THE ST. LOUIS REPUBLIC.

WORLD'S—1903—FAIR.

NINETY-FOURTH YEAR. ST. LOUIS, MO., FRIDAY, DECEMBER 27, 1901. PRICE { In St. Louis Once Cent. On Trains, Three Cents. Outside St. Louis, Two Cents.

IF THE DELEGATION SHOULD GO.

TAYLOR ADMITS HAVING ISSUED TOXIC SERUM.

Tells the Tetanus Court of Inquiry That He Prepared and Gave Out About Eighteen Vials Early in October—Doctor Ravold Reiterates His Assertion That the Serum Was Destroyed October 11.

WIDE INVESTIGATION MAY ENSUE FROM COURT'S FINDINGS.

Before the tetanus Court of Inquiry yesterday Henry R. Taylor, janitor for the chemical and bacteriological divisions of the Health Department, admitted under oath that he issued for public use the toxic antidiphtheritic serum which caused the recent deaths of thirteen children from tetanus. He distributed the vials, properly labeled, he stated, because the supply of diphtheria antitoxin had become exhausted early in October, and he did not believe that the serum was "bad enough to kill children."

Taylor is a negro. He has held city positions for many years. In addition to his duties as janitor he acted as assistant to Consulting City Bacteriologist Amand Ravold. It was his duty to filter the tricresoled serum, to transfer it from the flasks into the vials, to label the vials with dated antitoxin labels and to assist in the antitoxin tests on guinea pigs. More or less in the capacity of an assistant, he had charge of the antitoxin when it was in flasks and after it had been poured into the vials for distribution to physicians.

Members of the court have, ever since the investigation began, anticipated that Taylor would ultimately change his original testimony. Nevertheless, the admission was only drawn from him yesterday after four hours' cross-examination. This was his third appearance on the witness stand before the Court of Inquiry.

For two hours Taylor was closeted yesterday afternoon with Chief of Detectives Desmond, by order of Mayor Wells. At the close of the interview, Chief Desmond informed Mayor Wells by telephone that Taylor had decided to modify his former testimony. Chief Desmond accompanied the janitor to the Mayor's private office in the City Hall, where the court had just convened. Taylor was placed on the witness stand, with the Chief of Detectives at his side.

After an hour Mr. Desmond departed. Taylor then became confused and during the next hour gave conflicting testimony. At length Mayor Wells calmed the witness and advised him to give a distinct, true, connected relation of facts appertaining to the toxic serum. "I'll tell you the whole truth," the witness answered, evidently recovering his equilibrium.

"Now, Mr. Taylor," Mayor Wells said, "you've made conflicting statements, placing yourself in a bad light with this commission and with the public. This is a very serious proposition which we have under investigation. What this court wants is the plain, unadulterated truth, and we're going to get it.

"Taking everything into consideration—the statement made to the court and your standing in your community—I ask you to tell us the facts as they are."

Taylor: "The serum of September 30 was not destroyed on October 11, and that serum of September 30 did go out. A few bottles of that did go out. That's the truth of the whole matter."

A hush fell upon the court when the witness made this admission, and the commissioners drew their chairs closer to the big oak table and riveted their eyes on Taylor. Mayor Wells, in order to make the witness feel at ease, addressed him in a low, gentle tone of voice, which made the climax the more impressive.

Mayor Wells: "Mr. Taylor, was that serum ever destroyed?"

Taylor: "The serum of September 30 was destroyed, but at what time I don't know. I'm going to tell you the truth about the whole matter. It was destroyed about the time the news about the deaths got out."

Mayor Wells: "What were your reasons for giving such conflicting testimony?"

Taylor: "I have several reasons. One was that I thought the antitoxin was not bad enough to kill children."

Mayor Wells: "You were with Chief Desmond to-day? You told him that you had decided to change your former statement as to the date when the serum was destroyed?"

Taylor: "He sent for me to-day and he told me to tell the whole truth."

Mayor Wells: "Haven't you been trying to protect somebody?"

Taylor: "I have been trying to protect somebody. I've been trying to protect the whole office."

Mayor Wells: "Did any one but you and Doctor Revold see the serum destroyed?"

Taylor: "I don't know whether anybody but Doctor Ravold and I knew about it; I don't think anybody else witnessed it."

Mayor Wells: "Do you say, under your solemn oath, that the serum was not destroyed until after the trouble began?"

Taylor: "Yes."

Mayor Wells: "Tell us about the Septem-

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LEADING TOPICS —IN— TO-DAY'S REPUBLIC.

THE SUN RISES THIS MORNING AT 7:18 AND SETS THIS EVENING AT 4:45.

WEATHER INDICATIONS.

For St. Louis and Vicinity—Continued fair weather; stationary temperature.

For Missouri—Fair Friday; Saturday cloudy and unsettled.

For Illinois, Arkansas and Eastern Texas—Fair Friday; Saturday increasing cloudiness.

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1. Taylor Admits Having Issued Toxic Serum.
   City Has Right to Repeal Franchises.
2. Shaw Pleases Party Leaders.
   Commission Fails to Sustain Maclay.
3. Expert Will Solve Terminal Problem.
   Will Publish Protocol To-Day.
   Strong Expedition Against Venezuela.
4. General Sporting News.
   Chicago Boxers Arrive To-Day.
   "Pop" Anson Takes Issue With Spalding.
5. Death of Father Koenig in East St. Louis.
   Railway News.
6. Editorial.
   Society News.
   Will See Missouri Launched.
7. Filley Again in Control.
   More Effective Work in Campaigns.
   Applications for Grenner's Place.
8. Republic "Want" Advertisements.
   Birth, Marriage and Death Records.
   Real Estate Transfers.
9. Rooms for Rent and Real Estate Advertisements.
   Weather Bulletin.
10. Summary of the St. Louis Markets.
    Wheat Strong on Bullish Reports.
    Trading Listless in Local Securities.
11. Wall Street Bears Forced to Retreat.
    River Telegrams.
    Illinois Teachers in Annual Session.
12. Crushed to Death by Elevator.
    Reproduced Battle of Trenton.
    Storm Out of Clear Sky.

BRIGHT FUTURE FOR SOUTH PREDICTED.

Coal Expert for Manufacturers' Record Offers New Shibboleth "Southward, Ho."

WONDERFUL PROGRESS NOTED.

Development of Mineral Resources, With Coal in the Lead, Shows That to Go South Means Wealth to Those Willing to Wage Fair Fight.

REPUBLIC SPECIAL.

Baltimore, Dec. 26.—One of the best evidences of the industrial progress of the South is the development of its fuel resources, with coal in the lead. A review of the Southern coal mining during the year by Mr. F. E. Seward, the coal authority, published in this week's issue of the Manufacturers' Record, and touching the vital points of the industry during the past ten years, therefore, may be taken as a fair index of the South's material advance. Mr. Seward says:

"Probably no portion of this country has attracted such wide attention and investment of outside capital during the year now closing as has that section south of the Pennsylvania line and east of the Ohio and Rio Grande Rivers. The development there of mineral resources has been large, while the prospect is beyond the bounds of any imagination, and only one who has kept in touch with the trade conditions from year to year and month to month is really able to form a just estimate of what has been done during the past season actually or in the way of preparation for the future.

"To go West was the shibboleth a few years ago, but to go South means wealth to those willing to wage a fair fight.

"No State in the Union is more favored in the extent and diversity of its mineral deposits than West Virginia. Her coal embraces all grades of bituminous, steam, coking and gas coals of the highest qualities. After West Virginia, the greatest coal State of the South is Alabama. The output in 1899 was only 7,600,000 tons. In 1900 it had grown to 8,400,000 tons, and the mine inspector's estimate for 1901 is 10,000,000 tons.

"Arkansas is coming up as a coal producer. For the year 1899 it was credited with but 279,584 net tons, and for 1900 it has 1,447,945 tons to its credit."

Mr. Ward gives a glance at the product of North Carolina and Georgia and to the growth of the coal output in twelve counties of Texas, and says:

"The discovery of oil in this State may have some effect on the coal production, and, therefore, it is not likely to show any great increase for 1901 over and above that of 1900. At the same time it is well to know that the use of oil in California as fuel has not tended to decrease the use of coal. Does not the one industry stimulate others? In the end there will be so great an industrial development in Texas that all fuels may find use."

HAND-TO-HAND FIGHT IN GORGE

Americans Win Desperate Encounter With Band of Filipinos.

Washington, Dec. 26.—The War Department to-day is advised by General Chaffee, at Manila, that Company F, Twenty-first Infantry, had a desperate hand-to-hand encounter in a gorge six miles south of San Jose, Batangas, December 22.

Twenty-two of the enemy were killed. Patrick A. Connelly received an ugly bolo wound in the left cheek; Private Carney received six bolo cuts in the neck and shoulders.

CHAMP CLARK AT CANTON.

Senatorial Candidate Welcomed by a Large Audience.

REPUBLIC SPECIAL.

Canton, Mo., Dec. 26.—Champ Clark, candidate for United States Senator, spoke in the Courthouse to-night before a large audience.

NO REAL DANGER OF CORONATION JUNKET.

Congressmen Quickly Realize Inappropriateness of the Suggestion of One.

CULLOM ENTERS A DISCLAIMER.

Says He Would Neither Advance Nor Support a Proposition to Appoint a Committee to Visit England.

REPUBLIC SPECIAL.

Washington, Dec. 26.—If congressional representation at the coronation of King Edward was ever seriously contemplated, it stands no chance of success now. It has been laughed down. The Duke of Norfolk can dismiss his fears. The appearance of a dozen junketing American statesmen ringing the palace door bell and offering to assist in adjusting the crown will not add to the ceremonies and, incidentally, to the gayety of nations.

It now develops that the idea was first suggested by some wild member of the House who had never known a King, an ocean voyage or a junket. Other Representatives, who were members of the Committee on Foreign Affairs, and who had known something of junkets in the past, took up the suggestion seriously, and for a time dreamed of participation in the British exercises.

Senators Say It's Ridiculous.

When the news reached the Senate wing it was talked over informally by a few of the older members, and then it began to dawn on them that it was ridiculous; and to-day they have taken the view that the idea is absurd.

Senator Cullom, chairman of the Committee on Foreign Relations, said that he could not understand how the report got to London that he was to introduce a bill providing for such representation. It had not been formally suggested by any member of his committee, and certainly it was not his intention to propose or favor any such legislation.

"It is the custom in such cases," said the Senator, "for the President to select some distinguished army and navy officers to represent the Government besides the Ambassador to the nation where the ceremonies are to take place. Of course, he may also choose some prominent man for some similar service, but the idea of a committee being selected to represent Congress at the King's coronation is absurd. It will not be done."

Senator Morgan's View.

Senator Morgan said this evening that he did not know that the proposition had been seriously discussed. It was a most unusual proceeding, not to say ridiculous.

"Representatives at a ceremony like a coronation," he said, "are always subject to the selection of the head of the Government, and are supposed to be his personal representatives. I know of no reason why there should be any departure from the custom now. The idea that Congress is to send over a junketing committee to be present at the coronation of King Edward cannot be taken seriously."

ISSUE OF SOUVENIR COINS.

No Proposition From the St. Louis World's Fair Has Been Received.

REPUBLIC SPECIAL.

Washington, Dec. 26.—The report that the Louisiana Purchase Exposition has presented a proposition to the Government for an issue of souvenir coins has no foundation. So far no such overture has been received in Washington. Of course, if the St. Louis enterprise should decide upon making the suggestion there is abundant precedent to induce a graceful co-operation on the part of the Government.

The country is familiar with the $2,500,000 in half-dollars issued in behalf of the Chicago exposition of 1893. There is a still more recent precedent. In March, 1899, Congress appropriated $50,000 to the Lafayette Monument Fund, and authorized the Secretary of the Treasury to purchase silver bullion and coin souvenir dollars of legal tender quality to the amount of the appropriation.

The Louisiana Purchase Exposition would be only following a well-established custom if it should ask and obtain the Government's co-operation in this form, but as yet it is certain that no such proposition has been received here.

SUCCESSFUL ATTACK BY DE WET

Kitchener Fears Heavy Casualties to Colonel Firman's Forces.

London, Dec. 26.—The following dispatch has been received from Lord Kitchener, dated Johannesburg:

"General Rundle reports that on the night of December 24 Colonel Firman's camp at Zeefontein, consisting of three companies of yeomanry and two guns, was successfully rushed by a strong commando under De Wet. It is feared that the casualties were heavy. Two regiments of light horse are pursuing the Boers."

ANOTHER PHILIPPINE SUICIDE.

Lieutenant Odus Reeder Shot Himself "While Temporarily Insane."

Washington, Dec. 26.—The War Department is in receipt of a cablegram from General Chaffee, Manila, reporting that Odus Reeder, Second Lieutenant Philippine scouts, committed suicide on the morning of December 23, by shooting himself with a carbine on board the Lawton. He was suffering from temporary insanity due to illness.

Lieutenant Reeder was a native of Beverly, W. Va.

DYNAMITE USED BY VANDALS.

Explosive Trown in Front of Chinese Laundry—Town Shaken.

REPUBLIC SPECIAL.

Harrisburg, Ill., Dec. 26.—About midnight last night some unknown parties threw a stick of dynamite in front of a store building occupied by a Chinese laundry. The explosion shattered the glass in the front of the buildings for nearly a block and a number of buildings several hundred feet across the square were injured. No arrests have yet been made.

PONTIFICAL MISSION WILL GO.

Expects to Attend the Coronation of King Edward of England.

Rome, Dec. 26.—It has been decided to send a pontifical mission to the coronation of King Edward. This mission will be organized on lines similar to the one which attended the Victorian jubilee. The head of the mission has not yet been chosen.

TWO MEN MEET INSTANT DEATH, AFTER JUMPING FROM AUTO CAR, UNDER SWITCH ENGINE'S WHEELS.

Chief Engineer Taylor of Terminal Association and W. T. Kent of Louisville the Victim.

COMPANIONS ESCAPE INJURY.

Party Had Been Inspecting the Belt Line and Were Homeward Bound When the Accident Occurred.

INSTANTLY KILLED.

John W. Taylor, chief engineer of the Terminal Railroad Association and St. Louis Merchants' Bridge Terminal Railroad.

William Austin Kent of Louisville, Ky., agent for the American Credit Indemnity Company.

THOSE WHO ESCAPED.

Barney Frauenthal, chief of the Bureau of Information at Union Station.

Mark Ewing, attorney for the Terminal Railroad Association.

Doctor Ben Schwab of Ironton, Mo.

John Schwab of Ironton, Mo.

John W. Taylor, chief engineer of the Terminal Railroad Association, and William Austin Kent, member of a prominent Kentucky family, whose home is in Louisville, Ky., were ground to death beneath the wheels of a Wabash switch engine at Second and May streets in North St. Louis yesterday afternoon at 4 o'clock after jumping, panic-stricken, from a swiftly moving gasoline motor car, which threatened to collide with the switch engine at the May street crossing.

The car, which was running upon the Terminal Railroad tracks, whizzed across the Wabash tracks, clearing the engine in safety. But of the six occupants of the car, three thought a collision inevitable and jumped. Taylor and Kent, overbalanced because of the speed at which the car was going, pitched forward and fell upon the Wabash track, directly in front of the tender of the engine, which ran over them.

Mark Ewing, attorney for the Terminal Association, the third man who ventured to jump from the car, alighted on the side opposite the oncoming engine, and recovered his equilibrium before reaching the rails. Barney Frauenthal, John Schwab and his brother, Doctor Ben Schwab, brother-in-law of Frauenthal, remained on the car, and escaped without injury.

VICTIMS HAD BEEN ON INSPECTING TOUR.

The party, which left Union Station at noon, had been inspecting the new belt line in course of construction by the Terminal Railroad, and was returning home about 4 p. m. The car, which is operated like an automobile, was allowed to run at full speed.

Just west of the Wabash crossing the Terminal track curves between two large factories. Along this stretch of track Barney Frauenthal had the guidance of the car, under the supervision of Mr. Taylor. No regular Wabash trains were due at this time. There was little thought of danger, but as the curve was rounded and the Wabash crossing could be seen, 100 feet in front, an engine's puffing could be heard. An instant later the switch engine, southbound, and running backward, appeared. At that time the engine was within probably seventy-five feet of the crossing, with the car a little nearer. Frauenthal judged that the car could clear the crossing before the engine. He thought that to reverse the motor would cause certain collision, and he decided to make a dash for it.

RACE WITH ENGINE TO AVOID COLLISION.

None of the survivors can tell just how narrowly a collision was averted. The next remembrance of Frauenthal is of bringing the car to a stop about seventy-five feet east of the crossing. The body of Kent was lying bleeding and mangled upon the Wabash tracks. No trace of Taylor could be seen, but Mark Ewing, who had fallen close to the rails, saw the wheels of the tender and engine pass over the chief engineer's body.

The switching crew brought the engine to a stop 100 feet south. Ewing, followed by Frauenthal, ran to the engine and found Taylor's body, which had been caught up and dragged by the firebox.

BODIES FOUND UNDER ENGINE FIREBOX.

Assisted by the trainmen and others who gathered, as the news of the accident spread, the remaining four of the party picked up the bodies of their two friends and carried them to the Grand avenue Wabash station, where they were allowed to remain until an ambulance arrived.

A city ambulance, called from the North End Dispensary, was the first to arrive, but the driver refused to take charge of the bodies, saying that it was against the rule of the Health Department to carry a body in an ambulance. An Eberle & Keyes undertaking wagon was sent for, and conveyed the bodies to the undertaking rooms of the firm.

Chief Engineer Taylor was accustomed frequently to take motor-car trips such as yesterday. The car was obtained for the purpose, and has been in use for six months. It was found very useful as a timesaver in making inspection trips over the tracks of the company. Yesterday the trip was primarily one of inspection, though Taylor invited the others to accompany him for an outing. The route was over the new belt line to its present terminus at Marcus and Warren avenues, the extreme northwestern city limits.

NARROW ESCAPE OF THE FOUR SURVIVORS.

The car is arranged with two seats for passengers. The front one is narrower than the rear, and only Frauenthal and Taylor, of the six persons, occupied it when the accident occurred. In the rear seat, Ewing and Kent were on the outside. Taylor and Kent were on the north side of the car, and, in jumping, were nearest the switch engine.

The engine was No. 33, in charge of Engineer Emil Froeble, of No. 7835 North Broadway, and Fireman Frank J. Schlueter of No. 2549 North Market street. Tilton Cockrell of No. 3212 North Broadway was foreman of the switching crew, and was on board the engine. Engine No. 33 is daily engaged in switching on this part of the Wabash tracks in North St. Louis. Yesterday it started from Baden without cars. Its destination was St. Louis avenue, where a "drag," or train of empty cars, was waiting to be taken to Baden. A time schedule is arranged for all such engines, which accounts for all regular trains at crossings. But as the motor car was running on a special schedule, the crew of the switch engine could have no knowledge of its approach.

FRAUENTHAL RELATES HOW THE ACCIDENT OCCURRED.

Frauenthal and Mark Ewing were seen last night at Union Station. Frauenthal, speaking of the accident, said:

"I was operating the motor. I have done so on a number of similar trips under the supervision of Taylor. I think the engine must have been between 75 and 100 feet away from the crossing when I saw it. We were between fifty and seventy-five feet away, I should judge. I made up my mind that we had time to make it. I feared that to slow up would surely cause a collision. So I went ahead. Taylor and Kent jumped, though I remember urging Taylor to remain in the car. The car crossed in front of the engine without touching. It was not derailed, and I was able to stop it about seventy-five feet east. Had everybody remained on the car they would have been all right."

TAYLOR AND KENT WERE WELL KNOWN.

Taylor lived at the Monticello Hotel, at King's highway and West Pine boulevard. He was married, but had no children.

Kent has been in St. Louis but a month. He was connected with the American Credit Indemnity Company, of which J. P. Phelan is the general manager. Taylor and he were friends, but he was especially well acquainted with Ewing. Calling upon the latter yesterday in his office at Union Station, he was invited to go upon the motor trip, and accepted, thinking the experience would be an enjoyable one.

Taylor had served as chief engineer of the Terminal Association since June 1, 1900. Previous to that time he was connected with the company for eight years. January 1, 1892, he was appointed assistant engineer of the company. Later he occupied the positions of resident engineer and engineer maintenance of way, until appointed to the highest post in the gift of the company's engineering department. He was born December 9, 1866, in Decatur, Ill., and was graduated from the University of Illinois. He entered the railway service in 1886. From June of that year until September, 1887, he was chairman and draftsman for the St. Louis and Chicago Railroad.

In 1888 he entered the employ of the St. Louis, Alton and Terre Haute Railroad as assistant engineer. In 1889 he left railroad work temporarily and opened an architect's office in Knoxville, Tenn., where he remained until he accepted the post of assistant engineer, offered by the Terminal Company.

He was married twelve years ago at Champaign, Ill. His father-in-law, W. F. Swannel, of the Swannel Drug Company in that city, was notified of the accident by telegram last night. Mr. Swannel is expected to arrive in this city to-day.

KENT COMES OF PROMINENT FAMILY

REPUBLIC SPECIAL.

Louisville, Ky., Dec. 26.—William Austin Kent, who was killed in St. Louis to-day, was one of the best-known young men of Louisville. He was 30 years of age and a native of New Orleans, being a son of William Austin Kent of the hardware firm of Stauffer & Kent, in New Orleans, and grandson of Governor Kent of Maine. His mother is Mrs. Henry J. Tilford of Louisville. Kent was a graduate of Exeter College, Massachusetts, where he gained fame as an athlete, especially on the football field.

Ten years ago he entered the hardware business of W. B. Belknap & Co., and later was with Andrew Cowan & Co. Two months ago he removed to St. Louis and was associated with J. Percival Phelan of the American Credit Indemnity Company. His mother and sister, Miss Lillie Kent, of Louisville, are his only living relatives of close kin, though he was a nephew of Judge James S. Pirtle of Louisville.

Chief engineer of the Terminal Association, who was run over and killed by a Wabash switch-engine at Second and May streets.

RABBITS FOR ST. LOUIS POOR.

Indian Territory Citizens Begin a Two-Days' Hunt.

Citizens of Claremore, I. T., began a two days' hunt yesterday for the purpose of getting rabbits and other game for the poor people of St. Louis. The hunt will be continued to-day, and the trophies will be sent to this city as soon as possible.

T. A. Latta, editor of the Claremore Messenger, addressed a communication to Mayor Wells, asking if the game would be acceptable. Private Secretary McConkey replied in the affirmative by telegraph. In his letter Mr. Latta said the rabbits will be delivered to St. Louis free of the cost of transportation.

While the hunt is styled a "rabbit hunt," Mr. Latta said the Claremore nimrods expect to shoot a variety of game.

WIFE COMPLAINS OF CRUELTY.

Mrs. Jane Lowry Causes Arrest of Husband.

Mrs. Jane Lowry of No. 2029 Howard street was brought to the City Hospital last night in a critical condition as the result of injuries which she said she had received at the hands of her husband. The man is under arrest.

Mrs. Lowry is suffering from bruises about the body and a lacerated face. She said that Christmas Day her husband, John Lowry, a laborer, struck her in the face with a tea cup while quarreling. A warrant will be applied for this morning.

WATER FLOODED THE STORE.

Hydrant Overflows in Ellison & Tesson's Place.

The carelessness of some person caused several hundred dollars' damage to the store and fixtures of Ellison & Tesson, florists, at No. 625 Olive street, last night.

Above the store is a manicure parlor. The faucet in the wash basin was left open and the basin closed, with the result that the room was flooded. The water soaked through the floor and poured into the store below in torrents. It was discovered by the police, who broke the door of the manicure parlor and shut off the water.

"CITY HAS RIGHT TO REPEAL FRANCHISES."

City Counselor Defines the Relations Between Corporations and Municipality.

REGULATIONS MAY BE ALTERED.

Says Provisions of Ordinances Granting Franchises Are Always Open to Change for General Public's Good.

"The city of St. Louis certainly has the right to repeal any or all street railway franchises granted under the present Charter, in whole or in part," said City Counselor Benjamin Schnurmacher yesterday.

"The city's right to regulate the speed of cars and the manner of their operation in behalf of public safety is just as clearly established. In fact, it is a police power which the city could not, if it would, barter away or abrogate in any manner."

Referring to an opinion on this subject prepared for the City Council several months ago, Mr. Schnurmacher continued:

"By paragraph 2 of section 26 of article 22 the Mayor and Municipal Assembly are empowered, by ordinance, 'to grant to persons or corporations the right to construct railways in the city, subject to the right to amend, alter or repeal any such grant, in whole or in part.'

CITY OBTAINS ITS AUTHORITY FROM STATE.

"The Charter which contains this grant of power was framed and adopted by the people of the city of St. Louis pursuant to authority conferred by the Constitution of the State of Missouri. The power of the city to control the streets and public places thereof is a power derived by delegation from the sovereign State, which has the original and primary jurisdiction. The city of St. Louis, therefore, in granting special privileges or franchses for street railways, acts for the State as one of its instrumentalities; practically as the State's attorney, in fact."

Mr. Schnurmacher then cited numerous authorities to show that the city has the right to reserve the power to alter, amend or repeal a franchise.

"This reservation need not be embodied in the particular statute or ordinance creating the grant," he said. "It may be a general provision to that effect in the organic law or in the general law of the State. Thus, the clause of the charter reserving this right of repeal in legal contemplation forms a part of every ordinance undertaking to create such a grant or franchise.

"The Municipal Assembly could not, if it would, pass an ordinance granting a railway franchise free from the power to alter, amend or repeal.

CORPORATION CANNOT BE DEPRIVED OF ITS PROPERTY.

"While some courts have questioned the right of the State or its subdivisions and agencies to exercise this power, even though expressly reserved, where the rights of third persons have intervened, and have declared that such reservation could only be made available between the State and the original grantee, other courts have carried the legal proposition to its necessary logical conclusion, and have held that third parties dealing with the owner of the franchise must take notice of the limitations to which it is subject. I believe the weight of authority is to this effect.

"Nothing that I have said must be understood as meaning that by a repeal of the railway franchises granted since the adoption of the Scheme and Charter the owner thereof is deprived of anything more than the franchise itself. No action of the Municipal Assembly can deprive the corporation or its shareholders of any of its property rights beyond the mere franchise to use the streets.

MUNICIPAL ASSEMBLY'S RIGHTS ARE CLEAR.

"With regard to regulating the running of cars, the Charter says, in article 5, section 26, paragraph 11, that the Mayor and Municipal Assembly may control the street railways, 'as to fares, hours and frequency of trips and the repair of their tracks and the kind of their rails and vehicles.' Article 10, section 1, gives the Assembly power by ordinance 'to determine all questions arising with reference to street railroads in the corporate limits of the city, whether such questions may involve the construction of such street railroads, granting the right-of-way, or regulating and controlling them after their completion.' And, as if to leave no doubt whatever in reference to the power of the Assembly, section 3 of the same article declares that 'the Assembly shall have the power to regulate the time and manner of running cars.'

"Any ordinance granting a street railway franchise and also undertaking to fix the

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