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HUGHES ATTACKS ACTS OF SCIENCE CHURCH BOARD

Had No Right to Remove Lamont Rowlands, He Tells Supreme Court.

CITES FIRST MANUAL

Discusses 'First Members' and 'Directors' Under Eddy Trust.

RECALLS EARLY RECORDS

Charges Directors Arrogated Despotic Powers to Themselves.

Special Despatch to THE NEW YORK HERALD, Boston, Nov. 30.—Charles E. Hughes, counsel for the trustees of the Christian Science Publishing Company, declared to-day before the full bench of the Supreme Court that the vote to remove Lamont Rowlands as a member of the board of trustees was illegal. The removal was also illegal, he said, because Rowlands had not failed to fulfill his duties.

Mr. Hughes was followed by Edwin A. Krauthoff, who appeared in support of his own phase of the Christian Science controversy; Attorney-General Allen, speaking for Massachusetts, and Charles F. Choate, Jr., who is assisting Attorney-General Allen. Soon after Mr. Choate began his address the court adjourned until to-morrow morning.

Mr. Hughes attacked the proceeding brought by Gen. Allen, saying his bill had no standing. The bill, he said, was predicated on a trust that has no existence.

Mr. Hughes opened by stating that at adjournment yesterday afternoon he was discussing the term "first members." "I had referred," he said, "to the First Church of Christ Scientist and to the Church of Christ Scientist and to the Church of the organization, as a result of the meeting of September 3, 1892, when a group of Christian Scientists organized the Christian Science Publishing Company. This organization then elected others as first members, provided for the election of officers and did elect officers. In the exhibits you will find the record of October 6, 1892, which shows the next meeting and that from then for several years the organization continued as there effected. The church, as the master finds, was never incorporated. The rules continued in effect until 1895, the officers being elected annually."

Quotes Church Manual.

Mr. Hughes said he had the First Church Manual, adopted in 1895, and called the attention of the court to it. "There is a practice," he said, "bearing the caption 'The Formation of the Church.' This manual states that on September 23, 1892, by the advice of Mark Baker G. Eddy, twelve students met and formed a Christian Science Church, and twenty others were elected members, who, with the original twelve members, were to be known as first members. This First Church manual, adopted in December, 1895, set forth certain rules."

Mr. Hughes referred to certain articles in that manual which showed it provided for regular meetings, held the first Tuesday of October each year, to listen to reports. He referred to one paragraph stating that "only first members are required to vote on admitting candidates" and another saying "candidates are admitted by a majority of votes of first members."

Mr. Hughes then called attention to

page 25 of the record, saying: "You will note that the trustees are to receive a certain salary, of such sum as the said church shall determine from time to time."

"There cannot be the slightest doubt," he continued, "as to who constitutes the church. The master found that this referred to the 'first members' of the church. They were to care for matters of the church in contradistinction to trustees. Up to 1895 the church officers, the treasurer, clerk and secretary were chosen by the First Church."

Directors Elected Officers.

Mr. Hughes declared that by the laws of 1895 it is provided that the officers of the church shall be elected by the board of directors, and from them the directors elected officers. The first members attended to the other business of the church. The last annual counsel went on, preceding the trust of January 25, 1898, which started the Christian Science Publishing Society, discloses the rules and by-laws such as existed at the time of the trust. By that manual the regular meeting of the first members was held semi-annually, beginning in July, 1897.

Mr. Hughes then read from the record, page 37, section 1: "The first members of the church shall vote on admitting candidates and attend to the business of the church. If there are less members than forty, the members shall retain this number and the majority of all the first members elect a first member, and he has then the same power as the others. His election shall be repeated except by the unanimous vote of the first members."

Mr. Hughes then brought out if a member of the church is twice notified of excommunication the manual shows he could not be received again except by the unanimous vote of the first members.

Discusses Directors.

After finishing his discussion of the term "first members" Mr. Hughes turned his attention to the directors of the church. "With respect to directors," he said, "relative to vacancies as of the trust of 1895, the first members, with the directors, it is shown in the manual, shall have the power to fill vacancies. 'Now what is meant by the directors?' The church had not elected directors. They never filled any vacancies, were in no sense church officers. The powers, the duties and responsibilities were solely cared for by the trustees appointed by Mrs. Eddy as of September 1, 1892. This was a self-perpetuating board of trustees defined by the deed of September 1, 1892."

Coming to the removal of Rowlands, Mr. Hughes said there are considerable number of statements in regard to the justification for his removal. The board of trustees of 1892, he argued, had no right to add a fifth member to the board and thus create a majority of three. He brought out that Rowlands' removal was not ordered by a majority vote of the board of 1892 nor a majority vote of any board succeeding that board.

Discussing the removal of Dittmore Mr. Hughes said he was a "dead director," who originally did not vote. He added that only two of the original trustees voted, "therefore we may say the vote was illegal."

"In conclusion," said Mr. Hughes, "as to harmony, there are two conceptions of harmony. One of despotic power and the other of unity of ideas of religious truths. We say it is unjust to Mrs. Eddy and contrary to her teachings to say she relied on the despotic power for the furtherance of her religious teachings, which these directors have arrogated to themselves."

MAN CRUSHED UNDER BOILER.

A boiler toppled from its stays at the Kewanee Boiler Company, 813 East 141st street, yesterday, crushing beneath it William Barber, 28 years old, of 2838 Decatur avenue, The Bronx. The body was recovered by other workmen who lifted the boiler.

U.S. IN COURT ASKS STOCK YARD SALES TO CURB PACKERS

All Proposals of Big Firms Rejected in Plea for Trustees.

HEARING IS SET DEC. 14

Prince Co. Holding Plan Intimated as Retaining Packers' Influence.

SHIPPERS HAVE NO SAY

Federal Trade Commission's Brief Is Filed, With Action in Washington.

WASHINGTON, Nov. 30.—The Government to-day petitioned the District Supreme Court to appoint a trustee or trustees to take possession of and sell the stock yards properties of the "Big Five" packers. It was asked by the Government also that the trustee or trustees receive power to take possession of all stocks, bonds and other securities owned by the defendant packers representing their interests in stock yards properties and that these properties be sold in such manner as the court may direct after due notice to the defendants. The petition is made returnable on December 14.

The petition, which accompanied the Government's objection to the various proposals of the packers for disposing of those properties, declared that the packers had failed to present a suitable plan to the court, although nine months had elapsed since they undertook the task.

By its petition the Government has an affirmative stand on the question of disposing of the packers' stock yards interests, according to counsel for the Department of Justice. It was explained that heretofore the Government had merely objected to plans offered by the packers without suggesting a method for divesting the properties as required under the consent decree in the packer cases.

The Government petition said that on December 14 counsel would move "that a decree be entered appointing some suitable person or persons as trustee or trustees to take possession of and hold, subject to the order of the court, all stocks, bonds or other securities owned by any of the defendants representing ownership of or interest in any public stock yard market company in the United States, or in any stock yard terminal railroad in the United States, or in any stock yard market newspaper or stock yard market journal published in

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the United States, and that said trustee or trustees, under such regulations as the court may prescribe, be directed forthwith to proceed to sell and dispose of such interests in such a manner as the court may direct, suitable provision being made in said decree for notice to the defendants and opportunity to be heard before any sale by the trustees shall be confirmed by the court.

The period allowed for the Government to file objections to the various new or revised plans presented to the court by the various packers elapsed to-day. Formal protest was made against the joint proposal of the Armour and Swift companies for a holding company for the stock yards properties to be organized by B. E. Prince & Co. of Boston. The Government objected also to the separate plan presented by the Morris company, but obtained a week's extension to file its views as to the Cadamy company's plan, the last to be presented to the court.

Opposition to the Prince holding company scheme was based on the contention that it would prevent operation of the properties under separate interests, such as

as stock raisers and feeders. In connection with the proposal that the packers get first and second preferred stock in the holding company, the Government pointed out also that the decree prohibited any of the corporations from holding stock in a holding company. Further objection was made because the plan contained no provision for ultimate disposition by the packers of this preferred holding company stock, and because the amount of stock to be issued was far in excess of the value of securities to be transferred.

The packers, according to the plan, would participate in the syndicate to the extent of two-thirds, which the Government contended gave them control, and finally the Government argued that the plan was probably in violation of the Sherman anti-trust law.

CHICAGO, Nov. 30.—Chicago packers, when informed of the Government's move, refused to comment on the situation, demanding a fuller explanation. "We don't understand it ourselves," they

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There are many distinctive novelties among them—all of them chic; and almost as many colors and color combinations as well as a number of striking effects in metal.

There are many ways, too, in which the new veils may be worn. There is, for example, La Spinelly—a veil which may be worn either as an accessory to the hat or as an evening coiffure-wrap, without a hat. In any case it is very smart, very effective, and has a coquettishness that is all its own.

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