

especial duty to make complaint for any and all violations of section one of this Ordinance.

SEC. 4.—That the money collected by said Harbor Master for wharfage, shall go into the fund for general municipal purposes. On the first Monday of each and every month, the Harbor Master shall pay to the City Treasurer all moneys collected by him under the provisions of this Ordinance, less ten per cent. thereof, which said Harbor Master is hereby authorized to retain for his compensation for services under the provisions of this Ordinance, and he shall receive no other or further compensation whatsoever for such services. The Harbor Master shall take duplicate receipts from the Treasurer for all moneys paid to such Treasurer under the provisions of this Ordinance, one of which receipts such Harbor Master shall forthwith file with the City Clerk, who shall charge the Treasurer with the amount thereof.

SEC. 5.—That this Ordinance shall take effect and be in force at the expiration of five days after the same shall have been published.

ORDINANCE NO. 198.

AN ORDINANCE TO AUTHORIZE THE CONSTRUCTION AND OPERATION OF STREET RAILWAYS IN THE CITY OF SEATTLE.

Approved Oct. 6, 1879.

The City of Seattle does ordain as follows :

SECTION 1.—That there be and hereby is granted

unto Irving Ballard, the right and privilege to lay down and maintain an iron railroad track or tracks within the City of Seattle as follows, viz:

Along Commercial Street, Mill Street, Front Street, Second Street and Third Street, and to operate and run cars thereon to be drawn as hereinafter provided, and to convey for hire, passengers and their baggage thereon.

SEC. 2.—[As amended by Ordinance No. 213.] That said Irving Ballard or his assigns shall plank, pave or macadamize that portion of the street or streets, along which their said railway shall be laid, the whole length of said railway, between the rails and for a width of one foot on each side of the track, of the same material used by and whenever said city shall plank, pave or macadamize said street and keep the same in repair. The said Railway Company is to plank, pave or macadamize that portion of the street occupied by said railway, and one foot in width on each side of the track at all street crossings before operation of said railway.

SEC. 3.—The tracks of said railways in those streets where double tracks shall be laid shall not be more than five feet apart between the rails, and shall be laid as nearly as possible in the middle of the street and flush with the pavement, so as to offer as little obstruction as possible to the crossing of vehicles; and where the lines crossing each other intersect, the rails

shall be out so as to permit the passage of cars, and to offer no obstruction to the free use of the street by the public.

SEC. 4.—For the purpose of laying down or repairing such railway no street shall be obstructed for a greater distance than the length of one block at any one time, nor for a longer period than ten working days, except that in case of excessive bad weather the Common Council may extend the time aforesaid at its discretion.

SEC. 5.—[As amended by Ordinance No. 213.] The cars to be used upon said railway shall be improved enclosed cars and shall be provided with brakes and other necessary appliances for stopping the same when required. The cars shall be drawn by horses or mules only; the rate of speed shall not exceed eight miles per hour, and any case of violation of this clause shall subject the owner or owners of the said railway to a fine not exceeding twenty-five dollars for each offence, on conviction before the Justice of the Peace of the City. The rails to be used for the railway shall be of good iron and must be a T rail; the cars shall be run at all convenient hours of the day and night, for the accommodation of the public.

SEC. 6.—It shall be unlawful for any person or persons to obstruct the railway herein provided for either during the construction or operation of the same, and any person or persons, carelessly or willful-

ly violating the forgoing provisions shall be deemed guilty of a misdemeanor, and on conviction before the Justice of the Peace of the City, shall be punished by a fine not exceeding twenty-five dollars, or by imprisonment not exceeding twenty-five days or both, at the discretion of the court, for each and every offence. Any conductor or other employee on the railroad herein provided for, any passenger thereon, or other person on or about the cars belonging thereto, who shall by offensive, indecent, opprobrious or abusive language, insult, abuse or maltreat any passenger on the said cars, shall on conviction thereof before the Justice of the Peace of the City, be punished by a fine of not less than five nor more than twenty-five dollars, or by imprisonment not exceeding twenty days, or both, at the discretion of the court, for each and every such offence.

SEC. 7.—The construction of the railways herein provided for shall be commenced within sixteen months from the 1st day of October, 1879, and the same shall be completed as follows:

The railway on Commercial Street and along Mill Street from the intersection of Commercial to the intersection of Front Street and along Front Street as the same shall be graded, shall be completed within twenty-three months from said 1st day of October, 1879, or so soon thereafter as said streets or parts of streets shall be graded. The railways upon at least

one street herein named, shall be completed each year thereafter, until the railways upon all the streets named herein shall be completed: *Provided*, that on or before the first day of July, A. D. 1880, the said Irving Ballard or his assigns shall give notice to the Common Council naming the streets upon which it is intended to construct railways as herein provided during the year next ensuing the date of such notice, and the railway on such street or streets so designated shall be completed within the said ensuing year, so far as the same shall be graded, and on the first day of July of each succeeding year thereafter a like notice shall be given to the Common Council designating the street or streets upon which the railway is to be constructed the next ensuing year as before, until the entire system of railways provided for herein shall be completed: *Provided further*, that said railway when laid down and completed upon any street or streets herein named and as herein provided, shall be extended upon such street or streets whenever the graded portion of such street or streets shall be extended; such extension of railway upon any street to correspond and to progress with the street improvements on said street.

SEC. 8.—The said Irving Ballard, his associates or assigns, shall forfeit their right or privilege accruing by virtue hereof as follows: On failing to commence the said railway within the time herein provid-

ed, or failing to complete the railway within the times herein before specified on the streets named as provided for in section seven, he or they shall forfeit all privileges granted on such particular streets, but none others.

SEC. 9.—Nothing in this Ordinance nor any privilege granted hereby, shall be construed to prevent the proper officers of the city from grading, paving, sewerage, planking, macadamizing, improving, altering or repairing any of the streets over or upon which the privilege of constructing a railway is granted by this Ordinance, or upon which any railway may be constructed under its provisions, but all such shall be done so as to offer as little obstruction as possible to the passage of the cars, and the owner or owners of such railway shall have the privilege of raising or shifting the rails, so as to avoid as much as possible the liability to obstruction, during the progress of street repairing, improving or altering.

SEC. 10.—[As amended by Ordinance No. 213.] The owners of said railway shall pay annually to the City of Seattle as a license upon each car in use by them on said railways such sum not exceeding fifty dollars as shall be fixed by Ordinance of the Common Council. *Provided however*, that said license shall not be collected by the city for the first two years and six months said road is operated.

SEC. 11.—The City of Seattle shall have the right

by Ordinance of the Common Council, to regulate the rate of fare to be charged in any railway constructed under the provisions hereof: *Provided*, that the rate to be charged shall not be reduced below six and one-fourth cents per mile, or fractional part of a mile, within the five years next ensuing the completion of the railway on the first streets as named and provided for herein, nor shall it ever be reduced below five cents on any route beginning and ending on any one street, or fractional part thereof; and for the purposes hereof the railway on any street running parallel with Elliott's Bay shall be deemed one route from the northern boundary of the city to the southern boundary thereof; and in any street running at right angles to the Bay, the railway from Front Street to the eastern boundary of the city shall be termed one route.

SEC. 12.—There shall be no double track railway laid under this Ordinance upon any street that is less than eighty feet wide; and in operating such railways as shall be constructed under this Ordinance, no car shall be allowed at any time to stop or remain still upon any intersection of streets, and any violation of the provisions of this section shall subject the owner or owners of said railway to a fine of not less than five nor more than twenty-five dollars for every offence upon conviction thereof before the Justice of the Peace for the city.

SEC. 13.—The said Irving Ballard and his assigns shall forfeit and be deemed to have abandoned all rights and privileges conferred by this Ordinance, unless they shall within thirty days after the approval of this Ordinance, file in the office of the City Clerk their written acceptance of the rights and privileges hereby conferred subject to the terms, conditions and restrictions herein contained.

SEC. 14.—All the rights and privileges hereby granted shall expire at the end of twenty-five years from the date of the approval of this Ordinance.

ORDINANCE NO. 199.

TO AMEND SECTION ONE OF ORDINANCE NO. 186.

Approved Oct. 10, 1879.

(See Ordinance No. 186.)

ORDINANCE NO. 200.

AN ORDINANCE TO PREVENT HORSES, MULES, GOATS, HOGS AND
HORNED OR NEAT CATTLE FROM RUNNING AT LARGE.

Approved Oct. 10, 1879.

The City of Seattle does ordain as follows:

SECTION 1.—Horses, mules, goats and hogs are prohibited from running at large in the public streets.

SEC 3.—Horned or neat cattle are prohibited from running at large in the public streets between the hours of nine o'clock in the evening and five o'clock in the morning.

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SEC. 3.—It shall be the duty of any police officer and of the City Marshal to arrest and impound any animals found upon the public streets in violation of this Ordinance; and for each day or part of a day that any such animal shall be so impounded, the owner thereof shall pay to the officer arresting such animal, for the care and keeping thereof, fifty cents, and also the further sum of \$2.50 for making such arrest.

SEC. 4.—If at the expiration of two days, the amount so due shall not be paid, the City Marshal shall proceed to give at least five days notice, by publication in the official newspaper of the city, of the time and place when and where he will expose the said animal or animals to sale by public auction, at which time and place he shall at public auction expose the said animal or animals to sale, and out of the proceeds shall pay all the expenses aforesaid and all other necessary expenses and pay the residue to the City Treasurer; the said notice shall describe the said animal or animals with reasonable certainty and shall state to whom, if any one, the Marshal supposes said animal or animals to belong, and if such owner's name is wholly unknown to the Marshal, that fact shall be stated in said notice. If such owner shall be known to the Marshal and can be found within the city, a copy of said notice shall be served upon him at least one day prior to the sale.

SEC. 5.—The Marshal shall file with the City Clerk