

NORTHERN PACIFIC IS ENJOINED.

Judge Elliott Forbids Retirement of Preferred Stock.

WOULD VIOLATE AGREEMENT

When Brought by Peter Power-Suit Is Alleged to Have Been Brought in Harriman's Interest.

Minneapolis, Dec. 30.—Judge Elliott of the district court of Hennepin county has granted a temporary order restraining the officers of the Northern Pacific Railway company from retiring the preferred stock of that company.

The order was issued on the application of Peter Power of New York, who holds 100 shares of the common stock. It was alleged that the failure of the action brought in New York by holders of preferred stock cleared away the last obstacle to the retirement of the preferred stock on January 1, leaving the Hill interests free to act.

IS HARRIMAN INVOLVED?

It is inferred, although it does not so appear, that the present action is brought in behalf of the Harriman interests to prevent the control passing from out of its hands for another year until the legal standing of the Northern Securities company is settled.

The claim set up by Mr. Power in his suit is that the retirement of the preferred stock is in violation of the agreement that such retirement would lay additional burdens upon the common stock and he holds that the certificates of the retirement of the preferred stock would become a lien upon the common stock and thus work an injury to his property.

INDEPENDENT STOCK.

It is understood that the block of 100 shares held by Power is the only block of common stock not hitherto controlled and located upon one side or the other, the Harriman people or the Hill-Morgan interest. The restraining order will not only be served on the officials in Minneapolis but will be telegraphed to New York and served on the officials there.

SCOPE OF INJUNCTION.

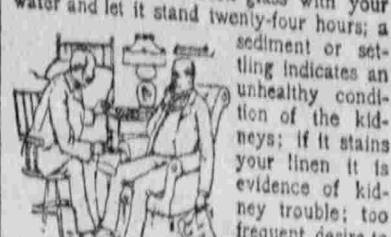
The injunction restrains the Northern Pacific Railway company from issuing or selling any certificates of indebtedness or debenture or other evidence of indebtedness, or creating any indebtedness or liability for the purpose of raising money with which to pay or retire the preferred stock of the Northern Pacific Railway company or any part thereof, or from using or appropriating any moneys or proceeds other than the ordinary or surplus net earnings of the company for the purpose of paying or retiring the preferred stock of the company or any part thereof, and also from creating any indebtedness or liability for the purpose of operating expenses of its railway system and the indebtedness and liability existing which would be a preference or take precedence of the common stock of said company.

NORTHERN SECURITIES CO.

Also from placing its property, or any part thereof, or the management of its railway system or any part thereof, in the possession or under the control, either directly or indirectly, of the Northern Securities company; or from entering into any agreement or arrangement, either directly or indirectly, through the medium of the Northern Securities company, or otherwise with the Great Northern Railroad company, the Chicago, Burlington & Quincy company, or either of them for the purpose of causing the railway system owned and controlled by the Northern Pacific company to be operated in connection with or under the same rules or by the same authority as the Great Northern, Chicago, Burlington & Quincy Railway company, or either of them; or from entering into

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any agreement with these companies, or either of them for the purpose of avoiding competition and fixing rates for the carriage of freight and passengers upon either of their lines of railway.

WHAT PETITION RECITES.

The petition recites briefly the history of the Northern Pacific railroad and the division of its stock into common and preferred. It is alleged that the only difference between the preferred stock and the common stock was that the preferred stock was entitled to a 4 per cent dividend prior to anything being paid on the common stock; and the bill in this connection alleges that the preferred stock was subject to be retired at any time within twenty years after the time of reorganization of the company and the issuing of the stock out of the surplus net earnings of the company and not otherwise; that in other respects the rights of the preferred and common stockholders were identical.

The bill next recites the organization of the Great Northern, Chicago, Burlington & Quincy lines, and alleges that the Northern Pacific Railway company and the Great Northern company are parallel lines to the Pacific coast and the Chicago, Burlington & Quincy line from Billings, Mont., to Chicago, and all such lines are competing lines for the business of the northwest.

AN ALLEGED COMBINATION.

It is alleged that the officers of the Northern Pacific Railway company during the last summer and since the plaintiff became the owner of this stock, and without any knowledge of his part, went into a combination with the Great Northern and the Chicago, Burlington & Quincy, the purpose of which was to consolidate and control the three systems under one management, and that the directors of the three companies, for the purpose of doing indirectly what they could not do directly, caused to be organized the Northern Securities company, a New Jersey corporation, with a capitalization of \$400,000,000, which under its charter was authorized to purchase and hold stocks, bonds and securities of other corporations, the intention being to cause a majority of the stock of all three of the railway companies to be transferred to the Northern Securities company, and to be controlled by it, thereby controlling the three systems of railways through the medium of the Northern Securities company, suppressing competition, regulating the rates and conducting the entire business of the three systems as one corporation.

SCHEME ILLEGAL.

It is further alleged that thereupon the Northern Securities company proceeded to advertise publicly, upon terms of exchange, all the stock of the Great

Northern company and that the whole scheme was illegal, in violation of the law of this state and the other states through which the railway lines pass, against the public laws of the United States and of each of the states. The bill also alleges that under and by virtue of the charter of the Northern Pacific Railway company and under the provisions of the reorganization agreement, the preferred stock can only be paid for and retired from the net surplus earnings of the Northern Pacific Railway company and not otherwise. These notwithstanding these provisions, the directors of said company, for the first step in carrying out their plan of transferring the control of the defendant corporation to the Northern Securities company, have served notice upon the holders of the preferred stock that on January 1, 1902, they would retire such preferred stock.

NORTHERN PACIFIC PROFITABLE.

The bill alleges further that since its reorganization the Northern Pacific Railway company has conducted its business and profitable business and has paid 4 per cent on its preferred stock and is now paying 4 on the common, out of the earnings after paying the fixed charges and the operating expenses; that there is a fund of about \$3,000,000 set aside to secure payments of dividends on preferred stocks and between \$2,000,000 and \$3,000,000 of a general surplus, that it has now on hand exceeding \$5,000,000, derived from the earnings of the road wherewith to pay the \$75,000,000 of the preferred stock at par, but that in order to retire such preferred stock the directors of the company are threatening to issue and sell certificates of indebtedness or debenture bonds amounting to \$75,000,000 of the Northern Pacific Railroad company, and out of proceeds pay off the stockholders of the preferred stock at par January 1.

NOTICE OF RETIREMENT.

It is alleged that the Northern Pacific Railway company has caused to be sent to each of its preferred stockholders a notice that it would retire the whole of the preferred stock at par on the last day of January, 1902, and that the transfer books of the company were closed on Tuesday, Dec. 10, 1901, at 5 o'clock, for the retirement of the preferred stock, as aforesaid.

The plaintiff says that he has been unable to obtain a copy of the resolutions of the board of directors as to the issue and sale of certificates of indebtedness, or debenture bonds, but that he has obtained a copy of the resolutions, he alleges, is set forth in a circular letter issued by the Northern Pacific railroad to the stockholders, a copy of which circular is made a part of the bill.

NO MEETING OF SHAREHOLDERS.

It is alleged in the bill that no meeting of the shareholders of the defendant company has been called to make the issue of the certificates of indebtedness or debenture bonds; that the board of directors is without power to issue such certificates and is the company; that at the time of the issue of the certificates of stock to the common stockholders when the company reorganized in 1888, and by the reorganization agreements it was provided "that the company shall not put a mortgage upon its property embraced in the property of the Northern Pacific system, nor shall the amount of the preferred stock be increased except after obtaining in each instance the consent of the majority of the holders of the whole amount of the preferred stock and the consent of the holders of the majority of the common stock, to be voted separately; that the plaintiff is unable to determine in whether certificates are to be secured by a mortgage upon the property of the Northern Pacific company or not, but whether secured by mortgage or not, it constitutes an indebtedness due and payable not later than 1907, with interest at 4 per cent, whether the company has any earnings, or not out of which to pay it; and an indebtedness upon which judgment can be obtained, the property of the company sold, the rights of the common stockholders, or a portion of them, take advantage of the option offered them to take common stock for their certificates of indebtedness, the common stock is greatly increased without the vote of the stockholders of the company and without the authority of the law of the state where it was incorporated.

PREFERRED STOCK.

The petition alleges that it is proposed in this way to substitute for the present preferred stock, which is no way constitutes a lien upon the property of the Northern Pacific company and is not a charge against the earnings of the company and has no prior right over the common stock except in priority of dividends, a convertible, negotiable security or debenture bond, bearing interest at the rate of 4 per cent per annum, which said amount of 4 per

cent per annum is a fixed charge against the earnings of the company and its property and must be paid whether the earnings for any year amount to 4 per cent on said issue of convertible certificates of indebtedness or debenture bonds or not, and under which, if default is made in the payment of said interest of any payment of the principal when due in 1907, or at any time prior thereto, under the provision of said certificates of indebtedness or debenture bonds, the entire property of the Northern Pacific Railway company may be sold to satisfy the judgment or judgments which may be obtained thereunder and all equities and rights of the common stockholders extinguished.

SCHEME PROVOKES LITIGATION.

The bill sets forth that the scheme has already provoked litigation, which is now pending, and he avers that by reason of public criticism serious litigation will be instituted unless the defendant company be enjoined from carrying out its illegal scheme and, and in this connection it is alleged that proceedings are about to be instituted against the Northern Securities Railway company, the Great Northern company, the Chicago, Burlington & Quincy Railway company, by some of the states through which the roads pass to prevent the consolidation in the manner alleged in the bill, and that action of these companies will invite and arouse hostile legislation by all states through which the roads pass; and that in case the railway company should carry out and accomplish the plans and schemes mentioned it will be subject to have its charter rights forfeited.

The bill recites the provision of the constitution of the state of Montana prohibiting the consolidation of competing and parallel lines of railway and also the laws of the state of Washington prohibiting the consolidation of parallel and competing lines, and alleges that the Northern Pacific and Great Northern Railway companies are parallel and competing lines.

SECURITIES COMPANY'S PURPOSE.

It is particularly alleged in the bill of complaint that the Northern Securities company is a railroad corporation and was organized for the express and sole purpose of uniting under its management and control the Great Northern, the Northern Pacific Railway company, the Chicago, Burlington & Quincy Railway company and the systems of railways controlled or operated by each of the railway companies, respectively, and for no other purpose; and that the Northern Securities company was organized for the purpose of owning, holding and controlling all three of the corporations mentioned in the bill and their various systems of railway, so that all competition between these companies may be stifled and prevented and that unjust and inequitable and exorbitant rates for both freight and passenger traffic may be obtained by them.

RAILROADS' DESIGN.

The bill further sets forth that it is the design and purpose of the Northern Pacific railway company, the Great Northern Railway company and the Chicago, Burlington & Quincy Railway company to consolidate and merge in the Northern Securities company the complete and exclusive control of each and all of these railway systems and the proposed attempted retirement of the preferred stock of the Northern Pacific company is solely for the purpose of enabling the Northern Pacific company to turn over to the Northern Securities company a majority of the stock of the Northern Pacific company, and so that the proposed attempted creation of an indebtedness of \$75,000,000 on the part of the Northern Pacific Railway company is solely for the purpose of paying off and retiring all of the preferred stock to the end that a majority of the common stock may be so turned over to the Northern Securities company. It is alleged that in case the Northern Pacific railway proceeds to do and carry out the plans and schemes alleged in the complaint, that the plaintiff will be irreparably damaged, and that he has no remedy at law for this damage or injury or any part of it, either against the company or the officers thereof. The bill also prays for the writ of injunction as issued by Judge Elliott.

ORDER OF COURT.

The order issued recites the application and continues: "Now, therefore, you, the said Northern Pacific Railway company, defendant, your officers, directors, attorneys, agents and servants, are hereby commanded and enjoined to forthwith refrain and abstain from issuing or selling any certificates of indebtedness or debenture bonds or other evidence or evidences of indebtedness or from creating any indebtedness or liability, either direct or indirect, of raising money with which to pay or retire the preferred stock of your said company, or any part thereof, or from using any moneys or proceeds from the ordinary surplus net earnings of the company to the payment and retirement of the preferred stock of your said company or any part thereof, and still further from creating any indebtedness and liability other than the ordinary indebtedness and liability for the operating expenses of your said railway system and the indebtedness and liability now existing which would be a preference or take precedence over the common stock of your said company and still further from placing your property, or any part thereof or the management of your railway system or any part thereof, in the possession of or under the control, either directly or indirectly, of the Northern Securities company, or its officers, agents or servants from entering into any agreement or arrangement either directly or indirectly through the medium of the Northern Securities company or otherwise, with the Great Northern Railway company and the Chicago, Burlington & Quincy Railway company, or either of them, the stockholders, directors, officers, agents or servants for the purpose of causing the railway system owned and controlled by you to be operated in connection with or under the same rules or by the same authority as said Great Northern Railway company and the Chicago, Burlington & Quincy Railway company, or either of them, and from entering into any agreement with said companies, or either of them, the stockholders, directors, officers, agents or servants for the purpose of causing the railway system owned and controlled by you to be operated in connection with or under the same rules or by the same authority as said Great Northern Railway company and the Chicago, Burlington & Quincy Railway company, or either of them; and from entering into

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McKinley Memorial Fund.

New York, Dec. 31.—At a meeting of the McKinley Memorial Fund association in this city, a suggestion was made that special collections for the fund be taken in all churches Jan. 25, the anniversary of President McKinley's birth. The suggestion will in all probability be acted upon by the local McKinley Memorial organizations.

Troubles of Naval Chaplains.

New York, Dec. 31.—Troubles of chaplains in the United States navy were discussed by the Rev. Dr. Geo. E. Trobridge, of Stamford, Conn., at

the recent Methodist ministers' meeting in this city. The claim was made that their salaries are insufficient. He also found fault with the uniform, which he described as a "single-breasted, shad-bellied, long-tailed frock coat such as is worn by clergymen in some foreign countries, but which simply looks ridiculous here."

He said that at the opening of the Kiel canal, when the Kaiser passed through the line of warships, the chaplain on the American ship was ordered below because of his grotesque appearance.

John J. Valentine's Successor.

New York, Dec. 31.—It is announced, says the Herald, that a successor to the late President Valentine, of the Wells-Fargo Express company, has been selected in Dudley Evans, at present general manager of the company with headquarters in New York.

Mr. Evans will not move his present quarters to San Francisco where the main offices of the Wells-Fargo company have been located, but it is believed here that at the next meeting of the directors, action will be taken looking to the establishment of the headquarters of the company in this city.

John J. Valentine's Will.

Oakland, Cal., Dec. 31.—The will of John J. Valentine, late president of Wells, Fargo and Company, who died on Dec. 21, leaving an estate valued at upward of \$400,000, has been presented for probate by the Union Trust company, which is named as executor. The will leaves the bulk of the estate to the widow, Mrs. Alice B. M. Valentine and seven children. Four children by a former wife have interests in life insurance policies aggregating \$27,000. The Union Trust company was granted special letters of administration, pending the probate of the will, which provides that the bequests left to all of the children shall be held and managed by that company until the youngest child attains his majority.

Killed by Mexican Wood Choppers.

Bisbee, Ariz., Dec. 31.—News has reached here of the killing of George Ashton and Cab. Benningfield, well known cattlemen, by Mexican wood choppers in the Huachuca mountains. The trouble grew out of Benningfield's effort to remonstrate with the Mexicans who were shooting holes in his tent. The Mexicans escaped to the border line pursued by the dead cattlemen's friends.

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There are no new tickets on sale goods. Every Suit, Overcoat or Pants is marked exactly as throughout the season. By reference to the following lists you can determine the sale price for yourself, as all goods are marked in plain figures. Look over these lists, by which our stock is to be cleared and profits kept in your pockets.

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The following reductions apply to every Winter suit in the House including all the popular cuts of the season:	The entire stock of Men's Overcoats, recently replenished with half dozen bright new lots. As fine variety as ever shown in Salt Lake. Yoke Coats in very newest shades and Fabrics at a dozen different prices, besides an unlimited variety of other cuts. All reduced to get-em-out-quick prices.	If your suit pants are beginning to wear out. There's a fine lot here that would go well with any kind of a Coat and Vest, and prices are so small that you can easily afford them.	Our stock of most stylish cuts for young men from 15 to 20 years of age, to go at, or near, their wholesale cost. A little money will do much in the department.	If ever a display of High Art Clothes of the highest grade, was shown in this city, it is here this season, and think of it! Now you can make your selection from these fine qualities at the prices of ordinary kinds. There are suitable styles for boys anywhere from 2 to 16 years.	Though limited in number are not lacking in style or quality. Some of the swiftest coats we have ever seen are still here for the early comers to this sale.
Any \$30.00 Suit for\$22.00 Any \$27.00 Suit for\$19.50 Any \$25.00 Suit for\$18.25 Any \$23.00 Suit for\$16.50 Any \$20.00 Suit for\$14.50 Any \$18.00 Suit for\$12.50 Any \$16.00 Suit for\$11.00 Any \$14.00 Suit for\$9.75 Any \$12.00 Suit for\$8.65 Any \$10.00 Suit for\$7.00 Any \$7.50 Suit for\$5.25	\$40.00 Overcoats go at\$30.00 \$35.00 Overcoats go at\$26.00 \$30.00 Overcoats go at\$22.00 Regular \$25.00 Overcoats go at\$18.25 \$22.50 Overcoats go at\$16.50 \$20.00 Overcoats go at\$14.50 \$18.00 Overcoats go at\$12.50 \$16.00 Overcoats go at\$11.00 \$14.00 Overcoats go at\$9.75 \$12.00 Overcoats go at\$8.65 \$10.00 Overcoats go at\$7.00 \$7.50 Overcoats go at\$5.25	Regular \$9.00 Pants at\$6.00 Regular \$8.00 Pants at\$5.50 Regular \$7.00 Pants at\$5.00 Regular \$6.50 Pants at\$4.75 Regular \$6.00 Pants at\$4.50 Regular \$5.50 Pants at\$4.25 Regular \$5.00 Pants at\$4.00 Regular \$4.50 Pants at\$3.75 Regular \$4.00 Pants at\$3.50 Regular \$3.50 Pants at\$3.25 Regular \$3.00 Pants at\$2.75	Youth's \$25.00 Suits at\$17.50 Youth's \$20.00 Suits at\$14.50 Youth's \$18.00 Suits at\$13.25 Youth's \$16.00 Suits at\$12.00 Youth's \$14.00 Suits at\$10.75 Youth's \$12.00 Suits at\$8.50 Youth's \$8.00 Suits at\$5.25 Youth's \$6.00 Suits at\$3.50 Youth's \$4.00 Suits at\$2.25	All \$12.00 Suits reduced to\$8.50 All \$11.00 Suits reduced to\$7.75 All \$10.00 Suits reduced to\$7.00 All \$9.00 Suits reduced to\$6.50 All \$8.00 Suits reduced to\$5.75 All \$7.50 Suits reduced to\$5.25 All \$7.00 Suits reduced to\$4.75 All \$6.50 Suits reduced to\$4.25 All \$6.00 Suits reduced to\$3.75 All \$5.00 Suits reduced to\$3.25 All \$4.00 Suits reduced to\$2.75 All \$3.50 Suits reduced to\$2.50 All \$3.00 Suits reduced to\$2.25	Coats for Boys, 3 years or 19 years, or any age between the two. \$15.00 Overcoats, now at\$10.00 \$12.00 Overcoats, now at\$7.75 \$10.00 Overcoats, now at\$6.50 \$9.00 Overcoats, now at\$5.75 \$8.00 Overcoats, now at\$5.25 \$7.50 Overcoats, now at\$4.75 \$7.00 Overcoats, now at\$4.25 \$6.50 Overcoats, now at\$3.75 \$6.00 Overcoats, now at\$3.25

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