MERGER CASE HEARD

Arguments Before United States Supreme Court.

A QUESTION OF JURISDICTION

Briefs Submitted by the Parties to the Controversy—Court Asked Questions and Took Matter Under Advisement.

WASHINGTON, Jan. 27.—In the United States Supreme Court today Attorney-General Douglas, of Minnesota, renewed his motion for leave to file a bill of complaint on behalf of the state against the Northern Securities Companies in the matter of the merger of the Northern Pacific Railroad with other railroads, saying he had given notice to the defendants as required by the court. Chief Justice Fuller announced that the argument upon this motion would be heard later in the day, as soon as the hearing in the case under consideration could be completed. When the preceding case had been completed, Attorney-General Douglas was recognized to make his argument in support of the motion for leave to file his bill of complaint. Mr. Douglas made the following points in support of the rights of the state to file an original suit in this court:

Grounds of This Suit.

The complaint bases its request for leave to file and present its bill of complaint upon section two, article III of the Constitution of the United States, which grants original jurisdiction to this court in all controversies between states and between a state and a citizen of another state, also upon Congressional enactment, relating thereto—section 687 et seq., Revised Statutes of the United States.

The right of a state to invoke the jurisdiction of this court to protect its property and individual rights and interests in an action against citizens of sister states has long been recognized. The State of Minnesota owns upward of 3,000,000 acres of land within its limits, which is near to, or in the territory, alone traversed by the two railways in question, and the state is dependent almost entirely upon these roads for the development of this land and the furnishing of transportation facilities to the same. The value of these lands and their salability will be greatly impaired by the consolidation.

The income of the state derived from taxation for the maintenance of state institutions, as well as the performance of its executive, legislative and the judicial functions, will be seriously impaired and interfered with by reason of such consolidation. The state has granted many millions of acres of land to various companies as a consideration for building and maintaining parallel and competing lines of railway within the state, many of which railway lines are now owned or controlled by either the Great Northern or Northern Pacific Railway Company. It is, therefore, submitted that the State of Minnesota is so far interested in its individual capacity in the subject-matter of this action as to entitle it to maintain the same.

The state also claims the right to maintain this action as parens patrine, or as trustee or representative of all her citizens. A very large portion, if not all, of the citizens of Minnesota will be materially injured by the consolidation of, and the removal of competition in freight and passenger rates between the lines of railway owned and operated by the two companies. We take it that this court will assume that the citizens of the state generally will suffer material injury by the removal of competition in freight and passenger rates within the state. Presumably, it was in recognition of this principle that Congress adopted the anti-trust law. It is in recognition of this same principle that all of the anti-trust laws of the various states have been adopted, and, in fact, this is the basic principle of all of the decisions holding common law monopolies invalid and against public policy. Such being the case, we contend that it is not only the right but the duty of the state to prosecute this action in behalf of the citizens of the state.

Part of State's Duty.

It is as much a part of the duty of a state, in its sovereign or governmental capacity, to secure to its citizens their common rights, as it is of the United States to use its sovereign powers in behalf of its citizens for a similar purpose. We do not assert that a state can maintain an action to enjoin all ultra vires acts or violations of law by corporations, but we do assert that wherever the state has a property or individual interest which is damaged by such act, it can maintain a suit to enjoin same; or where such act results in injury to the public or a large number of citizens of the state when the state can maintain an action to enjoin the same as parens patriae or representative of the public welfare of her citizens. And we contend that both of these conditions exist in this case, and that the State of Minnesota has a right to maintain this action in this court against the Northern Securities Company to determine that question.

The statutes of the State of Minnesota, the enforcement of which form a partial basis for the relief sought, are in no sense penal statutes; they provide no punishment for their violation. They are not only not penal, but we think form a part of the contract which gives the state the right to maintain this action both in its individual capacity as well as that of parens patriae.

The stockholders of the two railway companies whose properties and lands are sought to be consolidated have been granted the right by the State of Minnesota to be or to exist as corporations within said state and to exercise the right of eminent domain. It is a well-settled principle of law that the public statutes of a state relating to a corporation become and are a part of the charter of a corporation created in or permitted to do business in such state; that is, a part of the consideration which the state receives for granting the right to be a corporation and exercise the powers and privileges as such in the state is an agreement on the part of such corporation and its stockholders that it and they will observe the laws of the state relating to such corporation.

It must be borne in mind that in addition to the statutes prohibiting the consolidation the State of Minnesota has contributed over 30,000,000 acres of land in order to secure the construction and maintenance of some of the parallel and competing lines by either the Great Northern or Northern Pacific Railway Company. A part of the consideration which the state received for the lands granted was the implied agreement on the part of such railroad corporations and their stockholders, that these lines of railway should be maintained and operated by such corporations as parallel and competing lines.

The Law of Minnesota.

A part of the statute law of the State of Minnesota relating to railroad corporation has been for nearly 30 years that no consolidation in any manner whatever shall take place between parallel and competing lines of railway within the state; that is one of the conditions and considerations demanded by the state for the right to be a railroad corporation and to exercise the powers and privileges of such within the state by that free and open competition in both freight and passenger rates shall exist between the lines of railway operated by such corporations and the violation of these statutes is a violation of the contract rights or obligations of the corporations as well as of the stockholders thereof with the state, and, as we contend, gives the state the right to maintain an action to enjoin such violation. The enforcement of such a statute is the enforcement of a remedial statute or a statute which gives the right to the state in its individual capacity as well as in its capacity as the representative of its citizens to maintain this action in any court of competent jurisdiction.

The State of Minnesota in attempting to enforce its statutory right and remedy by means of this action is not asking this court to enforce anything contrary to the declared public policy of New Jersey or of the National Government. The declared public policy of New Jersey and the United States is against the consolidation and unification of competing lines of railway, and the removal of competition in freight and passenger rates. This policy is declared in the so-called "anti-trust law" of the United States, which has been before the court on several occasions. The right to maintain a cause of action created by statute or which arises by reason of the violation of a statute other than a strictly penal law has been recognized by this court.

The contract obligation to obey the laws of the State of Minnesota rests primarily upon the stockholders of the corporation; it is one of the conditions, which the state demands of the persons about to form a corporation; it, in effect, says to them, "if you will obey the laws of the state relating to the corporation you wish to form, the state will permit you to organize as a corporation." As held by this court, the franchise of being a corporation belongs to the stockholders. It logically follows that the obligation to obey the law is imposed in the first instance and forever after remains upon the stockholders of the corporation.

The stock of the Great Northern and Northern Pacific Railway companies, the title to which is placed in the Northern Securities Company, in the manner and for the purpose in the bill, must be deemed to be held by the last-named company as though located in and subject to all the laws of the State of Minnesota; and every power sought to be exercised by it by virtue of such stockholding must be in harmony with and not in violation of the laws of the State of Minnesota. The Northern Securities Company can exercise no power by reason of the stockholding, nor any management or control over the Great Northern and Northern Pacific Railway companies which is in violation of, or which tends to contravene the laws of the State of Minnesota.

The stockholders of a corporation, as well as a corporation itself, can perform no acts and make no contracts either within or without the state creating such corporation, except such as are authorized by its charter or some general law of the state relating to it. It follows, as a necessary corollary, that a corporation as well as its stockholders can perform no act or make any contract or agreement which violates a remedial statute of a state creating such corporation.

It will be noticed that the statute of Minnesota prohibits not only the consolidation of the property and railway lines of competing companies, but it also prohibits the consolidation of the stock of such railway companies in any way whatever. This statute is a part of the general law of the state authorizing the formation of railroad corporations, and is an obligation or limitation which enters into and forms a part of the stockholders' contract with the state, and is therefore binding upon the Northern Securities Company. This company cannot complain of an enforcement of this contract obligation or the state statutes because it claims to be a stockholder in these railroad companies. The Northern Securities Company, as declared by its articles of incorporation, was organized to purchase the stock of railway companies in the State of New Jersey or any other state in the Union, and to vote the same. From this it follows that any stock of a railway company acquired by it outside the State of New Jersey is subject to all obligations or limitations imposed upon such stock as well as the corporation issuing it.

Summary of the Situation.

The situation can thus be summarized: The holders of a large majority of the capital stock of two railroad corporations authorized to construct and maintain lines within the limits of the State of Minnesota have organized a corporation in another state for the express purpose of consolidating the railway lines and property of such companies and evading and in violation of one of the laws of the State of Minnesota, which bear directly upon and give the state and its citizens certain rights and privileges in connection with the property owned and controlled by the railroads thus sought to be consolidated. The only way in which the state can reach such an evasion of its laws and enforce its rights is to bring an action in this court against the instrument or means by which such consolidation is sought to be accomplished. If the State of Minnesota cannot avail itself of the original jurisdiction of this court to enforce its right, it cannot go into the State of New Jersey and ask the courts of that state to enforce its rights, because the same reasons urged against the jurisdiction of this court could be urged with equal force before the courts of New Jersey.

The bill discloses that this consolidation embraces about 17,000 miles of railroad, furnishing nearly all the transportation facilities available to the people of seven different states of the Union, which seven states embrace more than one-fifth of the entire area of the United States, and nearly one-twelfth of its population. While it is not a part of the duty of the State of Minnesota to enforce the rights of the citizens of any other state, and it does not seek to do so, we ask this court to turn to those facts of which it has a right to take judicial notice and it will learn that six of these seven states through which these roads pass have constitutional or statutory inhibitions similar to the one which the State of Minnesota now seeks to enforce in this action. We refer to this only for the purpose of disclosing the far-reaching effect of this tremendous consolidation.

If the State of Minnesota cannot maintain this action, we fail to see how it is possible for any state to enforce remedial statutes adopted for the protection of the interests of its citizens as well as to protect its individual rights. If what is attempted to be done here can be successfully accomplished, the states of this Union are powerless to enforce such statutes. The National Government, under its present constitutional limitation, can enact no legislation which will protect state commerce and state traffic against such a monopolistic consolidation as is referred to in this bill. The only practical way the state can protect itself is by the adoption of legislation of the character sought to be enforced in this action, and the only tribunal in which that can be enforced under the circumstances disclosed in this bill is the one to which we now appeal.

It seems to us that there is a controversy between the State of Minnesota and the defendant corporation—a citizen of the State of New Jersey—which under the constitutional provision referred to entitled the State of Minnesota to the privilege of the jurisdiction of this court; in fact, this is the only judicial tribunal in which the State of Minnesota can well assert its claim and present its controversy against the defendant.

Defendants' Side of Case.

Mr. W. D. Guthrie, for the Northern Securities Company, filed a brief with the court outlining that company's position. He contended that the bill of complaint proposed to be filed on behalf of the State of Minnesota does not present a controversy of a civil and judicial nature between a state and a citizen of another state justifiable in this court, and that no state can call upon this court to enforce its penal or police laws in other states. Hence this court is without jurisdiction.

The bill asks the court, he said, to restrain by injunction a citizen of New Jersey from doing these acts which are entirely lawful according to her laws and which are sanctioned by her statutory policy, simply because those acts violate or evade or tend to circumvent the public or penal or police laws of Minnesota, the complainant state. There is, he continued, no suggestion that the acts complained of are not entirely lawful in the State of New Jersey, or that it is not within the corporate powers of the defendant corporation as an investment company to acquire and hold the stocks of railroad companies. The sole ground of complaint is the alleged violation in New Jersey of certain enactments contained in the statutes of Minnesota. Hence he contended that the injunction prayed for would be nothing more or less than an order compelling the securities company to obey in New Jersey the laws of Minnesota.

He called attention to the fact that no relief is sought against the Great Northern Railroad Company or the Northern Pacific, although both are corporations of the State of Minnesota, and therefore within the jurisdiction of the courts of that state. This was taken, he said, as a confession that neither of these corporations had sinned against the laws or the constitution of Minnesota. He pointed out that as neither of these companies is a party to the suit, no relief could be granted against them.

Question of Jurisdiction.

Mr. Guthrie quoted many authorities in support of his contention. He said there was no Minnesota statute prohibiting co-partnerships or individuals from acquiring and holding stocks of parallel or competing railroad companies. This he considered most significant, in view of decisions by the United States Court in other cases.

"If," he said, "it be urged that the word 'managers,' contained in the act of 1874, applies to James J. Hill, William P. Clough and others, who were directors or officers of the Great Northern Company, and that they could not individually, while acting as managers, acquire the stock of a parallel or competing company, it may be said that the act of 1881 omits all reference to 'managers,' and that this subsequent act implied that they repealed the prior act which covered exactly the same subject matter. At any rate, these gentlemen and numerous others, whose names are mentioned in the bill of complaint, are not parties to this suit. Their rights cannot lie adjudicated or their acts enjoined in their absence. They were omitted because to make residents of Minnesota parties defendant would have ousted the court of jurisdiction. It would strike the court as a novel proposition that the legal right of the Northern Securities Company to acquire and hold property under the laws of New Jersey is to be tested and determined by the individual character and relations of her stockholders or directors."

Ex-Attorney-General Griggs followed, also speaking for the securities company. He said the fundamental error of the State of Minnesota in this proceeding is in making a claim to the assistance of this court in the exercise of its sovereignty. At best the command of the state could not be considered effective outside the state. The public law of one state could not be extended to another state. He never before had heard of a case in which a state had called on a Federal judiciary to support its own state laws in matters not coming under Federal jurisdiction.

Replied for Minnesota.

Concluding the argument for the State of Minnesota Mr. Munn said the law in controversy had been adopted to protect the state against the consolidation of railroad lines which had been constructed by state aid. He called attention to the fact that the act not only prohibits the consolidation of railway companies, but also railway franchises and stocks. He contended that the act was framed to provide a remedy not only to the state in its individual capacity, but also to the citizens of the state in their individual capacity as well. In fact, the act was a part of the charter contract when the railroad corporations came into the state. Consequently the State of Minnesota could enforce it at any place. He said the securities company could direct the affairs of the two railroads from New Jersey, notwithstanding the effect would be felt in Minnesota. The charge was that competition is and could be removed. Moreover, the directors of the securities company are stockholders of the Northern Pacific and the Great Northern Companies, the effect being as complete and perfect a consolidation as could be imagined. This was to be accomplished entirely outside the limits of the state, but its effect would be concentrated upon that state. He also attacked the combination as a monopoly and therefore a nuisance under the common law. He likewise controverted the idea set forth by the associate counsel that the securities company is merely an investment company.

Justice Shiras asked what the effect upon the management of the two roads would be if the injunction prayed for should be granted, and Mr. Munn replied that the control would revert to the original stockholders.

In reply to Chief Justice Fuller and Justice Harlan, he said it would be impossible to secure relief in the State Courts, as it would be impossible to get jurisdiction, the securities company having no resident representative in Minnesota. Furthermore, he assumed that the directors of the two roads would obey the dictates of the securities company as the slave would obey the commands of his master.

When Mr. Munn concluded the court took the application under advisement.

Supreme Court to Take Recess.

WASHINGTON, Jan. 27.—Chief Justice Fuller today announced that the United States Supreme Court would take a recess from next Monday until Monday, February 24.

Chinese Cases Advanced.

WASHINGTON, Jan. 27.—The United States Supreme Court today granted the motions of the Solicitor-General to advance on the docket the five Chinese cases recently brought to the court, involving the validity of the Chinese exclusion act. The hearing in the cases was set for the first Monday in March.

BIRTHDAY OF EMPEROR

WILLIAM SIGNALIZES HIS FORTY-THIRD ANNIVERSARY.

Confers Titles on Regiments Which Hitherto Have Borne No Distinction Nor Names.

BERLIN, Jan. 27.—Emperor William signalized his 43rd birthday today by conferring territorial titles on all the regiments which hitherto have borne no distinctions nor names. In an army order on the subject His Majesty says:

"In my army are united the traditions of many German races and lands. It is my endeavor, indeed my duty, to cultivate these traditions. With us the army and the nation are one. The history of my country is bound up in the army. May the new titles keep alive the remembrance that the empire was created by the capacity of its individual members, and that it is the duty of every one belonging to the army to strive to bring honor to his race, or his home, in rivalry with others. May this thought serve as an incentive to the troops to cherish the spirit which alone in the army can bring the greatness of victory."

In the morning Emperor William and the imperial family attended divine service in the chapel of the castle. The members of the diplomatic corps and the imperial Cabinet Ministers were present. After the service Emperor William held a congratulation court in the White Hall, at which all the great dignitaries of state were present.

In the afternoon Emperor William and the Prince of Wales repaired to the armory. His Majesty was warmly cheered by large crowds along the route. Later in the day Emperor William drove in an open carriage through Unter den Linden. The great crowds present heartily cheered His Majesty. The Empress' birthday present to Emperor William was a model of her left hand, executed in marble by Professor Bogas. The only ornament on the hand is a wedding ring.

The Official Reichsanzeiger this evening publishes an imperial order on the subject of today's army order, in which the wish is expressed that "the spirit which animated the bearers of these names for centuries may ever remain alive. Then will this distinction constitute a permanent incitement to answer for the grandeur of the fatherland with blood and treasure, and never to flinch or waver, even though storms are raging on all sides."

ATTORNEY-GENERAL W. R. DOUGLAS.

MINNESOTA'S CHIEF REPRESENTATIVE BEFORE THE SUPREME COURT IN THE RAILROAD MERGER CASE.

KRUGER NOT LIKELY TO COME.

His Health Will Hardly Permit of His Visiting America in April.

THE HAGUE, Jan. 27.—The rumors that Mr. Kruger having received invitations from Chicago, New York and Philadelphia to visit those cities would probably start on an American tour next April arose from the efforts of some pro-Boers who are anxious to further their propaganda in the United States. It is probable that some Boer delegates will start for America in the Spring, but unless there occurs a material improvement in the health of Mr. Kruger, it will be physically impossible for him to be a member of this party.

Boers Captured by Plummer.

LONDON, Jan. 27.—Lord Kitchener, in a dispatch from Johannesburg, dated Sunday, January 26, announces that Colonel Plummer captured 36 Boers Saturday, January 25, in the neighborhood of Spitzkop.

SYBIL SANDERSON EXPLAINS.

Why She Broke Her Engagement With Count de Fitz-James.

PARIS, Jan. 27.—Miss Sybil Sanderson today gave a representative of the Associated Press the reason for breaking her engagement to marry Count Henri de Fitz-James, which, she says, is due to religious obstacles, as Count de Fitz-James is a Roman Catholic and was divorced a couple of years ago. "When we became engaged in America," said Miss Sanderson, "I did not appreciate what a serious obstacle his divorce offered to our union, but on my return to France this matter was discussed, and I realized it was impossible that our marriage be celebrated by the Roman Catholic Church, and that we could only be married civilly. In view of the religious ideas of the Fitz-James family and social connections, this would lead to an equivocal situation unacceptable to both of us. We therefore mutually agreed to end our engagement, and remain the best of friends."

AMERICA'S DEBT TO ENGLAND.

London Paper on Dissolution of Spanish War Coalition.

LONDON, Jan. 28.—The Washington correspondent of the Daily Chronicle says:

"It is learned from an intimate friend of the late President McKinley that the European coalition against the Spanish-American War was dissolved by the avowed intention of Great Britain to use other means than diplomacy to frustrate interference."

The Chronicle, in an editorial on this dispatch, says:

"America, as a whole, has not shown herself invariably friendly during our troubles in South Africa, but this clear statement of America's debt to England should make an impression even on those classes who have hitherto regarded us askance."

LONDON & GLOBE AFFAIRS.

Two of the Directors Trusted Implicitly in Whitaker Wright.

LONDON, Jan. 27.—In the resumption today in the bankruptcy court of inquiry into the affairs of the London & Globe Finance Corporation, Ltd., the receivers read a letter from the Marquis of Dufferin, denying that he had been a party to Whitaker Wright's speculations, which had resulted in losses amounting to £1,700,000. His Lordship said he would have considered himself highly criminal had he allowed the shareholders' money thus to be gambled away.

The examination of Lieutenant-General Hon. Somerset J. Gough-Calthorpe, one of Whitaker Wright's co-directors, furnished endless amusement in court. After saying he had properly purchased his holdings in the companies, the witness admitted that he knew practically nothing of city finance. He had such perfect faith in Whitaker Wright that he followed him blindly. When the London & Globe lost £750,000 in Lake View speculation, the General knew nothing about it. When £250,000 was given to the British-American Corporation he thought the London & Globe was so wealthy that it could afford such a gift. He did not consider it his duty to exercise control over Whitaker Wright. The witness was principally occupied in signing thousands of share certificates.

Lord Edward Peltham-Clinton, another of the directors, who had just come off duty as groom in waiting to the King, also said he purchased his shares of the London & Globe with his own money. He knew practically nothing of Whitaker Wright's speculation and only heard of the loss of £750,000 in Lake Views after the liquidation. Like other members of the board, he believed the shareholders were safe in Whitaker Wright's hands, and he was afraid the members of the board had done very little for their considerable fees.

Message of Emperor to Rome.

ROME, Jan. 27.—Emperor William, notifying the Mayor of this city of his intention, as a memorial of cordial reception in Rome, to send a bronze statue of Goethe to be erected in a public place here, telegraphed the following message: "May the image of Goethe, under the blue sky where blooms the orange tree of which he sang, be a lasting pledge of the sincere sympathy uniting Germany and myself to Italy."

Train Bearers of the Queen.

NEW YORK, Jan. 27.—According to the London representative of the Journal and American, one of the latest and most interesting details in connection with the coronation is the selection of the two little daughters of Lord Burghclere, pronounced "Burclair," to attend Queen Alexandra at the ceremony. They will serve in the capacity of trainbearers, and two prettier children for this task could not be found in all England.

Will Make Offer to Copper Trust.

LONDON, Jan. 27.—It is rumored in the copper market that a director of the Rio Tintos Company is now on his way to New York, his mission being to propose a working arrangement with the Amalgamated Company, under which the output of the Rio Tintos Company is to be reduced by 20 per cent until March 31, and by 10 per cent after that date.

Waterway and Canal Bill Taken Up.

PARIS, Jan. 27.—The Chamber of Deputies today began the discussion of a bill authorizing the completion of a number of projected waterways and canals, involving the expenditure of over 600,000,000 francs.

TROOPS FOR PHILIPPINES.

Two Companies of the Eighth Infantry Receive Orders.

HELENA, Mont., Jan. 27.—Orders were received at Fort Harrison today from General Miles, at Washington, for two companies of the Eighth Infantry to prepare for transfer to the Philippines. No time was set for the departure of the troops and the date of their leaving will probably not be known until the arrival at San Francisco of the infantry which is to take the place of the various commands now in the department of the Dakotas. Two companies of the Eighth are at Fort Harrison, one at Fort Missoula, and one at Fort Yates, S. D. All are ordered to the Presidio, whence they will embark for the Philippines.

Sailing Dates for Returning Troops.

WASHINGTON, Jan. 27.—The War Department has been informed that the troops which are to come home from the Philippines will sail from Manila as follows:

Twenty-second Infantry, February 1; Twentieth Infantry, February 16; headquarters and First and Second Battalions Seventeenth Infantry, February 28. The Third Battalion of the Seventeenth Infantry will sail from Manila after the arrival there of the Second Battalion of the Twenty-seventh Infantry, between March 1 and 10.

ANENT MORAL CONDITIONS.

Official Report of Rev. Mr. Hazzlett to the War Department.

COLORADO SPRINGS, Colo., Jan. 27.—Rev. A. L. Hazlett, of Colorado City, in his report to the War Department on moral conditions in the Philippines, states that the moral condition of the islands has materially improved since the occupation. Rev. Mr. Hazzlett says:

"Probably in no other country in the world do the white men become so degraded through association with the natives as in the islands. A respectable native or Mestizo woman would not live with an American, and would not marry one unless great advantages were gained."

Speaking of the saloon he said: "The strict discipline put in operation by General Otis has borne fruit. A law to prohibit gambling was also put into effect December 10."

Rev. Mr. Hazzlett makes the following recommendations:

"First—A Government appropriation for the establishment of soldier institutes and of the non-alcoholic features of the post exchange system.

"Second—A general order prohibiting the sale of vino to soldiers. Major Peck, at Binan, has such an order in force at that post, where drunkenness is rare.

"Third—The investigation of the charges against officers at Jolo, charged and, I believe, justly, with maintaining houses of ill fame without the knowledge of the War Department and contrary to Army regulations."

Marines Still Missing in Samar.

MANILA, Jan. 27.—The 10 men of the command of Captain David D. Porter, of the United States Marine Corps, who failed to return from the expedition into the interior of Samar when Captain Porter and 26 members of his party reached the coast of that island, January 21, are still missing, and little hope of their safe return is entertained.

Transport Sheridan Reaches Manila.

MANILA, Jan. 27.—The United States transport Sheridan has arrived here from San Francisco with many sick on board, including 30 cases of measles.

An Instance of Pope's Clear Memory.

NEW YORK, Jan. 27.—Signor Lapponi, the Pope's physician, in view of the constant reports of the Pope's ill health, said to a Rome correspondent of the Journal and American:

"The Pope is in excellent health, both mentally and physically, and is looking forward joyfully to the fetes which celebrate his 25 years' pontificate. These fetes, which begin the last of March, continue one year in order that pilgrims from all parts of the world may attend. As an instance of the Pope's clear memory, at a recent reception for the Roman aristocracy, the Pope observed Marquis Patrini and said: 'I remember you well, Marquis. We met the first time at Osten station 50 years ago. You were with your father.'"

Courted Death on Elevated Roadway

CHICAGO, Jan. 27.—While returning from a funeral Charles Spaulding drove his carriage upon the Chicago & Northwestern Railway's elevated tracks at Diversey boulevard. A woman and a girl who were in the vehicle fainted, a third occupant became hysterical, two express trains were flagged by the police and several shots were fired at the hilarious driver before he was arrested. Policemen from three stations joined in the chase and finally succeeded in saving Spaulding and his cab from destruction under the trucks of the Kenosha express near the Foster-avenue station of the Northwestern, after he had driven at least a mile over the elevated roadway. The occupants of the carriage were Mrs. John Griffin, 60 years old; her 15-year-old daughter Alice and Miss Jennie Jennings, of Detroit. Mrs. Griffin as now at her home, in a serious condition.

Steamer Australia Ashore.

ANTWERP, Jan. 27.—The steamer Australia, of the Hamburg Packet Company, from the West Indies, for Hamburg, went ashore this morning at the mouth of the Scheldt, and subsequently broke in two.

Don't Marry.

Almost everybody remembers the celebrated advice of the London *Punch*, "To those about to marry. *Don't.*" There is in that advice the expression of the feeling of many a mother who says, "I hope my daughter will never marry and suffer as I have."

In ninety-eight cases in every hundred there's no need for this suffering. Doctor Pierce's Favorite Prescription cures the womanly diseases which cause wifely misery. It dries enfeebling drains, heals inflammation and ulceration and cures female weakness. It invigorates the womanly organism, tranquilizes the nerves and gives the mother strength to give her children.

Do not allow an unscrupulous dealer to sell you something in place of "Favorite Prescription," claimed to be "just as good." There is nothing just as good for women as "Favorite Prescription."

"I am so pleased with your instructions, I hardly know what thanks to give you for your kind favors," writes Mrs. Milo Bryant, of Lots, St. Thomas Co., Ga. "You can publish my few statements to the world, hoping all suffering women will know and be healed. I suffered so much with great pains in my back and the lower part of my stomach and palpitation of the heart, that at times I could hardly lie down, and could hardly get up in the morning, but after using three bottles of 'Favorite Prescription' and two vials of Dr. Pierce's Pleasant Pellets, I feel like a new woman."

Dr. Pierce's Pleasant Pellets cure sick headache.

DISEASE DESCRIBED BY SYMPTOMS

The Diagnosis Made Easy by the Famous Symptom Questions; the Cure Made Certain by the Wonderful Medication Which Reaches Every Part Subject to Catarrh.

THE TREATMENT THAT CURES

Dr. Copeland's treatment that has lifted the darkness and blight of the word "incurable" from hundreds of thousands of cases of Catarrh of the Head, Throat, Ear Tubes, Bronchial Tubes and Lungs, works as curative action for two reasons:

(1) It reaches every diseased spot from the orifice of the nose to the deepest part of the lungs and the innermost recesses of the middle ear.

(2) Instead of irritating, inflaming and feeding the fires of the disease, it soothes, quiets, heals and cures.

AVOID CURE-ALLS

In Catarrh, as in other maladies, avoid blind doctoring by patent cure-alls. Get individual treatment for your individual ailment at the Copeland Institute.

THE PROPER COURSE FOR SUFFERERS

The proper course for sufferers is this: Read these symptoms carefully over, mark those that apply to your case, and bring this with you to the Copeland office. If you live away from the city send by mail and ask for information of the new home treatment.

CATARRH OF HEAD AND THROAT

The head and throat become diseased from neglected colds, causing Catarrh when the condition of the blood predisposes to this condition.

"Is your voice husky?"
"Do you spit up slime?"
"Do you ache all over?"
"Do you snore at night?"
"Do you blow out scabs at night?"
"Is your nose stopped up?"
"Does your nose discharge?"
"Does your nose bleed easily?"
"Is there tickling in the throat?"
"Is this worse toward night?"
"Does the nose itch and burn?"
"Do you hawk to clear the throat?"
"Is there pain across the eyes?"
"Is there pain in front of head?"
"Is your sense of smell leaving?"
"Is the throat dry in the morning?"
"Are you losing your sense of taste?"
"Do you sleep with your mouth open?"
"Does your nose stop up toward night?"

CATARRH OF BRONCHIAL TUBES

This condition often results from catarrh extending from the head and throat, and if left unchecked, extends down the windpipe into the bronchial tubes, and in time attacks the lungs.

"Have you a cough?"
"Are you losing flesh?"
"Do you cough at night?"
"Have you pain in side?"
"Do you take cold easily?"
"Is your appetite variable?"
"Have you stitches in side?"
"Do you cough until you gag?"
"Are you low-spirited at times?"
"Do you raise frothy material?"
"Do you spit up yellow matter?"
"Do you cough on going to bed?"
"Do you cough in the morning?"
"Is your cough short and hacking?"
"Do you spit up little cheesy lumps?"
"Have you a disgust for fatty foods?"
"Is there tickling behind the palate?"
"Have you pain behind breastbone?"
"Do you feel you are growing weaker?"
"Is there a burning pain in the throat?"
"Do you cough worse night and mornings?"
"Do you have to sit up at night to get breath?"

CATARRH OF THE STOMACH.

This condition may result from several causes, but the usual cause is catarrh, the mucus dropping down into the throat and being swallowed.

"Is there nausea?"
"Are you costive?"
"Is the vomiting?"
"Do you belch up gas?"
"Have you waterbrash?"
"Are you lightheaded?"
"Is your tongue coated?"
"Do you hawk and spit?"
"Is there pain after eating?"
"Are you nervous and weak?"
"Do you have sick headache?"
"Do you blow up after eating?"
"Have you no appetite for breakfast?"
"Have you distress after eating?"
"Is your throat filled with slime?"
"Do you at times have diarrhoea?"
"Is there rush of blood to the head?"
"When you get up suddenly are you dizzy?"
"Is there gnawing sensation in stomach?"
"Do you feel as if you had lead in stomach?"
"When stomach is empty do you feel faint?"
"Do you belch material that burns throat?"
"If stomach is full do you feel oppressed?"

SYMPTOMS OF EAR TROUBLES

Deafness and ear troubles result from catarrh passing along the Eustachian tube that leads from the throat to the ear.

"Is your hearing failing?"
"Do your ears discharge?"
"Do your ears itch and burn?"
"Are the ears dry and scaly?"
"Have you pain behind the ears?"
"Is there throbbing in the ears?"
"Is there a buzzing sound heard?"
"Do you have a ringing in the ears?"
"Are there crackling sounds heard?"
"Is your hearing bad cloudy days?"
"Do you have earache occasionally?"
"Are there sounds like steam escaping?"
"Do your ears hurt when you blow your nose?"
"Do you constantly hear noises in the ears?"
"Do you hear better some days than others?"
"Do the noises in your ears keep you awake?"
"When you blow your nose do the ears crack?"
"Is hearing worse when you have a cold?"
"Is roaring like a waterfall in the head?"

CATARRH OF THE KIDNEYS AND BLADDER

Catarrh of the kidneys and bladder results in two ways, first by taking cold; second, by overworking the kidneys in separating from the blood the poisons that have been absorbed from catarrh, which affects all organs.

"Is the skin pale and dry?"
"Is your hair getting gray?"
"Has the skin a waxy look?"
"Is the hair dry and brittle?"
"Is the skin dry and harsh?"
"Do the legs feel too heavy?"
"Is there nausea after eating?"
"Do the joints pain and ache?"
"Is the urine dark and cloudy?"
"Are the eyes dull and staring?"
"Is there pain in small of back?"
"Do your hands and feet swell?"
"Are they cold and clammy?"
"Have you pain in top of head?"
"Has the perspiration a bad odor?"
"Is there puffiness under the eyes?"
"Is there a bad taste in the mouth?"
"Is there a desire to get up at night?"
"Are there dark rings around the eyes?"
"Do you see spots floating before the eyes?"
"Have you chilly feelings down the back?"
"Do you see unpleasant things while asleep?"
"Does a deposit form when left standing?"

CATARRH OF THE LIVER

The liver becomes diseased by catarrh extending from the stomach into the tubes of the liver.

"Are you irritable?"
"Are you nervous?"
"Do you get dizzy?"
"Have you no energy?"
"Do you have cold feet?"
"Do you feel miserable?"
"Is your memory poor?"
"Do you get tired easily?"
"Do you have hot flushes?"
"Is your eyesight blurred?"
"Have you pain in the back?"
"Is your flesh soft and flabby?"
"Are your spirits low at times?"
"Is there bloating after eating?"
"Have you pain around the loins?"
"Do you have gurgling in bowels?"
"Do you have rumbling bowels?"
"Is there throbbing in the stomach?"
"Do you have a sense of heat in bowels?"
"Do you suffer from pains in temples?"
"Do you have a palpitation of the heart?"
"Is there a general feeling of lassitude?"
"Do these feelings affect your memory?"

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