

# MORE TRACKS MAY COME UP.

## STEAM ROAD OPERATING WITHOUT A FRANCHISE.

### THE SOUTHERN PACIFIC LINE IN THE MISSION IS MEN- ACED.

#### Petition of Residents of the Dis- trict Against It Has Been Referred to the City Attorney.

The Southern Pacific Company is, apparently, the next object of attack by the Supervisors. Residents of the Mission, alarmed by the petition of the company to lay a second track on the route now traversed by a steam road from Third and Townsend streets to the county line, have laid a remonstrance before the Board in which the point is raised that the company has no franchise to operate its present line. When the protest was read at yesterday's meeting of the Board, Clinton, in supporting it, gave the history of the road to show that it was operated without sanction of law.

"The San Francisco and San Jose Railroad," he said, "was built in 1863, the original route being from Twenty-fifth and Valencia streets along Valencia street to the depot then located at the junction of Market and Valencia streets. The line now operated through the Mission was then a spur track used by the engines in going to and from the roundhouse at the corner of Sixteenth and Harrison streets. The company has not, nor did it ever have, a franchise on any portion of the route from Sixteenth and Harrison streets to Twenty-fifth and Valencia streets. Its only right to lay the spur track was through acquiring a right of way from a party owning an undivided interest in the lands through which the road was built.

"In 1872 the company was compelled to abandon its track on Valencia street, at which time it acquired a right of way through private property from the roundhouse to Eighth and Townsend streets, a franchise then being obtained for using Townsend street. From that time until the present the track has been operated continuously through the populous Mission district, across streets and sidewalks without the semblance of a franchise.

"Heretofore when the residents raised a clamor against the continuance of the steam railroad they were told that the company was acquiring a right of way on the bay shore and that the use of steam on the road through the Mission would only be temporary. It now seems the company wishes a permanent franchise for a double-track line. If granted it will perpetuate a nuisance that has handicapped the Mission district since 1872. At the present time the company has a franchise only on Townsend street from the depot to Eighth street and from the junction of Bryant and Division streets along Division street to the crossing of Sixteenth and Harrison streets, the latter franchise having been granted in recent years. In 1868 the Legislature granted the company sixty acres of land in the Mission-bay district for a terminal and depot facilities, and also a 200-foot right of way over the tide lands of the State south from Mission bay.

Clinton's motion to refer the matter to a special committee consisting of the Mayor and the chairmen of the Street and Judiciary committees was defeated, and Britt's motion to refer to the City and County Attorney for his opinion as to the legality of the matter was adopted.

Dodge presented a resolution which is designed to secure fair play in competition among architects in relation to the submission and selection of plans for the new City and County Hospital. His resolution calls for the extension of time for the receiving of plans until October 10th, and authorizes the Hospital Committee to employ a competent architect to prepare a programme of competition for the guidance of architects desiring to enter the competition. It also provides that all plans be delivered to the Board sealed, without the name of the architect appearing thereon, and further provides for a jury of three leading architects, who shall select the most meritorious design, the members thereof being barred from the competition. The resolution fixes the compensation of the architect furnishing the programme of competition at \$150, and that of the architects of the jury of award at \$400 each.

Upon Britt's motion the matter was laid over for one week.

A permit was granted to the National Athletic Club to hold a boxing exhibition during the present month. The same privilege was also given to the Merchants' Athletic Club.

By resolution the Finance Committee was directed to make provision in the next tax levy for an appropriation for 100 fire alarm boxes.

The Treasurer was authorized to pay demands on the park improvement fund to the extent of \$25,000, and credit that fund with that amount from the personal property taxes collected for the present fiscal year.

By resolution the San Francisco and San Mateo Railway Company was requested to inform the Board when it would proceed to pave that portion of Claydon street between Waller and Frederick streets, for which it is liable.

The Superintendent of Streets was directed to remove obstructions existing at the corner of Fulton street and the Great Highway.

P. Broderick was released from his contract to lay artificial stone sidewalks on Julian avenue by reason of a dispute between the property owners as to the official line of the thoroughfare.

An extension of sixty days was granted to the City Improvement Company on its contract for paving Market street between Second and Fifth streets.

By resolution the law firms of Rodgers, Paterson & Slack and Devlin & Devlin were empowered to collect such sums as may have been overpaid to the State by the local officials in making settlements in connection with State taxes and revenue and the disbursement of public money. The compensation paid is to be 50 per cent of any amounts collected up to \$10,000 and 25 per cent on any sum above that figure. The period of employment is limited to two years, unless the claims should involve litigation.

An ordinance presented by Devany makes it unlawful for any person to place any advertising matter on telegraph, telephone or electric light poles on the sidewalk or roadway of any public street. All corporations or business firms having advertising matter now in position on poles or sidewalks are required by the order to immediately remove the same.

Clinton presented a resolution, which was laid over one week, providing for the return to Dr. H. D. Cogswell of the two fountains donated by him in 1883 to the city which have not been erected, and also the remains of the fountain lately removed from the corner of California, Drumm and Market streets. The Mayor stated that it was impossible to return the fountains in their entirety, as only scattered fragments of them could be found.