

File No. 8792 Continued.

CORRESPONDENCE.

were to be left in the footway. The taxes in arrears are from 1897 to 1908.

597 The poles were marked with the C. & P. Tel. Company's stencil. The one in front of #204 has fallen down from being rotten. The one in front of #224 is still standing but is in very bad condition.

The representatives of the C. & P. Telephone Company returned this permit, claiming that the pole was the property of the Police & Fire Alarm Telegraph. Mr. Smith, Chief Lineman of the Police & Fire Alarm Telegraph, says that the Police & Fire Alarm Telegraph never had anything to do with this pole. Mr. Yeakle, Superintendent of the Police & Fire Alarm Telegraph, disclaims all ownership.

The C. & P. Telephone Company are willing to remove the pole but will not pay the back taxes. We claim that they own the pole and are not only liable for back taxes, but are liable to the fine for not reporting these poles as provided by ordinance. They claim that they had wires on this pole at one time, and it appears to me that we should proceed against the C. & P. Tel. Company, and that we have sufficient evidence to show that they are responsible for the poles.

If the poles belonged to some other company, they certainly would not have been allowed by that company to use the poles except under an agreement. This agreement, of course, I cannot force them to produce, but I assume that the Courts could.

As I have heretofore written you this week, there are a number of these cases giving this Department considerable trouble, which, I believe, cannot be handled except in Court, and I earnestly recommend that action be taken.

It is quite possible that if the company's legal representatives have these questions properly presented to them, that they will see the justice of the City's claims and instruct their clients as to how they should act.

I, therefore, leave the matter in your hands for such action as your judgment may indicate.

Very truly yours,

(Signed) B. T. Fendall,
City Engineer.