NOTICE OF SPECIAL ELECTION.

Whereas, on the 8th day of July, A. D. 1915, the City Council of the City of Corpus Christi, Nueces County, Texas, at a regular meeting held at the City Hall on said date, the following resolution was duly offered by Commissioner Sutherland seconded by Commissioner Ward, and adopted by the following vote, to-wit: Roy Miller, H. R. Sutherland, T. D. Ward, L. G. Collins, and J. H. Gallagher, all voting aye:

"Resolution:

Whereas, J. H. Caswell of San Diego, California, has petitioned the City Council of the City of Corpus Christi, by virtue of the authority contained in the charter of said City, to order a special election for the adoption or rejection of the legally qualified voters of the City of Corpus Christi of the grant or franchise conferring upon the said J. H. Caswell the rights, powers and privileges set forth in the said ordinance entitled "An Ordinance granting to J. H. Caswell, his successors and assigns, the right to construct, maintain and operate a system of interurban railways within the City of Corpus Christi, and over, along, across and upon those certain hereinafter designated streets and avenues in the City of Corpus Christi, Texas, and regulating the construction, operation, equipment and maintenance thereof."

Therefore, Be it Resolved by the City Council of the City of Corpus Christi, Nueces County, Texas:

That it is hereby ordered that an election be held on the 10th day of August, A. D. 1915, at which election the adoption or rejection of the grant to J. H. Caswell by the City of Corpus Christi of the rights, powers and privileges set forth in a certain ordinance entitled "An Ordinance granting to J. H. Caswell, his successors and assigns, the right to construct, maintain and operate a system of interurban railways within the City of Corpus Christi, and over, along, across and upon those certain hereinafter designated streets and avenues in the City of Corpus Christi, Texas, and regulating the construction, operation, equipment and maintenance thereof," shall be submitted; said election shall be held in the City of Corpus Christi in Bond Election Precinct No. One, as the same has heretofore been established and designated by the City Council of the City of Corpus Christi. All qualified voters within the City of Corpus Christi shall vote in the Recorder's Office in the City Hall of the City of Corpus Christi.

The following officers are hereby appointed to hold said election:

G. G. Wright, Presiding Judge,
E. T. Merriman, Assistant Judge,
C. R. Wallin, Clerk,
T. F. Fitzsimmons, Clerk.

The presiding judge of said voting precinct shall appoint such other clerks to assist in the holding of said election as shall be necessary, and as prescribed by law. The polls of said election place shall be kept open from eight o'clock a. m. to seven o'clock p. m. on the 10th day of August, A. D. 1915, and at said election only legally qualified voters of the City of Corpus Christi, Nueces County, Texas, shall be allowed to vote. Voting shall be by an official ballot as required by law, and numbered as required by law, in the following form, to-wit:

Official Ballot.

For the granting to J. H. Caswell a certain franchise entitled "An Ordinance granting to J. H. Caswell, his successors and assigns, the right to construct, maintain and operate a system of interurban railways within the City of Corpus Christi, and over, along, across and upon those certain hereinafter designated streets and avenues in the City of Corpus Christi, Texas, and regulating the construction, operation, equipment and maintenance thereof."

Against the granting to J. H. Caswell a certain franchise entitled "An Ordinance granting to J. H. Caswell, his successors and assigns, the right to construct, maintain and operate a system of interurban railways within the City of Corpus Christi, and over, along, across and upon those certain hereinafter designated streets and avenues in the City of Corpus Christi, Texas, and regulating the construction, operation, equipment and maintenance thereof."

The matter of holding said special election shall be governed by the laws of the State of Texas, regulating regular elections in the City of Corpus Christi, Nueces County, Texas.

A copy of this resolution, signed by the Mayor of the City of Corpus Christi, shall serve as a proper notice of said election and the said Mayor is directed to cause the same to be posted up at said voting place in said voting precinct, the same being a public place in said City, and to cause the same, together with a copy of said ordinance, to be published in a newspaper published in the City of Corpus Christi, Nueces County, Texas, for thirty (30) days prior to the time of holding said election."

The ordinance, grant and franchise which is to be given, granted and adopted or rejected, is as follows, to-wit:

AN ORDIN..NCE

Granting to J. H. Caswell, his successors and assigns, the right to construct, maintain and operate a system of interurban railways within the City of Corpus Christi, and over, along, across and upon those certain hereinafter designated streets and avenues in the City of Corpus Christi, Texas, and regulating the construction, operation, equipment and maintenance thereof.

Be it Ordained by the City Council of the City of Corpus Christi:

Section 1. That J. H. Caswell, his successors or assigns, hereinafter termed and styled the grantee, is hereby granted, for a period of thirty years from the date of passage and approval hereof, the right, privilege and franchise of constructing, maintaining and operating a single track interurban railway system within the City of Corpus Christi, and over, along, across and upon the following named streets, avenues and alleys of the City of Corpus Christi, Texas, to-wit:

Beginning at the intersection of Water Street and Schatzel Street. Thence with Water Street to the intersection of Furman Avenue. Thence with Furman Avenue to the intersection of Bay View Avenue. Thence with Bay View Avenue to the intersection of Hancock Avenue. Thence with Hancock Avenue to the intersection of Second Street. Thence with Second Street to the intersection of Morgan Avenue. Thence with Morgan Avenue to the intersection of Ninth Street. Beginning again at the intersection of Brewster Street with the track of the San Antonio and Aransas Pass Railway Company. Thence with Brewster Street extended to intersect with McLaughlin Avenue extended. Thence with McLaughlin Avenue to the intersection of Chipito Street. Thence with Chipito Street to the intersection of Last Street. Thence with Last Street to Chamberlain Street. Thence with Chamberlain Street, Ninth Street and Central Boulevard to South boundary line of the City of Corpus Christi. Beginning again on Water Street at its intersection with Schatzel Street. Thence with Schatzel Street to its intersection with Mesquite Street. Thence with Mesquite Street to its intersection with Mann Street. Thence with Mann Street to Tiger Street. Thence over Tiger Street and North Broadway to Jones Street. Thence with Jones Street to Carancahua Street extended. Thence with Carancahua Street to Antelope Street. Thence with Antelope Street to Tarnahua Street. Thence with Tarnahua Street to Mestena Street. Thence with Mestena Street to Last Street. It is expressly understood that the portion of this grant which covers any street or part thereof, now occupied by a line of street railway, or any land the title to which is not in the City of Corpus Christi, or which Street or prospective extension thereof has not been dedicated for public purposes, shall be limited to the rights of the City of Corpus Christi to make said grant, and shall be only so far as said City is legally authorized to make same.

The said railway shall consist of a single track with all necessary side tracks, switches, turnouts, spurs, wires, poles, fixtures, cars and appurtenances and equipment needful in the construction and operation of such railway, and the said grantee shall have the right to construct for the purpose of transmitting power for the propulsion of its cars overhead trolley systems, suspended on poles placed along the curb line or in the center of such streets, avenues and alleys where the carriageway is more than sixty feet in width.

Section 2. All wires supported from trolley posts shall not be less than seventeen feet above the surface of the street, and all construction and improvements of said railway shall be constructed under the supervision of the Commissioner of Streets and public Improvements of the City of Corpus Christi, so as to avoid the least interference in the construction and in the maintenance with the free and unobstructed use of the streets by the public, consistent with the proper construction and maintenance of said railway, and the City Engineer of the City of Corpus Christi, Texas, shall furnish all data in his possession or the City of Corpus Christi necessary to enable said grantee to construct its established grades and other established profiles for streets where openings or cuttings. The City reserves the right to itself and its grantees to cross said lines or lay over, for any purpose it shall deem necessary, with as little interference as possible with the operation of said lines.

Section 3. In the construction of said railway where grades are established, the surface of such railway shall conform to the established grades, but where no grades are established the tracks shall be laid to conform to the existing surface. Provided, however, that where tracks are laid on streets where the street surface does not conform to the established grade, upon the establishment of such grade by the City of Corpus Christi, and the laying of the street to such grade, or where the grade is modified or changed, the grantee herein shall raise or lower the tracks of said street railroad to conform thereto at its own expense, and all dirt excavated and needed for said grantee in such improvements shall be disposed of as directed by the City of Corpus Christi at grantees own expense, when said dirt is not required to be moved more than 1 mile from any part of grantee's work.

The entire system of tracks, poles, trolleys, rails, cars and equipment shall be new and of a type approved by the City of Corpus Christi and suitable in design for the purpose for which it is intended. All construction details and specifications for construction must be approved by the City of Corpus Christi. After the construction and completion of said line, there shall be maintained in continuous service a schedule for the passage of cars in each direction with not less frequency than every two hours in the same direction on all interurban cars, between the hours of 7:00 a. m. and 10:00 p. m. of each day, unless prevented by temporary accidents, strikes or act of God, it being expressly understood that the Council reserves the right to fix schedule for cars used for city service alone.

Section 4. The said grantee shall within thirty days after the passage of this ordinance deposit with the City Clerk a written acceptance of the terms and conditions hereof, but shall prior to the passage of this ordinance deposit with the City Treasurer the sum of Five Thousand ($5000.00) Dollars to be collected by the City of Corpus Christi, Texas, as liquidated damages upon the following conditions, to-wit:

First: That the grantee will actually commence in good faith the construction of his railway within six months from the date of the acceptance of this ordinance.

Second: That the grantee will prosecute the construction of said railway with reasonable diligence and in conformity with the provisions of this franchise, and have at least two and one-fifth miles thereof in operation, as herein provided, within fifteen months after date of commencing actual construction, and have at least one-half of the balance in operation, as herein provided, within 24 months after the date of commencing actual construction, and have all of same in operation, as herein provided, within thirty months after the date of commencing actual construction.

In default of the building said first two and one-fifth miles in the manner and within the time limit herein provided, the City of Corpus Christi shall collect said $5000.00 and appropriate same as liquidated damages. If said two and one-fifth miles of railway are completed within the time limit above provided, the sum of Two Thousand and Five Hundred ($2500.00) Dollars shall be returned to said grantee. In default of the building of one-half of the balance of said railway, within the time limit as herein provided, the remaining $2500.00 left with said City Treasurer shall be collected by the City of Corpus Christi and appropriated as liquidated damages. When said one-half of the balance of said railway is completed within said time limit the additional sum of $1250.00 shall be returned to said grantee. In default of the final completion of said railway, as herein provided, the $1250.00 left with said City Treasurer shall be collected by the City of Corpus Christi and appropriated as liquidated damages. When said railway is completed within the time limit said last $1250.00 shall be returned to said grantee. Provided, however, that if any delay be occasioned on account of manufacturers being unable to fill orders placed for materials, cars, rails or equipment within the time limit, and grantee shall submit proof of diligent efforts to buy rails or other material for the construction of said line, and the inability to procure delivery thereof on account of delay of manufacturer or manufacturers, or for other good reason, satisfactory to the Council of said City, such period of delay shall be deducted in computing the time said construction shall commence or said line shall be put in operation.

Section 5. The cars upon said railway shall be operated at a speed of not more than eight miles per hour in the business portion of the City, nor more than fifteen miles per hour in the residence portion thereof.

Section 6. The grantee herein shall promptly pay all taxes and assessments that may from time to time be lawfully levied and assessed against his said properties by the City of Corpus Christi. The grantee herein shall indemnify and save the City of Corpus Christi harmless from all claims or judgments for injuries to persons or property occasioned by or arising out of the construction of its railway herein authorized, and for this purpose shall before the beginning of construction make to the City of Corpus Christi an indemnity bond in the sum of Ten Thousand (10,000.00) Dollars.

Section 7. The charge for transporting passengers to be charged by the said grantee shall not exceed the sum of Five Cents each for the continuous passage from points within the City Limits to other points within said City, but nothing in the grant shall not prevent the grantee of an additional fare for a return journey, and the grantee shall furnish transfer tickets from one line to another or cross streets at intersections of its lines of lines, to passengers making one continuous journey from one point to another, in the same general direction, on all interurban cars. Time of change and transfers to be made at transfer stations designated by ordinance. Tickets for the use of school children attending public schools or parochial schools under fifteen years of age, shall be furnished at the rate of Two and One-half Cents each, subject to such reasonable regulations as the Council may impose to prevent the abuse of this privilege by the use of such tickets by others than school children. Policemen and firemen of the Fire Department shall be carried free, in accordance with the provisions of the state and pass free Children under five years of age when accompanied by adults shall be carried free. Grantee shall carry half-fare tickets on its cars and make charge therewith to children entitled thereto.

Section 8. Where single track is constructed the entire line shall consist as nearly as practicable with the center of streets, avenues and alleys over and along which the same shall pass, unless when otherwise directed by the Commissioner of Streets and public improvements.

Section 9. All rolling stock, repair shops, business offices and car barns used in the operation of the city street railway system shall be kept within the limits of the said City of Corpus Christi, except rolling stock and terminal facilities for use of interurban lines.

Section 10. When the grantee shall lay or repaired a track upon any street upon which there has a pavement, sidewalk or curb, he shall remove same after the construction and laying of said track as nearly as may be in the former condition, to the satisfaction of the City Engineer, and shall pay all the costs of taking up and removing the old pavement, sidewalk, or curb, to lay said track and the relaying and furnishing of the new pavement, sidewalk or curb. When the City may order any street paved, which is occupied by the track of the grantee, grantee shall construct the paving between the rails of the tracks and for the space of one foot outside of the rail on single track lines, and when double track lines are maintained, or on spurs, switches and turnouts, the said grantee shall pave the space between the tracks together with the space between the rails, and for one foot outside the outside rails. All culverts under the tracks shall be kept in good repair by grantee to permit drainage, and all arroyos, bayous or ravines shall be bridged by grantee for the width of the track and for the space of one foot outside of the rails of the track to correspond with the level of the floor of the bridge. Repair structure of bridges and culverts for right-of-way, and the maintenance thereof, shall be at grantee's expense.

Section 11. The grantee herein has the right of carrying and transferring freight of all character, express and United States mails on his own cars or upon the cars of other railroads having connection with his tracks, provided the same shall in no way hinder or delay passenger traffic, and provided no freight cars of any character, other than the material or work cars of grantee, shall be carried or transferred over any part of said line within the City Limits located east of Last Street, Chamberlain Street and Ninth Street and Central Boulevard, and the San Antonio and Aransas Pass Railroad Company's track.

Section 12. At the expiration of thirty (30) years from the date of the adoption of this ordinance, the City shall have the right to purchase from the grantee, his successors or assigns, all of his tracks, cars and equipment, etc., the terms of which sale shall be determined by a Board of Arbitration consisting of three (3) members to be appointed as follows: One member by the grantee, his successors or assigns, one member by the City Council of the City of Corpus Christi, the third member to be selected by those two. If the first two members shall be unable to agree upon the third member of said Board, then such third member may be appointed by the Judge of the District Court of Nueces county, Texas.

In arriving at a fair value at which said purchase may be made by said City, the said Board of Arbitration shall not take into consideration the value of this franchise or grant held by the grantee from said City, but merely a fair value for the tangible property actually in use in the City of Corpus Christi by the grantee in his business for city street car purposes, at the time of arbitration, and the grantee shall maintain all of his property up to standard during said period of arbitration. The price, terms of sale and times of payment agreed upon by said Board of Arbitration or by any two members of said Board, shall constitute the basis of said sale, and both the City of Corpus Christi and the grantee, his successors or assigns, shall be bound to abide thereby, after said purchase shall have been duly ratified by the affirmative vote of the qualified electors of the City of Corpus Christi at a general election or at a special election regularly called for that purpose. All expenses connected with said Board of Arbitration shall be borne equally by the parties thereto.

Section 13. The said grantee by accepting or acting under this grant expressly agrees to pay to the City of Corpus Christi the sum of One Hundred ($100.00) Dollars within thirty (30) days from the date of the approval of this franchise, and thereafter, during the life of this grant, he agrees to annually pay to the Treasurer of said City the sum of Ten ($10.00) Dollars on each June First, for interurban service and an amount to be hereafter fixed by the City Council on cars used exclusively in the city and until such amount is fixed by the City Council on cars used exclusively in the City the grantee hereunder shall not have the right to operate cars exclusively in the said City.

Section 14. The grantee herein shall have the right and privilege, and all the rights and privileges granted in this ordinance, to use said street railroad, switches, turnouts and sidetracks in the operation of any and all interurban or suburban line or lines operated between Corpus Christi and any other point or points, and shall have the right and privilege of extending his line or lines to a junction with any other urban or interurban line, by first obtaining permit from the City Council of the City of Corpus Christi.

Section 15. The grantee herein shall have the right and privilege to make such arrangements for securing electric or other power for the propulsion of its interurban cars as to it shall seem best, not inconsistent herewith, and shall also have the right and privilege of establishing, erecting and maintaining an electric power plant or other plant or plants for the purpose of manufacturing and supplying light, heat, electricity and electric or other power, or either of them, for his own use, and for sale to the public, but if grantee desires to sell said power, heat or light to the public he shall first do so shall be obtain franchise therefor from the City of Corpus Christi, regulating the prices to be charged for such heat, light and power, as well as the material used, and the construction of the escape for furnishing such heat, light and power, and franchise to be as nearly as possible the same as franchises heretofore granted to other companies for the sale of heat, light and power.

Section 16. The character of paving used by the grantee shall be that specified by the City Council for that purpose.

Section 17. This franchise may be wholly forfeited for failure to provide proper and adequate service, consistent with good management and business ways, or for persistent violation of the specific terms of this franchise.

Section 18. The grantee shall at all times be subject to the City Charter and the City Ordinances now in existence, or which may hereafter be passed, not inconsistent herewith.

Nothing in this franchise shall be construed in such a manner as to in any way abridge the right of the City of Corpus Christi to pass the necessary police ordinances for the protection of the citizens of the City of Corpus Christi and their property and the property of this grantee.

The grantee shall at all times display and keep the necessary danger signals and proper guards around all excavations and obstructions, and shall keep sufficient space in good condition for the travel of wagons and teams, on at least one side of all excavations and obstructions and shall, as soon as practicable, restore all streets and public places to a condition equally as good as before any openings or obstructions are made, and shall observe and follow all reasonable regulations and orders of the Street Commissioner with regard to repairs.

Section 19. This ordinance is granted upon the express condition that the grantee herein named shall, as soon as said railroad is ready to begin operations, become a resident citizen of the State of Texas or that he will sell, assign and transfer any and all of his rights hereunder to some person, firm or association residing in the State of Texas or to some corporation duly organized by him and his associates under the laws of the State of Texas for the purpose of maintaining and operating said railroad.

Section 20. This ordinance shall be of no force or effect whatever unless it shall be accepted by the grantee within the time and in the manner herein mentioned.

Section 21. It is expressly agreed and understood that the City of Corpus Christi shall have at all times the right to avail itself of the provisions of Chapter 1a of Title 18 of the Acts of the Twenty-ninth Legislature, 1905, of the State of Texas, and all amendments thereto.

Section 22. Wherever the words "the grantee" occur in this ordinance they shall mean and be understood to be J. H. Caswell of the City of San Diego, California, his successors, lessees or assigns, and any individual, co-partnership, or corporation, receiver or other person or authority owning or operating such franchise or said railway system.

Section 23. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 24. Whenever the said grantee shall fail or refuse or neglect, after reasonable notice from the City of Corpus Christi, to construct, repair or place in proper condition any part of any street actually occupied by his track or tracks, or any culvert under such track or tracks, or any crossing thereof, or any bridge connected therewith, or to keep in good legal condition the road bed of such track or tracks or any part thereof, as required by the terms of this ordinances or the Charter of this City, then and in that event the City of Corpus Christi, shall have the right and power to cause the same or any part thereof to be constructed, repaired or placed in proper condition, at the cost and expense of the grantee.

Section 25. That said grantee shall continuously and diligently maintain and operate the line or lines of street railway contemplated and provided for in this ordinance, and that he shall daily furnish to the citizens and inhabitants of the City of Corpus Christi, a satisfactory and first-class street car service in accordance herewith, and that for each and every day that such service is not rendered, he shall forfeit, become liable to, and pay, to the said City of Corpus Christi, the sum of One Hundred ($100.00) Dollars, as liquidated damages and stipulated penalties, provided, however, that the interruptions of such required daily service, or stoppage of traffic, over or along his line or lines of street railway, occasioned by or brought about by strikes, or by reason of his failure, as the case may be, to procure or obtain necessary supplies or necessary fixtures or necessary material, within a reasonable time after the same have been ordered shipped by grantee, or by reason of storms, cyclones, high water, lightning, or other act of God, or by reason of any other fact or circumstance beyond the control of the said grantee, shall be and is hereby deemed a sufficient and valid excuse for his not rendering or performing the duties and service aforesaid, and no forfeiture or penalty contemplated in this ordinance shall be demanded of the said grantee for any failure to do or perform his duties or obligations under this ordinance and contract, by reason of any act of God or other unforeseen accident.

Section 26. Grantee shall have the right hereunder to use only such power for propelling interurban cars as is designated in Section 40, Article 1175, Revised Civil Statutes, 1911, the State of Texas.

Section 27. This ordinance shall take effect and be in force from and after its passage and approval and publication and acceptance.

Now Therefore, notice is hereby given: That the said election will be held in the said City of Corpus Christi at the time and place and within the hours mentioned in said resolution and in the manner fixed by law.

ROY MILLER
Mayor of the City of Corpus Christi.
Attest:
F. J. MULLIGAN, City Secretary
of the City of Corpus Christi.
Adv.

Legal Notice.

THE STATE OF TEXAS
To All Persons Interested in the Estate of Mrs. Elizabeth Wells, Deceased:

Notice is hereby given that in Cause No. 1179 pending in the County Court of Nueces County, Texas, upon a written application filed by Mrs. John D. Spann joined by her husband John D. Spann, for the probate of a certain instrument in writing as the last will and testament of Mrs. Elizabeth Wells, deceased, in which cause the said Mrs. John D. Spann and her husband, John D. Spann, are applicants, and all persons interested in the estate are defendants, a commission will be issued out of the Honorable County Court of Nueces County, Texas, on and after the fourteenth day after the publication of this notice, to take the testimony of Elizabeth Frederick and Martha L. Dreschler, witnesses to be sent of applicants, to interrogatories propounded on behalf of the applicants to said witnesses, which interrogatories are now on file in said cause, and both of said witnesses reside in the City of Louisville, State of Kentucky.

WITNESS my hand and the seal of the County Court at office this the 23rd day of June, A. D. 1915.

ALEX CHRISTNER,
County Clerk, Nueces County, Texas.
By CHAS. WAGELEIN,
Deputy.
(Advertisement.)

Legal Notice

THE STATE OF TEXAS TO THE SHERIFF OR ANY CONSTABLE OF NUECES COUNTY, GREETINGS:

You are hereby commanded to summon Bill Holden to appear before the first Monday in September, 1915, the 6th day of September, 1915, at the Court House of Nueces County, Texas, in Corpus Christi, then and there to answer the petition filed in said court on the 23rd day of November, 1914, in a suit, numbered on the docket of said court No. 12[illegible], wherein Effie Holden is plaintiff and Bill Holden is defendant, said petition alleging the plaintiff and defendant were lawfully married on or about October 13th, 1910, and lived together as man and wife until on or about December 20th, 1910, when, by reason of defendant's cruel and harsh treatment she was compelled to permanently abandon him, since which time they have not lived together as husband and wife; that defendant was guilty of excesses, was in state of drunkenness most of the time, failed to provide for plaintiff's support, used abusive and vile language towards plaintiff and threatened to kick her out of the house, remained away from home for days at a time, living in adultery with another woman, and on several occasions committed physical violence on the person of plaintiff; that defendant's actions and conduct towards her were of such a nature that their further living together was impossible. Wherefore, premises considered, plaintiff prays that the defendant be cited to appear and answer herein, for judgment dissolving the marriage relations existing between them, for costs, for general and special relief, both in equity and law, as she may be justly entitled to, as appears more fully in plaintiff's original petition on file herein.

Herein fail not, but have before said court on the said first day of the next term thereof, this writ, with your return thereon showing how you have executed same.

Witness J. Dorenfeld, Jr., Clerk of the District Court, Nueces County, Texas.

Given under my hand and seal of said court, this 12th day of July, A. D. 1915.

ADVERTISEMENT FOR BIDS.

Bids will be received by the City Council of the City of Corpus Christi, Texas, in conformity with Section Article 2[illegible] of the City Charter, by the Office of the Treasurer of said City [illegible]

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venes at 9:30 a. m.

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