW YORK,

CITY AND COUNTY OF NEW YORK, } ss:

Before me, Daniel J. Phelan, a notary public, of the State of New York, this 30th day of September, 1893, appeared Edward P. Meany, President of the American Telephone and Telegraph Company, of Indiana, a corporation, and Edward W. Bell, secretary of said corporation, and as such officers, and on behalf of said corporation, acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

DANIEL J. PHELAN,

Notary Public, Kings County.

[Certificate filed in New York County.]

STATE, CITY AND COUNTY OF NEW YORK, ss:

On this 30th day of September, 1893, before me personally appeared David B. Sickels, Second Vice-President of the American Surety Company of New York, with whom I am personally acquainted, who being by me duly sworn, said: that he resided in the City of New York; that he is the Second Vice-President of the American Surety Company of New York; that he knew the corporate seal of said company; that the seal affixed to the foregoing instrument is such corporate seal; that it was affixed by order of the Board of Trustees of said company, and that he signed said instrument as Second Vice-President of said company by like authority; and that the liabilities of said company do not exceed its assets as ascertained in the manner provided in Section 3, Chapter 486, of the New York Session Laws of 1881. And the said David B. Sickels further said that he was acquainted with Samuel S. Perry, and knew him to be one of the attorneys of said company; that the signature of said Samuel S. Perry subscribed to the said instrument, is in the genuine handwriting of the said Samuel S. Perry, and was thereto subscribed by the like order of the said Board of Trustees, and in the presence of him the said David B. Sickels, Second Vice-President.

[SEAL.]

L. E. CARMAN,
Notary Public No. 14, New York County.

[Certificate filed in Kings County.]

At a meeting of the Board of Trustees of the American Surety Company of New York, held at the office of the company, on the 20th of January, 1892, on motion, it was

“Resolved, That in pursuance of Chapter 416, Laws of 1886, amending Section eight hundred and eleven of the Code of Civil Procedure, the President, Vice-President and Second Vice-President, and each of them, be, and they are hereby, authorized and empowered to sign, execute and deliver any and all bonds or undertakings, for and on behalf of the company, and to attach thereto the seal of the company, the same to be attested by the secretary, or one of the assistant secretaries, or by one of the attorneys.”

CITY AND COUNTY OF NEW YORK, ss:

I, Geo. L. Holmes, assistant secretary of the American Surety Company of New York, have compared the foregoing resolution with the original thereof, as recorded in the minute book of said company, and do certify that the same is a correct and true transcript therefrom, and of the whole of said original resolution.

Given under my hand and the seal of the company at the City of New York, this 30th day of September, 1893.

GEO. L. HOLMES,
Assistant Secretary.

AND, WHEREAS, Said contract has been duly submitted by the said Board of Public Works to the Common Council of the City of Indianapolis, for its action thereon; therefore,

SECTION 1. Be it ordained by the Common Council of the City of Indianapolis, State of Indiana, That the contract and agreement, heretofore, to-wit: On September 29, 1893, made and entered into by the City of Indianapolis, by and through the Board of Public Works of said city, and the American Telephone and Telegraph Company, of Indiana, by and through its proper officers, as fully set out in the preamble hereto, be and the same is hereby, in all things, confirmed and approved.

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

Read first time and referred to Committee on Contracts and Franchises.

MISCELLANEOUS BUSINESS.

Mr. Habeney offered the following motion :

Moved, By the Common Council of the city of Indianapolis, that the following named persons be and the same are hereby appointed Inspectors of the election to be held October 10, 1893, to fill vacancies:

- 21st Precinct, Wm. H. Pressel, 36 Bellefontaine street.
- 27th Precinct, Horace T. Bennett, 765 North Pennsylvania street.
- 74th Precinct, Cornelius Conwell, 69 Massachusetts avenue.
- 89th Precinct, John Connaughton, South Summit street.
- 100th Precinct, John Loes, 99 South Noble street.
- 47th Precinct, Joseph Gardner, 190 North West street.
- 39th Precinct, John Leibrich, 330 West North street.
- 116th Precinct, Wm. Manmon, 262 South Delaware street.

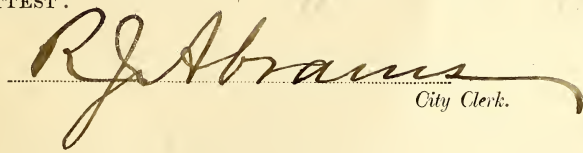
Which motion was adopted.

On motion of Mr. Rassmann, the Common Council, at 8:30 o'clock P. M., adjourned.



 President.

ATTEST :



 City Clerk.