

the effect of which was to end and close the case.

The United States stands on the decree as affirmed. It has been given all the rights as a stockholder. It lies with the stockholders to say how they shall dissolve the corporation, and they have done so. Do they ask the court to restrain the stockholders from meeting and expressing their wish as to the distribution of this stock?"

Pleas for "Day in Court."

Mr. Guthrie addressed the court briefly on this point. He said that the distribution as proposed by the Securities company was prejudicial to their interests. The attorney general had made them practically parties to the suit. He could not now oppose the intervention in the case when their interests were manifestly endangered. When the suit was brought they were made parties and they are bound by the decree.

"The ends of justice require," said Mr. Guthrie, "that we be given one day in court to present our case. The distribution is in violation of the decree. The practical effect of such action would be to perpetuate in Messrs. Hill and Morgan and their associates the joint control of the properties."

Root Opens for Merger.

Ellihu Root then opened his argument against the petition of the intervenors. He said: "Oregon Short Line company in asking leave to file a petition as intervenor has put himself squarely in the position of a person seeking the execution of your honor's decree; having been represented as a defendant, opposing that decree until it was affirmed by the supreme court of the United States, and notwithstanding that the government, as complainant in the action, denies the occasion for the intervention."

Decree Only Negative.

They seek the return to them of the Northern Pacific stock which they held. It is difficult to discuss before the court which rendered the decree, the character and scope of that decree. But the most marked characteristic of the decree is its purely negative character of the relief afforded. After its findings of fact, the court makes a purely negative order, enjoining the Northern Pacific from purchasing or buying or voting the stock of the two railroads, and enjoining the Northern Pacific and the Great Northern from paying dividends to the Northern Securities company. This is the end and scope of the decree. So long as the defendants refrain from any of the acts enjoined, with further execution of the decree can be desired? The decree was most carefully prepared and limited to the jurisdiction of the court and the necessities of the case.

Junction Is Prohibitive.

"This court is not exercising general equity jurisdiction. You are proceeding under the authority of the act of 1890, which was in its terms prohibitive. It said 'thou shalt not,' and only 'thou shalt not.' It charged the court with the duty of enforcing the act, and gave it a special jurisdiction never before conferred, and conferred for that purpose only. The bill filed by the attorney general, asked not only for an injunction order, but for an order requiring the return of this stock to its original holders. The decree of the court refused this relief, and the transfer of the stock of the state. I do not hold that it was not competent for you to make any order that was necessary to give force to the decree, but that your honor did not consider the further order necessary. No other interference with the affairs of this corporation was necessary."

Mr. Harriman's Position.

"Now, these other parties ask leave to file their petition, that they may ask you to make another decree. I may be putting call attention to the position they occupy. Mr. Harriman was a director in the Northern Securities company from the first day of its corporate life. He has never opposed this decree. The applicant did not remain silent, but as a director in the Securities company opposed the decree. The attorney general. Now he appears and asks you to reverse your former decree, and to modify it on one of the very questions which were before the court. The careful limitations which your honor placed on the decree were of infinite satisfaction to the learned attorney general who supported the decree before the supreme court, and he is so stated in his brief.

ARMY TRIALS.

An Infantryman's Long Siege.

This soldier's tale of food is interesting. During his term of service in the Seventeenth Infantry, Cuba and the Philippines, an Ohio soldier boy contracted a disease of the stomach and bowels which all army doctors who treated him pronounced incurable, but which Grape-Nuts food cured.

"In October, 1899, when my enlistment expired, I was discharged from the army at Calulute, Philippines, and returned to the states on the first available steamer that left Manila. When I got home I was a total wreck physically and my doctor put me to bed saying he considered me the worst broken-down man of my age he ever saw, and after treating me six months he considered my case beyond medical aid.

"During the fall and winter of 1900 and '01 I was admitted to the Barnes Hospital in Washington, D. C. For treatment for chronic inflammation of the stomach and bowels. After five months returned home as bad as ever. I continued taking medicine until February, 1902, when reading a newspaper one day I read about Grape-Nuts and was so impressed I sent out for a package right away.

"The result is quickly told, for I have used Grape-Nuts continually ever since with the best results; my health is so I can do a fair day's hard work, stomach and bowels are in good condition, and I feel like a new man altogether.

decree, to come in here and presume to instruct this court as to its action. The petitioner says he is unfairly treated. He has been given all the rights as a stockholder. It lies with the stockholders to say how they shall dissolve the corporation, and they have done so. Do they ask the court to restrain the stockholders from meeting and expressing their wish as to the distribution of this stock?"

Court Asks a Question.

"Suppose," said Judge Sanborn, "that this stock was about to be transferred to another holding corporation, formed in New Jersey and that fact should be brought to the attention of this court?"

"I should not question the right of this court to make a decree in that case," said Judge Sanborn. "What distinction do you find between such action and the one complained of by the intervenors?" pursued Judge Sanborn. "There is this difference, that the transfer is to be made to individuals, who are claimed to be in a combination with the intervenors. Must we presume that Mr. Hill and Mr. Morgan are about to violate the law; that they are law-breakers?"

Will Not Hold Control.

"There is no foundation in fact for the statement that this action will vest in any particular class of holders the control of the Northern Pacific," said Judge Sanborn. "The examination of the books shows that the individuals who by any construction have been included in a group of common interest will not under this distribution acquire a majority of the stock of either road. The individuals who have been working with Mr. Hill will have 24 per cent of the Northern Pacific, and 23 per cent of the Great Northern stock, while the Oregon Short Line will secure 19 per cent of the Northern Pacific and 19 per cent of the Great Northern. While hundreds of stockholders all over the world will become owners of 34 per cent of the Northern Pacific and 7.4 per cent of the Great Northern stock. The stock will be scattered to the four winds.

Asks to Effect a Merger.

"But what does this petitioner ask? He demands that you decree into his hands the stock of the Oregon Short Line, over \$78,000,000 of the Northern Pacific stock, or a clear majority. As the Oregon Short Line, a purely negative order, enjoining the Northern Pacific from purchasing or buying or voting the stock of the two railroads, and enjoining the Northern Pacific and the Great Northern from paying dividends to the Northern Securities company. This is the end and scope of the decree. So long as the defendants refrain from any of the acts enjoined, with further execution of the decree can be desired? The decree was most carefully prepared and limited to the jurisdiction of the court and the necessities of the case.

Not Required to Return Stock.

"What the corporation proposes to do has nothing to do with your decree, except that your decree rendered it unprofitable for it to retain the property. I ask you whether you are prepared to enforce the decree and return this into an administration suit, for the purpose of winding up the affairs of this corporation? So far as it may be necessary to vindicate the established right of the intervenors, you cannot give effect to the alleged equity of this private individual without giving effect to the equity of all other individuals who are interested. You have embarked on a line of action which you so carefully avoided in your decree.

Get Special Benefit.

"They would receive special benefit from this distribution. Where did this \$1,000,000 additional come from? From the stockholders of this corporation, who bought the additional stock on which the profit was based. The profit was made by the sale of the Northern Pacific stock from the purchasers of that stock. Was it ever heard before that one of the parties to an illegal transaction should come into court and ask to be given a preference over the rest, and desire a special benefit? The thing he seeks is an illegal transaction, but would be a direct violation of the statutes and the rules of equity. If he seeks it anywhere, he should seek it in the court of the state which has jurisdiction over the corporation. It has no place here in this court."

COSTS FALL ON RAILROADS

For Merger Fight in Federal Courts—Case in District Court.

M. D. Munn, associate counsel for the state in the Northern Pacific case, has filed a bill in the federal court, asking the defendant companies will have to pay the costs of the suit while it was in the federal courts, as the decision of Judge Lochren in favor of the merger comparison was reversed by the supreme court.

TOURING CANADA

Duke of Sutherland and His Party Arrive at Winnipeg.

Special to The Journal.

Winnipeg, April 12.—The duke of Sutherland and his party arrived shortly after this morning and will depart west at 4:05 p. m. The duke's party is on the way to the Pacific coast. Special interest is attached to the trip on account of the fact that it is said the duke will be the next governor general of Canada.

SEEKING AN AGREEMENT

Des Moines, Iowa, April 12.—All differences between the Iowa miners and operators are in the hands of a special committee appointed by the joint conference to-day. Adjournment was taken until tomorrow when this committee will report.

CHINESE RESENT EXCLUSION LAWS

Minister of Celestial Empire Lays Formal Complaint Against Officials.

Washington, April 12.—Sir Chen Tung Liang Cheng, the Chinese minister, has filed a formal protest with the state department regarding the harsh manner in which it is alleged the Chinese exclusion laws operate against Chinese merchants who have business in this country and at the St. Louis fair.

Grave diplomatic complications are feared. The situation is considered delicate and serious, because of the war in the far east which embroiled all the diplomacy of the orient, and because the whole Chinese exclusion question is to come up for another solution in a period covered by the existing treaty soon will expire.

THREE DROWNED OFF POINT SABLE

Captain, Engineer and a Helper Lost on the Tug Frank Canfield.

Manistee, Mich., April 12.—The tug Frank Canfield, owned by the Canfield tug line of this city, ran aground on the far side of Point Sable and sank last night.

PEABODY SEEMS IN INSURRECTION

Colorado District Judge Orders Arrest of General Bell for Contempt.

Ouray, Col., April 12.—Complications have arisen over the miners' strike, which have resolved the matter into a conflict between the district court on the one side and Governor Peabody and the military authorities on the other.

Adjutant General Bell and Captain Bulkeley Wells refused to obey the order of Judge Stevens to bring into court Charles H. Moyer, president of the Western Federation of Miners, who is held in confinement at Telluride. The court ordered the sheriff to arrest the two officers and fine them \$500 for contempt. Judge Stevens criticized the court of Governor Peabody and the military authorities, saying that his illegal order to release him, a party to this illegal contract, and help him to get back what he put in. From such a contract no right arises. He is not an equal delinquent.

"Suppose the court should conclude to make an exception to this well-established rule, and the exceptions arise from a presumption that the parties are not equally guilty. Mr. Harriman and Mr. Pierce cannot plant themselves on this ground. They waited to take the last chance of success. They saw the stock of this corporation sold all over the world, by thousands of shares. Now they ask the court to come to their special relief.

COUP BY A CHICAGO GIRL

Special to The Journal.

Sioux City, Iowa, April 12.—Taking advantage of the absence from a funeral of the family of her uncle, whom she was visiting, Miss Juliette Kellner of Chicago went to the priest's house yesterday afternoon.

WHILE HER SIOUX CITY RELATIVES ATTENDED A FUNERAL SHE WAS QUIETLY MARRIED.

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PRaises MINN. PLATFORM

Secretary of American Protective League is Active and Confident.

From The Journal Bureau, Colorado Building, Washington.

Washington, April 12.—The names of 200,000 first voters have been gathered up by the American Protective League, most of them in Illinois, Iowa, Indiana, Minnesota and the states of the northwest bordering on Canada.

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NELSON AWAITS OFFICIAL FIGURES

Grain Inspection Without Certified Figures.

From The Journal Bureau, Colorado Building, Washington.

Washington, April 12.—Strange to say, Senator Nelson has no word from the Minneapolis grain and elevator men in response to his request that they furnish him with official data, properly certified, on which he might base a reply to Senator McCumber's speech denouncing the Minnesota system of grain inspection.

After Mr. McCumber had delivered his speech, Senator Nelson and Duluth grain and elevator men became greatly excited and sent all kinds of messages by wire and mail to the Minnesota senators, saying the McCumber speech was predicated on false statements and praying that the Minnesota senators would reply to it and set the matter straight.

MOCKS PRESIDENT ON BERLIN STAGE

A German Performer Represents Rough Rider With Daughter in Roaring Farce.

Berlin, April 12.—Stage representations of President Roosevelt and Miss Alice, the daughter of the president, in a Berlin audience last night in a roaring farce entitled "Mad Year" at the Metropolitan theater.

BELL PHONES MAY HAVE BEST SHOW

Senator Clapp's Amendment to Postoffice Bill Considered as Victory.

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Washington, April 12.—Friends of the Twin City Telephone company who have given careful consideration to Senator Clapp's telephone amendment to the postoffice appropriation bill to-day express the opinion that the Bell company has won a decisive victory.

EMPIRE STATE IS FOR ROOSEVELT

Convention Meets and Draft of Platform Contains Instructions to Delegation.

New York, April 12.—The republican state convention of New York delegates to the national convention at Chicago met to-day in Carnegie hall.

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ROCK ISLAND IS A VENERABLE PASTOR

CURED BY PE-RU-NA.

Pe-ru-na is a Catarrhal Tonic Especially Adapted to the Declining Powers of Old Age.

In old age the mucous membranes become thickened and partly lose their function. This leads to partial loss of hearing, smell and taste, as well as digestive disturbances. Peruna corrects all this by its specific operation on all the mucous membranes of the body.

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Rev. J. N. Parker.

Strong and Vigorous at the Age of Eighty-eight.

Rev. J. N. Parker, Utica, N. Y., writes: "In June, 1901, I lost my sense of hearing entirely. My hearing had been somewhat impaired for several years, but not so much affected that I could not converse with my friends; but in June, 1901, my sense of hearing left me so that I could hear no sound whatever. I was also troubled with rheumatic pains in my limbs. I commenced taking Peruna and now my hearing is restored as good as it was prior to June, 1901. My rheumatic

OXFORDS

The ladies' Oxfords that were included in the big North Star purchase, which we put at \$2 the pair, on the dollar have just been put on sale. Let us show you the excellent styles and values.

Over 2,000 pairs—in about 12 different patterns—of ladies' Oxfords, valued regularly at \$2 the pair, are being offered at special prices. About 2,500 pairs of ladies' Oxfords, regular \$1.25 and \$1.48 values, many styles, at choice..... 98c

Home Trade Shoe Store

250-252 Nicollet

POLICEMAN IS SHOT

Chicago Patrolman Captures Fugitive by Returning His Fire.

Chicago, April 12.—John Holly, one of five men who had held up and robbed two persons, has been shot and fatally wounded by Policeman Wiesen.

EXPECTS JUDGESHIP

Governor Hunt of Porto Rico Sails for New York.

San Juan, P. R., April 12.—Governor Hunt sailed to-day for New York to confer with President Roosevelt relative to Porto Rican affairs.

DR. FENNER'S Kidney Cure

All Diseases of the kidneys, bladder, and urinary organs. Also heart disease, rheumatism, backache, gravel, dropsy, female troubles.

Backache Cure

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 are FREE.

A Grand Old Soldier. Troubled With Severe Pains in His Back for 30 Years.

I have been troubled with severe pains in my back and kidneys for over 30 years caused by exposure during the Civil War.

I tried many Patent Medicines and physicians but could secure no permanent relief.

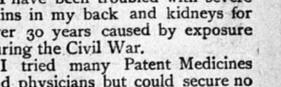
A simple bottle of Dr. Fenner's Kidney and Backache Cure was given me and it did me so much good that I finally took several of your dollar sized bottles which effected a prompt and permanent cure.

It is pleasant to take. You may refer any one to me as I shall take great pleasure in recommending it.

HENRY C. CLAYTON, 719 N. Broadway St. Louis, Mo.

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 VOGELI BROS. DRUG CO.

Two Stores, corner Hennepin and Washington, and corner 7th St and Nicollet.



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