

# TEXT OF MARSHFIELD STREET CAR FRANCHISES

## FRANCHISE SOUGHT BY J. M. BLAKE FOR CONSTRUCTION AND OPERATION OF ELECTRIC LINE IN MARSHFIELD.

Below is given the full text of the street-car franchise which is sought by J. M. Blake. The city council now has it under consideration. In presenting the franchise, Mr. Blake laid special stress on the regulations governing the water front lines in relation to terminal service to be given other companies and also to the provision concerning any transfer of the franchise.

The franchise as asked by Mr. Blake is as follows:

An ordinance granting to J. M. Blake, his heirs and assigns the right to install, build, equip and operate a single and double track railway system upon certain streets, avenues and other public places in the city of Marshfield, county of Coos, state of Oregon, and to construct, maintain and use over-head wires and underground conduits and conductors for conveying electricity therefor and erecting, maintaining and using poles for wires to be used in conveying electricity.

The City of Marshfield does ordain as follows:

Section 1. That there be and hereby is granted to J. M. Blake, his heirs, successors and assigns, the right to install, construct and operate single and double track railways in the City of Marshfield, county of Coos and State of Oregon, for the carriage of passengers, express, baggage, mail and freight; and to that end to lay down, build, construct, equip, maintain and operate a single or double track railway to be operated by electricity or other motive power, except steam, together with side tracks, switches, turn outs, crossings and connections over, along and upon the following named streets, avenues and other public places in said City of Marshfield and on and across all intersecting streets, avenues and alleys necessary to complete a continuous line: to-wit: Front street, North; Front street, South; Broadway North; Broadway, South; and Krume avenue, East; according to the plat and map of the City of Marshfield, Coos county, Oregon, prepared by H. G. Butler in March, 1909, and compiled from official plats, with streets named in accordance with Ordinance No. 348 passed by the city council of said City of Marshfield, January 20th, 1909.

Section 2. Said grantee, his heirs and assigns, shall have the right to install, construct, maintain and operate the necessary tracks, passing tracks, curves and connections and to construct any and all other appurtenances proper and necessary to the operation and management of said railway, together with poles, overhead wires and feed wires, and to construct proper and necessary conduits, tubes, manholes and surface plates and other connections on, over and beneath the surface of said streets, together with all proper and necessary equipment in the premises, but said poles shall not be less than 125 feet apart and shall not be maintained in the center of the street, or in a position to obstruct travel.

There shall be left as near the upper end of the poles erected under this ordinance as possible and practicable, room for the construction of a cross arm, which shall be reserved for the exclusive use of the City of Marshfield to carry wires for city business, such as for fire and police alarm signals and a telephone system for said departments.

Section 3. The rails of said railroad shall be laid so that the tops are flush with the top of the grade of the street. At the intersection and crossing of all streets, it shall be the duty of said grantee, his heirs and assigns to plank over the entire surface between the rails, and one plank outside the outside rails for the entire width of such intersection. Such planks shall not be less than two inches thick and shall present an even surface at the top of the rail, and shall be securely spiked and fastened in place and shall be kept and maintained in good and reasonably safe and proper condition by the grantee, his heirs and assigns.

Section 4. It shall be the duty of the grantee, his heirs and assigns to fill in all spaces enclosed between said rails and the outer edge of said tracks with road gravel or other suitable ballast, so that said gravel or other ballast when packed in place shall be flush with the top of

said rails and shall be so kept and maintained as nearly as practicable by the grantee, his heirs and assigns.

The tracks herein authorized shall be of standard gauge and laid as nearly as practicable in the middle of the street and if there should be two tracks, the distance between them shall not be greater than is necessary for the convenient and safe passing of cars thereon.

Whenever the City of Marshfield shall by ordinance change the grade of any street occupied by the tracks constructed under this ordinance, said grantee, his heirs and assigns, shall at his or their cost and expense change the tracks to conform to said grade within sixty days after receiving due notice to make such change and failing to do so, the city may make such change, and collect the cost of the same, with 10 per cent additional penalty in the manner prescribed by law.

Section 5. At any time when the city paves or macadamizes or otherwise improves any street, or part of street, occupied by the tracks herein authorized, the grantee, his heirs and assigns, shall pave, macadamize or otherwise improve at his, or their own cost and expense and under the direction of the city council or other proper authority of the city, all the space between the outer rails of the track and for one foot on the outside thereof. Such work shall be completed within thirty days after the completion of the work done on the same street by said city and shall be maintained in good repair by said grantee, his heirs and assigns. Should he or they fail or omit to make such improvements and keep the same in good repair as herein required said city, without waiving any of the terms or conditions of this ordinance, may improve such portions of the streets aforesaid or repair the same as the case may be and the cost thereof, with 10 per cent additional shall be charged against said grantee, his heirs or assigns, to be recovered as provided by law.

Section 6. Whenever the right shall hereafter be granted by the City of Marshfield to any person, association of persons or to any corporation to lay street or other railway tracks across the tracks owned by said grantee his heirs or assigns, such person, association of persons or corporation shall be required to put in at his, their or its own cost and expense, whatever appliances may be necessary for the proper crossing and non-interference with the motive power of the said grantee, his heirs, or assigns.

Section 7. Cars shall be run upon a regular time schedule every day between the hours of seven o'clock A. M., and 9 o'clock P. M., except in case of riot, accident, strikes, the act of God, judicial interference and defects or obstructions of bridges or streets over which the grantee, his heirs and assigns have no control.

The city hereby reserves the right to make such regulations as to the speed of running cars on said railways, as the public safety and necessity demand. The rate of fare shall not exceed five cents for any passenger traveling in one general direction within the limits of the City of Marshfield. Paid members of the police force and of the fire department in uniform and mail carriers in the service of the United States while on duty shall be carried free upon the railways operated under this ordinance. Members of the police force on duty in plain clothes shall likewise be carried free under the rules of the grantee, his heirs or assigns operating said railways; excepting that for riding in or the use of observation cars, funeral cars, party cars and other special cars for the carriage passengers, the grantee, his heirs or assigns may charge and collect such compensation, rates and fares as may be desired, provided the same be fixed at a regular and uniform rate.

Section 8. In moving mail, baggage, express and freight over the line of said railways, the cars shall be so managed as not to stand upon the streets or to block traffic or travel upon the streets except so far as may be necessary in the ordinary operation of the cars. Freight shall not be loaded or unloaded on said cars on the street. The grantee, his heirs or assigns, shall not build under this ordinance any platform or other structure in any street or alley. The cars used therefor shall conform in general appearance to the passenger car used upon said railways, except in the number and

location of windows and shall be painted and varnished in the same manner as said passenger coaches and shall not be unsightly or offensive; provided, that nothing herein shall be construed to prevent the grantee, his heirs and assigns, from hauling, in cars suitable for the purpose any coal, logs, lumber, live stock or other freight over any of the lines of railway aforesaid, except the line of railroad located on Broadway, North, at such hours and under such rules and regulations as may be approved by said City of Marshfield.

Section 9. The City of Marshfield expressly reserves the right and power to permit and allow any and every railroad company which shall desire to run its freight or passenger cars or trains of cars into or through the City of Marshfield and any person, firm or corporation who shall desire to receive any freight cars at any warehouse or factory in said City of Marshfield to connect with the tracks of said grantee, his heirs or assigns with properspurs and switches and to require said grantee, his heirs and assigns to receive said cars or trains of cars and transport and switch the same on and over said tracks at such uniform and reasonable rate, in such manner, at such times and under such regulations as the said City of Marshfield may by ordinance or resolution fix and order.

Section 10. The franchise and privileges herein granted shall continue for a period of 35 years from and after the date this ordinance goes into effect, provided the grantee, his heirs or assigns shall commence the construction of said railways upon a graded street covered by this ordinance within four months after the lawful passage hereof; and provided further that a continuous line of railway one mile in length upon graded streets in said City of Marshfield shall be completed and in operation within twelve months after the commencement of said construction by said grantee, his heirs or assigns; provided, further that all the lines of railway provided for by this ordinance shall be completed within eighteen months from the date of the passage of this ordinance. In default whereof the privileges hereby granted may be forfeited at the option of the city council upon a resolution passed for that purpose.

Section 11. The grantee, his heirs or assigns shall accept this ordinance, by writing properly subscribed and filed in the office of the Recorder of the City of Marshfield within 30 days after its approval. He or they shall likewise execute and deliver to the City of Marshfield within 30 days after work has been commenced upon the construction of said railway, a good and sufficient bond in the sum of five thousand dollars, with sureties to be approved by the Mayor, conditioned to save and hold the City of Marshfield harmless from any and all damages or claims which may arise by reason of the construction, maintenance and operation of said railway or any part thereof. Unless such acceptance and such bond be so filed, the rights herein conferred shall lapse.

Section 12. This franchise is granted upon the express condition that the same shall be assigned by the grantee or his heirs within the time herein limited for the commencement of the construction of the railway hereby authorized, to a public service corporation to be known as the Union Traction and Terminal Company of Coos Bay to be organized under the laws of the State of Oregon with sufficient capital and an ample charter of powers to permit the carrying out of the full intention of the City of Marshfield to provide railroad transportation service along the waterfront of said City, which said service shall be furnished to any and all person or persons, firm or firms, corporation or corporations who may own or operate a railroad or railroads outside the limits of said city and who may desire to enter or pass through said city with its cars or trains or cars. Before the grantee or his heirs shall sell, assign, set over or transfer this franchise or any of the rights herein granted, to such corporation, he or they shall file with the Recorder of the City of Marshfield his statement in writing of his or their intention so to do and such corporation shall file with the same officer of said City of Marshfield a certified copy of its articles of incorporation, and such assignment shall not be effectual unless approved by resolution of the council of said city. In the event

## ORDINANCE DRAFTED BY CITIZENS COMMITTEE TO REGULATE STREET-CAR SERVICE IN THE CITY OF MARSHFIELD.

Below is given the full text of the electric line franchise drafted by a special citizen's committee composed of W. U. Douglas, Wm. Grimes, C. W. Tower, Henry Sengstacken and R. F. Williams as one that would be fair both to the city and to the person or company building the line. In submitting it to the council, the committee stated that they had been guided in drafting it by franchises of other cities of the northwest and that they had made it as simple as possible, leaving many things to be regulated from time to time as the city council might in the future deem necessary. Also that the franchise was not drafted for any certain party or corporation. The full text of it is as follows:

An ordinance granting to \_\_\_\_\_ a corporation, its successors and assigns, the right to construct, maintain and operate an electric street railway in the City of Marshfield, Oregon; to construct, maintain and use poles, wires and underground conduits and conductors for the conveying of electricity therefor.

The City of Marshfield does ordain as follows:

Section 1. That there be and hereby is granted, subject to the terms, conditions restrictions and provisions in this ordinance contained, to \_\_\_\_\_, its successors and assigns, the franchise, right and privilege to lay down, construct, reconstruct, maintain and equip a standard gauge railway and operate the same upon \_\_\_\_\_ with necessary and convenient switches, cross-overs, side-tracks and turn-outs; also the right to connect together at street intersections by convenient curves and connections any line of railway in this ordinance enumerated or that may be hereafter constructed or acquired along or upon any of the streets, avenues or public highways herein enumerated so as to conveniently operate cars thereover.

Section 2. Said \_\_\_\_\_ its successors or assigns, may only that the same shall be approved, said Union Traction and Terminal Company shall forthwith file a good and sufficient bond with said Recorder as required by section 11 of this ordinance. The failure to comply with the requirements of this section in all respects shall be deemed a waiver and abandonment of all the rights granted under this ordinance and all such rights shall be forfeited and of no effect without further action on the part of the City of Marshfield.

Before the Union Traction and Terminal Company, its successors or assigns shall sell, assign, lease, set over or transfer this franchise or any of the rights to another corporation, the said Union Traction and Terminal Company, its successors or assigns as well as the assignee corporation shall comply with the requirements governing the assignment of this franchise by the grantee or his heirs and assigns to the Union Traction and Terminal Company; but nothing herein contained shall affect the right of the Union Traction and Terminal Company, its successors or assigns, to mortgage or bond the privileges herein granted and the property operating the system without the permission of the City of Marshfield or the filing of such statements or copies of any articles of incorporation; but in case of sale on foreclosure, the purchaser shall file with the Recorder a declaration of ownership and give the bond as above required within three months after entering into possession under such sale; otherwise this franchise to him, they or it shall be null and void.

Section 13. The grantee, his heirs and assigns, is hereby granted the right to string telephone and telegraph wires on the poles erected under this ordinance to be used in the operation of its cars.

Section 14. The City of Marshfield reserves the right to provide by ordinance proper penalties for the violation of any reasonable rate, rule or regulation which may be fixed or adopted by it under the reserved powers contained in section 9 of this ordinance, or for the refusal of the grantee, their successors or assigns, to carry out or enforce any of the conditions and provisions of this franchise.

operate or propel over and upon the railways enumerated in this section, by means of overhead or underground electrical power or storage batteries, and for the purpose of operating said railway and propelling said cars and for conveying power and electrical currents, may put up, erect, maintain and use poles and over-head wires, and lay down, construct, maintain and use underground slots and conduits and underground wires, conductors and cables; provided however, that said \_\_\_\_\_, its successors or assigns, may use and operate steam or other motive power in building, constructing or repairing said railway.

Section 3. The tracks of the railway constructed under authority of this ordinance shall be laid as nearly as practicable in the centers of the streets and flush with the established grades thereof given by the City Engineer so as to interfere as little as possible with other public uses of the street. And said railway shall be constructed in such a manner as not to unnecessarily obstruct or interfere with the use of the streets, alleys and highways of said city by the public; and said railway together with the poles, wires, conduits and other apparatus shall be erected, constructed and maintained in a good workmanlike manner, so that whenever or wherever electrical currents are used or employed in or about the use of the franchise by this ordinance granted, the same shall be so constructed with such necessary appliances as will control and effectually contain such currents in their proper channels and on its or their own wires, tracks and other structures, so as to prevent injury to the property, pipes and other structures belonging to the City of Marshfield or any other person or persons, firm or corporation, within said city; and shall operate said means and appliances and from time to time change and improve the same as may be necessary to accomplish said purpose, as its or their charge or expense, and at its or their risk.

Section 4. Said railway shall be constructed in the center of the streets, except in the case of switches and turn-outs, except also, such curves as are necessary for connecting up different streets, provided such curves, switches and turnouts are constructed so as not to interfere with the safety, travel and convenience of the public, more than is necessary, and in no event shall there be more than two tracks along any one street, except, however, connections between said tracks; and if there shall be two tracks, the distance between the tracks from rail to rail shall not be more than six feet, and all the rails shall not be less than sixty pound to the lineal foot.

Section 5. Any grade or grades of any street or streets which shall be changed after such tracks are laid down, the said \_\_\_\_\_, its successors or assigns, shall change said tracks so as to conform with the new grade, within a reasonable time thereafter, and will pay into the City Treasury such proportion of the cost of changing said grade, excavating, bridging or filling said street to said grade as the amount of space used and occupied by its tracks and one foot on each side, shall bear to the whole of said improvement.

Further that it will pave or cause to be paved in conformity with the ordinance requiring the whole of said street to be paved, that portion of the street occupied by its tracks, to-wit, between said tracks and one foot on each side thereof; provided, however, that such paving between said tracks shall be of such material as by ordinance required, and the said \_\_\_\_\_, its successors or assigns, shall pay said money into said city treasury on or before the time the money due from the property holders upon the assessment for the improvement of said street shall become due and payable, and in the event that said street shall be improved at the expense of the city and not by assessment of the property or property owners, then in that event said money shall become due and payable as by ordinance fixed. And the said \_\_\_\_\_, its successors or assigns, shall keep the said portion of said street in repair, under the supervision of the proper city officers.

Section 6. The right hereby granted to operate and propel cars by electricity over said track is a right to operate such cars for the purpose of carrying passengers only, except as hereinafter provided, and not otherwise. The cars used by

the said \_\_\_\_\_, its successors and assigns, upon the lines of railway authorized by this ordinance shall be of approved construction for the comfort, convenience and safety of the passengers and for the protection of the public, and the said \_\_\_\_\_, its successors or assigns, shall operate and run the same for the purpose of carrying passengers upon said railways after the same shall be completed as in this ordinance provided, every day from six o'clock A. M. to nine o'clock P. M., and to-wit, one car in each direction every sixty minutes during said day, except, however, in case of riots, strikes, accidents, the act of God, or judicial interference, or where prevented by defects or obstructions upon the streets or bridges herein mentioned, and any violation thereof shall be a sufficient cause for the council to annul the franchise.

Section 7. The City of Marshfield expressly reserves the right at all times during the life of this ordinance to reasonably regulate the speed at which said cars of the said \_\_\_\_\_, its successors or assigns, shall be operated, and do make any and all reasonable and necessary regulations for the public safety, health and convenience, and no cars shall be allowed to stop or remain still upon any intersection of street or streets, but all stoppages thereof must be on one side of said intersection, and such cars shall not remain still or standing thereon any greater length of time than is absolutely necessary for the getting on and off of passengers with safety thereto, except, however, in case of breakdowns, accidents or obstructions.

Section 8. The \_\_\_\_\_, its successors or assigns, is hereby granted the right and privilege to propel and operate cars for the transportation of freight over such railway upon what is now known as Broadway and Front street between the hours of eleven o'clock P. M. and six o'clock A. M. of each or any day and not otherwise, and any violation thereof shall be deemed a forfeiture of this franchise and the council may proceed as in this ordinance set forth to annul and determine the franchise herein granted, and any and all rights thereunder.

Section 9. This franchise is granted solely upon the complete and full understanding on the part of the City of Marshfield and the \_\_\_\_\_, its successors and assigns, that the said \_\_\_\_\_, its successors and assigns, will upon request from any person, railroad or corporation, delivering to it or upon its tracks, or any of its tracks which may be connected with the tracks laid upon the streets hereinbefore mentioned any car or cars for switching or transportation to any point along its right of way or railway, it will receive the same and transport or cause to be transported or propelled to such point as shall be designated along its tracks, with all possible dispatch and without unnecessary delay at a reasonable and just compensation; and such service and the compensation charged therefor must be reasonable and uniform and of a like amount and manner to all persons, corporations or railways, and any violation of this section, upon the part of the said \_\_\_\_\_, its successors or assigns, either in refusing to accept and deliver, or delaying unnecessarily and unreasonably the delivery thereof of such cars, or exacting or charging unreasonable rates for such service, or discriminating in such service shall act as a forfeiture of this ordinance.

Section 10. Nothing in this ordinance or any right, privileges or franchise granted by this ordinance shall be construed to prevent the municipal authority of the City of Marshfield from sewerage, grading, paving, planking, macadamizing, improving, altering or repairing any of the streets or bridges over which the railways authorized by this ordinance are constructed or operated, but such work shall be done so as to cause as little obstruction or hindrance as possible to the passage of cars and the operation of said railway, and the owner or owners thereof shall have the privilege of raising or shifting tracks so as to avoid as much as possible obstruction of the operation of cars during the progress of such improvement.

Section 11. If the said \_\_\_\_\_, its successors or assigns, shall fail to perform or comply with any of the conditions or regulations of its part herein to be performed, such

(Continued on Page 7.)