

Ordinance No. 15007

An Ordinance authorizing and consenting to the sale, assignment and transfer, to Portland Railway Company, a corporation incorporated under the laws of the State of Oregon in the month of October, 1905, and its successors and assigns, of the rights, privileges and franchises granted and conferred by certain ordinances, resolutions and permits of the City of Portland.

The City of Portland does ordain as follows:

Section 1: The City of Portland hereby consents and agrees that all the rights, privileges, franchises, licenses, easements and immunities, granted or conferred by the City of Portland by the following described ordinances of the City of Portland, to-wit :

Ordinance Number 13089, passed by the Common Council/November 24, 1902, and approved November 25, 1902, entitled: "An Ordinance granting to Portland Railway Company, its successors and assigns, the right to construct, acquire and own, and to maintain, operate and use railways and poles and wires and underground conduits, cables and conductors, in the City of Portland, Oregon", and Ordinance Number 13178, passed January 9, 1903 and approved by the Common Council/January 14, 1903, entitled, "An Ordinance to amend section fourteen of Ordinance No. 13089, of the City of Portland, Oregon, approved November 25, 1902, entitled, 'An Ordinance granting to Portland Railway Company, its successors and assigns, the right to construct, acquire and own, and to maintain, operate and use, railways and poles and wires and underground conduits, cables and conductors, in the City of Portland, Oregon'", and Ordinance Number 13187, passed by the Common Council January 21, 1903, and approved January 21, 1903, entitled "An Ordinance making an addition to section one of Ordinance number 13089 of the City of Portland, Oregon, approved November 25, 1902, entitled 'An Ordinance granting to Portland Railway Company, its successors and assigns, the right to construct, acquire and own, and to maintain, operate and use, railways and poles and wires and underground conduits, cables and conductors, in the City of Portland, Oregon'", and ordinance No. 13435, passed by the Common Council July 1, 1903, and approved July 2, 1903, entitled, "An Ordinance authorizing and consenting to a change in the location of the bridge across Jefferson Street Canyon, authorized by Ordinance Number 13089 to be constructed, maintained, operated and used by Portland Railway Company, its successors and assigns", and approved by the Mayor January 13, 1903 and ordinance number 13177, passed by the Common Council January 9, 1903, and approved by the Board of Public Works January 14, 1903, entitled, "An Ordinance granting to City and Suburban Railway Com-

pany, its successors and assigns, the right to construct, acquire and own, and to maintain and use railways and poles and wires and underground conduits, cables and conductors, in the City of Portland, Oregon, and Ordinance No. 14561, approved April 6, 1905, entitled, "An Ordinance granting a permit to Portland Consolidated Railway Company to construct a single or double track railway on Alder Street from the center line of Second Street to the center line of Third Street", and all other rights, privileges, licenses, easements, franchises, immunities and permits, now or formerly held, owned, possessed, used or enjoyed, by Portland Consolidated Railway Company, a corporation of the State of Oregon, may be sold, assigned and transferred to Portland Railway Company, a corporation incorporated under the laws of the State of Oregon in the month of October, 1905, and that said Portland Railway Company and its successors and assigns, may purchase, acquire, take, own, hold, possess, use and enjoy, all of the said rights, privileges, franchises, licenses, easements, immunities and permits.

Section 2: Said Portland Railway Company, a corporation, incorporated under the laws of the State of Oregon in the month of October, 1905, shall within, thirty days after the approval of this Ordinance, file with the Auditor of the City of Portland, its written acceptance of this ordinance embodying its written agreement that it will do and perform each and every act and thing required by any of the aforesaid ordinances to be done or performed by the Portland Railway Company, a corporation incorporated under the laws of the State of Oregon in the year 1896, or said City and Suburban Railway Company, or said Portland Consolidated Railway Company, and if said Portland Railway Company, a corporation incorporated under the laws of the State of Oregon in the month of October, 1905, shall fail so to file its written acceptance of this ordinance within said period of thirty days from and after the approval of this ordinance, then and in that event this ordinance shall be void and of no effect.

Passed the Council, November, 15th, 1905,

Thos. C. Devlin,

Auditor of the City of Portland

Submitted to the Mayor, November 16", 1905.

Not approved Nov. 25/05.

Harry Lane, Mayor.

Portland, Oregon, Nov. 25, 1905

To the Honorable, The Council, Portland, Oregon.

Gentlemen:-

In returning you Ordinance No. 15007 without my approval, I would say that this ordinance attempts to authorize the several street railway companies named therein to sell

and transfer to the Portland Railway Company their rights under their respective franchises. It is claimed that these companies have the authority to make such transfers independent of this ordinance. If such be the case this ordinance can subserve no useful purpose, and no sufficient reason appears why the companies should desire its passage. If on the other hand this ordinance does confer rights or privileges upon franchise holders which they do not now possess, it is certainly our duty to exact corresponding return from them for the benefit of the City and its inhabitants.

It is evident to all that the favors and privileges that have been bestowed in the past as franchises to the several street railways named in this ordinance now have a market value of millions of dollars, all granted without adequate benefits to the City, and it would seem that this excessive generosity with the property of the public should not be continued.

Very respectfully,

Harry Lane, Mayor

Filed Nov. 25, 1905,

Thos C Devlin,

Auditor of the City of Portland

The above ordinance was passed over the Mayor's veto at a regular meeting of the Council held Dec. 6, 1905, by the following vote: Yeas: Councilmen Annand, Belding, Bennett, Dunning Gray, Kellaher, Masters, Menefee, Preston, Sharkey, Shepherd, Wallace and Wills, 13, Nay, Councilman Vaughn 1.

Thos C. Devlin,

Auditor of the City of Portland

ACCEPTANCE BY PORTLAND RAILWAY COMPANY

OF ORDINANCE NUMBER 15,007.

KNOW ALL MEN BY THESE PRESENTS: That Portland Railway Company, a corporation incorporated under the laws of the State of Oregon in the month of October, 1905, has accepted and does hereby accept Ordinance Number 15,007 of the City of Portland, entitled "An ordinance authorizing and consenting to the sale, assignment and transfer to Portland Railway Company a corporation incorporated under the laws of the State of Oregon in the month of October, 1905,

and its successors and assigns, of the rights, privileges and franchises granted and conferred by certain ordinances, resolutions and permits of the City of Portland", passed by the Council of said City of Portland November 15, 1905, and passed by the Council of said City over the veto of the Mayor December 8, 1905, and said Portland Railway Company, a corporation incorporated under the laws of the State of Oregon in the month of October, 1905, hereby agrees that it will do and perform each and every act and thing required by any of the ordinances mentioned in said ordinance 15,007, to be done or performed by Portland Railway Company, a corporation incorporated under the laws of the State of Oregon in the year 1896, or City and Suburban Railway Company or Portland Consolidated Railway Company.

IN WITNESS WHEREOF, said Portland Railway Company, a corporation incorporated under the laws of the State of Oregon in the month of October, 1905, has, in pursuance of a resolution of its Board of Directors duly and legally adopted and entered in its minutes, caused its corporate name to be to this written acceptance and agreement subscribed by its president and this acceptance and agreement to be sealed with its corporate seal and attested by its Assistant Secretary, all on this 7th day of December, 1905.

PORTLAND RAILWAY COMPANY

By F.I. Fuller,

President

Attest:

C.N. Huggins,

Assistant Secretary.

(Corporate Seal of Portland)  
( Railway Company )

STATE OF OREGON        )  
                          ) ss.  
COUNTY OF MULTNOMAH )

THIS CERTIFIES, That on this 7th day of December, 1905, before me, the undersigned, a Notary Public in and for the State of Oregon, appointed and residing in the County of Multnomah therein, appeared F.I. Fuller to me personally known, who being duly sworn, did say that he is the President of Portland Railway Company, a corporation incorporated under the laws of the State of Oregon in the month of October, 1905, the corporation named in and making the foregoing acceptance and agreement, and that the seal affixed to said foregoing acceptance and agreement is the corporate seal of said Portland Railway Company, and that said acceptance and agreement was signed and sealed in behalf of said corporation by authority of its board of directors and said F.I. Fuller acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal

this the day and year first in this my certificate above written.

E E Mallory,

Notary Public for Oregon, residing in the City of  
Portland in the County of Multnomah therein.

(Notarial Seal)

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