LINE OF DEATHS **FOLLOWS CURSE** OF THE EVIL EYE

Threat of Murderer, Uttered on Scaffold, Recalled After 3 Persons Concerned With His Conviction Suicide.

Philiadelphia, April 17 .- "My cure-White you!" This was the cry of H. H. Holmes when he was convicted here If years ago for killing 47 persons. He was convicted in 1896 and hanged May 7, 2804.

Now it is admitted that Holmes was Insans and It is a coincidence that one by one the officials connected with the trial have fallen victims to his "will Deaths from violence, loss of position and property have followed in

Richard Johnson, who served as Burne in the famous trial, ended his life by gas. For weeks after Holmes' hanging Johnson's life ran its course He was appointed a policeman and served a while. He resigned and back to his trade, but misfortune befell him. No longer was his earning capacity equal to his needs. At last he lost his position, despondency fol-lowed and he ended his life.

Holmes' strange spell began to take affect shortly after he paid the death penalty. His west name was Herman Mudget. As is was led to the scaf-fold he delivered the last of his confessions, admitting the murder of two women, and reiterated the curse he had placed on all those connected with his conviction.

Howard Perkins, at that time super Intendent at Moyamensing prison, was present at the hanging. As Holmes stood on the callows awaiting the black cap, his glance sought out each of those who had taken part in his trial.

Six months after the hanging Perkins shot himself. For weeks, in fact, since the hanging of Holmes he had passed restless nights, and despite the attention of physicians and his family, he did not sleep. Always "evil eye" was on him.

Robert Motherwell succeeded Perkins as superintendent of the prison. He had served as a keeper during nes' incarceration. For nine years Motherwell sluded the influence of the "evil eye," but in 1903, when the United States government agents revealed the counterfeiting plot that involved will continue to believe his story, for men high in authority in Philadelphia, his downfall began.

Chief Wilkie uncarthed the plot, which involved many officials, and Walter Taylor and Balwin S. Bredwell, printers and engravers, of Philadel

Bredwell and Taylor were impris oned for making bogus internal revenue stamps. During their incarcera-tion they actually made plates for counterfeit twenty-dollar gold certifi-cates. Bredwell and Taylor were sendismissed from his office.

Later unhappiness came upon his home and Motherwell and his wife On September 24, 1911, he called her to the door of her home and fired a bullet into her brain. Judge Michael Arnold, the trial judge who presided at the conviction of

agony with cancer.
Linfeld L. Biles, foreman of the jury which declared Holmes guilty, also died a violent death. William & Shoemaker, senior counsel

for Holmes during his trial, and whom case suffered the humiliation of disbarment from practice for two years. Inthe office of the Fidelity Mutual Life Insurance company, which had much to 65 with running Holmes to earth, hangs a charred paper; it is the warrant issued for Holmes arrest Feer years it has hung in the Trame con-spicuously. Them a fire started which burned a portion of the warrant before

DELIRIOUS, HANGS OUT HOTEL WINDOW, SINGS

Cincinnati, Ohio, April 27.-Edward Vaughan, 22, of Columbus, Ohio, a stu-dent at West Point Military academy, who has been in the south for his health, was taken in the south for his health, was taken to a sanitarium after a thrilling fight with the young man to rescue him from falling from the fifth story window of the Havlin hotel, where he and relatives were stopping. Vaughan had been suffering from ty-

phoid fever and in his delirium he walked to an open window in the hotel, climbed out and to the horror of hunfreds of passing pedestrians began to sing college songs from his perilous His father could not persuade him to come in and grappled with him. Fortunately, Vaughan was weak and could not long resist.

He escaped and ran to the Grand Central station. A patrol wagon was sent after him and he was persuaded to return to the hotel. He was then taken to the sanitarium in an automobile.

"NO CLASP WALTZ" IS **NEWEST DANCE FAD**

New York, April 27 .- A bas le Turkey Conspeuz la Bunny Hug! Down with the Grizzly Bear! After months of wriggling, writhing, jumping, shuffiing dances Broadway has quit. No more the rousing strains of "Aleander's Band," "You great Big Beautiful Doll," The Ragtime Violin' will send the couples careening about the glassy waxed floor of the ball room like whirling dervishes. For a new dance, "respectable" dance has come. It began on the stage of one of the

STEWART'S

Liquid Compound of Sulphur

50c and \$1.00 Size

We also have the accessories as indicated in book of directions. No. 16 and 18 Tubes 50¢ each,

Woodard, Clarke & Co.

Claims He Found Crater Lake in 1862

"Uncle Jim" Lohman of Pendleton Says He Was First White Man to View Natural Wooder and That Consequently He Is Its Real Discoverer.



-Photo by courtesy of Major Les Moorhouse of Pendisten Or Uncle Jim Lehman

(Special to The Journal.) Pendleton, Or., April 27 .- Disputing stumbled onto the lake in the crater of claims of other men that they were the discoverers of Crater lake, "Uncle Jim" Lehman, pioneer resident of Umatilla county, comes forward with the counterclaim that he was the first white man ever to set eyes upon the famous southern Oregon body of water. Whether he will ever be given general credit for the discovery, his many friends here he is noted as much for veracity as for

It was in November, 1862, he declares, that he undertook to pilot several pros- agement and is living a retired life in curves and connections, and to run and pectors from Grant county across the this city.

any one attribute.

an extinct volcano.

search for the famous Blue Bucket mine in Malheur county, the Lost Cabin mine in southern Oregon and other equally famous El Doradoès in the northwest, but after many disappointments he set-Oregon, but has given up active man-

dances that resembled a close clinch hands. There is a in a prize ring first saw the new de- All holds are barred. parture, it gasped, turned away, sighed, differs in only one material particular and the dance has from the old fashioned walts, and that popular.

winter cabaret shows during the sea-son, and when Broadway, surfeited with the partners do not so much as touch There is absolutely no hug.

Broadway followers of Terspichore. and then looked back. For there is mont a single half-Nelson, or strangle mony effect of modern dancing found formis Railroad company; thence over, hold in the new creation. For that reason the no-clasp effect rather difficult at along, scross and upon all highways, it is called the "No-clasp" walts. It first, but they are growing used to it, streets and alleys lying between the differs in only one material particular and the dance has become exceedingly blocks, lots or parts thereof, or other

SULPHUKI

Nature's Great Purifier Adapted to the Human System

Sulphur is Dame Nature's great cleanser and purifier. Sulphurro is Sulphur held in complete solution. Sulphurro's curative properties are proving of wonderful power. Sulphurro cleanses the system and purifies it as no other agency has yet succeeded in doing.

For generations the beneficial properties of Sulphur have been known in a limited way. Taken in a powder, it coats the intestines and retards circulation rather than improving the system's activities; while the Sulphur in Sulphurro is in complete solution and can be absorbed directly into the blood, purifying it and so restoring normal circulation.

Once in the blood, Sulphurro acts upon the impurities and harmful elements. The germs of disease cannot live, and the poisons are driven out of the body.

Sulphurro has cured thousands and thousands of persons upon the Pacific Coast, and to the Eastward, of a multitude of diseases traceable to impurities in the blood. This statement is attested by the hundreds of letters on file in Sulphurro's offices, and by the observations of Mr. Stewart, who for a year distributed it free to a multitude of people.

For best results directions must be fol-

Send for 32-pake booklet, mailed free on application. Read it carefully.

Sulphurro is on sale by all druggists in 50-cent and \$1.00 bottles.

THE C. M. C. STEWART SULPHUR CO., 71 Columbia St., Seattle, Wash.

New York, April 27.—The delicate feet of nine first of surgery by which a rib was transplanted on the mose of Miss Mary Country, 22 direction in surgical election in place through an incitation between the cyclerows. Hibs are used in the substitution of an exceptionally produced type, without hone or cartilage to bind tensor of the close to give it form. New it is symmetrical

Dr. Harold Hays described to the mambers of the Hartem Medical associa-

and with only a slight incurving to in- them, and because of the quickness with or the which incapsulation follows.

In this instance incapsulation began at once, Dr. Hays said, Within three GIRL A SHAPELY NOSE the meeting the direct transplanting of a rib that had worked the change in Miss Cooney returned to her home.
There is now not even a soar to mark the place of the incision through which the rib was put in place. She appeared to rib the rib was put in place. She appeared to rib was put in place. She appeared to rib was put in place. She appeared

ranged for the two, it will be their hast appearance of the year on Australian act, and they will shortly return to America to a party which is to include Jos Woodman, first Langford, Jack Laster and other stars who have been appearing under Hugh McIntosh's man-agement during the past season.

Proposed Southern Pacific Rail-way Fourth Street Franchise

and to erect, construct, mainteln and operate necessary power, telety, Oregon, and the right to cross any and all streets to the southern limits of said city of Portland, or any extension thereof, intersecting said right of way.

THE CITY OF PORTLAND DOES OR-DAIN AS FOLLOWS:

Section 1 .- That there be and is hereby granted, subject to the terms, re-strictions and provisions in this ordinance contained, to the Oregon and Califormia Railroad company, a corporation, duly organized and existing under and maintain, equip, operate, have," double track, with the right to change from a single track to a double track (but not from a double to a single state into southwestern Oregon and track without the consent of the council first expressed by ordinance, change shall be made during the For many years in the pioneer days pendency of a street improvement proof the state, Lehman was a seeker after ceeding on a street or portion of a gold and many weary days he spent in street where such change is to be made without the consent of the council first expressed by ordinance, and unless said Oregon and California Railroad company, first pay its full portion of the assess tled here in this county. He is now the ment for such improvement as apporowner of Lehman Springs, one of the tioned to it by the council upon the best known summer resorts in eastern basis of a double track), with convenient switches, turn outs, cross overs operate cars thereon for passengers, mail, baggage and express only, in, ever, along and upon Fourth street from where the north end of Fourth street intersects the grounds of the Northern Pacific Terminal company, a corporation; thence southerly along Fourth street to the property and private right of way of the Oregon & Call blocks, lots or parts thereof, or other parcels of land privately owned by said Oregon and California Railroad company and used as a right of way for its line of railroad as now constructed and in operation between Fourth street and the westerly boundary of the corporate limits of the city of Portland, or any extension thereof, together with the right to cross any streets that may inright to cross any streets that hay between said Fourth street and said westerly boundary of said city of Portland, or any extension thereof. PROVIDED, however, that said railway tracks on said Fourth street shall not be used or op-

stated for the transportation of freight excepting for the transportation of ma-terial for the construction or repair of said tracks and appurtenances, and for the construction and maintenance of the paving required by this ordinance, but the same shall be used for the transportation of passengers, mail, bag-gage and express thereon under the limitations hereinsfter specified. PRO-VIDED, however, that where a single track shall be constructed, maintained and operated under this ordinance, the same shall be constructed, maintained and operated in the center line of said street as near as practicable, and where a double track is constructed, main-tained and operated under this ordinance, the same shall be constructed maintained and operated so that the inside rail of said track shall be equally distant from the center line of said street as near as the same may be practicable, excepting where necessary curves are

required to be made. And it is further hereby granted to the Oregon and California Railroad company, its successors, lessees and assigns, the right to erect, construct and maintain poles, wires, underground slots and conduits, and all other necessary convenient equipment and applishoes for the purpose of conveying power and electrical current for the purpose of operating and maintaining said railway tracks hereinbefore deseribed, extending from the north end of Fourth street to the westerly boundary of the corporate limits of the city of Portland, or any extension thereof, and said railway cars thereover and over and along said route hereinbefore specified, together with the right to construct, maintain and operate a neces sary feed line for power purposes in Nevada street, together with the right and privilege of constructing and maintaining all necessary and convenient feed and service lines in connection with the construction, operation and maintenance of said railway tracks and railways hereinbefore described.

Section 2 .- Said Oregon and California Railroad company, its successors, les-sees and assigns, may operate and propel cars ever and upon the railways mentioned in Section 1 of this ordinance by means of overhead or under-ground electrical power, storage bateries, compressed air, or other mechanical power (excepting only steam motors or locomotives), and for the pose of operating railways and con-veying power and electrical currents for its own use, may put up, erect, maintain and use iron poles and overhead trolley wires and supports there for, and lay down, construct, maintain and use underground slots and conduits and use underground slots and conductors.

PROVIDED, however, that iron poles shall not be required excepting on Fourth street, and not then where said trolley wires may be supported by contact with buildings or other structures by permission of the owners thereof. Section 3 .- The said tracks shall be laid as nearly as practicable in the cen-ter of the streets flush with the grades of said streets, so as to offer as little obstruction as possible to the passage of vehicles or other public use of said

Bection 4.—The passenger cars used by the Oregon and California Railroad phone and telegraph lines on Fourth company, its successors, lessees and as-street in the city of Fortland, Multisigns, upon the lines of railway aunomah county. Oregon, and along and thorized by this ordinance, shall be of over the right of way of the Oregon medera construction for the comfort, and California Railroad company now convenience and safety of passengers. there, within the corporate limits of The rate of speed of cars shall not ex-the city of Portland, Multmonah coun- ceed twelve (13) miles per hour upor ceed twelve (12) miles per hour upon the said Fourth street, but such rate of speed shall be subject to change and regulation by the council of said city. The Oregon and California Railroad company, its successors, lessees and

assigns, shall stop its passenger cars to receive and discharge passengers at at least four places between Salmon street and Burnside street, and shall not operate more than five care in any one train on said Fourth street excepting at irregular intervals, for exoursions or

other special occasions by virtue of the laws of the state of A failure to comply substantially, Oregon, its successors, lessees and assigns, the right and privilege to lay tice thereof, with any of the provisions down relay construct, reconstruct, re- or conditions of this ordinance, shall authorize the city of Portland to dehold, use and enjoy lines of railway of clare an immediate forfeiture of the standard gauge, either single track or rights granted hereby, and said railway. road or tracks constructed thegeunder on said Fourth street, shall likewise be forfeited, and in case of such failure or neglect or refusal of said Oregon and California Railroad company, its successors, lessees and assigns, after thirty (\$0) days' notice given by the council or executive board, or other legally constituted authority, to repair, improve or maintain those portions of streets required by this ordinance be repaired, improved and maintained its successors, lessees and assigns, shall by the Oregon and California Railroad company, its successors, lessees and as signs, said ofty of Portland may, at its eption, do such work and the cost of same, as ascertained and declared by the council, shall be entered in the docket of city liens and enforced in like manner and like effect as a general tax upon real or personal property of the Oregon and California Railroad company, its successors, lessees assigns, after delinquency.

The Oregon and California Railroad empany, its successors, lessees and assigns, shall not abandon any portion of its railway line constructed under the authority granted by this ordinance without the consent of the council expressed by ordinance, and any such abandonment without such consent shall constitute an immediate forfeiture of the rights hereunder, but the council, at its option, may declare any such railway lines, or part thereof, abandoned sees and assigns, shall fail, through its or their own fault or neglect, to operate regularly its cars thereon for a period of thirty (30) consecutive days, unless prevented by strikes, litigation or other causes not within the control of said company, its successors, lessees and assigns.

Section 5. For the purpose of laying down, repairing and reconstructing the railway tracks authorized by this ordinance, said Oregon and California Rail road company, its successors, lessees and assigns, shall not obstruct any street for a greater continuous distance for for a longer period of time, than is

easonably necessary. Section 6. Nothing in this ordinance nor any rights or privileges granted by this ordinance shall be constructed to prevent the municipal authorities of the ity of Portland from sewering, grading, paving, planking, macadamizing, improving, altering or repairing any of the streets over which the railways authorized by this ordinance are con structed or operated; but all such work shall be done so as to cause as little obstruction or hindrance as possible to he cars and the operation of said railways, and the said Oregon and California Railroad company, its successors lessees and assigns, shall have the privllege of raising or shifting the tracks so as to avoid as much as possible obstruction to the operation of cars during the progress of the street improve

ing, macadamizing, improving, altering r repairing. Section 7. Said Oregon and California Railroad company, its successors, lessees and assigns, shall fill in or grade to the established grades, and plank, paye, re-paye, re-construct or otherwise improve or repair and keep in good condition from time to time, whenever diby the Council or Executive Board, and in such manner as the mu-nicipal authorities may direct, those portions of the street or streets and other public places along and over which the said railways are or shall pereafter be constructed, the whole rails and between the tracks and for the outermost rails. And said Oregon and California Railroad company, its successors, lessees and assigns, shall complete said improvements within the

time fixed by the Executive Board. Section 8. It shall be unlawful for my person or persons to obstruct the aying down, construction, maintenance or operation of the railways, poles, wires, underground conduits or conductors mentioned in this ordinance, and any person who shall violate the provisions of this section shall, upon con-viction thereof before the Municipal Court of the City of Portland, be pun- of the City of Portland as now existing shed by a fine of not less than five a fare of five cents and no more, ex-(\$25.00) dollars, for each and every of-

Section 9. Any conductor, motorman or other employe of or upon the rail-ways of the said Oregon and California Railroad company, its successors, lessees and assigns, or any passenger thereon or other person on or about the same, or the cars belonging thereto or operated thereon, who shall be indecent, profane, offensive, abusive, op-probrious, or use obscene language, or otherwise insult, abuse or maltreat any passenger en said cars, or any motor-man or other employe of said Oregon and California Railroad company, its

An ordinance granting to the Oregon and California Rational company, a corporation, its successors, leases and designs, the right to lar, construct, and maintain rallway tracks and to operate cars thereover, and to transport passengers, mail, beggggs, and express thereon, and to grant corporation, and the successors approved by the city encountries approved by the city encountries approved by the city encountries and to grant corporation, and to transport passengers, mail, beggggs, and express thereon, and to transport passenger approved by the city encountries approved to the resilways here in mantier, baggage or mail, as the service many require. Cars in which express the service in mantier, baggage or mail, as the service many require. Cars in which express the passenger and United States and the passenger and United States and the construction of the ordinance, and the construction thereof the construction thereof the construction of the construction thereof the construction of the construction of the construction thereof the construction of the construction thereof the construction of the const the date of the final approval of this ordinance. Provided, however, that the Council, having submitted to the Oregon and California Railroad company, its successors, lessees and anpany, its successors, lessees and as-signs, may, in the construction of said railways authorised hereunder, take up and remove the railway now operated over and along said routs as may be necessary to enable the construction of the railways bereunder. Provided Fur-ther, that during such construction of said railways authorized hereby and the removal of said tracks now there, the and Caltfornia Railroad company, its successors, lessees and ap-signs, may operate its steam lecomo-tives and cars for the transportation of passengers, mail, baggage and express, and for the delivery of ma-terials necessary for the construction of said railways and appurtenances and the improvement of said streets.

Section 11. The said Oregon and Cal-

ifornia Railroad company, its successors, lessees and assigns, shall, within thirty (30) days after the final approval of this ordinance, file in the office of the Auditor of the City of Portland a written acceptance of this ordinance and the privileges therein The failure on the part of the Oregon and California Railroad company, its successors, lessees and assigns, to file such written acceptance within the time herein specified, shall be deemed an abandonment and rejection of the privileges herein conferred, and this ordinance shall thereafter be null and void, and such acceptance by the Oregon and California Railread company, its successors, lessees and as-signs, shall be unqualified, and shall he an acceptance of all the terms, con-ditions and restrictions contained in this ordinance. Provided, however, that such acceptance shall be without prejudice to the rights of the City of Portland now asserted by said City to revoke Ordinance No. 599, approved January 6th, 1869, entitled, "An Ordinance authorizing the Oregon Central Railroad company of Portland to lay a railway track and run cars over the same within the City of Portland," and provided that the said acceptance shall be without prejudice to the rights of the Oregon and California Railroad company, its successors, lessees and assigns, which the said Oregon and California Railroad company and its lessee, the Southern Pacific Company, may now have, and which matters are now in lit-igation. It being intended hereby that the subject matter of the controversy between the City of Portland and the Oregon and California Railroad comand its less Southern Pacific Company, or either of them, as to the rights of said City, and as to the rights of the said Oregon and California Railroad Company and Southern Pacific Company, in respect to said Fourth street, shall not be impaired or waived by the granting or accepting of

Section 12. The Oregon and Califor-Railroad company, its successors, lesees and assigns, whenever or wherever electric currents are used or employed in r about the use of the privileges granted by this ordinance, or the plant connected therewith, shall provide and put in use such means and appliances as will control and effectually contain such currents in their proper channels, and other structures, so as to prevent injury to the property, pipes and other structures belonging to the City of Portland or to any person, firm or cortime change and improve the same as may be necessary to accomplish said purpose, at its own or their charge or expense, and at its or their own risk, selecting and adopting such means and appliances as shall prevent injury to belonging to the City of Portland or to any person, firm or corporation.

Section 13. The Executive Board of the City of Portland, or other legally constituted authority thereof, shall ave the power and authority to regulate the manner of constructing and maintaining said tracks and the carrying out of the provisions of this ordinance relative thereto.

Section 14.-After the construction of the railways provided by this ordi-nance, the said Oregon and California Railroad company, its successors, lessees and assigns, shall and is hereby required to file in the office of the Auditor of the City of Portland a map and plat showing the definite location of its lines, and after the definite location of its lines, it shall be unlawful for it to change the route thus established without the permission of the Execu-tive Board of said City and the approval of the City Engineer.

Section 15. The Oregon and California Railroad company, its successors essees and assigns, may charge and collect from each passenger traveling upon its railways for each trip of such assenger in one general direction wholly within the City of Portland or the railways of the said Oregon and California Railroad company, its suc-cessors, lessees and assigns, constructed on the route authorized by Section 1 of this ordinance, and within the limits cepting that for passengers traveling in observation cars the said Oregon and California Railroad company, its suc-cessors, lessees and assigns, may charge and collect from each passenger a fare not exceeding fifty cents.

Section 16. The Oregon and California Railroad company, its successors lessees and assigns, shall be deemed to comply with the provisions of sec-tion 99 of the Charter of the City of Portland, if it shall file with the Auditor of the City of Portland its annual report required to be made to the Railroad Commission of the State of Oregon, or its report made to the

of said streets, so as to offer as little obstruction as possible to the passage of vehicles or other public use of said streets.

The rails used upon said Fourth street shall not be less than six (6) inches in depth and shall weigh not less than seventy (78) pounds to the yard, and shall be of a pattern to be approved by the council of the city of Portland. The ponstruction and recentage of the lines of railway, under-struction of the lines of railway and railway to comment the reconstruction of the lines of railway and railway to comment the reconstruction of the lines of railway and railway to comment the railway to comment the railway to comment the railway to comment the lines of railway to the railway to comment the railway to comment the lines of the lines of railway to the railway to comment the r

the said Oregon and California Railroad company, its successors, lessess and assigns, shall pay to the City of Portland for the rights and franchises hereby granted, as compensation for the same the following sums, to-wit: the sum of \$..... per annum, aggregating \$.....

Each of the annual payments of money required by this section shall be made by said Oregon and California Raurond company, its successors, lessees and assigns, to the Treas-urer of the City of Portland on or before the fifteenth day of January for the preceding year, and said Treasurer shall issue his receipt therefor, which shall be a full sequittance to said Ore-gon and California Railroad company, its successors, lessees and assigns, for such payment. Should said Oregon and California Railroad company, its successors, lessees and assigns, fall or neglect for thirty (30) days after the same becomes due and payable, to pass any of the said annual payments or compensation provided for in this sec-tion, the City of Portland shall have the right to collect such overdue payment from said Oregon and California Railroad company, its successors, lessees or assigns, and shall have a lien upon the railways, tracks and franchises for the payment of the same, or the Council may, at its option, revoke this franchise.

Section 13. The rights, privileges and franchises hereby granted shall, as to the east track on said Fourth street, terminate at the expiration of twentyfive (25) years from the date this ordinance bec omes effective, and this franchise shall commence to run on the date this ordinance becomes of force. The rights, privileges and franchises here-by granted, as to the track now on said Fourth street, and which shall be denominated the west track, authorized to be removed and re-constructed here-under, shall terminate at the expiration of twenty-five (25) years from the date this ordinance becomes effective, if it shall be determined by the final decision of the courts in any litigation now pending or that may be hereafter brought, that neither the Oregon and California Railroad company nor the Southern Pacific company. Its lessee, has any right under said Ordinance No.

Section 20. The Oregon and California Railroad company, its successors, lessees and assigns, may, in the conhereunder, take up and remove the rail-way now operated over and along said route, as may be necessary to enable the construction of the railways hereunder, and until such construction, may operate its steam locomotives and cars for the transportation of passengers, mail, baggage and express, and for the delivery of materials necessary for the construction of said railways and ap-purtenances, and the improvement of said streets. Provided, however, that this permission hereby granted and to be accepted, shall not prejudice the rights of the City of Portland, or of the grantee, its successor, lessees or as-signs, or in anywise affect the rights of either party involved in any litigation now pending or that may hereafter be brought.

If there should be a final decision of said controversy by the courts of last resort, by which it shall be determined that the Oregon and California Railporation within the said City, and to road company, or its lessee, the South-repair and shall repair and renew said ern Pacific company, has, under Ordi-means and appliances and from time to nance No. 599, a perpetual and irrevocable gight to maintain and operate a railway track on said Fourth street, then and in that case such west track, so relocated and electrified, and the right to maintain and operate the same, shall be and the same is hereby confirmed, subject only to the reasonable regulations contained in this ordinance, but free from the limitations and restrictions of the Charter as to expiration of franchise and common user of said rack with other railroads, excepting at the option of the said Oregon and Calffornia Railroad company, its succesors, lessees and assigns.

Section 21. The estimated total cost of the works provided to be constructed under this ordinance is \$.... within the imits of the City of Portland, and the yearly sums of money to be expended hereon is the sum of \$

Section 22. Excepting as hereinbe-ore provided, this ordinance and the franchise herein granted, is upon the condition that said Oregon and Califor-nia Railroad company, its successors, essees and assigns, shall allow any other railroad company to use in com-mon with it the same tracks herein mon with it the same tracks herein mentioned, upon said Fourth street, upon obtaining the consent of the Council expressed by ordinance, each paying an equitable and proper portion for the construction and repair of the tracks and appurtenances used by said ailroad companies jointly. The rules and regulations for the common use of said tracks shall be prepared by the grantee herein, but in case dispute arises as to the same, the matter in arises as to the same, the matter in controversy shall be determined by the Council by ordinance. Excepting as hereinbefore provided, this ordinance and franchise herein contained, is granted subject to all the terms, provisions and conditions contained in the Charter of the City of Portland applicable thereto, and the laws of the State of Oregon applicable thereto, in the same manner and to the same extent as if each and every of said terms, proif each and every of said terms, pro-visions and conditions were expressly set out and embodied herein.

Section 23. The said Oregon and Cali-

ifornia Railroad company, its successors, lessees or assigns, shall, between sors, lessees or assigns, shall, between the hours of six o'clock a. m. and six o'clock p. m., of each day, unless pre-vented by accident, act of God, or other unavoidable casualty, or by strikes or other causes beyond their reasonable control, furnish reasonable passenger service on said Fourth street in each direction as may be reasonably directed or required by the Common Council or other legally constituted public au-thority having jurisdiction over the

same.

Section 24. For the protection of the peace, health and safety of the City and its inhabitants, an emergency is hereby declared, and this ordinance shall be in force and effect from and after the date of its approval.

(Paid Adv.)