

Council Chambers,
Dec. 21, 1900.

Special session.

Called to order by Clerk.

On account of the absence of Pres. Seabolt Ald. Hamilton was on motion elected chairman pro tem. for the evening.

Roll call—Present: Ald. Hamilton, Koch, Schlenker, Rohde, Kearns, Brown, Grose, Weeks, Coon, Jenney, Bliton, Fischer. Absent: Ald. Richards, Vandawarker, Pres. Seabolt.

Mayor's Office,
Ann Arbor, Mich.

To James E. Harkins, Esq., City Clerk:

Having been applied to in writing by a majority of the members of the Common Council for that purpose a special meeting of the Common Council is hereby called for Friday evening, Dec. 21, 1900.

You will therefore issue the usual notice and call for a special meeting of the Common Council of the city of Ann Arbor, Mich., to meet in the Council Chambers on Friday, Dec. 21, 1900, at 7:30 o'clock p. m., local time, for the purpose of considering an ordinance granting to J. D. Hawkes and S. F. Angus a franchise for construction and operation of an electric railway within the city of Ann Arbor. Also a franchise for like purpose to William A. Boland. Also to reconsider an order of the Common Council postponing the consideration of such ordinances which was passed at the last meeting of the Common Council, if necessary. Also for the purpose of allowing the salary list to the paid officers and employes of the city for the present month of December.

GOTTLOB LUICK, Mayor.

Dated Dec. 21, 1900.

FINANCE.

Ald. Hamilton presented the salaries of the city officials for the month of December.

By Ald. Brown:

That rule 21 be suspended.—Carried.

Ald. Brown moved that the salaries as read by allowed and the Clerk directed to draw warrants for the same.

Adopted as follows:

Yeas—Ald. Hamilton, Koch, Schlenker, Rohde, Kearns, Brown, Grose, Weeks, Coon, Jenney, Bliton, Fischer—12.

Nays—None.

ORDINANCE.

Ald. Brown presented for its final passage, with various amendments:

AN ORDINANCE, granting to J. D. Hawks and S. F. Angus, their heirs, associates, successors and assigns, permission and authority to construct and maintain, own, and operate an electric street railway in the City of Ann Arbor.

The ordinance, with amendments, was read by sections:

Section 1. That J. D. Hawks and S. F. Angus, their heirs, associates, successors and assigns, or the corporation constructing and operating the street railway under this franchise, be and are hereby granted consent, permission, power and authority to construct, maintain and operate a street railway for the period of thirty years only, the motive power of which shall be compressed air, direct current system of electricity, multiphase or alternating current system of electricity, storage batteries, or other modern rapid motive power, excepting steam, at the option of said grantees, with, from time to time, the necessary switches, turnouts, poles, feeder wires and other wires and appliances to operate the same through the City of Ann Arbor and toward or to Jackson upon and along the following streets in the City of Ann Arbor, namely:

Commencing on Main street at the intersection of the tracks of the Detroit, Ypsilanti and Ann Arbor railway in the center of Huron street, thence west on Huron street and Jackson avenue to the westerly city limits, crossing the tracks of the Ann Arbor railway company at grade, or in the event the said tracks of the said steam railway shall be raised and the grade separated thereat, then under the tracks of the said steam railway; in the event of the Railroad Commis-

sioner refusing consent to a grade crossing and the non-separation of the grades thereat, then on an overhead bridge, such overhead bridge to be of modern design, of width and capacity sufficient to carry and accommodate the said electric railway and also all public travel and traffic; such overhead bridge and the approaches thereto to be constructed on the grade of the width and according to a plan to be approved by the Common Council and under the direction of the City Engineer, or such other person or persons as the Common Council shall or may appoint; such overhead bridge, its approaches, the construction and maintenance thereof, and as well all injury and damage occasioned thereby to adjoining property or otherwise to be without cost to the City of Ann Arbor. Provided that, and in the event of an application to the Railroad Crossing Board for an adjudication directing the construction of such overhead bridge, the maintenance thereof and the payment of damages occasioned thereby, and the distribution of the cost and expense attending the same among the said grantees the Ann Arbor Railroad Company and the City of Ann Arbor, then the said grantees shall, will and doth agree to pay all sums or sum of money which shall be in such proceedings charged, adjudged or awarded, against the City of Ann Arbor.

Provided further, and before the work of construction of such overhead bridge shall be commenced, that said grantees shall and will adjust, settle and pay all damage to adjoining property, that if the property owner and said grantees shall not be able to agree on the question of just compensation, then such damages shall be adjusted by arbitrators, one to be chosen by the said grantees, one by the property owner claiming damage, and the third by the two thus appointed. Provided, however, and in event of a failure to agree on such compensation and the failure of refusal of the land owner claiming damage to appoint an arbitrator within a period of three days

after notice, then such work of construction may proceed and the said damage shall be otherwise adjusted.

Ald. Brown moved that the section be passed as read.—Carried.

Section 2. The said street railway shall be constructed and consist of a standard guage track, with, from time to time, all necessary switches and turnouts, and, together with all of its cars, appliances and equipments shall be constructed and maintained in the most improved modern manner and in all respects of first-class material, and so as to interfere and interrupt as little as possible the ordinary traffic on and along the said streets and highways.

Ald. Brown moved that the section be passed as read.—Carried.

Section 3. This grant is made upon the express condition that said proposed street railway be constructed, fully completed and in operation within one year from the date of the final passage and acceptance of this ordinance, and upon the further condition, this ordinance shall be operative only on the condition that, within six months from the passage and acceptance thereof, the said grantees shall have fully completed at least ten miles of their proposed railway from Ann Arbor to Jackson, measuring from the westerly city limits, and in the event of a failure so to complete said street railway and to construct the said ten miles thereof, then this ordinance shall be in all things null and void. This ordinance and franchise is granted upon the further condition that the said grantees do, within one year and three months after the passage of this ordinance, construct complete for operation, in connection with their said suburban railway line, a branch therefrom to the Village of Dexter, and to continuously thereafter operate the same in connection with their said railway; provided, however, and in the event of the construction of a direct electric railway line from the City of Ann Arbor to the Village of Dexter, then the said grantees may have leave and be at liberty to abandon their said

Dexter branch. And this franchise is granted upon the further express condition that if the said grantees, their heirs, successors or assigns, shall sell, assign, or consolidate, or attempt to sell, consign, or consolidate the electric railway to be constructed under this franchise with any steam railway; or if the said electric railway, so to be constructed, or the stock or bonds thereof, shall be purchased or otherwise acquired by any such steam railway, or by any director or other principal officer, or other person acting in behalf of any such steam railway, this franchise shall from thence be null and void. And, upon the further condition, and the Common Council of the City of Ann Arbor shall have power and authority by ordinance to require the said grantees, their successors and assigns, and the corporation operating the street railway under this franchise, to sprinkle, wet down and lay the dust on all that part of every street occupied by their tracks, or upon which their said cars are run and for a space or distance of two feet on either side of their said tracks to the extent and so that the dust shall be at all times well and sufficiently laid. And the said Common Council shall have power and authority at all times to make such further rules, orders, ordinances or regulations concerning the construction and operation of said street railway and cars as may, from time to time, be deemed necessary to protect the interests, safety and welfare of the inhabitants of the said city and to accommodate the public in its relations to the said railway system.

Ald. Brown moved that the section be passed as read.—Carried.

Section 4. The said grantees, their heirs, associates, successors and assigns, and the corporation operating the street railway under this franchise, shall have the right, privilege, power and authority to carry passengers, baggage, express, United States mail, light and package freight, and shall carry passengers—that is to say, local passengers, meaning thereby all per-

sons who shall or may apply for carriage and transportation within the corporate limits of the city of Ann Arbor—over the said line of street railway, or any part thereof, for one continuous passage one way for a single fare of five cents for each passenger. That said grantees, their successors and assigns, shall continuously keep on every car devoted to passenger service a supply of tickets for sale at and for the price of twenty-five (25) cents for six tickets, one of which tickets shall entitle any person to one continuous ride from and to any part of the city on and over said street railway, and each and every person so paying any such fare or delivering any such ticket shall on application be entitled to have and receive from the said grantees, their successors and assigns a transfer ticket to the Detroit, Ypsilanti & Ann Arbor street railway, or any other street railway constructed in the city of Ann Arbor, which on presentation to said Detroit, Ypsilanti & Ann Arbor Street railway, or any other such railway, within two hours from the time of issue shall entitle any such passenger to one continuous ride over the said Detroit, Ypsilanti & Ann Arbor railway, or other street railway, to any part of the city, and the said grantees, their successors and assigns shall receive and accept in payment for single fares and continuous rides over the street railway constructed under this franchise, within the corporate limits of the city, like transfer ticket issued and delivered by the Detroit, Ypsilanti & Ann Arbor Street Railway, its successors and assigns, or other street railway, and the said grantees shall make and maintain provision for the issue of such transfer tickets by the Detroit, Ypsilanti & Ann Arbor Street Railway, its successors and assigns, or other street railway, and shall carry and transport children under the age of five years, when accompanied by parent or guardian, and all the members of the Ann Arbor police force, fire department force and engineering force when on duty, free.

The provisions of this section shall

not apply to passengers or persons who begin and end their journey outside of the limits of the City of Ann Arbor, but shall be understood to apply strictly to local passenger traffic only, except that all persons who begin or end their journey within the corporate limits of the City of Ann Arbor shall be entitled to receive, have and make use of such transfer tickets.

Aid. Brown moved that the section be passed as read.—Carried.

Section 5. This grant is made upon a further condition that all of the cars of said street railway shall at all times be propelled by electric power or such other rapid motive power, except steam, as the said grantees shall, or may, from time to time, deem expedient. The said cars shall be of modern type and shall at all times be properly lighted and comfortably heated and be propelled at a rate of speed not exceeding twelve miles per hour. In the paved, or hereafter to be paved, portion of said streets, the poles erected by the said grantees shall be of iron; all other poles shall be of well shaped cedar and at all times maintained properly painted. All of the rails of the said railway, and the said street railway shall be of the kind known and called Girder Tram rails, except in the streets or parts of streets which are now, or shall, or may be hereafter paved, or planked, and in all paved or planked streets the rails shall be of the kind known as the Grooved Girder rail, and not less than seven inches in depth, and the said Grantees shall at all times keep and maintain the space between the rails of the said railway track in all unpaved streets properly filled with six inches crushed stone macadam, well and sufficiently constructed, and suitably rolled, and for a distance of one and one-half feet on either side of the said track, at all times well graded with good clean gravel, and so that the travel on the streets will be obstructed as little as possible. The tracks and other appliances shall be laid and constructed in a careful and prudent manner, and by careful bonding and other approved methods, provide against

electrolysis of gas, water and other pipes laid beneath the surface of the streets, and the said Grantees, their successors and assigns, shall be liable for and shall pay to any person, firm or corporation entitled thereto, any and all damage occasioned by electrolysis coming from their said electric railway construction or operation. No cars shall be allowed to remain standing idle upon any street within the city limits, except consent of the Common Council, nor shall any cars be permitted to stop on any crosswalk, or any street crossing except in case of accident, or to take on or discharge passengers, and then only without obstructing the crosswalks. All cars taken over said railway shall be in charge of sober, prudent and experienced employes, and it shall be the duty of every person in charge of any car to keep a vigilant watch or outlook for all teams, persons on foot and especially children, and all other obstructions, either upon the track or moving towards it, and, at the first appearance of danger, the car shall be stopped in the shortest time and space possible, and all cars shall be provided with sufficient air-brakes for that purpose. The cars upon said railway shall always be entitled to the track, except as against the fire department, when on duty, and buildings being moved under the direction of the Common Council; and the driver of any vehicle obstructing the same shall turn out and leave the track free upon approach of any car as soon as possible, and so as not to impede the car, and any person who shall refuse so to do, after having been warned by the motorman, or other person in charge of the car, by the ringing of the car bell or otherwise, shall upon conviction thereof, before any court of competent jurisdiction, be fined in any sum not exceeding twenty-five (\$25.00) dollars and the costs of prosecution, and the Court, upon the imposition of any such fine, shall have the further power and authority to sentence any such offender to confinement in the common jail of the County of Washtenaw until such fine and costs

shall be paid, not exceeding thirty days.

Ald. Brown moved that the section be passed as read.—Carried.

Section 6. Whenever the Common Council of the City of Ann Arbor shall order any of the streets over which this franchise is granted, to be paved, re-paved, or otherwise improved, or any part or parts thereof, wherein the tracks of said street railway are laid, it shall be the duty of the said grantees, their associates, successors and assigns, and they shall at their own costs and expense, grade, pave, repave or otherwise improve, all of the parts of the said streets which lie between the outer rails of the said track and one foot and six inches distant therefrom on the outer side thereof, and also the space lying between the main tracks or track and all side tracks, and all other places where there are side tracks, turnouts or switches, with like kind of material, other than sheet asphalt, at the same time and in the same manner in which the other portions of said street or streets shall or may be paved, repaved, or otherwise improved and if the said street railway shall be constructed in any street already paved, the said Grantees shall pay to the City of Ann Arbor the cost of all material which the said Grantees would be required to furnish to pave any such street. If the said Grantees shall make use of the high tension system for providing current, the poles for its high tension feeders shall be erected on some convenient street other than Main street and Huron street in the business portion of said city, which the Common Council shall designate; such designation to be made within fifteen days after notice or the said Grantees shall have power and authority to select such convenient street or streets for themselves.

Ald. Brown moved at the section be passed as read.—Carried.

Section 7. The tracks of the said street railway shall be laid in the streets at the points and on the lines designated by the Common Council and in the event that the said council

shall, for any reason, fail to make such designation within fifteen days after receiving notice from the said Grantees so to do, then the same should be laid in and along the center of said street.

Ald. Brown moved that the section be passed as read.—Carried.

Section 8. The said Grantees, their heirs, successors and assigns, or the corporation operating the street railway under this franchise, shall, after completing the construction of said street railway, restore the streets and all portions thereof, occupied by the said street railway, and maintain the same in as good condition as the same were at the time such railway construction shall commence, and the said street railway shall be in all things constructed and operated in such a manner so as to interfere as little as may be with public travel and traffic in and along the streets and avenues of the City of Ann Arbor.

Ald. Brown moved that the section be passed as read.—Carried.

Section 9. The said Grantees, their heirs, successors and assigns, shall, within ten days of the passage of this ordinance, file with the City Clerk a written acceptance of the same, and of all the terms and conditions thereof, and on failure so to do, this ordinance shall be no longer in force.

Ald. Brown moved that the section be passed as read.—Carried.

Section 10. This Ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof, and after filing with the City Clerk the written acceptance of the same, as above provided.

Ald. Brown moved that the section be passed as read.—Carried.

Section 11. All ordinances or parts of ordinances inconsistent with the provision of this ordinance are, to the extent of such inconsistencies, hereby repealed.

Ald. Brown moved that the section be passed as read.—Carried.

By Ald. Brown:

That the ordinance pass as amended.

Ald. Hamilton moved that section 9

of the ordinance have a \$10,000 bond inserted.

Lost as follows:

Yeas—Ald. Hamilton, Schlenker, Fischer—3.

Nays—Ald. Koch, Rohde, Kearns, Brown, Grose, Weeks, Coon, Jenney, Bliton—9.

Ald. Brown moved the previous question, shall the ordinance pass.

Adopted as follows:

Yeas—Ald. Koch, Rohde, Kearns, Brown, Grose, Weeks, Coon, Jenney, Bliton—9.

Nays—Ald. Hamilton, Schlenker, Fischer—3.

Chairman Hamilton declared motion lost.

Ald. Brown appealed from the decision of the chair, whereupon President Hamilton put the following motion: Shall the decision of the chair be the decision of the Council?

Lost as follows:

Yeas—Ald. Hamilton, Schlenker, Fischer—3.

Nays—Ald. Koch, Rohde, Kearns, Brown, Grose, Weeks, Coon, Jenney, Bliton—9.

Ald. Brown then presented for its final passage:

AN ORDINANCE, granting to William A. Boland, his successors or assigns permission and authority to construct, maintain, own and operate an electric street railway in the City of Ann Arbor.

By Ald. Brown:

That the entire ordinance be amended to read as follows:

SECTION 1. That permission and authority are hereby given and granted to William A. Boland, of the Village of Grass Lake, and to his associates, and assigns, to construct, maintain and operate street railways for the period of thirty years only, in, through and upon the streets, avenues and bridges of the City of Ann Arbor, with all necessary single tracks, turnouts and sidetracks, such turnouts and sidetracks as to length and location to be under the direction of the Common Council of the City of Ann Arbor and to operate an Electric Street Railway with first-class equipments on the following streets, to wit.:

Commencing at the westerly City limits in Miller avenue, running thence easterly along Miller avenue to Ashley street, thence southerly along Ashley street to Huron street, thence easterly along Huron street to Fifth avenue, thence northerly on Fifth avenue to Beakes street, thence easterly on Beakes street to Broadway; crossing the Michigan Central Railway on an iron bridge to be constructed by said Grantee for his own use and benefit, to be located immediately northwesterly of the overhead bridge now crossing the Michigan Central Railway track, and widening the approach to the said overhead bridge on the easterly side thereof and from bridge to bridge and over the Huron River on a suitable bridge for that purpose, to be constructed immediately northwesterly of the highway bridge now constructed thereat; thence, with the southerly turn, to the center of Broadway and thence northeasterly on Broadway to the easterly City limits; crossing the track of the Ann Arbor Railway Company on Miller avenue at grade, or in the event that said track of the said Ann Arbor Railway shall be raised and the grades separated thereat, then under the tracks of the said steam railway; in the event of the Railroad Commissioner refusing consent to the grade crossing and of the nonseparation of the grades thereat, then on an overhead bridge to be of modern design, of width and capacity sufficient to carry and accommodate the said electric railway and also all public travel and traffic; such overhead bridge, the approach thereto to be constructed on the grade of the width and according to a plan to be approved by the Common Council and under the direction of the City Engineer, or such other person or persons as the Common Council shall or may appoint; such overhead bridge, its approaches, the construction and maintenance thereof and as well all injury and damage occasioned thereby to adjoining property or otherwise to be without cost to the City of Ann Arbor. Provided that and in the event of an application to the Railroad Crossing Board for an adjudication directing the construction of such overhead bridge, the maintenance thereof and the payment of damage occasioned thereby, and the distribution of the costs attending the same among the said Grantee, the Ann Arbor Railroad Company and the City of Ann Arbor, then the said Grantee shall, will and doth agree to pay all sums or sum

of money which shall or may be in such proceedings charged, adjudged or awarded against the City of Ann Arbor; Provided further, and before the work of construction of such overhead bridge shall be commenced, the said Grantee shall and will adjust, settle and pay all damage to adjoining property; but if the property owners and the said Grantee shall not be able to agree on the question of just compensation, then such damages shall be adjusted by arbitrators, one to be chosen by the said Grantee, one by the property owner claiming damage and the third by the two thus appointed. Provided, however, and in the event of a failure to agree on such compensation, and the failure or refusal of the land owner claiming damage, to appoint an arbitrator within a period of three days after notice, then such work of construction may proceed and the said damage shall be otherwise adjusted.

SECTION 2. The said street railway shall be constructed and consist of a standard gauge track with, from time to time, all necessary switches and turn-outs and, together with all of its cars, appliances and equipments shall be constructed and maintained in the most improved modern manner and in all respects of first-class material, and so as to interfere and interrupt as little as possible the ordinary traffic on and along the said streets and highways.

SECTION 3. This grant is made upon the express condition that said proposed street railway shall be constructed, fully completed and in operation within one year from the date of the final passage and acceptance of this ordinance and upon the further condition, this ordinance shall be operative only on the condition that, within six months from the passage and acceptance thereof, the said Grantee shall have fully completed at least ten miles of the proposed railway from Ann Arbor to Jackson, measuring from the westerly City limits, and in the event of a failure so to complete said street railway and to construct the said ten miles thereof, then this ordinance shall be in all things null and void. And this franchise is granted upon the further express condition that if the said Grantee, his heirs, successors or assigns shall sell, assign or consolidate or attempt to sell, consign or consolidate the electric railway to be constructed under this franchise with any steam railway; or if the said electric railway, so to be constructed, or the

stock or bonds thereof, shall be purchased or otherwise acquired by any such steam railway, or by any director or other principal officer, or other person acting in behalf of any such steam railway, this franchise shall from thence be null and void. And, upon the further condition, and the Common Council of the City of Ann Arbor shall have power and authority by ordinance to require the said Grantee, his successors and assigns, and the Corporation operating the street railway under this franchise, to sprinkle, wet down and lay the dust on all that part of every street occupied by their tracks, or upon which their said cars are run and for the space or distance of two feet on either side of their said tracks to the extent and so that the dust shall be at all times well and sufficiently laid. And the said Common Council shall have power and authority at all times to make such further rules, orders, ordinances or regulations concerning the construction and operation of said street railway and cars as may, from time to time, be deemed necessary to protect the interests, safety and welfare of the inhabitants of the said City and to accommodate the public in its relations to the said railway system.

SECTION 4. The said Grantee, his heirs, associates, successors and assigns, and the corporation operating the street railway under this franchise, shall have the right, privilege, power and authority, to carry passengers, baggage, express, United States mail, light and package freight and shall carry passengers,—that is to say, local passengers, meaning thereby all persons who shall or may apply for carriage and transportation within the corporate limits of the City of Ann Arbor over the said line of street railway, or any part thereof, for one continuous passage one way for a single fare of five cents for each passenger. That said Grantee, his successors and assigns, shall continuously keep on every car devoted to passenger service a supply of tickets for sale at and for the price of twenty-five cents for six tickets, one of which tickets shall entitle any person to one continuous ride from and to any part of the City on and over said street railway, and each and every person so paying any such fare or delivering any such ticket shall, on application, be entitled to have and receive from the said Grantee, his successors and assigns a transfer ticket to the Detroit, Ypsilanti and Ann Arbor Street Railway, or any other street rail-

way constructed in the City of Ann Arbor, which, on presentation to said Detroit, Ypsilanti and Ann Arbor Street Railway, or any other such railway, within two hours from the time of issue, shall entitle any such passenger to one continuous ride over the said Detroit, Ypsilanti and Ann Arbor Railway or any other street railway, to any part of the City, and the said Grantee, his successors and assigns, shall receive and accept in payment for single fares and continuous rides over the street railway constructed under this franchise, within the corporate limits of the City, like transfer tickets issued and delivered by the Detroit, Ypsilanti and Ann Arbor Street Railway, its successors and assigns, or other street railway, and the said Grantee shall make and maintain provision for the issue of such transfer tickets by the Detroit, Ypsilanti and Ann Arbor Street Railway, its successors and assigns, or other street railway. And shall carry and transport children under the age of five years, when accompanied by parent or guardian and all members of the Ann Arbor Police Force, Fire Department Force and Engineering Force, when on duty, free.

The provisions of this Section shall not apply to passengers or persons who begin and end their journey outside of the limits of the City of Ann Arbor, but shall be understood to apply strictly to local passenger traffic only, except that all persons who begin or end their journey within the corporate limits of the City of Ann Arbor shall be entitled to receive, have and make use of such transfer tickets.

SECTION 5. This grant is made upon the further condition that all of the cars of said street railway shall at all times be propelled by electric power or such other rapid motive power, except steam, as the said Grantee, shall, or may, from time to time, deem expedient. The said cars shall be of modern type and shall at all times be properly lighted and comfortably heated and be propelled at a rate of speed not exceeding twelve miles per hour. In the paved portion, or hereafter to be paved portion, of said streets, the poles erected by the said Grantee shall be of iron; all other poles may be of well shaped cedar and at all times maintained properly painted. All of the rails of the said railway, and the said street railway shall be of the kind known and called

Girder Tram rails, except in the streets or parts of streets which are now, or shall, or may be hereafter paved, or planked, and in all paved and planked streets the rails shall be of the kind known as the Grooved Girder rail, and not less than seven inches in depth, and the said Grantee shall at all times keep and maintain the space, between the rails of the said railway track in all unpaved streets properly filled with six inches crushed stone macadam, well and sufficiently constructed and suitably rolled, and for a distance of one and one-half feet on either side of the said tracks, at all times well graded with good, clean gravel, and so that the travel on the streets will be obstructed as little as possible. The tracks and other appliances shall be laid and constructed in a careful and prudent manner and by careful bonding and other approved methods, provide against electrolysis of gas, water and other pipes laid beneath the surface of the streets, and the said Grantee, his successors and assigns, shall be liable for and shall pay to any person, firm or corporation entitled thereto, any and all damage occasioned by electrolysis coming from their said electric railway construction or operation. No cars shall be allowed to remain standing idle upon any street within the City limits, except by consent of the Common Council, nor shall any cars be permitted to stop on any cross walk or on any street crossing, except in case of accident, or to take on or discharge passengers, and then only without obstructing the cross walks. All cars taken over said railway shall be in charge of sober prudent and experienced employees, and it shall be the duty of every person in charge of any car to keep a vigilant watch or lookout for all teams, persons on foot and especially children, and all other obstructions, either upon the track or moving towards it, and, at the first appearance of danger, the car shall be stopped in the shortest time and space possible, and all cars shall be provided with sufficient air-brakes for that purpose. The cars upon said railway shall always be entitled to the track, except as against the Fire Department, when on duty, and buildings being moved under the direction of the Common Council, and the driver of any vehicle obstructing the same shall turn out and leave the track free upon the approach of any car as soon as possible, and so as not to im-

pede the car, and any person who shall refuse so to do, after having been warned by the motorman, or other person in charge of the car, by the ringing of the car bell or otherwise, shall upon conviction thereof, before any court of competent jurisdiction, be fined in any sum not exceeding twenty-five dollars and the costs of prosecution, and the Court, upon the imposition of any such fine, shall have the further power and authority to sentence any such offender to confinement in the Common Jail of the County of Washtenaw until such fine and costs shall be paid, not exceeding thirty days.

SECTION 6. Whenever the Common Council of the City of Ann Arbor shall order any of the streets over which this franchise is granted to be paved, re-paved, or otherwise improved, or any part or parts thereof, wherein the tracks of said street railway are laid, it shall be the duty of the said Grantee, his associates, successors and assigns, and they shall at their own cost and expense, grade, pave, re-pave or otherwise improve, all of the parts of the said streets which lie between the outer rails of said track and one foot and six inches distant therefrom on the outer side thereof, and also the space lying between the main tracks or track and all side tracks, and all other places where there are side tracks, turnouts or switches, with like kind of material, other than sheet asphalt, at the same time and in the same manner in which the other portions of said street or streets shall or may be paved, re-paved, or otherwise improved, and if the said street railway shall be constructed in any street already paved, the said Grantee shall pay to the City of Ann Arbor the cost of all material which the said Grantees would be required to furnish to pave any such street. If the said Grantee shall make use of the high tension system for providing current, the poles for its high tension feeders shall be erected on some convenient street other than Main street and Huron street in the business portion of said City, which the Common Council shall designate; such designation to be made within fifteen days after notice, or the said Grantee shall have power and authority to select such convenient street or streets for themselves.

SECTION 7. The tracks of the said street railway shall be laid in the streets at the points and on the lines designated by the Common Council and in the event that the said Council shall, for any reason, fail to make such designation within fifteen days after receiving notice from the said Grantee so to do, then the same should be laid in and along the center of said street.

SECTION 8. The said Grantee, his heirs, successors and assigns, or the Corporation operating the street railway under this franchise, shall, after completing the construction of said street railway, restore the streets and all portions thereof, occupied by the said street railway, and maintain the same in as good condition as the same were at the time such railway construction shall commence, and the said street railway shall be in all things constructed and operated in such a manner so as to interfere as little as may be with public travel and traffic in and along the streets and avenues of the City of Ann Arbor.

SECTION 9. The said Grantee, his heirs, successors and assigns, shall, within ten days of the passage of this ordinance, file with the City Clerk, a written acceptance of the same, and of all the terms and conditions thereof, and on failure so to do, this ordinance shall be no longer in force.

SECTION 10. This ordinance shall take effect and be in force from and after the expiration of ten days from the legal publication thereof, and after filing with the City Clerk the written acceptance of the same, as above provided.

SECTION 11. All ordinances, or parts of ordinances inconsistent with the provision of this ordinance, are, to the extent of such inconsistencies, hereby repealed.

Carried.

Ald. Brown then moved that the ordinance pass.

Adopted as follows:

Yeas—Ald. Koch, Schlenker, Rohde, Kearns, Brown, Grose, Weeks, Coon, Jenney, Bliton—10.

Nays—Ald. Hamilton and Fischer—2.

On motion the Council adjourned.

JAS. E. HARKINS, Clerk.