

DR. FENNER'S Kidney AND Backache Cure

All Diseases of the Kidneys, bladder, and urinary organs. Also catarrh, hemorrhoids, gravel, dropsy, rheumatism, backache, female troubles.

ALSO PURIFIES THE BLOOD.

Don't become discouraged. There is a cure for you. If necessary write Dr. Fenner. He has spent a lifetime curing just such cases as yours. All consultations FREE.

Had all the Symptoms of Bright's Disease.



Mr. I. N. Poole, proprietor of one of the best barber shops in Muncie, Ind., has words of praise for Dr. Fenner's Kidney and Backache Cure. He writes Dr. Fenner:

"I have taken several bottles of your Kidney and Backache Cure, have used many other kinds of so-called kidney cures, but none are to be compared with Dr. M. M. Fenner's, as all others have failed and Dr. Fenner's has completed a cure. I had been troubled with kidney disease for many months; some doctors thought I had Bright's Disease as I had all the symptoms, but I took your advice and now I am a well man. You may send all who doubt me to me and I will convince them that Dr. Fenner's Kidney and Backache Cure is a genuine healing and curative Remedy."

Sold by Druggists, 50c. and \$1. Get Cook Book and Treatise on the Kidneys—FREE. M. M. Fenner, M. D., Fredonia, N. Y. FOR SALE BY J. E. DUBUISSON & BRO.

COMFORT. CORDIALITY. CUISINE.

SOUTHERN HOTEL.

Pensacola, Fla.
ROOMS WITH RUNNING WATER AND PRIVATE BATHS.
LARGE SAMPLE ROOMS.
Special Weekly Rates for Table Board.
F. L. BOWEN, Manager.
Formerly of Windsor and Aragon Hotels, Jacksonville, Florida.

Green & Watson

Surf Bathing Season is Now Here.

WE HAVE A BATHING SUIT FOR EVERYBODY.

Ladies' Suits\$1.50 to \$5.00 each
Misses' Suits\$1.25 to \$3.00 each
Children's Suits\$1.00 to \$2.00 each
Men's Suits75c to \$3.00 each
Boys' Suits50c to \$1.00 each
Bathing Slippers25c pair

SPECIAL SALE SUMMER CORSETS NEXT WEDNESDAY (SEE SHOW WINDOW). THIS WILL BE AN EXCEPTIONALLY GOOD THING—\$1.00 and \$1.25 values at 69c.

MONDAY AND TUESDAY—3,000 YARDS WHITE LAWN, 6 1/2c value, at 4c.

SOME SPECIAL ITEMS PUT OUT EACH DAY ON CENTER COUNTER. WATCH FOR THEM.

YOURS, ETC.,

Green & Watson.



This is the Feed for Genuine Profit

Every ounce of it is money to the feeder—solid dollars in health and work. No other feed has so much in its favor. It is palatable, digestible and wholesome. Good for foals and brood mares, as well as for roadsters and heavy haulers. A few sacks will not cost much, and as they would lead to a very considerable saving in feed bills, a trial is fully warranted. Our guarantee is back of it.

What Makes the Mare Go?

An interesting booklet telling of things not usually known, and published for the benefit of feeders generally. It may be had for the asking.

SOLD IN THIS CITY BY
F. S. MELLETT & CO.,
Corner Garden and Alcaniz. PHONE 334.

JOURNAL WANT ADS. ARE WINNERS.

CITY POLITICS FREELY TALKED

SPIRIT OF GLOOM SEEMED TO HAVE SETTLED OVER THE SHINE FORCES IN PAST FEW DAYS.

Sunday was, on the surface, a quiet day in politics, but the municipal campaign nevertheless seemed to be the chief topic of discussion wherever two or more men were congregated in any part of the city.

The general sentiment seemed to be that the Anti-Political faction was in a bad fix, and it was apparent that more or less demoralization existed in their ranks. A condition of gloom seemed to have settled down over them and some were even heard to express doubts as to the result of the campaign.

The supporters of the White Democratic ticket seemed, on the other hand, confident and jubilant. They were free to express themselves and none of them hesitated to say that he expected the whole Democratic ticket to win out by good majorities.

REMAINS OF SURGEON HARRIS SENT TO VIRGINIA.

The remains of Surgeon H. N. T. Harris, of the Pensacola navy yard, who expired there Friday, were sent to his former home Sunday escorted by the family of the deceased, and an officer from the yard.

Services were conducted at the quarters of the deceased Sunday, and afterwards a marine escort accompanied the remains to the city and later to the union depot, where the casket was placed on board of the 12:15 train for Harrisburg, Va.

Lon Lost Mother.

"Consumption runs in our family, and through it I lost my mother," writes E. B. Reid, of Harmony, Me. "For the past five years, however, on the slightest sign of a cough of cold, I have taken Dr. King's New Discovery for Consumption, which has saved me from serious lung trouble." His mother's death was a sad loss for Mr. Reid, but he learned that lung trouble must not be neglected, and how to cure it. Quickest relief and cure for coughs and colds. Price 50c, and \$1 guaranteed at all drug stores. Trial bottle free.

SAILOR DIES OF INJURIES

MAN WHO FELL FROM LADDER OF THE LONGWAY, EXPIRED SUNDAY MORNING.

C. Auguste, the seaman of the British steamer Longway, who fell from that ship Sunday morning while going on board, died at St. Anthony's hospital just before daybreak, death being caused from a fracture of the skull.

Auguste and a companion were returning aboard the ship when the former, who had almost reached the top of the rope ladder, lost his balance and fell. The distance of the fall was about fifteen feet and he struck one of the wooden guards with his head, later falling into the water, where he would have drowned, but for the action of his companion, who dived into the water after him.

The man never regained consciousness after being carried to the hospital and died within five hours.

Growing Aches and Pains.

Mrs. Josie Sumner, Bremond, Tex., writes, April 15, 1902: "I have used Ballard's Snow Liniment in my family for three years. I would not be without it in the house. I have used it on my little girl for growing pains and aches in her knees. It cured her right away. I have also used it for frost-bitten feet, with good success. It is the best liniment I ever used." 25c, 50c, \$1.00. Sold by all druggists.

NOTICE

To the citizens and contractors of Pensacola: We, the membership of the Bricklayers and Plasterers' Union No. 1, of Pensacola, wish to state that Mr. S. S. Moore is no longer connected with No. 1 of Pensacola, and is considered unfair to all union labor.

H. E. BUGG,
CHAS. RICKS,
JAMES WHITEHEAD,
Committee.

The Bricklayers and Plasterers, No. 1, of Pensacola, do hereby endorse the Carpenters and Painters in their effort for the eight-hour day, and at their regular meeting last Monday voted to help them in any way possible.

H. E. BUGG,
CHAS. RICKS,
JAMES WHITEHEAD,
Committee.

TERSELY TOLD BUSINESS LOCALS.

Hendrix & Carpenter will furnish estimates on building and painting and give personal attention to work. 923 E. Strong, and 824 East LaRue streets.

McKintie Oertling & Co., wholesale and retail shoe chandlers and grocers, the only first-class house of the kind in Pensacola. Fair prices to all.

Why use inferior paper, when you can buy Kelson Bond, French Dimity, Kara Linen, or Crane's Bond at C. V. Thompson's, 39 S. Palafox.

A HOPELESS FIGHT

It is impossible to conquer the king of diseases—Contagious Blood Poison—with Mercury and Potash as it would be to conquer the king of the forest in a hand-to-hand encounter, as thousands who have had their health ruined and lives blighted through the use of these minerals will testify. They took the treatment faithfully, only to find when it was left off, the disease returned with more power, combined with the awful effects of these minerals, such as mercurial rheumatism, necrosis of the bones, salivation, inflammation of the stomach and bowels, etc. When the virus of Contagious Blood Poison enters the blood it quickly contaminates every drop of that vital fluid, and every muscle, nerve, tissue and bone becomes affected, and soon the foal symptoms of sore mouth and throat, copper-colored blotches, falling hair and eyebrows, swollen glands, sores, etc., make their appearance. Mercury and Potash can only cover up these evidences for awhile; they cannot cure the disease. S. S. S. has for many years been recognized as a specific for Contagious Blood Poison—a perfect antidote for the deadly virus that is so far-reaching in its effects on the system. S. S. S. does not hide or mask the disease, but so thoroughly and completely cures it that no signs are ever seen again. S. S. S. while eradicating the poison of the disease will drive out any effects of harmful mineral treatment. A reward of \$1,000.00 is offered for proof that S. S. S. contains a mineral ingredient of any kind. Treatise with instructions for home treatment and any advice wished, without charge.

SSS

THE SWIFT SPECIFIC CO., ATLANTA, GA.

LEGAL ADVERTISEMENTS.

NOTICE

Notice is hereby given that the City Council in its meeting held on May 16th, 1905, selected the following Inspectors and Clerks of election to serve at the election to be held in the City of Pensacola, June 6th, 1905:

Precinct 12, Inspectors—A. C. Binkley, F. F. Bingham, R. Pope Reese; Clerk, J. W. Coombs.

Precinct 13, Inspectors—J. E. Wolf, R. P. Warraton, A. A. Fisher; Clerk, Frank Maura.

Precinct 14, Inspectors—W. J. Berry, H. Wolf, E. L. Gladden; Clerk, Joe Reed.

Precinct 15, Inspectors—J. D. Gosz, Geo. P. Wentworth, Tom Nee; Clerk, John Massey.

That the following polling places have been selected to-wit:

Precinct 12—Corner Alcaniz and Intendencia streets.

Precinct 13—Corner Garden and Palafox streets.

Precinct 14—Corner Palafox and Romana streets.

Precinct 15—Corner DeVillier and Intendencia streets.

C. L. SHINE,
19may
City Clerk.

Notice is hereby given that on June 2d, 1905, application will be made by C. W. Lamar, D. Hale Wilson, Harry E. Brooks, to the Governor of the State of Florida, for letters patent incorporating them and their associates into the Pensacola Abstract Company, under a charter in words and figures following:

1. The name of the corporation shall be the Pensacola Abstract Company, and its principal place of business shall be Pensacola, Escambia County, Florida.

2. The general nature of the business to be transacted by the corporation shall be the making of copies and abstracts of the public records of deeds, mortgages, taxes, judgments, liens and all other records of Escambia county, Florida, relating to or affecting the title to real property, and selling the same; and to lease, hold or own such property, real and personal, as may be necessary or useful in the transaction of said business.

3. The amount of capital stock shall be ten thousand dollars (\$10,000) divided into one hundred shares of the par value of one hundred dollars each, to be paid in and by the property and assets of the business lately run under the name of the West Florida Abstract & Realty Company, the balance to be paid in cash, and said shares to be fully paid and non-assessable.

4. The said corporation shall exist for the term of fifty years.

5. The business of the corporation shall be conducted by a president, a vice-president, a secretary and a treasurer, a general manager, and a board of five directors, to be elected at the annual meeting of the stockholders of the company to be held on the first Thursday in January of each year. The names of the officers who are to conduct the business of the company until the first election are: C. W. Lamar, president; Leslie E. Brooks, vice-president; D. Hale Wilson, secretary and treasurer; and Harry E. Brooks, general manager; and C. W. Lamar, D. Hale Wilson, Harry E. Brooks, Leslie E. Brooks and L. S. Brown shall constitute the board of directors.

6. The highest amount of indebtedness to which the corporation can at any time subject itself shall be twenty-five thousand dollars.

7. The names and residences of the subscribers, and the amount of capital stock subscribed by each, are as follows:

C. W. Lamar, Pensacola, Fla., 18 shares.
Leslie E. Brooks, Pensacola, Fla., 10 shares.
Harry E. Graham, Pensacola, Fla., 12 shares.
D. Hale Wilson, Pensacola, Fla., 10 shares.
L. S. Brown, Pensacola, Fla., 5 shares.

Notary Public State of Florida at Large, My commission expires December 14, 1907. 9mayeow4w

COMMISSIONERS SALE.

Notice is hereby given that under and by virtue of an order of sale of the Circuit Court in and for Escambia county, Florida, made and entered April 28th, 1905, in a case pending in chancery in said court, wherein Joseph J. Hooton, et al., are complainants and Lewis Boley, et al., are defendants, we will, as commissioners duly appointed in said cause to make partition, sell at public auction for cash to the highest and best bidder, at the front door of the court house in and for Escambia county, Florida, during the legal hours of sale on the first Monday, being the 5th day of June, 1905, the following described real estate, situate, lying and being in Escambia county, State of Florida, to-wit: The tract or parcel of land known and called the P. Granpera Grant, Section thirty-five (35), township two (2), south of range thirty-one (31), west, and Section fifty-four (54), township two (2), south of range thirty (30), west, containing nine hundred and fifty three and one fifth acres, more or less. Deeds at cost of purchaser.

B. H. BURTON,
JOHN B. JONES,
W. L. ZACHARY,
Commissioners.

AN ORDINANCE

Granting the Right-of-Way Through, Over, Along and Across Certain Streets in the City of Pensacola, Florida.

Be it ordained by the Council of the City of Pensacola, Florida, and

letters patent incorporating them and their associates with the following proposed charter:

O. M. GORDON,
HOMER BROWN,
W. W. VARN,
E. E. REESE,
S. PASCO, JR.

The name of this corporation shall be the Gordon and Brown Hardware Company and its principal place of business shall be the city of Pensacola, Escambia county, Florida.

The general nature of the business to be transacted shall be wholesale and retail dealing in hardware of all kinds, owning and operating foundries and machine shops, building, owning and using vessels of all kinds, building, owning and operating tramways and marine ways and acquiring, using and disposing of property of all kinds necessary or incidental to said business.

The amount of capital stock of this corporation shall be fifty thousand dollars, (\$50,000.00), divided into shares of one hundred dollars, (\$100.00) each to be paid for in money or in property, labor or services at a just valuation to be fixed by the incorporators at a meeting called for such purpose.

The term for which this corporation shall exist shall be ninety-nine (99) years.

The business of this corporation shall be conducted by a President, a Vice-President, a Secretary, a Treasurer and a Board of five Directors. Until the first election of officers the business of this corporation shall be conducted by the following officers: O. M. Gordon, President; Homer Brown, Vice-President; E. E. Reese, Secretary; and W. W. Varn, S. Pasco, Jr., Treasurer.

The highest amount of indebtedness or liability to which this corporation shall be subject at any time shall be seventy-five thousand dollars, (\$75,000.00).

The names and residences of the subscribers and the amount of stock subscribed by each, are as follows: O. M. Gordon, Andalusia, Ala., Fifty shares; Homer Brown, Valdosta, Ga., Fifty shares; W. W. Varn, Pensacola, Fla., Fifty shares; E. E. Reese, Pensacola, Fla., Fifty shares; and S. Pasco, Jr., Pensacola, Fla., No share.

O. M. GORDON,
HOMER BROWN,
W. W. VARN,
E. E. REESE,
S. PASCO, JR.

State of Florida, Escambia County.

Before me personally appeared O. M. Gordon, Homer Brown, W. W. Varn, E. E. Reese and S. Pasco, Jr., known to me as the individuals described in and who executed the foregoing instrument, and acknowledged, each for himself, that he executed the same for the uses and purposes therein set forth.

In testimony whereof I have hereunto set my hand and official seal this fourth day of May, A. D. 1905.

PATILLO CAMPBELL,
Notary Public State of Florida at Large, My commission expires December 14, 1907. 9mayeow4w

Section 5. Work on the main line shall be commenced within (8) months from the passage of this ordinance, and work on the spur tracks and wharf shall be completed from time to time as the necessities of business require and the road shall be built from Pensacola to Andalusia, Alabama, within eighteen (18) months from the acceptance of this ordinance.

A failure to comply with any of the requirements of this section shall operate as a forfeiture of all grants, rights and privileges granted under this franchise. If any street or wharf not now covered by water shall not be occupied for railroad purposes under the privileges herein conferred within two (2) years from the passage of this ordinance, the privileges herein granted shall cease also as to any such street or wharf. If the railroad shall discontinue the use thereof, for twelve (12) consecutive months after having made use of such street or wharf, in the manner provided by this ordinance and any privileges herein conferred which shall not be availed of within two (2) years from the passage of this ordinance by the grantees, their associates and assigns, shall cease to exist.

Section 6. Nothing in this ordinance shall be construed to permit the construction of any tracks or other structures upon any land held by valid lease or other title by persons other than said grantees, their associates and assigns from the city until the termina-

tion of such lease or other title or the same has been acquired by said grantees, their associates or assigns by purchase or otherwise or assigns.

Section 7. The City of Pensacola granting the rights, privileges and franchises herein mentioned shall be held only as mentioned such as it has the power to grant and not as warranting the same or subjecting itself to any damage or liability whatever that may occur by reason of granting the same, and the said grantees, their associates and assigns, by accepting the franchise granted by this ordinance shall thereby bind themselves to release the City of Pensacola from any liability for any damages to them whatever occasioned or arising by reason of the adoption of this ordinance or by reason of the exercise or enjoyment of any rights, privileges and franchises which are hereby granted and they shall thereby bind themselves to indemnify the City of Pensacola and from any and all liability to which it may be subjected thereby.

Section 8. The tracks of the said railroad in all the streets above mentioned shall be laid and maintained upon the grade designated therefor by the city authorities, except that where no grade therefor shall have been established by the city authorities, prior to the construction of said road, bed, said grantees, their associates and assigns, shall have the right to conform as nearly as practicable to the natural grade of the land; but in all cases the railroad bed and tracks shall be made to conform to the grade from time to time thereafter established therefor by the city authorities and upon all the streets heretofore mentioned said tracks shall be laid and maintained so as to admit of the free and easy passage of vehicles along and across any and every part of said streets.

Section 9. That the said grantees, their associates and assigns, shall keep and maintain the streets between its tracks and for eighteen (18) inches on either side thereof, in the same condition as the city shall keep or require to be kept the same streets adjacent to the parts occupied by said tracks and shall construct and maintain all necessary intersecting street crossings over their said road bed and tracks, and whenever the city or abutting property owners on any of said streets shall improve, grade or pave any street or part of street upon which said grantees, their associates or assigns, shall construct their said tracks, or any part thereof, the said grantees, their associates and assigns, shall at the same time or upon notice given by the proper city authorities, improve, grade or pave the space between the rails and tracks and for eighteen (18) inches on each side thereof, in the same manner and with the same material as is used in improving, grading or paving the remainder of the said street, adjacent to the said rails and tracks, and shall maintain the same in good order and condition to the satisfaction of the proper city authorities in accordance with the terms of the charter or ordinance of the city of Pensacola. Provided, however, if the character of paving used by the city is unsuited to a railroad track then the construction and maintenance of said right-of-way in some other material to be approved by the Board of Public Works shall be sufficient compliance with this ordinance.

Section 10. The rights, franchises or privileges hereto granted may be availed of by the grantees and their associates, and the grantees, their associates and assigns shall have the right to assign the same to a corporation hereafter to be organized for the purpose of building and operating said railroad from Pensacola, Fla., to Andalusia, Ala.; the grantees and their associates cannot sell or alienate such rights, franchises or privileges hereto granted but upon the completion of said railroad, said rights, franchises and privileges shall remain forever the property of said corporation and its assigns and a deed shall be executed by the city to said corporation or its assigns of the grant covered by section three.

Section 11. All laws or parts of laws now existing on the records of the city of Pensacola in conflict with the foregoing rights, franchises, powers and franchises herein conveyed and granted to the said F. C. Brent, C. M. Covington, J. A. Chaffin, C. W. Lamar and J. C. Avery, or their assigns, are hereby declared repealed. Provided that this section shall not be construed to affect any previous and now existing grant of any right or privilege to any other person or corporation.

Section 12. The grantees and their associates or assigns shall be allowed ten (10) days from the passage of this ordinance within which to file a written acceptance of the same in the office of the clerk of the city of Pensacola, Florida. If said acceptance is not filed with the said city clerk of Pensacola as above provided within ten (10) days from the passage of this ordinance, or if at any time after the said acceptance shall have been filed, the said grantees, their associates or assigns shall fail to comply with or perform any of the terms or conditions, which by this ordinance they are required to comply with or perform, then all the grants, rights and privileges granted under this franchise shall terminate and the said grantees, their associates and assigns shall cease to have any further interest or rights thereunder.

Section 13. Nothing herein shall be construed as the asserting a claim by the city of Pensacola of title or claim to any part of the property, mentioned and described in the injunction granted by the Hon. Chas. B. Parkhill, Judge of the Circuit Court of Escambia County, Florida on January 5th, 1905, in the cause pending in said court, wherein James McCallagh, J. J. Sullivan and M. A. Quinn are complainants and the City of Pensacola is defendant.

Passed May 6th, 1905.
Approved May 6th, 1905.
T. E. WELLES,
Mayor.

Attest: C. L. SHINE, Clerk.

Section 2. That there shall be, and hereby granted to the said grantees, their associates and assigns, the use of the public streets of the City to the extent necessary to enable them, the said grantees, their associates and assigns, to construct their road on and over certain lots in block eight (8) of the Maxent Tract, thence on and over such portion of Garden Street between Oliva and Donaldson streets as will be necessary to construct a curve which will admit of reaching a certain public alley extending through Block fifty-five (55), fifty-six (56), fifty-seven (57) and fifty-eight (58) of the Maxent Tract, said curve to be constructed on and over certain lots in Blocks fifty-seven (57) and fifty-eight (58) of the Maxent Tract; and there is also hereby granted to them for passenger depot and terminal purposes all that the city owns west of and bordering on Spring street and lying between Garden and Romana streets.

There is also granted to the grantees, their associates and assigns, the right to build along Garden street, from Oliva street westward for such distance as may be necessary to make the tracks required to construct a "Y" in connection with the tracks running eastward from Oliva street to Spring street, hereby mentioned, such "Y" is to reach from the point where D street crosses Garden street on the southerly side, to Oliva street at Intendencia street, and on the northerly side of Oliva street to Gregory.

There is also granted to the grantees, their associates and assigns, the right to extend south on the east half beyond said "Y" on Oliva street, a sufficient distance necessary to make the head required for said "Y". Said "Y" to be for the joint use of the grantees, their associates and the other road designated by the city upon the terms and conditions fixed as hereinbefore provided. Provided, however, that before the said "Y" shall be built a plat thereof showing the location of all tracks, and the manner of construction thereof, shall be made by said grantees, their associates and assigns, and submitted to and approved by the City Council.

Section 3. That there is hereby granted to said grantees, their associates and assigns all the right, title and interest of the said city of Pensacola, in and to the space between the shore line on the north and the pier headline established by the United States government and between Barcelona street on the east and DeVillier street on the west for the purpose of constructing thereon piers and warehouses, and the laying of tracks thereon, and also the right to build wharves on Reus street, and lay tracks thereon, as required by the business of the said road. The grant hereby made and the rights hereby conferred are subject to the provision of the act of the legislature granting said space to the city of Pensacola.

Section 4. The right is reserved to the city to grant the privilege to other railroads to cross any track laid on the streets hereby granted and to pass and enforce such reasonable regulations and requirements as to the manner of operating the railroad upon any of the streets or wharves and the location of tracks as it may deem necessary and proper.

Section 5. Work on the main line shall be commenced within (8) months from the passage of this ordinance, and work on the spur tracks and wharf shall be completed from time to time as the necessities of business require and the road shall be built from Pensacola to Andalusia, Alabama, within eighteen (18) months from the acceptance of this ordinance.

A failure to comply with any of the requirements of this section shall operate as a forfeiture of all grants, rights and privileges granted under this franchise. If any street or wharf not now covered by water shall not be occupied for railroad purposes under the privileges herein conferred within two (2) years from the passage of this ordinance by the grantees, their associates and assigns, shall cease to exist.

Section 6. Nothing in this ordinance shall be construed to permit the construction of any tracks or other structures upon any land held by valid lease or other title by persons other than said grantees, their associates and assigns from the city until the termina-

tion of such lease or other title or the same has been acquired by said grantees, their associates or assigns by purchase or otherwise or assigns.

Section 7. The City of Pensacola granting the rights, privileges and franchises herein mentioned shall be held only as mentioned such as it has the power to grant and not as warranting the same or subjecting itself to any damage or liability whatever that may occur by reason of granting the same, and the said grantees, their associates and assigns, by accepting the franchise granted by this ordinance shall thereby bind themselves to release the City of Pensacola from any liability for any damages to them whatever occasioned or arising by reason of the adoption of this ordinance or by reason of the exercise or enjoyment of any rights, privileges and franchises which are hereby granted and they shall thereby bind themselves to indemnify the City of Pensacola and from any and all liability to which it may be subjected thereby.

Section 8. The tracks of the said railroad in all the streets above mentioned shall be laid and maintained upon the grade designated therefor by the city authorities, except that where no grade therefor shall have been established by the city authorities, prior to the construction of said road, bed, said grantees, their associates and assigns, shall have the right to conform as nearly as practicable to the natural grade of the land; but in all cases the railroad bed and tracks shall be made to conform to the grade from time to time thereafter established therefor by the city authorities and upon all the streets heretofore mentioned said tracks shall be laid and maintained so as to admit of the free and easy passage of vehicles along and across any and every part of said streets.

Section 9. That the said grantees, their associates and assigns, shall keep and maintain the streets between its tracks and for eighteen (18) inches on either side thereof, in the same condition as the city shall keep or require to be kept the same streets adjacent to the parts occupied by said tracks and shall construct and maintain all necessary intersecting street crossings over their said road bed and tracks, and whenever the city or abutting property owners on any of said streets shall improve, grade or pave any street or part of street upon which said grantees, their associates or assigns, shall construct their said tracks, or any part thereof, the said grantees, their associates and assigns, shall at the same time or upon notice given by the proper city authorities, improve, grade or pave the space between the rails and tracks and for eighteen (18) inches on each side thereof, in the same manner and with the same material as is used in improving, grading or paving the remainder of the said street, adjacent to the said rails and tracks, and shall maintain the same in good order and condition to the satisfaction of the proper city authorities in accordance with the terms of the charter or ordinance of the city of Pensacola. Provided, however, if the character of paving used by the city is unsuited to a railroad track then the construction and maintenance of said right-of-way in some other material to be approved by the Board of Public Works shall be sufficient compliance with this ordinance.

Section 10. The rights, franchises or privileges hereto granted may be availed of by the grantees and their associates, and the grantees, their associates and assigns shall have the right to assign the same to a corporation hereafter to be organized for the purpose of building and operating said railroad from Pensacola, Fla., to Andalusia, Ala.; the grantees and their associates cannot sell or alienate such rights, franchises or privileges hereto granted but upon the completion of said railroad, said rights, franchises and privileges shall remain forever the property of said corporation and its assigns and a deed shall be executed by the city to said corporation or its assigns of the grant covered by section three.

Section 11. All laws or parts of laws now existing on the records of the city of Pensacola in conflict with the foregoing rights, franchises, powers and franchises herein conveyed and granted to the said F. C. Brent, C. M. Covington, J. A. Chaffin, C. W. Lamar and J. C. Avery, or their assigns, are hereby declared repealed. Provided that this section shall not be construed to affect any previous and now existing grant of any right or privilege to any other person or corporation.

Section 12. The grantees and their associates or assigns shall be allowed ten (10) days from the passage of this ordinance within which to file a written acceptance of the same in the office of the clerk of the city of Pensacola, Florida. If said acceptance is not filed with the said city clerk of Pensacola as above provided within ten (10) days from the passage of this ordinance, or if at any time after the said acceptance shall have been filed, the said grantees, their associates or assigns shall fail to comply with or perform any of the terms or conditions, which by this ordinance they are required to comply with or perform, then all the grants, rights and privileges granted under this franchise shall terminate and the said grantees, their associates and assigns shall cease to have any further interest or rights thereunder.

Section 13. Nothing herein shall be construed as the asserting a claim by the city of Pensacola of title or claim to any part of the property, mentioned and described in the injunction granted by the Hon. Chas. B. Parkhill, Judge of the Circuit Court of Escambia County, Florida on January 5th, 1905, in the cause pending in said court, wherein James McCallagh, J. J. Sullivan and M. A. Quinn are complainants and the City of Pensacola is defendant.

Passed May 6th, 1905.
Approved May 6th, 1905.
T. E. WELLES,
Mayor.

Attest: C. L. SHINE, Clerk.

Section 2. That there shall be, and hereby granted to the said grantees, their associates and assigns