

DECIDE CASE TODAY

Minnesota Judges Will Pass on Merger Petition.

HARRIMAN FIGHTS HARD

His Attorney Says Hill Has Increased His Northern Pacific Holdings Since Decision—Root Makes an Emphatic Denial.

ST. PAUL, April 13.—The decision of the Circuit Court as to the right of E. H. Harriman and Winslow Pierce, as trustees for the Oregon Short Line, to file a petition in the case of the Government against the Northern Securities Company and others will be handed down tomorrow when the court meets. The arguments on the motion were continuing yesterday. Judge Johnson addressed the court on behalf of the defendants, W. D. Guthrie closing for the petitioners.

Mr. Guthrie in closing furnished the gist of the hearing by maintaining that the Northern Securities Company has, since the decree of the United States Circuit Court declaring the Securities Company illegal, added materially to its holdings of Northern Pacific and Great Northern stock with the intent of retaining control of these roads. This statement, Elibu Root took occasion to deny emphatically and specifically, saying he was authorized to say that neither Mr. Hill nor Mr. Morgan have acquired one share in either company since the decree was handed down.

The arguments today attracted even a greater attendance than those of yesterday and were followed with keen interest. Judge Johnson, in his arguments on behalf of the Northern Securities Company, assailed Harriman's cause as ridiculous, and with biting sarcasm referred to him as the 15th-hour penitent, who came into court confessing his wrongdoing and saying he was ready to take his punishment, but wanted to tell the court how to administer that punishment. The doctrine of "constructive possession" of the affairs of the Northern Securities Company was a new idea, but a very absurd one. He held Harriman up as the new champion of public interest, but he came in and demanded the right to intervene in order to conserve public interest.

Identify of Shares Lost. "In order to get back the individual shares which they claim they put into a common fund, because they allege that these shares are more valuable than others, they bring in this absurd cry of public interest," commented Mr. Johnson. "The shares Harriman put into this corporation have become merged and their identity is lost and who can identify them? Are there any other marks on them to show which ones were put in by Harriman? There have been 1500 transfers of stock, and no one knows where the individual shares are. Now they raise this cry of public interest, and they want something to which they are not entitled. These parties have not the right to intervene, and there is no occasion for intervention, as Mr. Root so ably stated yesterday. The decree of this court requires absolute obedience when it says that the affairs of the Northern Securities Company shall be distributed in an equitable manner as shareholders will participate in this division, but not as they desire. Where is the equity in such a request as that? Harriman induced others to come into this company to take shares and share alike, and now when the partnership is to be wound up, they want back their own; they don't want to accept a common division."

Mr. Johnson intimated the purpose of this motion was simply to obtain delay. "Delays are dangerous," he argued. "Delays involve the interests of hundreds of millions of dollars and the affairs of thousands of people. Delays will affect the markets of the world, and will cause incalculable injury. Delays will cause hundreds of people to become frightened at the situation. They will rush off and sell their stock and the Harriman men will buy it, and there is where the danger lies."

Answering Mr. Ewart's argument, that if the proposed plan of distribution is carried out, Mr. Hill and his associates will have a stronger control than before, Mr. Johnson quoted from the report of Secretary Nichols, of the Northern Securities Company, to the effect that Mr. Hill will have only 20 per cent of the Northern Pacific stock after the distribution.

"The plan we propose," he continued, "will give these shares to 200 stockholders instead of concentrating them within the hands of a few people."

He argued that the Northern Securities Company had bowed to the will of the court, and had, in accordance with its decree, practically dissolved, and asked wherein the court was justified in taking further action.

Mr. Johnson quoted from Mr. Harriman's testimony before the court. He was asked if it were true he had sold his Northern Pacific stock to the Securities Company. Mr. Harriman had replied emphatically three times that he had sold it to Mr. Morgan, which, Mr. Johnson asserted, makes it an out-and-out sale, and not a transfer.

William G. Guthrie followed on behalf of Mr. Harriman.

"I wish to call specific attention," he said, "to the fact that none of the defendants has filed any affidavits or made any denial whatever of the claim made by us that, if this distribution goes into effect the Northern Pacific and the Great Northern will be still in closer control than before. The only form of denial they have made is to quote from the report of Secretary Nichols to the effect that if distribution is made under their plan, Mr. Hill will have left only 24 per cent."

"We all know that it is a common practice among bankers, financiers and brokers to hide ownership of stocks by making them over to clerks, friends or anyone whom they can conveniently use for their purpose."

"I here offer, if I am allowed to examine the books of the Securities Company, to trace every individual certificate of stock from its original issue to its present owners, no matter whether it has gone through a hundred transfers."

"If we are permitted to examine these books we can show that the effect of this plan of distribution is and has been from the first to perpetuate the control of the Northern Pacific in the hands of Mr. Hill."

Makes Sensational Charge. At this point Mr. Guthrie made the somewhat sensational charge that the Northern Securities Company had increased its holdings since the decree was issued.

Referring to Mr. Johnson's argument that the object of the action was to obtain delay, Mr. Guthrie said:

"Who are they afraid of? There has been no competition between the Northern Pacific and Great Northern since 1866, and all of a sudden they are terribly worried."

"We want our Northern Pacific back. We do not want any Great Northern. It is the simplest thing to understand that if we are forced to take an interest in both, we will naturally not care for competition. If we take only Northern Pa-

cific we must have and will seek competition with the Great Northern."

"If there is one thing which the Northwest will be given the advantage of if the Union Pacific is successful in this competition, which does not now exist, Mr. Hill is not a philanthropist, whose chief care is the good of the Northwest. He comes to this court prompted by his own personal interest, but if there is anything to be said about advantages to be secured, I can show ten that will come through the Union Pacific to one that can be secured through the Burlington alliance."

Judge Sanborn asked as to the form of order desired. Mr. Guthrie replied:

"We ask that the permissive decree be made mandatory and the court direct the distribution of stock to original holders."

As Mr. Guthrie closed his argument, ex-Secretary of War Root having obtained permission of the court, replied to the charge made by Mr. Johnson that the defendants, Hill and Morgan, had individually acquired stock in the Northern Pacific and Great Northern Railroads after the decision of the Circuit Court had been handed down. He said:

"I think counsel hardly appreciates the gravity of the charge he has made. It means, if sustained, that these gentlemen have been guilty of criminal contempt of court. I am authorized to state that neither Mr. Hill nor Mr. Morgan have acquired one share of either these stocks since the decree was handed down."

Mr. Guthrie, in a brief rejoinder, stated that the petitioners have nothing to go by except the records of the court and the testimony of the defendants, and if that were legitimate he would apologize. If given an opportunity to prove what they believed to be true, he thought it would be disclosed that additional stock had been acquired, if not after, at least on the eve of the decree, and in anticipation of it, so that the pro rata method of revision of assets might be furthered.

The court then announced that it would take the matter under advisement, and adjourned until tomorrow.

Minnesota Action to Be Dropped. ST. PAUL, April 12.—Governor Van Sant issued a statement today with reference to a petition filed in the United States Supreme Court in the case of the State of Minnesota against the Northern Securities Company. The Governor intimates that no further legal proceedings will be taken by the state until the attempt to consolidate the Northern Pacific and Great Northern is continued.

PENSION ITEM IS \$4,000,000. House Committee Completes General Deficiency Appropriation Bill.

WASHINGTON, April 12.—The House committee on appropriations today completed the general deficiency appropriation bill, carrying a total of \$10,388,744. The largest item in the bill is \$4,000,000 for pensions. Of this sum, \$1,500,000 is an estimated deficiency which will be caused by the execution of the recent service pension order. The minority members of the committee made a fight against this amendment, and it was ordered reported by a party vote.

As the item is included, a minority report accompanies that of the majority to the House. The minority views are stated by Underwood, Brandegee, Benton, Livingston and Pierce. Taylor, of Alabama, was absent. The conclusion of the minority is that there was no warrant of law for the appropriation of the million and a half dollars requested by the Commissioner of Pensions requested for the purpose herein stated. It quotes the recent order of the court, which while it ordered the members of Congress to favor a service pension law, it is not wholly the jurisdiction of the appropriations committee to consider the question.

The majority members of Congress are confined to providing the money to pay the obligations of the United States contracted under the law. The point we desire stated by Underwood, Brandegee, Benton, Livingston and Pierce. Taylor, of Alabama, was absent. The conclusion of the minority is that there was no warrant of law for the appropriation of the million and a half dollars requested by the Commissioner of Pensions requested for the purpose herein stated. It quotes the recent order of the court, which while it ordered the members of Congress to favor a service pension law, it is not wholly the jurisdiction of the appropriations committee to consider the question.

DEFENDS THE PAPER TRUST. Vice-President Lyman Denies It is Overcapitalized.

WASHINGTON, April 12.—C. W. Lyman, vice-president of the International Paper Company, entered a general and specific denial before the House committee on the judiciary today of the charges against the paper "trust" recently made before the committee by Don M. Metz and John Norris, representing the business management of the New York Times respectively. In denying that the International Paper Company was overcapitalized, Mr. Lyman said the property of the company could not be duplicated for its present capitalization. This capitalization, he said, was \$2,000,000 in preferred stock, \$17,000,000 in common stock and about \$13,000,000 in bonds. Six per cent dividends, he said, were paid on the preferred stock, and 2 per cent was paid the first year on the common stock but nothing since.

"The price of your stock would indicate that the public regards the property it represents as worth about 25 per cent on the dollar," said Representative Powers, of Massachusetts. Lyman said he would not make an attempt to account for the opinion of investors, but he knew the value of the woodslands and the mills of the company could not be duplicated for the amount at which the company was capitalized.

He was asked by Representative De Armond if he would object to the removal of the tariff on wood pulp and paper. He said he would not advise such a move.

"Did not your company make representation to the ways and means committee at the time the Dingley tariff bill was under consideration, that if the industry was protected it would result in the formation of a combination which would cheapen the price of paper in this country?" asked Mr. Powers.

"We did not anticipate the boom in business and the conditions which have increased the cost of producing paper," was the answer.

THE DEATH ROLL

Editor of the American Celt.

ST. LOUIS, April 13.—Charles O'Brien, editor of the American Celt, who was assaulted by the street and taken to the City Hospital in an unconscious condition, is dead from his injuries.

Well-Known Woolen Manufacturer. LITTLE FALLS, N. Y., April 12.—Ex-State Senator Titus Shepard, one of the best-known woolen manufacturers in this country, died suddenly today of heart failure, aged 63 years.

Kansas Railroad Contractor. STRONG CITY, Kan., April 12.—E. E. Lantry, successor to E. Lantry & Sons, railroad contractor, died suddenly of heart failure at his home in this city this evening.

Building Collapses, Injuring Six Men. NEW YORK, April 12.—The front and side walls of the four-story brick building at Thirty-fifth street and Eighth avenue collapsed today and six men were injured, one of them seriously. The cause of the collapse has not been explained.

Ministers, Lawyers, Teachers and Others whose occupation gives little exercise, should use Carter's Little Liver Pills for torpid liver and biliousness.

HE FIGHTS BONDS

Jones Opposes Bill to Allow Philippine Improvements.

HOUSE HAS MEASURE UP

Hooper Defends the Measure to Give the Islands Railroads and Pays High Tribute to Secretary Taft.

WASHINGTON, April 12.—Under a special rule, the House today devoted itself to consideration of a bill amending the law relating to the Philippine Islands. The provision in reference to the granting of railroad franchises, and the guaranteeing of 5 per cent on the cash capital actually invested in such railroads, was opposed by Jones (Dem., Va.), who alleged that things, no such government could exist in those islands, because the Philippine could stand alone, and in support of this declaration he quoted from reports of Admiral Dewey, General Otis and Commissioners Schurmann and Worcester, who entertained that view. Cooper paid a tribute to Secretary Taft, who, he said, was the idol of the Philippines.

Dalsell (Pa.) said the bill was satisfactory to the majority of the House, but whether amended or unamended would not meet the views of the minority. A roll-call was ordered on the adoption of the resolution.

The resolution was agreed to, 135 to 111, and the bill was taken up. The rule provides that general debate shall close at 1 o'clock tomorrow, when a vote will be taken.

At 5:30 P. M. the House adjourned.

MORGAN ATTACKS COMPANY. Senate Considers Bill for Government of the Panama Strip.

WASHINGTON, April 13.—The Senate today began consideration of the bill providing for the Government of Panama Canal zone. The greater part of the day was occupied by Morgan in support of amendments offered by himself. None of them was accepted, and the reading of the bill was nearly half completed. Morgan attacked the new Panama Canal Company, and contended that the United States should proceed to carry into effect

account of the British government sending a gunboat to Nicaragua for the protection of the Mosquito Indians, under a treaty entered into between Great Britain and the tribe. He suggested that this "Mosquito" question had been stirred up to disguise a plan on the part of Great Britain to bring about the building of a canal by the Costa Rica-Nicaragua route. He said the government of Great Britain could furnish the money and provide for the building of the canal just as the Suez Canal was built.

"That is all there is to the Mosquito question," he said.

Kittredge moved that Morgan's amendment to the first section of the bill be laid on the table. The motion prevailed, yeas 33, nays 15, a party vote.

Consideration of the canal bill was resumed. As the reading of the bill proceeded, Morgan suggested various amendments, but none of them was accepted.

At 4 o'clock, when the reading of the bill had not been half completed, it was laid aside, after passing its pension bills, the Senate, at 5 P. M., adjourned.

MAY ORDER POSTAL INQUIRY

Senators Are Considering the Appointment of a Subcommittee.

WASHINGTON, April 13.—A proposal to pass a resolution for the Postoffice Department investigation has been discussed by some of the members of the Senate committee on postoffices and postroads, although a determination for such an inquiry has not been fully decided upon by the Republican leaders. The resolution which has been suggested will provide that a subcommittee of the committee on postoffices and postroads may receive during the recess of Congress any specific charges made against any official or person, and determine whether such charges should be investigated. Members of the committee say that the resolution will provide for a condition during the recess which has existed during the season, which is, that specific charges will be made up and presented, but that no general inquiry will be instituted.

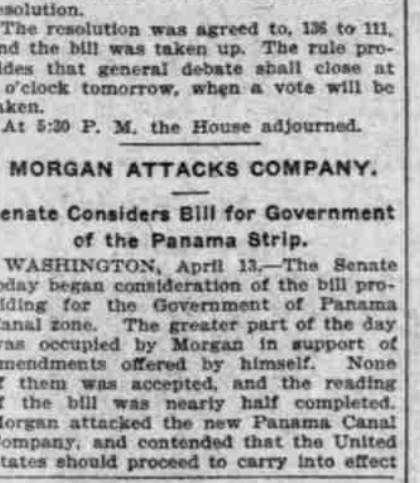
President Roosevelt held a conference with Senator Penrose, chairman of the committee on postoffices and postroads, today, and subsequently one with Senator Aldrich, the Republican floor leader of the Senate. Both interviews related to the proposition that the Senate provide for an investigation of the affairs of the Postoffice Department. The President maintains the same position that he has held since the inception of the troubles in the Republican Department—that the Department must be purged from all suspicion. He believes that the investigation conducted by the Department officials themselves was thorough and searching, and that any further investigation by a committee of Congress or by a commission from the outside, covering the same ground, would be practically fruitless, but he is not inclined to stand in the way of further inquiry.

GOOD ROADS BILL WINS. Senate Committee Will Report It Early in the Next Session.

WASHINGTON, April 13.—The Latimer good roads bill will be reported favorably

DISTINGUISHED RUSSIAN COMMANDER

ADMIRAL MAKAROFF, LOST IN THE PETROPOLVSK DISASTER.



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British and Belgian capitalists were ready to build the roads without such guarantee.

At the opening of the session Hemeway (Ind.), amid applause, reported that he had introduced a bill to amend the general appropriation bill, the last of the general appropriation bills to be considered at this session.

The yeas and nays were ordered on the adoption of a special rule to take up and consider the Cooper bill amending the Philippine government bill, and providing for guaranteeing bonds for building railroads in the islands.

By a vote of 124 to 114 the previous question was ordered. The resolution furnished an opportunity for Williams (Dem., Miss.) and DeArmond (Dem., Mo.) again to criticize the rules of the House.

DeArmond sarcastically said the Speaker and committee on rules had determined that the bill and amendments were so good that no risk must be taken of getting anything into the bill that would be harmful or that would lessen its superb excellence.

Crumpacker (Ind.) made the assertion that the minority of the committee on insular affairs had not gone out and any amendment which might be sought to be amended, but this was denied by Jones (Dem., Va.). He said as the bill is now drafted it admits free the products of the steel trust, while it continues to impose upon the Philippines a customs duty upon \$12,000,000 worth of rice imported there during the last 12 months.

Hold It Makes Burden Too Great. Jones said that if the bill were passed as now drawn, it would increase the bonded indebtedness of the Philippines by \$5,000,000, making a total of \$27,000,000. He said that as the result of the falling price in the customs receipts of the islands the people were less able today to incur such indebtedness than they were a year ago. He denied, as Mr. Cooper (Wis.) alleged, that the only way to secure prosperity in the Philippines was to guarantee the interest on capital invested in railroads there, and said the bill was not one prepared by the committee, but was the bill of the War Department sent to Congress to be reported. He would rather, he said, see the railroads in the Philippines built by British than by American capital if the Philippines were to guarantee the interest.

Jones was interrupted by Gains (Dem., Tenn.), who asked if it were not a fact that ex-Secretary of War Root was the attorney for the railroad company to be benefited by the guarantee.

It did not, replied Jones, concern him who was the attorney, but it was a fact, he said, that the Philippine Commission was being urged to grant railroad franchises to English and Belgian capitalists without the guarantee.

Answers Criticisms of Bill. Cooper, in charge of the bill, explained its provision, and said it was drafted in large part by Secretary Taft and had the unanimous approval of the Republican members and the unanimous opposition of the minority. He answered the criticisms in the report of the minority members with respect to the establishment of a representative government in the Philippines by saying that from the very nature of

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GOOD ROADS BILL WINS. Senate Committee Will Report It Early in the Next Session.

WASHINGTON, April 13.—The Latimer good roads bill will be reported favorably

by the Senate committee on agriculture early in the next session of Congress. An agreement to that effect was reached at a meeting of the committee today. It was decided to amend the bill by fixing at \$100,000 the minimum appropriation which each state shall receive first, the balance of the appropriation to be shared by each state in proportion to its population.

Provision was made, however, that no state shall be credited with more than 10,000 population.

ASK SMOOT TO HELP FIND THEM

Senate Committee Learns Five Witnesses It Wants Cannot Be Located.

WASHINGTON, April 13.—Senator Burrows has notified Senator Smoot that five witnesses subpoenaed in the pending Smoot investigation have not been found. They are: John W. Taylor, J. M. Tanner, Heber J. Grant, Matthias F. Cowley and Lillian M. Cannon. Senator Burrows suggested to Senator Smoot, that in view of the statement of President Joseph F. Smith, that he would endeavor to have all witnesses summoned or wanted to appear, he would be well to inform Mr. Smith that the witnesses named were wanted, Senator Smoot wrote President Smith to that effect.

Do Not Want Family Affairs Aired.

SALT LAKE, April 13.—The Deseret News, the official organ of the Mormon Church, tonight says:

"We are unable to state positively, that John W. Taylor and Matthias Cowley have each declined to go voluntarily to Washington in response to ministerial interference, as they view it, with political affairs in the case of Senator Smoot. They do not propose to have their family relations proclaimed throughout the land, through their own act, unless under compulsion. President Smith is not under obligation to procure witnesses in the case before the committee."

Idaho Editor Called in Smoot Case.

SALT LAKE, Utah, April 13.—The New England states that Calvin Cobb, owner and publisher of the Boise (Idaho) Statesman, will be subpoenaed to appear before the Smoot investigation committee upon the resumption of its hearings, and that papers with this object in view already have been mailed to Boise.

Bubonic Plague Spreads Rapidly.

WASHINGTON, April 13.—The bubonic plague is spreading in an alarming fashion along the west coast of South America. The State Department today received the following cablegram from United States Minister Wilson, at Santiago de Chile:

"Extensive epidemic of bubonic plague at Anofagasta."

This is one of the most important shipping ports on the west coast north of Valparaiso. The public health and marine hospital service will be advised, that suitable precautions may be taken at quarantine.

Three Men Killed by Explosion.

OKLAHOMA CITY, Okla., April 12.—News has reached here that three men were killed by an explosion of dynamite at a construction camp 30 miles southeast of Muskogee, I. T., on the Midland Valley Railroad. Details not learned.

A Vile Disease

Contagious Blood Poison has wrecked more lives and caused more misery and suffering than all other diseases combined. Some are inclined to treat it lightly, but these soon learn that they have to deal with a powerful poison that is slowly but surely breaking down the constitution. Contagious Blood Poison not only mutes out punishment to the one who contracts it, but others may become innocent victims of this vile disease through inheritance.

For years I was troubled with the most malignant type of chronic blood trouble. After trying various other remedies without getting any benefit, I was induced by a friend who was cured of a constitutional blood trouble, to take S.S.S. A few bottles cured me permanently. I also contracted S.S.S. the best tonic ever made. While taking it my weight increased and my health improved in every way. S. S. S. is a vegetable remedy, and we offer \$1.00 for proof that it contains a single mineral ingredient. S.S.S. not only works the poison out of the blood thoroughly, but restores vigor and strength to all parts of the system.

Write for our special book on Contagious Blood Poison, describing the different stages and symptoms and containing much other interesting information about this most despicable of all diseases.

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Ayer's Hair Vigor advertisement. Text: 'I have used Ayer's Hair Vigor, and I can truly say it does just exactly what you say it will do. I am greatly pleased with it.'—Dr. J. A. WOOTEN, Madison, Ind. Only 35¢. You look at least 60! Restore color to your gray hair. Keep young. Why not? No need growing old so fast. No excuse now that you know how Ayer's Hair Vigor always restores color, all the dark, deep, rich color of early life. \$1.00 a bottle. All druggists. J. C. Ayer Co., Lowell, Mass.

Lozemo advertisement. Text: 'Lozemo now stands for the standard of value in 5 cent cigars. When the cigar man says "it's as good as a Lozemo" get the Lozemo'.