

NOTICE OF PROPOSED GRANT FRANCHISE.

Notice is hereby given that application was duly made to the City Council of the City of Kinston, at its regular meeting on Monday night, October 5th, 1914, for a grant of franchise or right to use certain streets in the said city of Kinston, and to that end a special ordinance was then and there introduced at the said City Council before the Board of Aldermen, proposing to make a grant of franchise, the full ordinance being hereto attached, and in words as follows:

The Board of Aldermen of the City of Kinston, North Carolina, do ordain as follows:

Section 1. That Kinston Manufacturing Co., its associates, successors and assigns hereinafter called grantees, be, and hereby are, given and granted full authority, right and franchise to locate, construct, maintain and operate tracks, switches, turnouts and appurtenances and other appliances to operate a railroad by steam, or other motive power, as a common carrier of freight and passengers, or as a switch or special track to connect with other common carriers of freight and passengers, or as a portion thereof, in, through, over, across and upon those streets of the City of Kinston hereinafter specifically mentioned, and no others, and in the manner for the term, or terms, and upon the conditions hereinafter provided, and under the regulations fully and specifically set out in this franchise.

Sec. 2. The course of said railroad track or switch showing the portions of the streets to be used is as follows:

Beginning at a point in the Atlantic Coast Line Railroad on Bright street, between Queen and Heritage streets that will make a practical railroad curve across the corner lot known as the old electric light plant, out on to Heritage street possibly, and thence south on Heritage street across Shine street as far as is necessary to make connection with Kinston Manufacturing Company and Neuse river, so as to use not to exceed 150 feet on Bright street, so running from the Atlantic Coast Line Railroad, and not to exceed 750 feet on Heritage street running across Shine street, in the manner above set out.

But it is specifically understood that the Board of Aldermen of the City of Kinston reserves the right as a board, or through a committee, to pass upon the manner in which said track or switch shall be laid to accomplish the purpose herein granted, and the grantees shall submit the actual plans or map and survey thereof for such

tracks, to said Board of Aldermen, or its duly authorized committee for approval, before proceeding with the work, and the said Board of Aldermen or its committee reserves to itself and shall have the right to make requirements, changes and regulations which may be for the benefit of the City of Kinston and the public advancement.

Sec. 3. That the grantees herein may build and erect such warehouses, depots, sheds and other buildings or appliances necessary for the purpose of operating a railway system or using the rights herein granted as a switch, side track or special track, as they shall deem best, and maintain such stopping places as the business necessities of individuals or corporations in the City of Kinston may require, and they shall have the right to cross any sidewalk herein mentioned, and no others, with the track of the railroad, and they shall have the right to cross any sidewalk or side walks necessary for the purpose of ingress and egress into and from said buildings and appliances herein mentioned, or to any other house or buildings owned or built by the grantees and used for the purpose of operating said railroad, or in connection therewith, provided, however: that no building shall be erected in the fire limits of said city which will violate the regulations thereof, and provided further, that the right to cross the sidewalks of said city as herein set out, shall not be used to obstruct the free passage of persons along said sidewalks, and in any way endanger the travelers thereon.

Sec. 4. That the grantees herein shall, within two (2) years from the date hereof, begin the construction of the said railroad or switch, and thereafter continue said construction to completion so that within three (3) years from the date hereof the same shall be in actual use, either as a common carrier of passengers and freight connected with other common carriers of freight and passengers, or as a switch or side track so connected with some other common carriers of freight and passengers, and shall continually thereafterwards be used and operated during the existence of this franchise, and it is expressly provided that should said grantees fail to begin said construction within the said two (2) years or fail to prosecute the same, as herein required, or fail to have in operation at the expiration of three (3) years from the date hereof, railroads using said track or switch herein mentioned for some of the purposes herein set out,

then and in such event, this franchise shall be forfeited. Provided the Board of Aldermen of the City of Kinston; for a good cause shown, shall have the power to extend the time for the construction, completion and operation of same, and provided further, that no forfeiture shall be declared for any failure on the part of the said grantees, due to causes beyond their control, and provided further, that should said grantees fail at any time after the expiration of said three (3) years to maintain said system for any of the purposes herein mentioned for a longer period at any one time of more than one (1) year, they shall forfeit the franchise herein granted, and the same shall be deemed abandoned, null and void, and of no effect, but it is expressly understood and provided that the time when such grantees are prevented from such operation by reasons of causes beyond their control, or legal proceedings, shall not be counted against them in calculating the time, and it is further expressly provided that upon any forfeiture or abandonment of this franchise, said grantees shall be entitled within six (6) months thereafter to remove any rails, property and implements located, erected or constructed by them hereunder, and shall leave the portions of said streets so occupied by them in as good condition as those portions of the streets adjoining same, and not occupied by them. And it is further expressly provided that the Board of Aldermen of the City of Kinston may, at any time, or from time to time, extend the time within which said forfeiture may be incurred, as in their discretion may be deemed advisable.

Sec. 5. That the said grantees are hereby empowered to make excavations, and to do such grading and such work as may be necessary to lay the tracks of said railroad upon the streets of said city herein mentioned, and for the purpose of erecting and maintaining such appliances as may be necessary for the operation of said railroad system, all said tracks and appliances to be placed and erected in such streets, and in such places, and in such manner as may be agreed upon between said grantees and the

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Board of Aldermen of said city, provided that said grantees shall not unnecessarily keep any section of said streets torn up or obstructed in the construction of said railroad track, or other appliances, in connection therewith for any unreasonable length of time, provided, further, that said grantees shall repair all of said streets and sidewalks so excavated, torn up, or in any wise affected, and place the same in as good condition as they were prior to such excavation of the same. And for the faithful performance of the conditions of this section, the said grantees, their successors and assigns shall file with the clerk of the city of Kinston a good and sufficient bond in the sum of five thousand dollars (\$5,000.00) to be approved by the mayor and city attorney, which said bond shall protect said city against damages, from any negligence and carelessness on the part of said grantees, their successors and assigns in carrying into effect the provisions of this section, the said bond to be discontinued when sufficient tracks are laid and operation begin. And the said grantees, their successors and assigns shall be responsible for all damages to persons or property due by the carelessness or negligence of said grantees, their successors or assigns, on account of which judgments may be obtained against the City of Kinston or responsibility against said city.

Sec. 6. The tracks of said railroad or switch shall be so constructed and laid as not to obstruct the free flow of water across the street and down the gutters thereof, and in laying the same, the said grades shall conform to the grades of the streets herein mentioned, which they are authorized to use, as the same now or hereafter may be established, and when changes of grade are necessary, permission shall be obtained from the Board of Aldermen to make same, and in case of changes in the grade of said streets after the said tracks are laid, said grantees at their own expense, shall conform to the portion of the street occupied by them and one (1) foot on each side of the rail to the new grade, the space between the tracks and one (1) foot on each side of the track shall be kept in good order and condition at the cost and expense of said grantees, so that the portions of the streets occupied by the tracks may be safe and convenient for the travelers on foot or with trains, carts, carriages, and vehicles at all times, and so that the same shall at all times be level with the street upon which they are laid, and

if, at any time hereafter any street upon which said grantee may lay tracks shall be paved by the City of Kinston, the said grantees shall pave with brick or other proper material to be approved by the City of Kinston, between the rails, and one (1) foot on each side.

Sec. 8. That the said grantees shall safeguard all constructions made by them on any street herein mentioned, and keep the same in proper condition upon modern and improved principles at all times.

Sec. 8.—This franchise, and the rights and privileges herein granted shall be continued for a period of twenty years, provided, however, that the Board of Aldermen may extend same, if it deem proper, upon application made after the expiration of the said twenty years.

Sec. 9. That the grantees shall have the right to haul, convey and deliver passengers and freight of all kinds for hire and do a general switching business over the tracks to be erected hereunder, or to connect with or become a part of other railroad systems which are common carriers of passengers and freight of all kinds.

Sec. 10. The Board of Aldermen expressly reserve for the benefit of the City of Kinston the full right, power and authority to make such reasonable and legal regulations, or to pass such reasonable and legal ordinances during the existence of this franchise, which may affect the said grantees and the operation hereunder as may be deemed right and proper to the public good, and not inconsistent with the objects and purposes herein granted, and this franchise is granted upon the conditions that such right and power is reserved unto the said City of Kinston to be exercised by it through its Board of Aldermen, or other officers or local authorities.
W. B. COLEMAN, Clerk.
Oct. 9, 1914.

HOPELESS LUNG TROUBLE CURED.

Many recoveries from Lung Troubles are due to Dr. Bell's Pine-Tar-Honey. It strengthens the Lungs, checks the Cough and gives relief at once. Mr. W. S. Wilkins, Gates, N. C., writes: "I used Dr. Bell's Pine-Tar-Honey in a case given up as hopeless and it effected a complete cure." Get a bottle of Dr. Bell's Pine-Tar-Honey. If your cough is dry and hacking let it trickle down your throat, you will surely get relief. Only 25c at your druggist. (adv.)

WHY SUFFER SO?

It took a big physician specialist many years to find out the simple cause of suffering and how to relieve it. Two things, he discovered, were always present, no matter what the disorder—inflammation and congestion. Relieve them and the trouble and pain vanishes. His prescription, used very successfully in his practice, was secured by the Nixon Laboratory and carefully put up under the name of "Nixon's Menthol Balm." If you suffer from Croup, Neuralgia, Pneumonia, Sore Throat, Headache, Earache, Swellings, Soreness and Stiffness, Pleurisy, Coughs, Bronchitis, or Rheumatism, you are in fact suffering from congested and inflamed conditions. Instead of paying \$1 to \$2 for the prescription you can now go to the drug store of J. E. Hood & Co., Kinston, N. C., and get a bottle of it for only 25 cents. Be sure it's Nixon's Menthol Balm.

NORFOLK SOUTHERN RAILROAD

Notice to Shippers and Receivers of Freight in North Carolina:

The new freight rates, both local and joint, made effective by the laws of North Carolina, October 13, 1914, are on file with all agents of this company.

Agents will furnish, upon application, full information as to these rates.

E. D. KYLE,
Traffic Manager, Norfolk, Va.
J. F. DALTON,
Asst. Genl. Frt. Agt., Norfolk, Va.
10-19-33t

KINSTON AND CAROLINA R. R. AND LUMBER CO.

(Effective Sept. 13, 1914—6:00 A. M.)
No. 1 STATIONS No. 2
4:00 Lv. Kinston Ar. 8:10
4:10 Lv. Jackson Ar. 7:50
4:20 Lv. Albritton's Ar. 7:40
4:50 Lv. Sparrow's Ar. 7:20
5:20 Lv. Lynchburg Ar. 7:05
5:30 Ar. Pink Hill Lv. 7:00
R. A. HONEYCUTT, Supt.
WM. HAYES, Gen'l Supt.

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