

An ordinance entitled "An ordinance granting franchises to D. J. McFarland & Co. to be known as the Garnett Street Railway Company."  
Ordinance No. 119.

Be it ordained by the Mayor and Councilmen of the City of Garnett-

Section I.

<sup>D. J. McFarland & Co to be known as</sup>  
That <sup>The</sup> Garnett Street Railway Co is hereby authorized and granted under the laws of the State of Kansas the exclusive right to construct, maintain, and operate their railway upon all the streets and avenues of and within the limits of said city;

<sup>D. J. McFarland & Co to be known as The</sup>  
Provided however, that the said <sup>Garnett Street Railway Co</sup> construct, maintain and operate their railways in conformity to the conditions, hereafter specified and shall at all times be subject to all lawful restrictions and regulations which may hereafter be enacted by ordinance. The franchise <sup>and</sup> rights hereby granted to said <sup>D. J. McFarland & Co to be known as The</sup> Garnett Street Railway Co shall continue for twenty-one years from the date of the acceptance of the provisions of this ordinance by <sup>D. J. McFarland & Co to be known as The</sup> said <sup>Garnett Street Railway Co</sup> which acceptance shall be within <sup>thirty</sup> days after the publication of this ordinance.

Section II

<sup>D. J. McFarland & Co to be known as The</sup>  
The Railway of said <sup>Garnett Street Railway Co</sup> shall be constructed along and upon the streets and avenues of said city, with a single or double tracks and necessary turnouts, switches and turn tables and in such a manner as in no wise to interfere with private or public rights.

Section III

The tracks of said Railway shall be laid and kept on the grade that is made and established by the City, even with the surface of the streets and avenues as they now are or as they may be



1 and wagons at any point with perfect safety and ease.  
2 The center lines of such tracks shall as near as may be  
3 coincide with the center lines of the streets or highways  
4 over or along which the same may pass unless otherwise  
5 directed by city Council.

6 Section IV.

7 Such Railways and all the vehicles used thereon and all  
8 the appurtenances thereto belonging shall be kept and  
9 maintained in good repair by said <sup>D. J. McFarland & Co. to be known as the</sup> Garnett Street Railway Co.  
10 none but good rails, commonly known as the Tor flat  
11 rails as may be determined by the Mayor and Council, shall  
12 be laid on said track, and the rolling stock used thereon  
13 shall be good in every respect. The gauge of said  
14 Railway shall be three feet and <sup>or standard gauge</sup> six inches from flange to  
15 flange of rails. The cars of said <sup>D. J. McFarland & Co. to be known as the</sup> Garnett Street Railway Co. shall  
16 be regularly run each and every day for the period of  
17 Twenty-one years. All cars that are run after sun-set  
18 shall be provided with a proper signal light on each  
19 end thereof and such lights shall be so placed that they  
20 can be readily seen for the distance of two blocks. A bell  
21 shall at all times be attached to some portion of the harness  
22 of the animals drawing any car.

23 Section V.

24 Each passenger on the vehicle of said <sup>D. J. McFarland & Co. to be known as the</sup> Garnett Street Railway Co. may  
25 be required to pay a fee of not over five cents from any  
26 point along said Railway to any other points to be  
27 designated by said passenger on said Railways; provided  
28 that the passenger so required to pay fare <sup>and</sup> paying



<sup>D. J. McFarland & Co to be known as The</sup>  
1 provided further that said <sup>Garnett Street Railway Co.</sup> shall be  
2 allowed to charge double fare between the hours of ten  
3 o'clock P.M. <sup>and</sup> six o'clock A.M. <sup>D. J. McFarland & Co to be known as The</sup> Said <sup>Garnett Street Railway</sup>  
4 Co. may collect fare as soon as one half mile of said  
5 Railway shall be in operation.

6 Section VI.

<sup>D. J. McFarland & Co to be known as The</sup>  
7 Said <sup>Garnett Street Railway Co</sup> shall commence the construction of  
8 said Railway within twelve months after the acceptance of  
9 the provisions of this ordinance and shall complete that  
10 portion of the line commencing at the East line of the  
11 City of Garnett as now incorporated and run to the West  
12 which shall be completed within eighteen months after the acceptance of this Ordinance  
13 line of the corporation; And it is further ordained that if  
14 at any time the City Council shall deem it necessary for  
15 the interests of the City to construct a street railway on  
16 any other street or avenue within the corporation of the city  
17 of Garnett on which at that time there shall be no street  
18 railway in operation and the said council shall give  
19 notice to the aforesaid <sup>D. J. McFarland & Co to be known as The</sup> <sup>Garnett Street Railway Co.</sup> and if the said  
20 <sup>D. J. McFarland & Co to be known as The</sup> <sup>Garnett Street Railway Co</sup> shall fail to construct and operate a street  
21 railway on said street or streets within twelve months from  
22 date of said notice then said <sup>D. J. McFarland & Co to be known as The</sup> <sup>Garnett Street Railway Co.</sup> shall  
23 forfeit the right of way on such streets specified in such  
24 notice.

24 Section VII.

25 All rolling stock, live stock, repair shops and the business  
26 of said <sup>D. J. McFarland & Co to be known as the</sup> <sup>Garnett Street Railway Co.</sup> shall be kept and done in  
Garnett.



1 the road bed in proper condition to be done at the expense  
2 of the City and without any unnecessary delay. Also the  
3 same right is reserved for any private corporation or individual  
4 now granted or may be granted provided that if said <sup>D. J. McFarland & Co to be known as The</sup>  
5 Garnett Street Railway Co. shall refuse, fail or neglect to  
6 make the repairs on the streets and avenues provided for  
7 by this ordinance, then the City may make such repairs at  
8 the expense of said <sup>D. J. McFarland & Co to be known as The</sup> Garnett Street Railway Co.

9 Section IX.

10 <sup>D. J. McFarland & Co to be known as The</sup>  
11 That said <sup>D. J. McFarland & Co to be known as The</sup> Garnett Street Railway Co shall not operate said road  
12 by the use of steam and said road shall be a passenger  
13 railway, provided however that said <sup>D. J. McFarland & Co to be known as The</sup> Garnett Street Railway  
14 Co. shall not be prohibited from carrying the baggage  
15 belonging to or accompanying passengers at all times not  
16 to exceed one hundred pounds in weight or from carrying or  
17 delivering packages of any kind or description of less than  
18 one hundred and fifty pounds.

18 Section X.

19 <sup>D. J. McFarland & Co to be known as The</sup>  
20 The cars of said <sup>D. J. McFarland & Co to be known as The</sup> Garnett Street Railway Co. shall at all times  
21 be entitled to the track, and the driver of every vehicle upon  
22 the track or by the side thereof shall turn such  
23 vehicle out, when any car comes up, so as to leave the track  
24 unmolested for the passage of such street car, provided that  
25 steam fire engines or other fire apparatus going to or from  
26 <sup>D. J. McFarland & Co to be known as The</sup> Garnett Street Railway Co. whenever the condition of the streets  
27 shall be such that such engines and apparatus cannot



not be driven faster than a walk.

Section XII.

<sup>D. J. McFarland & Co. to be known as The</sup>  
Said <sup>D. J. McFarland & Co. to be known as The</sup> Garnett Street Railway Co. shall keep its roadway clean and free from filth and shall cause the same or track-cleanings to be removed or placed in heaps in such manner as not to interfere with the free use of the streets and avenues by the public, and in all cases when it becomes necessary to remove snow and ice from said tracks it shall be distributed evenly over the surface of the balance of the street so as not to interfere with the free use and occupancy of the same by the public.

Section XIII.

Upon the expiration of the grant of the franchise under this ordinance and in case the same shall be not renewed or extended the said <sup>D. J. McFarland & Co. to be known as The</sup> Garnett Street Railway Co. shall cease to run their cars, and shall immediately remove their tracks from the streets and avenues and said streets and avenues shall be placed in thorough repair <sup>D. J. McFarland & Co. to be known as The</sup> by said <sup>D. J. McFarland & Co. to be known as The</sup> Garnett Street Railway Co in such manner and form as may be prescribed by the City Council, provided that the City of Garnett shall not be responsible to persons <sup>D. J. McFarland & Co. to be known as The</sup> for damages resulting from the construction or operation of said street Railway.

Section XIV.

Within ~~thirty~~ <sup>sixty</sup> days from and after publication of this ordinance said <sup>D. J. McFarland & Co. to be known as The</sup> Garnett Street Railway Co. shall file with the City clerk in writing their acceptance of the provisions of this ordinance and in the case of the failure of said <sup>D. J. McFarland & Co. to be known as The</sup> Garnett Street Railway Co to file such acceptance within the time specified or if they shall at any time fail to comply with each and all of these conditions of this ordinance, then this ordinance shall be null and void and said <sup>D. J. McFarland & Co. to be known as The</sup> Garnett Street Railway Co shall forfeit all rights hereby granted or intended to be granted.

Section XV.

The ordinance shall take effect and be enforced from

1 and after its publication once in the *Garnett Week* by  
 2 *Journal* and its due acceptance by said *Garnett Street*  
 3 *Railway Co.* <sup>attest</sup> *W. L. Frankenberg*. *city clerk*  
 4 *W. L. Frankenberg* clerk of the city of *Garnett*, do hereby  
 5 certify that the foregoing is a true and correct copy of an  
 6 ordinance passed by the city council at a special meeting held June  
 7 22, 1887 and ordered published in the *Garnett Weekly Journal*.

8  
 9 *W. L. Frankenberg*  
 10 *city clerk*

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