

rights and property of the city of Chicago by virtue of said ordinance, fraudulently and unlawfully.

"A minority of committee on gas, oil and electricity have objected to the passage of ordinance proposed and filed a report containing their objection—that the sum of \$500,000 is wholly inadequate as a consideration for the release of said rights and property.

"Mayor William Hale Thompson and certain aldermen are conspiring and threatening to pass said proposed ordinance at the next meeting of the city council and the city of Chicago will cancel, release and remise all of the property and rights to which the said city of Chicago is entitled, unlawfully and fraudulently, unless enjoined and restrained by the order of this court."

Illinois Telephone & Telegraph Co. is owner of a great number of patents and patent rights and other property pertaining to automatic telephone system; proposed transfer to Chicago Telephone Co. "will create a monopoly and restrain competition" in violation of Sherman anti-trust law, prohibiting monopolies and contracts in restraint of trade.

The bill closes asking that a writ issue, directed to the city of Chicago as defendant, its mayor, its attorneys, agents and servants, "strictly commanding and enjoining them from enacting an ordinance cancelling, releasing and remising rights and property to which the city is now entitled by virtue of ordinances dated Feb. 20, 1899, July 15, 1903, and July 20, 1903."

"If a gang of spooks tried to sell the City Hall building for \$100, the contract of sale would be fraudulent and unlawful because of the inadequacy of the consideration," said Att'y Schwartz. "It would be a fraudulent and unlawful act for the mayor and city council to approve such a contract. In 1899 Eugene R. Pike and county commissioners were enjoined from selling county real estate

for the sum of \$51,000 because there was another bid of \$55,000."

"I can't see anything but a steal of at least \$4,000,000 back of this automatic phone ordinance," said John Fitzpatrick. "While I don't like the idea of the courts interfering with a legislative body, this ordinance is too raw. They're trying to grab off too much in one chunk."

"Dying hard, aren't they?" was Ald. Bergen's comment. He has led the aldermen who are for the ordinance.

"Of course," said Bergen, "if the court restrains us, we can't do anything. It will stop us from voting on it. But the court won't do that. Do you think so?"

"My inclinations have been against the ordinance," said Ald. Krause. "It will be interesting to see the legal points threshed out."

"I won't say anything till I have read the bill," said Dan Schuyler of the firm of Ettelson & Schuyler, who wrote the briefs for the automatic phone company.

Ralph M. Shaw, attorney for the bondholders, said he wants time to look over the bill before he talks.

The minority aldermen of the gas-oil committee, Merriam, Buck and Kearns, said they welcome a court test for the phone ordinance. Their contention has been that the city is losing at least \$4,000,000 on the deal and it's so big it ought to go to a referendum.

"I am out of the telephone matter and for obvious reasons cannot discuss this," said Sam Ettelson, now corporation counsel, but formerly the chief mouthpiece for the automatic phone company before gas-oil committee.

Walter Fisher, special counsel for Mayor Thompson in the telephone deal, is in Washington.

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Washington.—American flags went to bottom of Mediterranean when the British liner Persia was sunk. They were enroute to consulates in orient,