

ORDINANCE # 27 *Devin*

An Ordinance giving and granting to the Jackson, Albion, Marshall, and Battle Creek Railway Company their heirs, successors and assigns, the permission to construct, use and maintain an electric railway along the highways of the Village of Concord, Jackson County, Michigan.

Section 1. The Village of Concord ordains ~~the~~ permission and authority is hereby given and granted and duly vested in the Jackson, Albion, Marshall and Battle Creek Street Railway Company, their heirs, successors and assigns, the right to lay, maintain and operate a single track electric street railway, with first class equipments for the transportation of passengers, baggage, packages, freight etc, with the right to lay down and construct all necessary and convenient tracks, whic track shall be of standard guage four feet eight and one half inches wide, with turn outs and switches in and upon, along across and over the highways of the Village of Concord, beginning on the highway known as Jackson St., at the northeasterly limits of the Village of Concord thence southeasterly along said Jackson Street to a point near the mill pond where said Jackson street intersects with the Concord and Albion Road, thence northwesterly along said Concord and Albion Road, to the Village limits. The tract of said Company shall be constructed in the center of the highway in such manner as to least inconvenience public travel by vehicles along said highway. Also said Company shall keep, maintain, operate and use there on railway cars operated by electricity or other approved power except steam, with authority to erect poles, wire and all appurtenances thereto belonging. This franchise to grant and be for the full period of thirty years from and after this date provided however that the said Company, their heirs, successors and assigns shall commence the construction of said railway at some point on the line thereof between the City of Battle Creek and the City of Jackson on or before January First A.D. 1900 and complete the same and have cars running thereon before January First A.D. 1901, and in event of that not being done said Company shall forfeit all rights under this franchise, provided, however, that if the construction of said railway be restrained, prevented or hindered by injunction or legal proceedings, without collusion on the part of the grantees, their associates, successors, and assigns, said Company shall be entitled to a reasonable time to complete said road after termination of said restraints. And provided further that civil commotion such as strikes and riots shall excuse grantees, their associates, successors and assigns so long as they seriously interfere with the same.

Section 2. The rate of fare upon any line of said railway Company shall not exceed one and one-half cents per mile for each passenger so carried, except children under the age of five years accompanied by parent who shall be carried free, provided however, that in no case fare so charged on the line of said street railway company shall be less than five cents for each passenger so carried for any distance.

Section 3. The rails of said company shall be "T" shaped and shall not weigh less than fifty pounds per year and shall be spiked securely to the ties (which shall be planked between the rails and planked on the outside of the rails at all public and private crossings.)

Section 4. All cars of said street railway Company in use after sun-set shall be provided with suitable lights which shall be kept burning from sun-set to sun-rise next morning, or so long as the cars shall be in use.

Section 5. The cars of said street railway Company shall be entitled to the free and uninterrupted right of the track of said Company and when teams or vehicles shall meet or overtake them, such team or vehicle shall give way upon notice to do so from driver or conductor of the car of said street railway Company, provided however upon the meeting and passing of a car and team said car shall slack up until said team has passed the same, should said team become frightened at the approach of the car aforesaid, and provided further that funeral processions and public parades shall be entitled to preference over such car and the latter shall await the passage of such personage or vehicle in such procession or parade.

Section 6. Upon completion of said road said Company shall leave the unoccupied portions of the highway in as good condition for travel as they were in before the work was commenced by said Company.

Section 7. None but prudent, careful, sober men shall be employed to take charge of the cars on the road and they shall use every reasonable precaution not to injure the teams, carriages or persons on foot.

Section 8. At the time of laying the track of said street railway Company the highway commissioner of said Village shall advise with the Civil Engineer of said Company relative to laying out of the same, grade etc.

Section 9. Said grantees shall save harmless the said Village from any damages to persons or property by reason of the construction and operation of said street railway.

Section 10. This ordinance shall take effect immediately upon its passage.

G. A. Stahley, Jr., Clerk

Henry C. Bullock, Pres.

To the Corporate Authorities of the Village of Concord,
Jackson County, Michigan.

The undersigned hereby accept the terms and conditions of the ordinance passed by you on the 16th day of August A. D. 1899, in favor of this Company, its heirs, successors and assigns, granting a consent to construct an electric street railway line and to operate the same in and upon the streets of said Village.

Dated August 16, 1899.

The Jackson, Albion, Marshall, and Battle Creek Street Railway Company, per Wm. Avery., County of Jackson, Village of Concord.

I hereby certify that the foregoing is a true copy of the ordinance passed by the Village Council of the Village of Concord aforesaid and of the acceptance of the same. Dated August 16, 1899

G.A. Stahley, Jr., Clerk of the Village Council of Concord, Jackson County, Michigan.