

## SPECIAL MEETING.

COUNCIL CHAMBER, CITY OF INDIANAPOLIS, IND.

MONDAY, March 14, 1904.

The Common Council of the City of Indianapolis, met in the Council Chamber, Monday evening, March 14, 1904, at 7:30 o'clock in special session, President James H Billingsley, in the chair, pursuant to the following call:

INDIANAPOLIS, March 12, 1904.

To the President and Members of the Common Council:

Gentlemen: I deem it expedient that a special meeting of your honorable body should be held prior to the date of the next regular meeting for the purposes hereinafter set out; and I do therefore call a special meeting of the Common Council for Monday, March 14, 1904, at the hour of 7:30 P. M., for the purpose of the introduction, consideration and passage of an ordinance providing for an appropriation to pay the certain claims and demands of members and ex-members of the fire force of the City of Indianapolis against the city on account of sums wrongfully withheld and deducted from their salaries by order of a previous Board of Safety, and also an ordinance ratifying, approving and confirming a certain resolution of the Board of Public Works adopted March 11, 1904, consenting to the transfer of the franchise of the New Telephone Company to the Indianapolis Telephone Company; also for the consideration and passage of an ordinance heretofore introduced providing for the licensing, regulation and inspection of breweries and distilleries and their depots and agencies within said city; also for the consideration and passage of a certain ordinance heretofore introduced in your honorable body providing for the transfer to the general fund of an unexpended balance of \$6,871.48 of the proceeds of the sale of bonds issued and sold under General Ordinance No. 4, 1901; also for the consideration and passage of a certain ordinance heretofore introduced in your honorable body confirming the certain contract entered into February 26, 1904, between the city and the Indianapolis Light and Power Company concerning the public lighting of said city; also to receive communications from the Board of Public Works, the Board of Public Safety, and the undersigned relative to said matters; and for the transaction of any business that may come before your body.

Yours very respectfully,

JOHN W. HOLTZMAN,

Mayor.

I, W. M. Fogarty, Clerk of the Common Council, do hereby certify that I have served the above and foregoing notice to the President and each member of the Common Council prior to the time of meeting, pursuant to the rules.

W. M. FOGARTY,

City Clerk.

Which was read.

The roll was called.

Present: The Hon. James H. Billingsley, President of the Common Council, and 17 members, viz.: Messrs. Cooper, Cottey, Davis, Eppert, Gasper, Hofmann, Linus, Moriarity, Murray, Rhodes, Shea, Storm, Sullivan, Uhl, Wahl, Wolsiffer, Wright.

Absent, 3, viz.: Messrs. Crall, Fishback, Krause.

By Mr. Shea:

Appropriation Ordinance No. 1—1904: An ordinance appropriating the sum of \$9,865.26 to the use of the Board of Public Safety for the payment of certain claims of members of the fire force.

Section 1. Be it ordained by the Common Council of the City of Indianapolis, Indiana, That there be and hereby is appropriated from the general funds of said city not heretofore appropriated for other purposes, the sum of \$9,865.26, to the use of the Board of Public Safety of said city for the payment, settlement and discharge of certain claims and demands held and asserted by members of the fire department of said city during the year 1898 for the wrongful deduction and withholding of a portion of their salaries of said year.

Sec. 2. This ordinance shall be in full force from and after its passage.

Which was read a first time and referred to Committee on Finance.

From the Board of Public Works:

INDIANAPOLIS, March 14, 1904.

To the President and Members of the Common Council:

Gentlemen: The Board of Public Works transmits to you for your consideration and action the enclosed ordinance, entitled: "An ordinance ratifying, confirming and approving a certain resolution adopted by the Board of Public Works of the City of Indianapolis, March 11, 1904, consenting to the transfer of the interests of the New Telephone Company into and under its franchise, contract and grant with the City of Indianapolis dated May 18, 1898, to the Indianapolis Telephone Company.

Respectfully,

M. A. DOWNING,  
JACOB WOESSNER,  
DAVID WALLACE,  
Board of Public Works.

Which was read.

By Board of Public Works:

General Ordinance No. 25—1904: An ordinance ratifying, confirming and approving a certain resolution adopted by the Board of Public Works of the City of Indianapolis, March 11, 1904, consenting to the transfer of the interests of the New Telephone Company into and under its franchise, contract and grant with the City of Indianapolis dated May 18, 1898, to the Indianapolis Telephone Company.

*Whereas*, The Board of Public Works of the City of Indianapolis on the 11th day of March, 1904, adopted the following resolution:

*Whereas*, Heretofore, on the 18th day of May, 1898, a contract was entered into between the City of Indianapolis by and through its Board of Public Works, and the New Telephone Company, whereby said Company was authorized to construct in and over the streets, alleys, avenues and public places of said city a telephone plant and system and to operate the same for a fixed period, subject to limitations and conditions contained in said contract; and

*Whereas*, It was provided in said contract that the capital stock of said Company should not be increased beyond the sum of \$400,000 without the express consent of the Board of Public Works of said city to be expressed by a resolution duly adopted by said Board and ratified by the Common Council of said City; and said contract further providing that the franchise and privileges therein granted by the City of Indianapolis should not be assigned nor in any manner transferred by the said New Telephone Company either directly or indirectly, without the consent of the Board of Public Works of said city, to be expressed by a resolution to be regularly adopted by said Board and ratified by the Common Council of said city; and

*Whereas*, The said New Telephone Company desires to transfer its said franchise and its rights under said contract subject to the limitations and conditions thereof to the Indianapolis Telephone Company, a corporation organized under the laws of the State of Indiana, providing for the incorporation of companies to own, maintain and operate telephones, telephone lines and telephone exchanges in the State of Indiana, and said Indianapolis Telephone Company desires to acquire said franchise and the rights of the New Telephone Company under said contract subject to the limitations and conditions thereof; and,

*Whereas*, Said Indianapolis Telephone Company desires to increase its capital stock to \$1,200,000 for the purpose of enlarging its plant and providing additional and better telephone facilities and service within said city; now, therefore, be it hereby

*Resolved*, That the consent, permission and authority of said City of Indianapolis and of its Board of Public Works is hereby given and granted to the said New Telephone Company to sell, lease or otherwise dispose of its telephone system and its franchise, rights and privileges under said contract of May 18, 1898, subject always to the limitations and conditions thereof, to the Indianapolis Telephone Company; and consent, permission and authority are also given to said Indianapolis Telephone Company, to purchase, lease or otherwise acquire or secure, the telephone plant and franchise rights and privileges of said New Telephone Company, and to maintain and operate the same, subject always to the limitations and conditions imposed by said contract of May 18, 1898; and consent, permission and authority of said city and its Board of Public Works is hereby given to the increase of the capital stock of the Indianapolis Telephone Company to \$1,200,000; it being understood that nothing contained herein shall be construed as releasing said companies from any of the terms, obligations, burdens or limitations imposed by said contract of May 18, 1898, but that the transfer, sale, lease or assignment of said telephone system and franchise and the assignment and transfer of said contract and the rights and privileges thereunder shall be made by said New Telephone Company and shall be accepted by said Indianapolis Telephone Company subject to the terms, conditions, limitations and burdens expressed and set out in said contract of May 18, 1898.

M. A. DOWNING,  
JACOB WOESSNER,  
DAVID WALLACE,  
Board of Public Works.

Section 1. Be it therefore ordained by the Common Council of the City of Indianapolis, Indiana, that the foregoing resolution of the Board of Public Works of said city by and the same is hereby in all things ratified, approved and confirmed.

Sec. 2. This ordinance shall take effect from and after its passage.

Which was read a first time and referred to Committee on Contracts and Franchises.

Mr. Gasper, Chairman of Finance Committee, stated that the Committee on Finance was not prepared to report on General Ordinance No. 17, 1904, and General Ordinance No. 16, 1904.

Mr. Eppert, of the Committee on Contracts and Franchises stated that the committee was not prepared to report on General Ordinance No. 15, 1904.

On motion of Mr. Moriarity, the Common Council, at 7:42 o'clock, adjourned.

*J. H. Billingsley*  
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President.

ATTEST:

*W. M. Fogarty*  
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City Clerk.