

MAYOR'S TUNNEL VETO ATTACKED

Oregon & Washington Officials Say Objections Are Without Foundation.

WILL APPEAL TO COUNCIL

Legislative Body May Pass Franchise Ordinance Over Executive's Head Today—Company Anxious to Begin the Work.

The ordinance granting the Oregon & Washington Railroad Company franchise for a tunnel under the Peninsula will come up today before the Council on a motion to pass the measure over the Mayor's veto. It is likely that the Council will muster enough votes to pass the ordinance, regardless of the Mayor's veto. In vetoing the ordinance, Mayor Lane took the ground that the ordinance should not pass because it did not clearly provide for the use of the tunnel, although they assert they need not have done this, and could not have been compelled to do so by the city, as City Attorney McKay advised the street committee, when the ordinance was under consideration.

In answer to the Mayor's contention that the franchise does not provide ingress to and egress from the tunnel for other roads, officials of the company contend that the open country at each end of the proposed tunnel is such that it admits of easy access to the tunnel by any other railroad that may desire to make use of it. The tunnel will be 5425 feet, or over a mile, in length, and will cut through the Peninsula from below Willamette Boulevard to a grade-crossing at Columbia Slough Boulevard, just east of Lumbia Slough Boulevard. The driving of this tunnel will cost Harriman not less than \$700,000, not including the rights of way across the Peninsula. If the ordinance passes, the tunnel will provide an ideal entrance to the city and the terminal grounds for the projected Union Pacific extension to Puget Sound, which is known as the Oregon & Washington. The line will connect with the St. Johns extension of the O. R. & N. just north of the Portland Flouring Mills, where it will run directly into the bluff under Willamette Boulevard and will emerge near the Puget Sound and the Columbia Company's bridge across the Columbia, which the Oregon & Washington will use in reaching the Washington side.

Anxious to Begin Work. Instead of an open cut, such as the Portland & Seattle Railway is now digging across the peninsula, the Oregon & Washington proposes to go through the high ground on a level grade, without disturbing the surface. It is desired to have the franchise question settled as soon as possible, so that work on the new line to Puget Sound may go ahead. The driving of this tunnel will require at least a year and it is understood that work will be commenced soon after authority is granted by the Council. "The point of the Mayor's veto," said General Manager O'Brien, "is that the company is excessive; that no company can get into the tunnel and take advantage of the common-user clause. As to the approach through Mocks' Bottom, no one, Mayor or Councilman, has raised a question, as every one knows, a company can buy or condemn the necessary right of way."

"At the north end of the tunnel any company promoting legitimate enterprise can, by a cut not to exceed 45 feet in depth, parallel our proposed tracks on an easy curve and reach the tunnel with full rights through it, as we have provided, voluntarily, in our ordinance. This will leave our switching tracks free from interference and consequent danger of wrecks."

"This is what we wish for the protection of the public, as well as of ourselves. What we ask is, I am confident, fair to the city, as well as to the company."

"There will be a diamond-shaped freight yard 200 feet in length at the north approach to the tunnel. The yard will be a network of tracks for the switching of cars and it will be entirely impracticable for it to be subjected to the joint-user privileges with other railroad."

City's Rights Limited. "In platting the land in University Park the University Land Company reserved to itself the exclusive right to grant and convey to any corporation the right to use any and all streets, alleys and boulevards within the boundaries of the land dedicated for all railroad purposes, and in purchasing its property from the University Land Company, the railroad company acquired this right with respect to all the streets affected by the construction of the tunnel, and it would not be required to deal with the city insofar as the streets affected are concerned, but it could not dig under land held by the city as a park without securing the right from the city."

Progress in the construction of the plant of the Swift Packing Company being to a great extent suspended until the railroad company can complete its line across the bottom and connect with the St. Johns line of the Oregon Railroad & Navigation Company, the dirt from the tunnel being needed to make the road across the bottom and the Railroad Company being anxious to commence construction, we submitted to the demands of the city authorities that the tunnel should be subject to a joint user provision, and an amendment was then made incorporating such joint user provision in the proposed ordinance.

Made in Good Faith. "This concession was made in good faith by our company and affords the public and any prospective railroad company the rights which the joint user clause proposes to grant."

"The Mayor by his veto in effect proposes that the joint user clause shall not only extend beyond the limits of the streets and the city property, but on into the switching yards of the Railroad Company and to the property which it purchased and holds as private property."

"The suggestion of the Mayor that joint user privileges should extend to approaches on the private property of the Railroad Company is not only as we consider it, unreasonable in view of the concessions we have already made, but under the plain letter of the eminent Domain Law of this state, entirely unnecessary."

"Section 870 of the code provides that: 'Any such railway corporation may cross, intersect, join and unite its railway with any other railway at any point in its

route and upon the grounds of such other railway corporation and make necessary turn-outs, sidings, switches and other conveniences in furtherance of the object of its connection.'

Meets Mayor's Objection. "This statute was called to the Mayor's attention before he vetoed the ordinance. It meets the objection given by him in his veto message, and certainly empowers any railroad that may desire to use the tunnel to connect with any tracks laid therein."

"We recognize the fact that under the statute, we can condemn through the Peninsula for our tunnel and not be burdened with any joint user condition whatever, but the best part of the reason will be over before we can get a case in court at issue and secure a jury to acquire the rights we are asking in our application to the Council."

GOOD THING FOR LAWYERS

Mr. Ward's Opinion on Torrens System of Land Titles.

PORTLAND, June 28.—(To the Editor.)—I wish to say a word in regard to matters in connection with the Torrens system of land titles. It appears that certain ones are making great effort to educate the people up in the matter of the Torrens system. Let us see if they state all of the facts.

Most of the real property in Multnomah County at least is no doubt abstracted and abstracts now in possession of the owners. If these abstracts show a clear title, as no doubt most of them do, why in the name of common sense do they want to file a suit to Torrenize the title at an expense of from \$50 or more? If you consult an attorney in regard to your title, unless you already have one, if you already have one and it shows no defect of title and he will tell you so—why should you be put to the expense of a suit to perfect an already perfect title? If an attorney induces you to Torrenize a title that is now perfect, he simply promotes business in his line. If you have an imperfect title on your hands and the imperfect can be corrected by Torrenizing it, then it may be the proper thing to do. To Torrenize all titles without regard to whether or not they are perfect, will keep lawyers quite busy for a long time to come. If you have a defective title, it might be well to Torrenize it. If your title is all right, let it alone. That the working up of the Torrens system of land titles is a business promoter for the lawyers, there can be no doubt in the minds of those that understand the matter.

The statement made by The Oregonian in an editorial the other day that it costs \$50, or 10 per cent of the sale price of a parcel of land each time it is transferred, is not true, unless that The Oregonian figures the commission of the agent who sells the land in the expense of the transfer. I notice that our "leading lawyers," if I may be permitted to use that term, have little or nothing to say through the press in regard to this subject.

If a person has an abstract and it shows a clear title, let it alone and don't Torrenize at an unnecessary expense of from \$50 to \$75 or more.

W. S. WARD.

Victim of the Earthquake. SEATTLE, Wash., July 2.—The crew of the old bark Sea King, while discharging ballast in the stream Sunday discovered the skeleton of a human being in a mass of junk taken on in San Francisco. It is believed that the bones were those of a victim of the earthquake of 1906, as they were found among a mass of debris from wrecked buildings, taken on to steady the vessel.

Fireworks Destroy Building. MINNEAPOLIS, July 2.—Spontaneous combustion in the fireworks stock is supposed to have been the cause of a fire that today gutted the four-story building at 37-245 Nicollet avenue, occupied by the hardware store of W. K. Morrison. Loss \$150,000.

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RAILROADS USE CATTLE CRUELLY

Long Trips Without Food or Water on Slow Trains Torture Stock.

COMMISSION TO RESCUE

Purses Investigation to Find How Conditions Can Be Improved. Railways and Shippers Shift Responsibility.

That cattle suffer untold tortures daily by reason of the slow cattle trains on the Harriman line in this state is the testimony of cattle shippers and those familiar with the traffic as it enters this city. Inadequate service is not a strong enough term, say those in the best position to know, who characterize the results of the Harriman policy as unbearable. That cattle are worn and famished by thirst from long tedious journeys in slow and heavy trains is the testimony of all who know the conditions.

Forty hours standing in one position in a cramped stock car, without food or drink, straining to keep their feet while the train is in motion and so tired that they often fall and are trampled to death by the companions, is the frequent experience of stock shipped from Southern Oregon to Portland. "Cattle and other stock sometimes reach in 40 hours the journey from the starting point and are so famished for water that they have to be kept from drinking as much as they want or they would kill themselves," said a man at the stockyards yesterday. "Sometimes stock fall down and are killed en route, being worn out and having no strength to get up again once down. Sheep are the worst. If after they get up once, they fall again, they haven't much courage to get up. They give up easily."

Interstate Law Suggested. Such inhumanity as this to dumb animals may be punished by the enforcement of an interstate commerce law providing that cattle and stock shall not be carried longer than 24 hours without stops for rest, food and water. By a written agreement with the shippers of stock, the unfortunate animals may be kept on one continuous journey by the railroads for 24 hours, but there is no possible excuse for the 40-hour torture that stock are sometimes subjected to.

Strange as it may seem, there have been no prosecutions for the derelict railroad companies. Trust-breaking and land speculations are more spectacular. But cattle shipped to Portland, slaughterhouses are to have a champion in the Oregon Railroad Commission, which will insist that the railroads provide suitable accommodations for stock. Oswald West's personally-conducted excursion on a cattle train from Oakland to Portland on Friday, an account of which was published in yesterday's Oregonian, shows the real conditions. Stockmen say this is no isolated case, but even much worse suffering is often inflicted upon stock.

"Nearly every stock shipper who comes to the Portland stockyards has a complaint against the treatment of his cattle by the railroads," says one who knows. "The delay to the stock shipment accompanied by Mr. West is but a sample of the typical conditions in stock shipments."

Horses and hogs perhaps suffer the worst in transit. Horses are more restive than cattle and sheep and become more thirsty. They are stronger, however, and

fewer are trampled to death on the journey. It is pitiful to see employees at the stockyards drive horses away from the water tanks after a long trip for fear they will kill themselves by drinking too much.

Hogs Suffer in Hot Cars. Hogs often suffer on long, hot trips from interior points to Portland. They stand the heat less easily than other stock. The lives of many hogs have been saved by trainmen turning a stream of water over the hogs from the water tanks along the road. The spout from the tank is turned directly into the stockcars and over the hogs. This cools them off and helps them endure the trip.

Causes for the poor train service and innumerable delays to stock shipments will be sought out by the Railroad Commission's investigation. Railroad men say it is often the fault of the shipper for crowding his cars. Shippers say it is the fault of the men higher up. Officials blame the train crews. Some railroads say there is no help for it.

"It's the fault of the 'Chief Train Delayer,'" say men on the trains, who apply this term to the chief dispatcher. This title would appear to be not inaptly chosen, according to the experience of Commissioner West, who says his train stood on sidings waiting for another to pass for two hours on a stretch.

"The train crews are lazy," say some officials. "They know that after a certain number of hours spent on the road, overtime will commence and they dawdle around and get nothing done, solely with an eye to this extra pay."

Commissioner West believes slow freight movements are the result of too few sidings and infrequent telegraph stations, coupled with inadequate equipment.

Engines Are Overloaded. The policy of piling on tonnage to locomotives until they groan and stagger under the load is believed to be one of the leading causes for the terrible sufferings of stock in hot weather on slow freight trains. Tonnage per train mile is the prime desideratum of the Harriman official. It is said to be one of the triumphs of the Harriman regime, which borrowed the notion from James J. Hill. The microbe took permanent lodgment in E. H. Harriman's brain and it is a mania with Julius Krutchnitt, director of

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LYDIA E. PINKHAM'S VEGETABLE COMPOUND

Is acknowledged to be the most successful remedy in the country for those painful ailments peculiar to women.

For more than 30 years it has been curing Female Complaints, such as Inflammation, and Ulceration, Falling and Displacements, and consequent Spinal Weakness, Backache, and is peculiarly adapted to the Change of Life.

Records show that it has cured more cases of Female Ills than any other one remedy known. Lydia E. Pinkham's Vegetable Compound dissolves and expels Tumors at an early stage of development. Dragging Sensations causing pain, weight, and headache are relieved and permanently cured by its use. It corrects Irregularities or Painful Functions, Weakness of the Stomach, Indigestion, Bloating, Nervous Prostration, Headache, General Debility; also, Dizziness, Faintness, Extreme Lassitude, "Don't care and want to be left alone" feeling, Irritability, Nervousness, Sleeplessness, Flatulency, Melancholia or the "Bines." These are sure indications of female weakness or some organic derangement. For Kidney Complaints of either sex Lydia E. Pinkham's Vegetable Compound is a most excellent remedy.

Mrs. Pinkham's Standing Invitation to Women

Women suffering from any form of female weakness are invited to write Mrs. Pinkham, Lynn, Mass. for advice. She is the Mrs. Pinkham who has been advising sick women free of charge for more than twenty years, and before that she assisted her mother-in-law Lydia E. Pinkham in advising. Thus she is well qualified to guide sick women back to health. Her advice is free and always helpful.



LYDIA E. PINKHAM

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