

NEGRO EQUALITY AND RACE QUESTION

Discussed in the House, Some Interesting Facts Being Developed.

JEFFERSON DINED A NEGRO.

Letter from Mr. Cleveland Read Dealing That He Entertained Fred Douglass.

Washington, April 12.—Negro equality and the race question again were brought into the proceedings of the house of representatives today, when Mr. Scott of Kansas delivered a long address in which he referred to his previous statement that it was current knowledge that ex-President Cleveland had dined C. H. J. Taylor, a Kansas negro politician.

Mr. Taylor presented an amendment for an investigation committee composed entirely of senators. Mr. Taylor said that any senator who said that he did not know what the charges were could not have read the Bristol report of the public press. He had seen a charge in one newspaper "that more than a hundred senators and members had been caught in the Bristol trap."

"The senator can speak for himself," he said, "or anyone else." Mr. Aldrich replied sharply, and Mr. Taylor retorted by saying that every resolution passed by the house was a lie, and that he was in the power of that assembly. "It is in the power of that assembly," he said, "to see to it that it does not order it because Republican senators fear the results of the next campaign."

"Can the senator of his own knowledge make a specific charge of malfeasance in office that has not been investigated?" Mr. Aldrich asked, and Mr. Taylor replied that he did not intend to make any charge, but that he had heard that there was corruption in the postoffice department that had not been investigated, and that the Republicans were going to let it in the light.

In support of this last statement he referred to an original resolution of inquiry offered by Mr. Penrose, chairman of the committee on postoffice, saying that he had seen it at that time. Mr. Penrose had sufficient information to justify the belief that there was fraud in the department.

Mr. Barthold said that if in the judgment of the Democrats, President Cleveland had made a mistake in inviting Mr. Washington to dine with him, then what Thomas Jefferson did was an unpardonable sin. The president's luncheon to Booker T. Washington, he said, was a hurried affair, while in the case of Mr. Jefferson it was a well-arranged, well-prepared banquet.

A vigorous defense of the south for its attitude on the negro question was made by Mr. Williams of Mississippi, who said that he was an old negro, known long time to those who know anything about American politics, that when the Republican party found itself faced with results that were the result of its own policy, it began to wave the bloody shirt.

Mr. Bartlett of Georgia had read the following letter from ex-President Cleveland, dated March 4, 1904, in reply to one from himself:

"I have received a number of inquiries similar to yours touching my attitude on the negro question. I have no objection to your making a statement to the effect that I have never in my official position, either when sleeping or waking, alive or dead, on my bed or in my bath, dined, supped, or eaten with any colored man, woman or child. If, however, I had decided to do any of these things, neither the fear of Mr. Watson nor anyone else would have prevented me. When I was governor of New York, a bill providing for mixed schools.

"I do not suppose that Mr. Thomas E. Watson believed, or had any reason to believe, that the allegations were made against me. At any rate, they are both utterly and absolutely false. I cannot afford to devote a great deal of time in denying such foolish charges. It is no business of mine to cover every phase of the subject now and then. It so happened that I have never in my official position, either when sleeping or waking, alive or dead, on my bed or in my bath, dined, supped, or eaten with any colored man, woman or child. If, however, I had decided to do any of these things, neither the fear of Mr. Watson nor anyone else would have prevented me. When I was governor of New York, a bill providing for mixed schools.

"After this, Mr. Bartlett said that whenever Mr. Cleveland's name was suggested as a possible candidate of the Democrats for president, the Republicans seemed to get very much excited and afraid. Mr. Bartlett added: "I know he will not be nominated. I know, too, that he does not desire to be nominated." He said he also knew that the Democratic party would nominate someone who was a true Democrat, and he added, with some deliberation, "It is a very difficult point to state what will be the result."

"Does the gentleman know who it will be?" asked Mr. Dalgard. "Yes," said Mr. Bartlett, "the whole country knows. Judge Parker of New York." This elicited Democratic applause.

Mr. Lacey of Iowa facetiously asked Mr. Bartlett if he was not discourteous to the two colleagues, Williams of Mississippi and Hiram of New York. "I withdraw in an interest of party harmony," ejaculated Mr. Williams, and a laugh.

Mr. Hearst was not in this seat.

LAND FRAUDS.

Judge Says There is no Statute Concerning Them.

Portland, Ore., April 12.—During the argument for the defense in the case of Charles G. Cunningham and others for conspiracy to defraud the government land, Judge Haller made the declaration that "there is no such time and defrauding the United States of public lands. There is not a statute of congress that deals with any such action." The indictment returned against these men was for defrauding the government of its land.

PERIL IN THE HAND-SHAKE.

Not long ago Dr. J. N. Hirsch, of Chicago, said: "The most delicate of all diseases, and the most refined are not free from disease of lungs or throat, and the germs are rapidly spread by touching the hand that has been in contact with one afflicted with a cold, catarrh or consumption. The breath one inhales from the lungs of another may contain germs of disease." You may not only be able to resist the germs of consumption, but many thousands of cases have been known where persons who were suffering from incipient phthisis, or the early stages of consumption were absolutely cured by Dr. Pierce's Golden Medical Discovery. It maintains a person's nutrition by enabling him to eat, retain, digest and assimilate food. It overcomes the gastric irritability and symptoms of indigestion, and thus the person is saved from those symptoms of fever, night-sweats, headache, etc., which are so common.

An alternative extract like Dr. Pierce's Golden Medical Discovery, made of roots and herbs, without the use of alcohol, will assist the stomach in assimilating or taking up from the food such elements as are required for the blood, will assist the liver in throwing off the poisons in the system. Do not permit some designing druggist to insult your intelligence by offering you a remedy which he claims is "just as good" because he made it up himself, or tea chances to one you will get a medicine made up largely of alcohol, which will only weaken the system.

Dr. Pierce's Golden Medical Discovery is heartily recommended by every person who has ever used it and it has stood the test of thirty-eight years of approval from people all over the United States.

FREE. Dr. Pierce's Common Sense Medical Adviser is sent free on receipt of stamps to pay expense of mailing only. Send 21 one-cent stamps for the book in paper cover, or a stamp for the cloth-bound volume. Address Dr. R. V. Pierce, Buffalo, N. Y.

Dr. Pierce's Pellets cure biliousness.

2 o'clock in the morning started to a colored ball. They were stopped at the foot of the stairs, and words passed, when the officer drew his club. Godley warded off the blow and knocked the officer down. At that instant the crowd broke into a riot, and in the fact and started to run, and as he did so heard another shot fired, which he supposed killed the officer. He went to his home at West City, 12 miles away. The mob, he says, finding he had escaped, fired a bullet wound him in the back and killed him. He was found by the police and taken to the hospital, where he died eight hours before the fatal affray.

Jury in Neely Case Disagree.

New York, April 12.—The jury today disagreed in the action brought by the United States against Charles F. W. Neely, former director of finance of the postoffice of Cuba, in which an attempt was made to officially fix the amount of Neely's alleged peculations between January and May, 1900.

Judge Lacombe, sitting in the United States circuit court, where the suit was tried, made several efforts to get the jury to agree, but failed, and discharged them after being assured by the foreman and several of the jurymen that an agreement was impossible.

The attorneys for the government contended that by documentary evidence they had shown that Neely's peculations during the three months mentioned amounted to about \$45,000. The attorney for Neely argued that the Cuban act of amnesty freed him from all criminal and civil liability. Special Atty.-Gen. Jones said the government would retry the case at once.

NEGRO RIGHTS.

Chinamen Arrested for Not Serving the Colored Gents.

Chicago, April 12.—The curious spectacle of two colored men asking the punishment of two Chinamen for a denial of civil rights has been furnished by a case in Justice Everett's court. A white jury decided that the colored men had not suffered sufficient impairment of their rights to justify a fine.

D. R. Cropper and Daniel Robinson, the negro complainants, entered a Chinese restaurant on March 29 and asked to be served. The Chinamen in charge said they were out of the dishes desired. Thereupon the two colored men departed and presently returned, took their seats and ordered food. The waiter, who was a white man, refused to serve them, and the two men were ejected. The two men then went to the Illinois civil rights act, which gives the negroes equal privileges in restaurants and theaters with whites.

When the case came to trial the Chinamen demanded a jury. They were represented by former United States District Attorney Thomas Milchrist, while W. G. Anderson, a negro lawyer, appeared for the complainants.

After hearing the arguments the jury deliberated for an hour and returned a verdict exonerating the Chinamen.

Prizefight Raided.

New York, April 12.—The police raided a prize fight early today at Broadway and Sixty-fifth street, and took away the prize money and the prize money. The prize money was \$10,000. The prize money was \$10,000. The prize money was \$10,000.

Am. Institute of Germanics.

Chicago, April 12.—Northwestern university trustees at their quarterly meeting have decided immediately to establish a new department—the American institute of Germanics. With it the university will found a museum to present the development of German civilization. The object is to cultivate a deeper interest in German civilization, language, literature, history, art and music.

WANTED.

Every Man, Woman and Child in Salt Lake City.

MEAL REPORT.

Charges That Members of Congress Profited Financially by Post-office Cases Denied.

WAS NO IMPROPER CONDUCT.

Nothing in Cases Considered That Reflects on the Integrity of Any Member.

Washington, April 12.—The report of the special committee of the house appointed to investigate the report from the postoffice department under the caption, "Charges Concerning Members of Congress," was made to the house today by Chairman McCall. The report is signed by all seven members of the committee. The minority members, however, append supplemental views.

The important phase of the report is a finding regarding the connection of members with the business of the postoffice department. This finding is as follows:

"After a careful consideration of all cases specified in the report numbered 1385, the report of the postoffice committee on 'Charges Against Members of Congress,' so far as they relate to present members of the house of representatives which the committee assume to be out of their jurisdiction, they have unanimously reached the conclusion that nothing appears which would justify the belief that any member of the house of representatives has profited financially in the slightest degree, or that any member was guilty of improper conduct in connection therewith, or that any member has done in connection with any of said cases anything that did not appear to be within the line of his official duty according to long-established customs."

"In conclusion, this conclusion, the committee feels constrained to add that in their opinion it would be well to make as formal as may be, and to restrain within the narrowest possible limits the action of the executive committee of the house of representatives, and that the severance of members from work of that character would augment the efficiency of the house of representatives."

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DIVORCED PERSONS

Move to Prevent Their Marriage By Protestant Ministers.

New York, April 12.—A tentative agreement has been reached between representatives of the principal Protestant churches here by which it is hoped to prevent the marriage of a divorced person by a minister of another church. The attempt is to be made by the rules of the church to which the person seeking remarriage belongs. Present at the conference were Bishop Doane, Bishop McVicker, Bishop Coadjuutor Greer, Rev. Dr. John Fulton of Philadelphia, and delegates from the Presbyterian, Methodist, Reformed Lutheran, Baptist, Congregational and reformed Presbyterian denominations.

A committee was appointed by Bishop Doane to appeal to the United States District Attorney for existing laxity in the frequency of divorces.

The resolution adopted was as follows: "That, in recognition of the comity which should exist between Christian churches, it is desirable, and would tend to increase the spirit of Christianity, for each church represented in the conference to advise and if ecclesiastical authority will allow to enjoin its ministers to refuse to perform marriage ceremonies to persons whose marriage the ministers have good reason to believe is forbidden by the laws of the church in which either party seeking to be married holds."

Black Record for Unions.

New York, April 12.—In a debate before the Aldine club on labor unions, John Kirby, Jr., president of the Employers' association of Dayton, O., and a member of the executive committee of the American Industrial Association, declared that the black with shame, injustice, crime and blood, the history of the labor unions is a record of lawlessness and defiance of law. He was opposed by Prof. John H. Commons who held that the unions are a necessary product of the present industrial system.

After discussing labor unions generally, Mr. Kirby declared that times are changing rapidly and added: "The past year has witnessed a marvelous change all about the labor. When we read the history of the year we shall find it fraught with change in public sentiment and in the attitude of the public press. We shall find it laden with records of determined employers and business men as well as wage earners, who have met the issue and won their freedom; we shall find it to record one of the most, if not the most, eventful years in our nation's history in upholding of the people against an evil that threatens not only destruction of the nation's commerce and industries, but the natural and constitutional rights of its citizens as well."

In his reply, Prof. Commons admitted some mistakes on the part of the unions, but he added, "Under the conditions I sometimes wonder that they are as law-abiding as they are."

Stricter laws against immigrants, he believed, furnished the only solution of the problem as now presented.

Geo. Le Jeune, Composer, Dead.

New York, April 12.—George Fitzchurwood Le Jeune, composer of church music and organist and senior choir-master of Trinity parish, is dead in his sixty-second year, from influenza. He was the composer of "Jerusalem, the Golden" and many other popular hymns.

Missionaries All Right.

New York, April 12.—The Rev. Dr. Arthur J. Brown, secretary of the Presbyterian board of foreign missions, has received a cable from Ping Yang, Korea, dated April 10, saying: "Ping Yang and Syen Chun are all right," and that goods previously ordered should be shipped. Dr. Brown thinks that if the missionaries of these northern stations are "all right" there is not the slightest ground for anxiety regarding those in the central and southern stations.

Gray before your time? Some hair trouble probably—perhaps clogged Hair Glands—Rexall "93" Hair Tonic is a hair-fertilizer, a Stimulant, a Color Restorer, but not a Dye.

AN ENTIRELY NEW GROWTH.

"My hair was getting very thin. Every morning I would comb out great handfuls of it. Nothing that I used stopped its falling out or helped it until, by the advice of a friend, I tried Rexall '93' Hair Tonic. From the very beginning the tonic was beneficial. Not only has it stopped my hair from falling, but it has produced an entirely new growth. My hair is now soft and glossy, where before it was harsh, brittle and dull. I shall recommend Rexall '93' Hair Tonic to all my friends."

MILDRED SEELYE, 148 East 57th Street, New York City.

Price, 50c. Sold exclusively at our store.

Prince Marries a Circus Girl.

New York, April 12.—Prince Hugo Hohenlohe has married Madame Helga, a beautiful circus equestrienne, according to an American dispatch from Berlin. Madame Helga's first husband was a circus performer.

The prince's marriage violates the family laws which provide the forfeiture of rank in the event of such an alliance. Henceforth he will be known as Count von Hohenlohe.

Another Prince Hohenlohe married a Viennese actress. Hohenlohe is one of the mediatorial reigning houses.

Prince Hohenlohe has been living in the United States since his return from the United States, where he was at various times reported engaged to American heiresses.

Artao's Accomplice Arrested.

Barcelona, April 12.—The police have arrested an accomplice of Joaquin Miguel Artao, who attempted yesterday to kill Premier Maura. Both men are members of a society styled "Lovers of Liberty."

The attempt, it is said by the police, was planned a week ago, and since that time the would-be assassin has been following the premier about, awaiting an opportunity to attack him.

PROFITABLE PARTNERSHIP.

Raising sheep on shares was practiced in South Africa as long ago as 1840 and perhaps earlier than that. In the Farmer's Magazine of that date mention is made of an instance where one-third of the profits of a capital of \$5,000 laid out in furnishing sheep, as a sleeping partner in a sheep farm, amounted in the course of six years to \$75,000. At the end of the six years the original \$5,000 was withdrawn from the flock and the remaining sheep numbered 400 head, were equally divided between the partners. The active partner purchased the land, lived on the ranch and attended to the flock.

FOLEY'S KIDNEY CURE

Cures Kidney and Bladder Diseases in Every Form—Many People Have Kidney Trouble and Do Not Know It.

HOW TO FIND OUT.

It is the function of the kidneys to filter and purify the blood which is constantly passing through them. When the kidneys are out of order the other organs are affected immediately and you may have symptoms of heart trouble, stomach and liver trouble, and other ailments, which are all owing to the kidneys being weak and out of order.

If you are sick **Foley's Kidney Cure** will strengthen and build up the worn out tissues of the kidneys so they will act properly and the symptoms of weakness, heart, stomach and liver trouble will disappear and you will be restored to perfect health.

HOW TO FIND OUT.

You can easily determine if your kidneys are out of order by setting aside for 24 hours a bottle of the urine passed upon arising. If upon examination it is cloudy or milky or has a brick-dust sediment or small particles float about in it, your kidneys are diseased and **Foley's Kidney Cure** should be taken at once.

Foley's Kidney Cure is pleasant to take and acts directly upon the parts affected and you begin to feel better at once.

It corrects slight disorders in a few days and it has cured many obstinate cases after other treatment had failed.

Doctors Said He Would Not Live.

Peter Frey, of Woodruff, Pa., writes: "After doctoring for two years with the best physicians in Waukesha, and still getting worse, the doctors advised me if I had any business to attend to I had better attend to it at once, as I could not possibly live another month, as there was no cure for me. **Foley's Kidney Cure** was recommended to me by a friend, and I immediately sent my son to the store for it and after taking three bottles I began to get better and continued to improve until I was entirely well."

Two Sizes, 50c and \$1.00. SOLD AND RECOMMENDED BY F. J. HILL DRUG CO.

WHO WILL CONTROL THE NORTHERN PACIFIC?

Great Legal Battle for it Begins in U. S. District Court at St. Paul.

FAMOUS ATTORNEYS ENGAGED.

Government Objects to Intervention By E. H. Harriman and Others—Every Step Fought.

St. Paul, Minn., April 12.—A great legal battle by corporation lawyers whose names are familiar throughout the United States is being waged in the United States district court before Judges Sanborn, Vandeventer, Hook and Thayer, the action being based on a motion presented to the court by E. H. Harriman et al, for leave to file an intervening petition for the purpose of showing why the Northern Securities company's officers should not carry out a plan of distribution of the assets of the recently declared illegal Northern Securities company in a manner alleged to be inimical to interests of Harriman and Pierce.

The attorneys representing the plaintiffs were W. D. Guthrie, R. S. Lovett, general counsel of the Southern Pacific railroad, Judge J. M. Baldwin of Omaha and Maxwell Everts of Ohio.

The defendants were represented by Elihu Root, former secretary of war; John G. Johnson of Philadelphia, Francis Lynde Stetson, counsel for J. P. Morgan & Co.; George Young, Frank B. Kellogg and C. A. Sauerman, also C. W. Bunn, general counsel of the Northern Pacific, and M. D. Grover, general counsel for the Great Northern.

Besides this array of talent the United States attorney was represented by Dist. Atty. C. C. Hout, who presented objection to the intervention, under the direction of United States Atty. Gen. Knox.

This intervention was something of a surprise to the petitioners, who were not aware of it until after Mr. Everts had opened the case for the plaintiffs, when Judge Sanborn asked him if he was aware that the United States government objected to the intervening petition. The court then directed Mr. Hout to read the objection of Mr. Knox, which is as follows:

GOVERNMENT OBJECTS.

"I respectfully submit to the court that notice has been served upon me that Edward H. Harriman, Winslow S. Pierce and the Oregon Short Line Railroad company will apply to the judges of this court for leave to intervene in this case and to proceed and to be heard in respect to the final decree of this court, entered on April 9, 1903, as affirmed by the supreme court of the United States, and for such other or further or different order or relief as the court may deem fit."

"The United States neither admits nor denies the allegations of the petition, but objects to the proposed intervention. This case was heard by this court on bill, answer and testimony, and a final decree was entered, enjoining the defendants as therein recited. Upon appeal by the defendants to the supreme court of the United States the decree of this court was affirmed in every particular, the effect of which was to end and close the case."

"The United States stands on the decree as affirmed, and submits that the court is only concerned to see that it is faithfully observed by the defendants according to its terms."

(Signed) P. C. KNOX, Attorney-General.

VIOLATION OF SHERMAN LAW.

Mr. Everts in his statement contended that the securities company in its final distribution of the assets intended to take a course which would continue the common control of the Northern Pacific and Great Northern railroads, to the detriment of the Sherman anti-trust law.

Mr. Root contended that there was no warrant in the general rules of practice, in the decrees of the courts nor in the statutes for this intervention. He contended that the decree of this court was limited to the simple command, "Thou shalt not" and nothing was expected but absolute obedience.

The arguments of both Mr. Everts and Mr. Root occupied less than an hour, but every word was followed with the closest attention by the throng of attorneys and spectators who crowded the courtroom, the galleries and who sat upon the benches and steps leading to the tribunal.

Mr. Guthrie opened the proceedings by formally presenting the records of the supreme court hearing, together with its decree, and asked leave to file the intervening petition. Three hours on a side were allowed the attorneys for argument.

Maxwell Everts of New York spoke for 50 minutes, urging reasons why the petition should be granted. In substance, he said that the Harriman and Pierce people were to get in return for their Northern Pacific stock certain shares of Great Northern stocks.

And the difference he said, between what the Harriman interests put in the Northern Securities company and what the Northern Securities wished to return to them would be more than a million dollars a year in interest alone. Mr. Everts said that the merger under the proposed plan of distribution would be a stronger combination of interests than it was before it was dissolved, and that it would, in that manner, be a greater violation of the Sherman act than the plan which was before, in which position the plaintiffs did not wish to place themselves.

INTERVENTION OPPOSED.

When Mr. Everts concluded Judge Sanborn said Mr. Everts if he understood that the attorney-general of the United States had entered his appearance in the case and that he opposed the intervention.

No, your honor, we are not aware of that," replied Mr. Everts.

Judge Sanborn: "The attorney-general has entered appearance in the case and the district attorney will be given an opportunity to state the objections of the attorney-general."

Dist. Atty. Hout then read a printed statement from Atty.-Gen. Knox saying that "the United States neither admits nor denies any of the allegations contained in the petition, but objects to the proposed intervention. The United States stands on the decree of this court as affirmed, and desires that the decree be carried out according to the orders of the supreme court."

Judge Sanborn then asked two other questions of Mr. Everts, one of which was whether the method of settlement proposed by Mr. Hill was fair and just.

Mr. Everts replied that they contended it was unfair.

ROOT'S ARGUMENT.

Former Secy. of War Root then began his argument to the court on behalf of the defendants. He said, in part: "The counsel for the Oregon Short Line company, which is asking leave to intervene as intervenors, has put himself on the ground of a person seeking for the execution of your honor's decree, having been represented as a party opposing the decree. He now asks leave to intervene that he may secure execution of the decree, notwithstanding the revocation of your action along the lines proposed."

"The defendants in the case oppose the application for leave to file. They say the plaintiffs are not parties to the cause. They say there is no warrant in law or decision of any court for his intervention. It is necessary, in order to get due execution of this decree, that a further order directing the return to the Oregon Short Line of stock of the Northern Pacific railway be entered."

DECREE DISCUSSED.

Mr. Root then discussed the decree ordered by the court, and continued: "What is the execution of a decree which is limited to a 'Thou shalt not'? What can be the execution of such a decree but obedience? So long as the defendants refrain from doing what your honors have ordered them not to do, what further is there to do?"

"Five things which your honor says shall not be done," continued Mr. Root, "stand on the decree as that was necessary to do. You were not, however, silent to the attorney-general's prayer as to the return of this stock. You said, in effect, we shall provide for the violation of the violation of this law, but you refrained from interfering with the other affairs of this company. They come now and ask you to amend your decree."

"Harriman was a director of the Northern Securities company, and he showed as such in 1901 when articles of incorporation were filed in New Jersey. He remained so to the end. That company, under the decision of the board, of which he was a member, opposed the very thing he is now praying for. He asks for a decree which he before opposed. He wants it modified and reversed."

"It cannot be a violation of a decree to return stock which the decree made unlawful to hold."

WHAT PETITIONERS ASK.

"The proposed action of the corporation is in accordance with that equity. You are asked to return to the petitioners 78,000,000 of Northern Pacific stock, which is a large majority of the stock of that company. You are asked to put into the hands of the Union Pacific and the Oregon Short Line the absolute control of the Northern Pacific, a competing and parallel line. You will see the whole of the Northern Securities scheme was formed for the purpose of preventing the Union Pacific from getting control."

"Our friends on the other side have said your honors are in constructive custody of the assets. The constructive custody on the part of the court can arise only by the granting of this petition."

"This action involves the introduction of new issues and individuals foreign to the decree. They are not here as a class, but representing individual claims. I say that the court who attempts to break into litigation from the outside commends himself not at all. They came in here at the last moment after participating in all the acts of the Northern Securities company, after seeing millions of shares of stock sold to people, and at the last possible moment, and ask for special provisions, saying it makes a difference to them of a million a year in interest. You are asked to grant a preference to one who was a participant in its original illegality at the expense of those wholly innocent."

JUDGE LOVETT FOR PETITIONERS

Mr. Root's argument was finished just before noon, and when the court resumed at 2 o'clock Judge Lovett began his argument on behalf of the petitioners. He began with the contention that if the Northern Securities company had been the legal owner of the stock of the Northern Pacific and the Great Northern companies it would have been entitled to the fruits of that ownership and the attorney-general would not have obtained the relief he sought in the original decree.

The foundation of the bill in that case was that the stock had been acquired and held for illegal purpose. The decree of the court had determined that no title to the stock ever passed to the Northern Securities company, because that company was not legally capable of holding such title. The decree further had the effect of giving the court practical custody of the stock of the Northern Securities company.

The petitioners, he said, were not asking the courts to wind up the affairs nor dissolve the securities company. They were asking it to dispose of the stock in what they contended was the only way consistent with the decree of the court. The plan of distribution proposed by the Northern Securities company did not dissolve the corporation. It simply reduced or attempted to reduce the stock in such a manner as would leave the stockholders in control of both roads.

He referred to the statement of counsel for the Northern Securities company to effect that the company might sell its stock holdings and denied this, because the decree of the court determined that it had never owned that stock. It was not necessary to enjoin a corporation from selling the stock, because it is not customary to enjoin any one from selling what he does not own. The stock was as much in the constructive custody of the court as if it had seized it.

CONTINENTAL TRUST CO.

When Mr. Lovett concluded, former Congressman James Hamilton Lewis of Chicago appeared and stated that he represented the Continental Trust