

Monday Evening, January 9, 1905

The Council met at 8:10 o'clock p.m. There were present the Mayor and Councilmen Blodgett, Derrick, Morrison and Van Houten.

The minutes of the last regular meeting and of the subsequent special meetings were read and approved.

The monthly report of the Treasurer was submitted as follows:

To the Mayor and Council (Through the Finance Committee.)		Takoma Park, Md., January 1, 1905.	
Gentlemen: I have the honor to submit herewith report of receipts and expenditures for the month of December, 1904.			
Balance on hand last report	-----	\$ 2628.25	
Receipts:			
From general taxes	-----	\$ 521.05	
" water rents	-----	44.00	
" permits	-----	1.00	
" redemption fund	-----	10.57	
" cement walk assessments	-----	130.01	706.63
			<u>3334.88</u>
Of the balance on hand there belongs to			
The special \$17000 fund	-----	\$ 1250.33	
The cement sidewalk fund	-----	130.01	
The general fund	-----	1401.81	2782.15
			<u>2782.15</u>
Expended to date from \$17000.00 fund:			
Cement walks	-----	\$ 15,355.84	
Sewer extension	-----	364.32	
Water main extension	-----	29.51	
			<u>15,749.67</u>
Examined:			
LISLE MORRISON			
J. H. VAN HOUTEN			
		Respectfully submitted: BEN G. DAVIS, Treasurer.	
		Disbursements:	
Pumping plant: miscellaneous	-----	\$ 12.21	
gasoline	-----	30.25	42.46
Street work: material	-----	32.30	
labor	-----	40.88	73.18
Street lighting: oil	-----	25.60	
lamp wicks	-----	2.60	28.20
General expenses: telephone	-----	2.20	
contingent	-----	1.35	
miscellaneous	-----	1.00	4.55
Salaries: clerk and treasurer	-----	25.00	
engineer	-----	48.00	
lamp lighter	-----	35.00	108.00
Interest on general bonds	-----		15.00
Redemption fund	-----		10.57
From special \$17000 fund: cement walks	-----	128.00	
sewer extension	-----	133.86	
water main	-----	8.91	270.77
			<u>552.73</u>
			<u>2782.15</u>
			\$ <u>3384.88</u>

Mr. Blodgett moved that the report be accepted and filed. Carried and so ordered.

Mr. Morrison, from the Finance Committee, submitted the following report:

To the Mayor and Council of Takoma Park, Md.		January 4, 1905.	
Gentlemen: The Finance Committee has to report that they have carefully examined the following bills and accounts submitted to the committee for report.			
We have approved the following and recommend payment:			
E. T. Kaufman, Services, etc.	-----	\$ 23.25	Standard Oil Co. Gasoline
			----- \$ 30.80



Standard Oil Co. Oil	\$ 21.25	Judd & Detweiler, printing special tax bills	\$ 5.95
E.M. Douglas, reimbursement, contingencies	8.70	Town Treasurer, Contingencies	
C. & P. Telephone Co. rental and messages	2.30	J.B. Kinnear	2.08
William Watkins, Coal	3.60	B.F. Schridder, blacksmithing	4.65
E.E. Blodgett, Services	9.00		

LISLE MORRISON  
E.M. DOUGLAS  
J.H. VAN HOUTEN

Mr. Derrick moved that the recommendations of the committee be approved and payment of the bills directed. Carried and so ordered.

Mr. Blodgett submitted a bill of \$61.<sup>50</sup> for services in full to January 7, 1905, as inspector of the work of extending water main on Carroll Ave. and of the sewer extension, stating that such work had been done in compliance with directions of Mr. Scudder, the Engineer in Charge.

On motion of Mr. Morrison the bill was approved and payment thereof directed.

Mr. Van Houten called attention to the filling up of the gutter along the brick walk fronting the North Takoma Hotel property and the necessity of having the same cleaned to prevent destruction of the brick walk. Also to the necessity of providing a board walk along Elm Ave. from the end of the completed cement walk to Carroll Ave. These and similar necessary repairs in various streets were considered at some length, it being understood that Mr. Blodgett, Chr. of the Street Committee, would look over the places mentioned and institute such repairs as he deemed urgent and which cannot be postponed for a more suitable season.

Mr. Thomas Waters, of S., addressed the Council briefly and urged that in the suit now progressing to test the validity of the tax law that the Mayor or some member of the council appear at the hearing before the Court of Appeals, when the case came before that court.

Mr. Martin McNamara, contractor for the water and sewer extensions, informed the Council of the progress being made on the work—the water main being within a day or two of completion and requested that a payment be made on account.

Mr. Morrison moved that a payment of \$1400 on the water main and of \$600 on the sewer extension, on account, be made.

Mr. McNamara stated that this would be entirely satisfactory and Mr. Morrison's motion was agreed to.

There being no further business the Council, at 10:00 o'clock p.m. adjourned.

Approved:

*J.B. Kinnear* Mayor.

*Ben Davis* Clerk.



Monday Evening, February 13, 1905

The Council met at 8:15 p.m. There were present Mayor Kinnear and Councilmen Blodgett, Derrick, Morrison, Scudder and Van Houten.

The minutes of the last regular meeting were read by the Clerk and upon motion, duly approved.

The Treasurer submitted his usual monthly report as follows:

To the Mayor and Council. (Through the Finance Committee.)		Takoma Park, Md., February 1, 1905.	
Gentlemen: I have the honor to submit herewith report of receipts and expenditures for the month of January, 1905:			
Balance on hand last report-----	\$ 2782.15	Disbursements:	\$ 5,110.00
Receipts:		Pumping plant-----	34.40
From general taxes-----	\$ 398.85	Street work-----	13.65
" water rents-----	851.08	Street lighting-----	21.25
" interest on deposits in bank-----	16.28	General expenses-----	46.71
" redemption of tax property-----	9.97	Salaries-----	108.00
" cement walk taxes-----	3642.12	Semi-annual interest on improvement bonds-----	467.50
" road tax, Montgomery County-----	656.58	Bonds paid, Series A, improvement bonds-----	3400.00
	<u>5574.88</u>	Redemption fund-----	9.97
	8357.03	From special fund: cement walks-----	23.35
		Sewers-----	600.00
		Water main-----	<u>1461.50</u>
Of the balance on hand there belongs to the cement walk fund, including \$400, the town's first annual payment \$772.13			2084.85
Expended to date on special improvements:		Balance on hand-----	<u>2170.70</u>
Cement walks-----	\$ 15,379.19		8357.03
Sewers-----	964.32	Respectfully submitted:	
Water main on Carroll Avenue-----	<u>1491.01</u>		BEN G. DAVIS, Treasurer.
	17,834.52		

On motion of Mr. Scudder the report was accepted.

Mr. Morris Bien, a citizen of the Town, requested the attention of the Council, and asked that the recent temporary walk on Elm Ave. be improved by the addition of cleats, its incline being so great that during the slippery weather the walk was dangerous. Mr. Bien also requested that the necessary filling for completion of the cement walks on this street be made at the earliest practicable date, and the necessary completion of the board walk also.

Mr. Blodgett, Chairman of the Street committee, promised to take the walk matter up at an early date and the Mayor stated that it was the intention to make the grades for completion of cement walks so soon as the weather permits.

Messrs. Smith and Parsley, residents on Ridge Avenue invited the attention of the Council to the existing uncertainty as to the lines of that



street, which was a source of constant annoyance to the property owners and requested that the Council take immediate steps to have the street boundaries officially determined. Upon consideration of the subject the gentlemen were requested to present the matter in the form of a petition from the parties in interest with the suggestion that they state therein their willingness to abide by the result of any official survey of the street which the Council may order. This action seemed to meet the approval of Messrs. Smith and Parsley, who stated that they would proceed as requested.

The following report was presented by the Finance Committee:

To the Mayor and Council of Takoma Park, Md.

February 8, 1905

Gentlemen:- The Finance Committee has to report that they have carefully examined the following bills and accounts submitted to the committee for report.

We have approved the following and recommend payment:

C. F. Sudwarth, Printing bands -----	\$ 17.00
C. and P. Telephone Co. Rental and messages -----	2.80
Standard Oil Co. Gasoline -----	55.00
Standard Oil Co. Oil -----	29.40

Medart Patent Pulley Co. Fulcrum arms -----	\$ 2.00
Wm. Watkins. Stove coal for pumping plant -----	3.60
U. S. Fidelity and Guaranty Co. Premium on Treasurers' bond -----	10.00
	<hr/> 114.80

LISLE MORRISON.  
J. H. VAN HOUTEN. Committee.

Mr. Scudder moved that the report be accepted and payment of the bills directed as recommended. Carried and so ordered.

A bill of Mr. E. E. Blodgett for 14 days services as inspector of the sewer work, amounting to \$42<sup>00</sup>, was presented. This bill was approved by the engineer in charge of the work and on motion of Mr. Morrison payment of the same was directed.

Mr. L. M. Mooers, Registrar of Vital Statistics submitted a list of births and deaths within the Town, covering the period from October 11, 1903, to December 31, 1904, numbering fourteen (14) births and eleven (11) deaths. On motion of Mr. Scudder the report was accepted and payment of registration fees, amounting to \$5<sup>00</sup> authorized and directed.

The plumbing inspector, to whom had been referred a request of Miss E. M. Spicer for permission to discharge water from sink and bath tub into street gutter at her residence on Carroll Ave., returned the same with statement that inasmuch as no question of plumbing was involved, he did not deem the matter as coming within his jurisdiction.

Upon consideration of the matter Mr. Morrison moved that the provisions of Section 4 of Ordinance 15 be suspended so far as the residence of Miss Spicer is concerned, this suspension to be subject to revocation by the Council at its pleasure; and that she be granted the privilege of running the water from the sink and bath tub into the street in such manner as may be approved by the Health Officer. This permission to establish  
no precedent.



Mr. Morrisons motion was adopted.

Mr. Blodgett, from the Committee on Streets and Lights reported the disappearance of a street lamp in North Takoma and suggested that several extra lamps should be purchased to meet such emergencies.

On motion of Mr. Scudder the purchase of three new street lamps was authorized.

Mr. Scudder from the Water and Sewer Committee presented an agreement drawn up by the District of Columbia officials for use of the Town sewerage system by certain residents within the District of Columbia and suggested certain changes and additions therein. The matter was referred to the Mayor with request to confer with the District people and have the proposed changes incorporated.

At the request of the Water and Sewer committee and on motion of Mr. Morrison the purchase of 20 pounds of packing at a cost of not to exceed \$15<sup>00</sup> was authorized.

Mr. Scudder, Engineer in charge of certain public improvements, submitted the following report:

The Mayor and Council, Takoma Park, Md.

Takoma Park, Md, February 11, 1905

Gentlemen: There is transmitted herewith the request of Martin McNamara & Co. for an extension of time, until May 15th next, to complete the contract for sewer and disposal field. The present contract calls for the completion of this work in 75 days, which places the time of completion at about February 12th. The extension of this contract will put an additional expense on the town for inspection unless the contractor agrees to pay the inspector. It is however recommended that on account of the severe weather encountered, rendering it almost impossible to do any work, that an extension of 60 days be granted the contractor, provided it does not annul the original contract, and that the bond accompanying the contract is duly extended, and with the express understanding that this extension of time does not relieve the contractor from any liability or pecuniary loss to the Town which is due to the non-completion of the work at the time specified in the contract.

Respectfully, CHAS. W. SCUDDER

Engineer in Charge of Public Works.

Inclosure:

The Honorable Mayor and Town Council of Takoma Park, Md.

608 A. St. S.E. Washington, D.C. February 10, 1905

Gentlemen:- I respectfully ask an extension of time on our contract with your town for sewerage and disposal fields, until May 15th, without penalty to us.

Respectfully,

MARTIN McNAMARA & Co.

On motion of Mr. Morrison the report and recommendations of the Engineer were approved.

In connection with the pending public improvements, Mr. Scudder also submitted the following:

The Mayor and Council, Takoma Park, Md.

Takoma Park, Md, February 11, 1905

Gentlemen:- Enclosed herewith is a statement of Martin McNamara & Co. of the amount of work performed on account of contracts for water main and sewer and disposal Field, amounting to \$3506.31



Amount of work done	\$ 3,506.31
Deduct 10%	350.63
	<u>3155.68</u>
Paid on account	2000.00
Balance	<u>1155.68</u>

It is recommended that \$1155.68 be paid the contractor.

Respectfully,

CHAS. W. SCUDDER,

Engineer in charge of Public Works.

Inclasure:

The Mayor and Town Council of Takoma Park, Md.  
To Martin McNamara & Co. Dr.

608 A St. S.E. Washington, D.C. February 10, 1905

To laying and furnishing 2117 ft. of 4" c.i. water pipe @ 70¢ per lin. ft.	\$ 1481.90
" furnishing and setting 3 Eddy fire hydrants @ \$ 40	120.00
" " " " 3 valves @ \$ 18 each	54.00
" " " " 1 stop valve	8.00
" excavating 53 1/4 cu. yds @ \$ 2.50 per cu. yd	133.13

To changing contract 22" to running ft. to 24" (c.i. pipe) \$28.00 per ton	\$ 59.28
" furnishing and laying 2200 ft. terra cotta pipe at 75¢ pr. lin. ft.	1650.00
	<u>3506.31</u>
Paid on account	2000.00
Balance due	<u>1506.31</u>

Upon consideration of the statement and the report the Engineer modified the latter by recommending a payment of \$1050.00, \$225.00 of which to be credited to the water main and \$825.00 to the sewer.

On motion of Mr. Blodgett the report and recommendation, as modified, were adopted.

On motion of Mr. Blodgett approval was given to a request of Mr. A-J. Pieters for the use of a strip of land abutting his property corner of Chestnut and Takoma Aves. for the planting of shrubs and flowers.

There being no further business the Council, at 10:20 P.M. adjourned.

Approved:

*J. B. Sinner*

Mayor

*Ben Davis*

Clerk.



Monday Evening, March 13, 1905

The Council met at 8 o'clock p.m. There were present Mayor Kinnear and Councilmen, Blodgett, Derrick, Douglas, Morrison and Scudder.

The minutes of the last regular meeting were read by the Clerk and approved.

The Treasurer submitted his monthly report as follows:

To the Mayor and Council. (Through the Finance Committee)		Takoma Park, Md, March 1, 1905	
Gentlemen: I submit herewith report of receipts and disbursements for the month of February, 1905:			
Balance on hand last report	\$ 2170.70	Disbursements:	
Receipts:		Pumping plant: miscellaneous	\$ 6.54
From general taxes	\$ 452.14	gasoline	55.00 61.54
" water rents	102.00	Street work: labor	1.50
" permits	13.00	Street lighting: oil	24.40
" special assessments, cement walks	1344.39	General expenses: printing	17.00
	<u>1911.53</u>	telephone	2.80
	4082.23	miscellaneous	10.00
Expended to date on special improvements:		legal	25.00 64.80
Cement walks	\$ 15,379.19	Salaries: clerk and treasurer	25.00
Sewer extension	1,831.32	lamp lighter	35.00
Carroll Ave. water main	1,716.01	engineer	48.00 108.00
	<u>\$ 18,926.52</u>	Special improvements: sewer extension	867.00
Examined and found correct		water main	225.00 1092.00
LISLE MORRISON		Balance on hand	<u>2739.99</u>
J. H. VAN HOUTEN		Of which there belongs to cement walk fund	2116.52 4082.23
		Balance in general fund	623.47
		Respectfully submitted:	BEN G. DAVIS, Treasurer.

On motion of Mr. Blodgett the report was approved.

The Finance Committee submitted the following report:

To the Mayor and Council of Takoma Park, Md.		March 8, 1905	
Gentlemen: The Finance Committee has to report that they have carefully examined the following bills and accounts submitted to the committee for report.			
We have approved the following and recommend payment:			
A. W. Skinner, Printing delinquent tax notices	\$ 2.25	Geo. F. Muth and Co. lamps and globes	\$ 13.52
C. and P. Telephone Co. for telephone rentals	2.20		30.57
Rumsey & Co. Packing for pumps	12.60		
		LISLE MORRISON } Committee	
		J. H. VAN HOUTEN }	
		E. M. DOUGLAS }	



Mr. Blodgett moved that the report be accepted and payment of the bills directed. The motion was carried.

Mr. Morrison moved that Messrs. George A. Warren, E. V. Crittenden and Ben G. Davis be appointed a Board of Assessors to prepare an assessment of taxable property for the ensuing fiscal year. The motion was carried.

Mr. Blodgett, from the committee on Streets and Lights reported the receipt of three new street lamps and called attention to damage to the new cement walks near residences of Messrs. Tennent and Bien, the former caused by cutting of ice with an axe and the latter from a falling tree. The chairman of the committee was directed to make note of needed repairs to walks and where damage was inflicted as in the instances stated, to note the same that cost of repairs may be charged to persons responsible for the injury done.

The clerk presented communications from Miss. E. M. Spicer and Mr. A. G. Daniels requesting the construction of board sidewalks, the former in front of her lot on Carroll Ave. and the latter from residence of Mr. Geo. W. Jackson to the college buildings across the Sligo.

Mr. Morrison moved that the clerk be directed to inform the petitioners that the Mayor and Council deem the construction of board sidewalks contrary to good public policy and to invite their attention to the provisions of the Act of March 3, 1904 under which permanent walks can be laid at the expense of the abutting property.

Mr. Harrison W. Smith addressed the Council briefly relative to the proper surveying of Ridge Ave. and at the conclusion of his remarks presented a petition from a number of citizens residing on that street, wherein they request that the Council have Ridge Ave. "properly surveyed laid off, placed in a serviceable condition for travel, and the points or corners of lots abutting thereon be given to the residents by the surveyor or officer properly authorized by law so to do."

After discussion of the matter at length Mr. Morrison moved that the clerk be instructed to write to the county surveyor, Mr. Maddox, and to request information of him as to the reason for the different results of the various surveys made of this street and to request of him a complete examination of the land records to the end that the lines of Ridge Avenue may be definitely and accurately determined. Carried.

Mr. Blodgett moved that an appropriation of \$500 be authorized for the purchase of brick tiles to repair walks of that kind. The motion was carried.

Mr. Scudder laid before the Council the matter of plumbing at the buildings being constructed by the Adventists on block 51. The



Council considered the matter at length upon the conclusion of which Mr. Morrison moved that permission be given for the laying of a 14-inch water main to connect with the new 4-in main on Carroll Avenue, provided that the main be laid in a manner meeting the approval of the inspector of plumbing, and conforming to the plumbing regulations. The motion was carried.

Relative to the sewer connections Mr. Douglas moved that permission be granted for connecting with the new outfall sewer provided it be done at a manhole now existing or at one to be constructed by them. The motion was carried.

Mr. Douglas moved that until the completion of the new outfall sewer permission be given the Adventist for surface disposal of sewage from their buildings. The motion was carried.

Mr. Scudder reported relative to the progress of the negotiations between the District authorities and the Council for the use of the town sewerage system and submitted copies of the proposed agreement relative thereto. The agreements were referred to the Mayor with directions to consult with the District commissioners.

Mr. Scudder submitted the following report:

The Mayor and Council, Takoma Park, Md.		Takoma Park, March 13, 1905	
Gentlemen: I have the honor to report that Martin McNamara & Co. the contractors for the sewer and disposal field have completed since the last council meeting the following work:			
2500 feet of sewer @ 75¢ per foot	\$ 1875.00	Extra work in lowering grade under water main	\$ 20.00
8 manholes @ \$40.00 each	320.00	Total work since last payment	2269.00
24 ft. iron pipe @ \$ 2.25 per foot	54.00	Less 10%	226.90
		Amount recommended for payment	2042.10
Respectfully,		CHAS. W. SCUDDER, Engineer in charge.	

Mr. Morrison moved that the report be accepted and payment ordered as recommended. The motion was carried.

A petition from Mrs. Lilla V. H. Bien and others for construction of a crossing at Pine and Montgomery Avenues, was ordered referred to the Street committee for report and recommendation.

The Mayor called the attention of the Council to the necessity of securing certain desired amendments to the town charter at the next winter session of the Legislature, suggesting the division of the town into wards as one feature entitled to consideration and suggested that now would be a good time to take initiative action in the matter.



In line with the Mayor's suggestion Mr. Morrison moved that the Mayor and Messrs. Scudder and Derrick be appointed a special committee to consider and prepare such amendments to the charter as may seem desirable, for submission to the Council.

The motion was carried.

There being no further business the Council thereupon adjourned.

Approved:

*J. H. Zinn*

Mayor.

*Ben D. Davis* Clerk



Thursday Evening, March 30, 1905

A special meeting of the Council was held at the residence of the Clerk this date, convening at 8 o'clock. There were present Mayor Kinnear and Councilmen Blodgett, Derrick, Douglas and VanHouten.

The Mayor stated that he had called the meeting for the purpose of considering matters relating to the Baltimore and Washington Transit Co's railroad through the town; that a few days since said company had begun the removal of a portion of its rails with the purpose, so he was informed, of reconstructing the road upon the monorail system. As no permit had been asked or granted for the changes contemplated he had instructed the Bailiff to stop work upon the same and requested the officials to present their plans to the Council for consideration.

President Wm. A. Mellen of the American Monorail System, who was present, thereupon presented a communication from Messrs. Williams, Thomas and Williams, Attys., of Baltimore, Md, stating that the Baltimore and Washington Transit Co. is about to repair and reconstruct its line within Takoma Park in order to immediately put in condition for operation, and as the reconstruction will be in accordance with ordinances heretofore adopted by the Council, they suppose there will be no objection to the same and that a proper permit will be issued for reconstruction of the road insofar as it occupies the streets of Takoma Park. The attorneys state further that as a matter of law the Transit Co. is entitled to a permit to reconstruct and repair its tracks in accordance with its charter, provided the work is done in a reasonable and proper manner so as not to unreasonably interfere with the streets, and that it "is a plain proposition of law that municipalities cannot stop the operation of railroads chartered by the state by refusing to grant a permit for necessary work."

Mr. Douglas moved that the letter be referred to Messrs. Talbott and Prettyman, Attorneys, of Rockville, with request for an opinion as to the powers of the Council in regard to the questions raised. The motion was carried.

The Council thereupon entered into an informal discussion with Mr. Mellen as to the intentions of the company, the form of construction of the proposed mono-rail system, its advantages, etc. Blue print plans of proposed lengthening of sharp curves, etc, were presented by Mr. Mellen and examined by the Council but definite information as to the intentions of the company were not forthcoming.

Mr. Blodgett moved that when the Council adjourns it adjourn to meet on Tuesday evening, April 4th, for a further consideration of the matter and that the President of the railway company be requested to present such additional facts at that time as will enable the Council to act intelligently,



upon its request for a permit and that in the meantime the work of removing any portion of the railway property be suspended. The motion was carried, Mr. Mellen acquiescing in the latter clause thereof.

Mr. A. G. Daniels, for the Washington Sanatorium Association, presented a petition from interested property owners requesting the construction of a cement walk on Carroll Avenue from Mr. Geo. W. Jackson's property to the road leading from Carroll Avenue to the buildings of the Washington Training College. Mr. Daniels explained that in view of a general meeting of the Adventists in Takoma Park in early May, at which time many of them would be located at the new buildings beyond the Sligo, it was greatly desired that the walk be completed by that time.

Upon consideration of the petition it was suggested that certain changes be made in the form thereof in order to obviate, if possible, the requirements of the law as to advertising and public notices. The petition was therefore returned to Mr. Daniels who promised to incorporate in a new petition the changes as suggested.

Upon written request therefor the Chesapeake and Potomac Telephone Co. was granted permission to string the necessary wires to furnish telephone service to Mr. W. W. Cruitt.

The Clerk presented a letter from Mr. E. J. Maddox, County Surveyor, relative to surveying of Ridge Avenue, in which he requested that Mr. George W. Jackson meet him with a view to assisting in the proper location of that street.

On motion of Mr. Douglas the Clerk was instructed to request Mr. Jackson to assist Mr. Maddox in the survey of Ridge Avenue and an appropriation of \$10<sup>00</sup> was authorized for the expense of said survey.

On motion of Mr. Blodgett permission was given to Mr. H. H. Beall to use certain stone from sewer excavation provided Mr. Beall consented to the location of a small portion of a manhole upon his property.

There being no further business the Council thereupon, at 11 o'clock p.m., adjourned.

Approved:

*J. B. Kimmel*

Mayor.

*Ben D. Davis* Clerk



Tuesday Evening, April 4th, 1905.

In accordance with the motion adopted at its last special meeting the Council met in special session at the residence of the Clerk at 8 o'clock p.m. There were present the Mayor and Councilmen Blodgett, Derrick, Douglas, Morrison, Scudder and Van Houten.

The Mayor stated that he had hoped that the opinion of the attorneys requested at the meeting of Thursday evening last, would be ready for the information of the council tonight but that the same had not yet been received and that in the absence of the desired information it was not likely that any definite conclusion could be reached in regard to the permit desired by the Baltimore and Washington Transit Company.

The railroad question was again informally considered and discussed with Mr. Mellen, president of the Baltimore and Washington Transit Company, who was present, but nothing conclusive was learned as to the railway company's intentions.

Mr. Douglas moved that the charter of the Baltimore and Washington Transit Company be declared forfeited and that the company be directed to remove its tracks from the public streets. The motion was seconded by Mr. Blodgett.

After the motion had been considered at some length Mr. Douglas, with consent of the second, withdrew the same.

Mr. Morrison thereupon moved that the whole matter be referred to the Committee on Ordinance and Judiciary with instructions to present, at the regular April meeting of the Council, such recommendations as the committee may deem advisable. The motion was carried.

Mr. Mellen was requested to present such facts as he desired to the committee and to embody in detail and in writing just what was desired by his company. This he promised to do.

Mr. Douglas moved that the Ordinance and Judiciary Committee be authorized to employ an attorney for such legal assistance as may be deemed necessary. The motion was carried.

Mr. A. S. Daniels presented a new petition for the construction of a cement walk from Mr. Jacksons east along Carroll Avenue to the Adventist buildings on block 51, the former petition having been found inadequately worded.

Action on the petition was deferred to await the opinion asked of the Town's attorneys as to the powers of the Council to annul the provisions of the Act of March 3, 1904 under which the walk would be laid.

A petition from Dr. R. H. P. Ellis requesting grading of the gutters on Buffalo Ave. was referred to the committee on Streets.



for such action as may be deemed necessary.

There being no further business the Council, at 10 o'clock p.m., adjourned.

Approved:

*J. K. Kinnear*

Mayor

*B. G. Davis*, Clerk.

Monday evening, April 10, 1905

The Council met at 8 o'clock p.m. There were present Mayor Kinnear and Council men Blodgett, Derrick, Douglas, Morrison and Scudder.

The minutes of the last regular meeting and of the two subsequent special meetings were read by the Clerk and approved.

The Treasurer submitted his monthly report as follows:

To the Mayor and Council (Through the Finance Committee)

Takoma Park, Maryland, April 1, 1905

Gentlemen: I have the honor to submit herewith report of receipts and expenditures for the month of March, 1905:

Balance on hand last report ----- \$ 2739.99

Disbursements:

Receipts

From general taxes ----- \$ 1397.67

Pumping plant: miscellaneous ----- \$ 13.50

" sidewalk assessments ----- 1595.50

Street lighting: lamps and globes ----- 13.77

" water rents ----- 95.50

General expenses: printing ----- \$ 2.25

" permits ----- 5.00

telephone ----- 2.20

" road tax, Prince George Co., for 1904 ----- 121.38

miscellaneous ----- 8.69

3215.05

Salaries: Clerk and Treasurer ----- 25.00

5955.04

lamplighter ----- 35.00

engineer ----- 48.00

Of balance on hand there belongs to sidewalk fund ----- \$ 3712.02

Sewage disposal plant ----- 2042.10

" " " " " " " " general " ----- 52.51

2190.51

3764.53

Balance on hand ----- 3764.53

Of balance ----- 5955.04

Expended on special improvements to date:

Cement walks ----- \$ 15,379.19

Sewer extensions ----- 3,873.42

Water main Carroll Ave. ----- 1716.01

20,968.62

Respectfully submitted:

*B. G. Davis*, Treasurer.

Mr. Derrick moved that the report be received and referred to the Finance Committee for examination. Carried and so ordered.

The Finance Committee presented the following report:



To the Mayor and Council of Takoma Park, Md.		April 10, 1905	
Gentlemen:- The Finance Committee has to report that they have carefully examined the following bills and accounts submitted to the committee for report. We have approved the following and recommend payment:			
Standard Oil Co. 250 gals. gasoline @ 11¢	\$ 27.50	Mayor J. B. Kinnear, Contingent	\$ 1.85
" " " 300 " " " 10 1/2¢	31.50	Treasurer " "	2.10
" " " 200 " Aladdin Oil @ 8¢	16.00		81.55
C. and P. Telephone Co. Rental and messages	2.60		
		LISLE MORRISON } E. M. DOUGLAS } Committee.	

Mr. Derrick moved that the report be accepted and payment of the bills ordered. The motion was carried.

The Mayor stated that he had received a proposition from Messrs. E. Rollins and Sons, Bankers of Boston, Mass., to sell a \$1000 bond of the original \$40000 issue for par and interest and that, in accordance with previous authority of the Council he would accept the proposition and make the purchase from the sinking fund, unless there was present objection. There was no objection.

The following communication was presented from the Board of Assessors:

To the Mayor and Council of Takoma Park, Md.		Takoma Park, Md., April 10, 1905.	
Gentlemen:- The undersigned, appointed a Board of Assessors by resolution of your Council, to prepare an assessment of property within the corporate limits of the Town of Takoma Park, Maryland, for the fiscal year beginning July 1, 1905, have the honor to submit herewith the results of their labors.			
		Very respectfully,	
		GEORGE A. WARREN } E. V. CRITTENDEN } Assessors. BEN G. DAVIS }	

Mr. Morrison moved that the report be received and that the Clerk be directed to give the usual public notice and that the Council sit as a Board of Review at their regular meeting the evening of the second Monday in May to hear and determine any complaints relative thereto.

The motion was carried.

Mr. Blodgett, from the Committee on Streets and Lights reported relative to the gutters on Pine and Poplar Avenue, stating that in his judgment board gutters are necessary to prevent wash outs and stating that he would submit probable cost thereof at a later date.

Mr. Scudder, from Water and Sewer Committee reported that sewer farm No. 2 was in a bad condition and that probably \$3000 would be required for necessary work thereat; that engine No. 1 at the pumping station was slightly out of alignment and needed a new friction clutch, involving an expenditure of about \$6000; and requested authority for such expenditures.



On motion of Mr. Morrison an appropriation of \$30 was authorized for work on sewer farm and \$60<sup>00</sup> for clutch and alignment of engine.

On further request of Mr. Scudder, the water and sewer committee, on motion of Mr. Morrison, was authorized to expend not exceeding \$10<sup>00</sup> in making necessary repairs to the waterworks dam, caused by washout around the end thereof.

Mr. Scudder submitted the following report:

The Mayor and Council, Takoma Park, Md.

Takoma Park, April 10, 1905

Gentlemen: - I have the honor to report that the following work has been done on the sewer main since the last payment to the contractor:

2000 lin. ft. T.C. pipe laid @ \$.75 per foot	\$ 1500.00
85 " " iron " " " 2.25 " "	189.00
6 manholes " \$40 <sup>00</sup> each	240.00
Total	\$ 1929.00
Less 10%	192.90
	\$ 1736.10

It is respectfully recommended that the contractor be paid \$1736.10 on account.

Respectfully  
CHAS. W. SCUDDER, Engineer.

Mr. Morrison moved that the recommendation of the Engineer be approved and payment directed. Carried and so ordered.

Relative to the new sewer line Mr. Scudder called the attention of the Council to a section of exposed pipe which it would be necessary to protect by a wall or cement collar or else removed entirely to a position where it could be placed under ground. The latter plan, in his opinion, is the only proper method of remedy and could be accomplished at a cost of about \$200<sup>00</sup>.

After consideration of the matter Mr. Morrison moved that the engineer be authorized to expend not to exceed \$200<sup>00</sup> for the purpose of removing and placing under ground an exposed section of the outfall sewer now under construction. The motion was carried.

The Ordinance and Judiciary Committee, to which had been referred all matters relating to the request of the Baltimore and Washington Transit Co. for a permit to repair and reconstruct its road upon the public streets of the Town of Takoma Park, submitted, through Mr. Derrick, its chairman, a proposed ordinance to repeal Ordinance No. 55 in which the original grant of the use of the streets was given said company. The proposed Ordinance having been read Mr. Scudder moved that it lie upon the table. The motion was carried.

Mr. Wm. A. Mellen, president of the Baltimore and Washington Transit Co. addressed the Council briefly, stating that he had been in consultation with the Adventist authorities relative to running the road to their property on Carroll Avenue, but had as yet reached no



definite conclusion. Upon the assumption that satisfactory arrangements could be made to extend the road along Carroll Ave., Mr. Mellen presented the following request, reserving the privilege to withdraw same and substituting the present route of the road if the before-mentioned negotiations were unsuccessful:

To the Mayor and Council of Takoma Park, Md.

Washington, D.C., April 10, 1905

The Baltimore and Washington Transit Company of Maryland respectfully makes application to the Mayor and Council of Takoma Park for authority to construct, operate and maintain a single track railway with such reasonable switches, sidings and turnouts as may be hereafter authorized by the Mayor of Takoma Park, in and through Takoma Park via the following route:

Beginning on the northwest side of Laurel Road at its intersection with the District line, and thence along said northwest side of said Laurel Road in a northeasterly direction to its intersection with Carroll Avenue; thence crossing said Carroll Avenue to its north side, and thence along said north side of said Carroll Avenue in an easterly and northeasterly direction over the proposed Carroll Avenue Viaduct across Sligo Creek, and thence along said Carroll Avenue extended to a point at or near the intersection of said Carroll Avenue with Flower Avenue; as shown upon the blue print annexed hereto marked "Railway's Exhibit B."

Said railway to be constructed, maintained and operated according to the American Monorail System and subject to the following conditions:

(1) Such construction to be commenced within thirty days from the authorization of the same and to be continued with a reasonable diligence until such construction is completed throughout said entire route.

(2) Said road to be operated with reasonable service for the transportation of both passengers and freight.

(3) The charge for passenger service not to exceed five cents a passenger for one continuous ride from any point on said route, or from any point or extension, or branch of same hereafter constructed within said Town of Takoma Park to the District of Columbia line.

Respectfully submitted:

BALTIMORE AND WASHINGTON TRANSIT COMPANY OF MARYLAND  
by WM. A. MELLEEN, President.

In connection with the above application the Mayor submitted the following opinion of Messrs. Talbott and Prettyman, Attorneys, upon the points raised in the letter of Messrs. Thomas, Williams and Thomas, Attorneys for the Baltimore and Washington Transit Company, referred to in the proceedings of the Council at the special meeting of March 30, 1905:

Mr. Ben G. Davis, Clerk to the Town of Takoma Park.

Dear Sir:- Replying to your favor of March 31st asking for an opinion upon certain points, we would say:

1. As to rent for the railway property, as we recollect, the contract made with the lessees by the Town provided in express terms that the Town should in no wise be responsible for any rent, and we think some satisfactory evidence was produced that the rent for the whole term covered by the assignment of lease to the Town had been paid in advance.

2. As to the question of taxes we have no doubt that the Town can proceed, by seizing and selling any property owned by the Railroad Company, if done in accordance with the charter, to collect any overdue taxes.

3. As to the right of the Company to proceed with the reconstruction of the road. It is true that a municipal corporation cannot by arbitrary measures interrupt the use of a railroad either for passenger or freight traffic while such railroad is a going concern, serving the purpose of its creation. The reason for this is obvious. That the Town cannot obstruct the public in the use of these conveniences nor deprive the Railroad Company of its functions granted it for public use and general convenience.

The case is very different when the road bed has been abandoned and lying unused for a considerable time. This is the case here and we are strongly of the opinion that the power to grant or refuse a permit in this case is entirely within the discretion of the Town of Takoma Park. The



cases referred to in the letter of Messrs. Williams, Thomas and Williams have, in our opinion, nothing whatever to do with the matter. The railroads in those cases were active, useful concerns, performing all their duties and the only controversy arose over a change in motive power. The question involved in each case referred only to the individual action of the Mayor, or Street Commissioner as distinguished from the corporate action of the Municipal authorities.

This discussion is, however, of little practical importance as there is another aspect of the case which, in our opinion, is conclusive of the whole matter.

Ordinance 49 and its amendments of the Town is the one under which the right to operate the railroad is claimed. That Ordinance provides in express terms that the railroad shall be so constructed as to allow the use of the road bed for the passage of vehicles, other than the electric cars, and so as to impede and incommode public travel to the least possible extent. As we understand, the monorail system of construction is in direct defiance of all these provisions, as it needs to erect a trestle or bridge to support its overhead construction and this seriously, if not entirely obstructs the road bed for use by other vehicles. Surely it cannot be seriously contended that this can be done under the existing Ordinance.

In fact, we have very grave doubts of the power of the Council to grant such permit even if it desired to do so. The Town does not own the streets. It simply is the custodian of a right of way over them for the use of the general public. It has entire control over the care and maintenance of such right of way and it is clothed with all power necessary to prevent obstruction or injury to the right of the public in the use of the streets. But we know of no power that the Authorities have to abridge the use of such highways by granting a Railroad Company, representing only a part of the general public, such privileges as will absolutely deprive all the remainder of the same general public from the use and enjoyment of the highway. The use ceases to be a public use and becomes a private one and, therefore, is beyond the power of the municipality to retain. For it is certain that no municipal corporation can either acquire or hold property except for public uses. It has no power to take or keep any one person's property for the benefit of another person or class of persons smaller than the whole general public. Hence if the Council should grant the right, by additional ordinance, to this company to use a portion of the highway in this exclusive manner, we are inclined to think such action would be ultra vires and void and could be set aside at the suit of any citizen of the Municipality without his being required to show any special damage.

We are therefore of opinion (1) that a permit from the Town authorities must be obtained by the company before it begins any work of reconstruction.

(2) That the granting of such permit is entirely optional with the Corporate body of the Town.

(3) That permission for the exclusive use of any portion of the highways cannot be given by the Mayor and Council

Rockville, Maryland, April 4th, 1905

Attorneys at Law

On motion of Mr. Scudder the ordinance repealing ordinance No. 55 was taken from the table and with all papers referring to the railroad matter was referred to the Ordinance and Judiciary Committee with instructions to report thereon, with recommendations, as early as practicable.

In relation to the petition presented at the last meeting of the Council for a cement sidewalk on Carroll Ave. from Mr. & W. Jackson's east to the entrance to the Washington Training College grounds, the Mayor submitted the following letter relative to the powers of the Council under the law.

Mr. John B. Kinnear, Mayor of Takoma Park

Rockville, Md., April 6, 1905

Dear Sir: With reference to paving Carroll Avenue from Ethan Allen Avenue to the road leading from Carroll Avenue to the Buildings of the Washington Training College, about which you asked us some days ago, we would say: That under the law, the Town of Takoma Park has no power to make said sidewalk under the provisions of the Act of 1904 except by the passage of an ordinance and complying with all the requirements of said Act as was done when the other walks were laid. Nor can the consent of the adjacent property owners give such power, unless they pay the total cost of the work in cash. The reason being that there may be, from the failure to collect, or otherwise, an ultimate responsibility on the Town to be met out of current funds. Nor can said work be paid for out of money already paid in on account of the paving work already done, for the obvious reason that that money, having been paid in as a special tax for certain specified improvements, the Town of Takoma Park has no power to apply it to any purpose other than that for which it was paid.

Very truly yours,

TALBOTT & PRETTYMAN.



In view of the opinion thus presented the Mayor stated that further action upon the petition was probably unnecessary.

On motion of Mr. Douglas authority was granted the C. & P. Telephone Co. to string a pair of wires to the residence of Mr. D. S. Morse, Cor. of Pine and Montgomery Avenue, said work to be done as approved by the chairman of the committee on streets and lights,

A series of petitions were presented to the Council from committees consisting of Messrs. I. H. Evans, James R. Scott, J. W. Lowhead and A. P. Needham, representing the Board of Trustees of the Washington Sanitarium Association, The Washington Training College Association, The General Conference Corporation of Seventh Day Adventists and The Review and Herald Publishing Association, as follows:

1. For suitable lights, previous to May 10, 1905 along Carroll Avenue from Mr. Jackson's to the entrance off Carroll Avenue to the Washington Training College buildings.

On motion of Mr. Scudder the petition was granted and the Chairman of the Committee on Streets and Lights instructed to obtain and place the lamps in position at a cost not to exceed \$40<sup>00</sup> which amount was appropriated for the purpose of the motion

2. For the construction of a new bridge across the Sligo, at an elevation of not less than 22 feet above the old bridge, the petitioners agreeing to grant right of way over its premises for road and bridge if same is completed by September 1, 1905

This petition was referred to the Engineer (Mr. Scudder) for report and recommendation

3. For sewer and water pipes along Carroll Avenue beginning with Mr. Severances east line and extending east to the log cabin, the petitioners agreeing to pay in cash all just and proper assessments.

On motion of Mr. Morrison this petition was referred to the water and sewer committee for consideration and recommendation

4. For sewer and water pipes on Willow Ave. between Tulip and Carroll and cement walks on both sides of Willow, from Tulip to Carroll, petitioners agreeing to pay in cash all just and proper assessments therefor

5. To have graded a suitable bed for a sidewalk, beginning at Mr. G. W. Jacksons on Carroll Ave, extending eastward to the entrance to the Washington Training College buildings - and to grant the Washington Training College free use of planks and other material with which to lay a temporary board walk on said graded bed; said walk to remain until question of new bridge is decided and cement walks can be laid.

On motion petitions 4 and 5 were referred to the street committee for consideration and recommendation.



Mr. Ralph J. Woolsey presented a verbal request for information upon what terms the present sewer<sup>farm</sup> could be leased when abandoned, and the amount of land therein. The question was referred to the Water and sewer Committee for report.

There being no further business the Council thereupon adjourned, at 11:00 o'clock p.m.

Approved:

BEN DAVIS Clerk

J. B. Kinnear Mayor

Monday evening, May 8th, 1905

The Council met at 8 o'clock p.m. with the following members present: Mayor J. B. Kinnear and Councilmen Bladgett, Derrick, Douglas, Morrison, Seudder and VanHouten. In the absence of the Clerk, Mr. Morrison was selected to act in that capacity.

The minutes of the previous meeting of the Council were read and approved.

The monthly report of the Treasurer was submitted as follows:

To the Mayor and Council. (Through the Finance Committee.)		Takoma Park, Md., April 30, 1905	
Gentlemen: - I have the honor to submit the following statement of receipts and expenditures of town funds during April, 1905:			
Balance on hand last report ----- \$ 3764.53		Disbursements:	
Receipts:		Pumping plant: gasoline ----- \$ 59.00	
From general taxes ----- \$ 204.21		Waterworks: repairs to dam ----- 9.15	
From water rents ----- 18.79		Street work: labor ----- 6.00	
From permits ----- 5.00		Street lighting: oil ----- 16.00	
For redemption of property sold for taxes ----- 19.00		General expenses: postage ----- \$ 10.60	
Proceeds of bond issue ----- 5000.00		telephone ----- 2.60	
Accrued interest on bonds, Feb. 1. to Apr. 1, 1905 @ 5 1/2 per cent. ----- 45.83		contingent ----- 3.95	
From cement walks special assessments ----- 367.38	5660.21	miscellaneous ----- 8.00 25.15	
	9424.74	Semi-annual interest on \$56000 water and sewer 4% bonds ----- 1120.00	
Expended on special improvements to date:		Redemption fund disbursements ----- 19.00	
Cement walks ----- \$ 15,379.19		Extension of sewer system ----- 1826.10	
Sewer extension ----- 5,699.52		Salaries: clerk and treasurer ----- 25.00	
Water main extension ----- 1,716.01		lamplighter ----- 35.00	
Total ----- \$ 22,794.72		engineer ----- 72.00 132.00	
		3212.40	
		Balance on hand ----- 6212.34	
Examined and found correct. L. MORRISON	Of balance of ----- \$ 6212.34	9424.74	
E. M. DOUGLAS	There belongs to sidewalk fund 4079.40		
J. H. VAN HOUTEN	2132.94	BEN G. DAVIS, Treasr	