

wharf or any other structure or thing constructed, maintained or operated by said company or suffered by reason of any default or act of commission or omission of said company, and said company shall forever save and hold harmless the said city from damages and suits for damages growing out of the construction, maintenance or operation of any railroad, roadbed, sidetrack, branch, warehouse, pier, wharf or any other structure or thing constructed, maintained or operated by said company, or in any way attributable to the doing by said company in an improper manner or the failure of said company to do in a proper manner anything said company is or may be authorized or required under the provisions of this ordinance to do, and an adjudication by a proper tribunal of damages against the city shall fix the liability of said company to protect the city against loss or damage, provided that reasonable notice of any such claim shall be given to said railway company, so as to afford opportunity to defend.

Ib., Sec. 13.
Conditions
precedent.

SEC. 1217. Each and every provision or stipulation in this ordinance to be complied with or performed by said company, its successors or assigns, is a condition essential to the continued existence of any permit, privilege, easement, franchise or other rights within said city; and any non-compliance or non-performance, if continued or repeated, after reasonable notice, may, by judicial proceeding adjudicating a forfeiture, put an immediate end to all such permit, privilege, easement, franchise or other right in, on, upon or over any street within said city, whether claimed by said company, its successors or assigns, under this ordinance, or otherwise. Notice to any attorney or officer of said company shall be deemed notice to the corporation for all purposes of this ordinance.

Notice to
company.

Ib., Sec. 14.
This
ordinance to
be adopted by
grantee.

SEC. 1218. This ordinance shall become of force and operative only upon the filing by the Atlantic, Valdosta and Western Railway Company, within forty days after publication hereof, with the City Recorder of the City of Jacksonville of a certified copy, duly certified by its president and secretary, under seal of the corporation, of a resolution duly adopted by the board of directors of said company, accepting and consenting to all the provisions of this ordinance.

WALTON FERGUSON AND ASSOCIATES.

E 35, Sec. 1.
Nov. 26, 1900.
Rights
granted.

SEC. 1219. Walton Ferguson, George S. Baxter, Edgar C. Long and Stephen S. Leonard, and their successors, associates and assigns, are, for the considerations hereinafter specified, hereby given and granted municipal franchises, rights, privileges and authorities to construct, within the period of time hereinafter limited, and thereafter to maintain and operate, and rights of