

upon the question of jurisdiction in the case where citizens of a State which is party to the suit are joined with those of another State, the Chief Justice said: "It is, by virtue of subject matter, the case comes within the judicial power of the United States, it does not follow that it comes within the original jurisdiction of this court. Jurisdiction does not obtain simply because the State is a party. It was held at an early day that Congress could either enlarge or restrict the original jurisdiction of this court, and no attempt to do so is suggested here. What Congress may have power to do in relation to the jurisdiction of the courts of the United States is not in question, but whether, where the constitution provides that this court shall have an original jurisdiction in cases in which the State is plaintiff and the citizens of another State the defendant, that jurisdiction can be held to embrace a suit between a State and citizens of another State. We are of the opinion that our original jurisdiction can be held to embrace a suit between the State and the citizens of another State and of the same State. We are of the opinion our original jurisdiction cannot thus be extended, and the bill must be dismissed for want of parties who should be joined, but cannot be without ousting jurisdiction."

Justice Harlan, in a dissenting opinion, cited the boundary suit in Florida against Georgia, in which the State of Georgia was allowed to file proofs for the United States without making the Government a party to the case in a technical sense, and he contended that practically the same course had been pursued in this case, the city of Oakland having been allowed to file briefs and documents to illustrate its alleged title and to participate in the taking of evidence. "The case has been fully heard upon its merits," he continued, "as they involve the rights of California and the Southern Pacific Company and the city of Oakland. All these parties earnestly desire that we proceed to a final decree on its merits. If any other party is interested in the result of the case we should call upon that party, if it so wishes, can make proof of such interest and its nature, just as the city of Oakland has done. "The court did not say that the decree as between California and the Southern Pacific might legally affect the claims of others, or that it could be pleaded in the bar in any subsequent suit; therefore it was difficult for him to understand why the court should not exercise its obligation and decide the case between the State and the corporation."

In conclusion Justice Harlan asked how the State of California was to obtain judicial determination of the controversy. The effectiveness of such a suit would depend upon the ability of the State to bring the Kentucky corporation into court, so it would be bound by a final decree. Framers of the constitution did not intend to subject the State to the indignity of being compelled to submit its controversies with the citizens of other States to the court of such other States. Justice Field added a few words of regret that he could not settle the matter, as it would bring so much trouble to the State.

OAKLAND GAINS A POINT.

SO THINKS THE ATTORNEY FOR THE CITY IN THE GREAT CASE. "It settles nothing, absolutely nothing, except that Attorney-General Hart has no proper right to bring the suit, and that he has contended all along," said Hon. W. R. Davis, attorney for the city of Oakland in his great water-front contest, speaking yesterday of the decision of the United States Supreme Court dismissing the case of California vs. the Southern Pacific of Kentucky for lack of jurisdiction. "If it indicates anything further than the exact language states then it is that the State's title is not good. That is what we expect the court to finally decide. As for the Southern Pacific it gets no comfort from the decision whatever, unless it draws comfort from very intangible quantities."

"Attorney-General Hart brought the suit just determined with the purpose of cutting across lots—avoiding the loss of time and the wear and tear of reaching the United States Supreme Court through the regular course of the series of lower courts. He was anxious to see the long-pending case brought to a close during his term of office. He therefore endeavored to bring it before the Supreme Court in its original jurisdiction—the suit of a State against the people of another State. The title of the suit was the State of California against the Southern Pacific Railroad of Kentucky. "Now General Hart's position was inherently weak, however good his purpose may have been. The State of California, by act of Legislature, granted the water front to the city of Oakland. The Southern Pacific claims its title through alleged grants from the city. But General Hart brings suit against the Southern Pacific to quiet the title of the State without the State having repealed the act by which it granted title to the city of Oakland. The city of Oakland claims title to its own water front, and the proper and logical disputants are the railroad company and the city."

"General Hart when contemplating the beginning of this suit asked me to join him in the case on behalf of the State, but I could not do so because I did not believe in the State's premises; further than that I did not believe anything would be gained by a trial of the case in which the whole case, with all parties to it, was not presented. For that reason I tried to dissuade him from bringing the suit, and he promised to call upon me again before he began it. He did so, but his mind was made up. I told him that he was taking the case that presented the strongest features for the Southern Pacific, for it singled out for contest their right to the few bits of improved property. However, he filed his suit in the courts here, naming the Southern Pacific of Kentucky and seventy other persons as defendants. In the United States Supreme Court these seventy others had to be eliminated in order to get the original jurisdiction, the case standing 'The State of California vs. the Southern Pacific of Kentucky.' "They had been working on the case for several months, and went to Washington with about 500 pages of printed matter presenting their case. We got hold of this, ran it through, discovering that they had a few things in it, but that there were a great many other things that weren't in it. I took the train to Washington and asked to be allowed to intervene, but this was not granted. We were, however, allowed to get in as a friend of the court. A commissioner was sent out to take further testimony and remained here last summer, bearing new evidence, studying maps, charts, etc. It is proper to say that General Hart accepted all this in good part and took the city's suggestions in many instances. "The arguments following all this took place last January. The case of the city was fully presented and we were quite willing to have the case decided upon its merits. However, this has not been done. The court has evidently passed judgment upon the case as presented—has taken cogni-

zance of the illegal position of the State's attorney and declines to pass judgment when other great interests are affected, but not represented, in the contest.

"The effect of the judgment simply to stand the State out of it and leave the contestants face to face. This suit simply acted upon the real contest like a friendly individual who pulls at the elbow of a man in a glove contest. The man at our elbow is out of it now. We have gained this, however, that the Supreme Court is now fully informed of the facts. There is no man living who can state those facts in a day. They have been presented both in printed testimony and in argument, and when the case comes up again on the full presentation we will have that advantage. "There are five water-front cases now pending in the courts awaiting judgment, all of which will probably go on to the United States Supreme Court. The case of the State against the city, in which we have judgment in the lower court, will come up before the State Supreme Court in bank in July. "The water-front company's appeal from the order denying a change of venue in the main case tried before Judge Ogden will come up at the same time. "Two cases are before Judge McKenna known as the Cook case and the foot of Broadway case. These were submitted to him some months ago and he has been waiting for the ruling of the Supreme Court. He will now, of course, act upon his own judgment. "The fifth is the main case which has been on trial before Judge Ogden for months and which has been recently submitted. All of these cases are before the courts and we are awaiting decisions upon them. They are distributed through the Superior, State Supreme and United States Circuit Court. They stand now relatively as they stood when the Chicago lake front decision was rendered two years ago and struck a blow for public rights. These decisions in more important cases are being looked for most any day. Judge Ogden at the conclusion of our argument said he would wait for the decision in this case. Now that that has been disposed of he will work upon his own lines. These cases will all no doubt be carried to the United States Supreme Court."

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WAITING FOR THE CHANCE.

SPANIARDS SAID TO HAVE BEEN ANXIOUS TO FIRE UPON AMERICAN VESSELS.

NOW COMES A REPORT THAT AN ENGLISH STEAMER HAS BEEN BOMBARDED.

NEW YORK, March 18.—The Ward line steamer Segurana arrived in port to-day three days out from Havana, Cuba. Speaking of the Alliance matter one of the passengers said that he heard a Spanish official say the Spaniards had been waiting a chance to fire upon American vessels, as they believe the Americans were aiding the insurgents. He furthermore said all Spaniards felt unfriendly toward Americans for the same reason. "As to the revolution the provinces engaged consist of Manzanillo, Santiago de Cuba, Holguin, Guantanamo and Venguela. The rebel forces consist of about 6000 men familiar with the country and all determined. The Government forces consist of about 8000 regulars and 8500 more are now en route from Spain. "There are about 50,000 volunteers who will take up arms for Spain, but the Cubans seem to think little of them as fighters. The rebels are marching toward Puerto Principe, which is the seat of the revolution. "The Cubans say that the rebels have things all their own way in the eastern part of the island, but are committing no depredations. They frequently invade towns for supplies, but always pay for what they get. "A World cable from Havana, Cuba, says the Spanish cruiser Corde de Vanilor fired on an English steamer. It is presumed here the cruiser was mistaken in the nationality of the flag, and it was the Alliance she fired upon. "JACKSONVILLE, Fla., March 18.—A special to the Florida Citizen from Key West, Fla., says: A letter has been received here from Cuba stating that the Spanish gunboat Alceda fired upon and sank a supposed American schooner off Puerto Padre with sixteen people aboard. "It is rumored that the schooner from Key West was the Golden Hind, of Key West, which left here several weeks ago for a cargo of fruit, with a crew of sixteen men, had to pass Puerto Padre and may have been the vessel in question. The schooner Louis Hastings and Lily also sailed for fruit several days ago. "When household fires gleam warm and bright" Dr. Price's Baking Powder is a welcome guest.

DOOLITTLE IN TACOMA.

The Washington Congressman Favors the Building of the Nicaragua Canal. TACOMA, Wash., March 18.—Congressman W. H. Doolittle arrived home to-day from Washington. He was one of the strongest advocates of the Nicaraguan Canal measure, and while deploring the fact that it was killed through the action of the Committee on Rules of the last Congress he feels sure it will pass at the next session. "Tom Reed, he says, is strongly in favor of the canal, and as Reed in his opinion is certain to be speaker of the Fifty-fourth Congress and Chairman of the Committee on Rules he will prevent a repetition of the last session's lack of action. Doolittle has sounded many of the new members and says they are solid for the canal."

FOUR MINERS KILLED.

An Explosion of Giant Powder in Mexico Results Fatally. NOGALES, Ariz., March 18.—News comes from Minas Prietas, Sonora, Mexico, of an explosion of giant powder which occurred in the Verde mine there, which killed four miners and wounded one fatally. The names were: John Masse, John Roa, Braida Senig and Angel Capalini.

Broad Gauge From Redlands.

REDFLANDS, Cal., March 18.—The Evening Facts says: The Southern Pacific has men in the field securing a right of way for a broad gauge line on a direct route from Redlands to San Bernardino to replace the narrow gauge. This is a part of a system of road to extend to Los Angeles, forming another beltline.

Suicide of a Counselman.

LOS ANGELES, March 18.—Ed Bowen, an Englishman, 50 years old, committed suicide by taking laudanum to-night. He had been a clerk at a cigar-stand, but was out of employment. Drink and despondency drove him to the act.

Held Up Near Redding.

REDDING, March 18.—Link Parsons, a miner living at Oregon Gulch, while on his way home from Redding to-night was held up by a lone highwayman and robbed.

A Youthful Horse Thief.

SANTA ROSA, March 18.—Judge Dougherty to-day sentenced Ed Dougherty, a youthful horse thief from Healdsburg,

STRUNG UP A WOMAN.

Brutal Lynching by the Vigilantes in Nebraska.

NOT DONE BY ROBBERS.

The Victim Suspected of Being in League With Rustlers.

TRACING DASTARDLY CRIMES.

Suspected Men Under Arrest, and They Will Be Compelled to Confess.

Recovered Near Livermore.

TRACY, Cal., March 18.—A horse and cart were stolen last night at Lathrop. The property was recovered to-day at the Mountain House, between here and Livermore, by Constable Byrnes of Tracy. It had been abandoned by the thief.

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PLACERS FRUITS.

Frosts Did Not Affect the Garden Region of Newcastle. NEWCASTLE, Cal., March 18.—The fact that Newcastle orchardists have not sustained the slightest damage from the cold spell is owing to the fact that the fruit observations in this vicinity, extending back for over quarter of a century, seem to justify the Spanish explorers in calling the Sierra foothills the Tierra Templada, the temperate region, to distinguish them from the Tierra Caliente, the hot lands of the plains, and the Tierra Fria, the cold belts of the higher altitudes. This region is supposed to bear a striking resemblance to the Tierra Templada of the valley of Mexico. Peaches and almonds have been blossoming for fifteen days and much of the fruit is set, the season being two weeks earlier than last year, which will give that extra time to market the abundant crops of early fruit and will, beyond a doubt, increase the returns to producers many thousands of dollars. The fruit shipping houses are already preparing for the season's run and large quantities of berries, cherries and early vegetables will soon be moving forward. "Crushed at Martines. MARTINEZ, March 18.—Two miners at the Somerville coal mine were severely injured on Saturday. John Evans and John Griffith were riding out of a slope on the front end of a car when it was derailed by the breaking of a roller, throwing the men against the side of the incline, crushing Evans' foot to a jelly and breaking Griffith's ribs and otherwise severely injuring them. "Rainfall at San Jose. SAN JOSE, March 18.—The rainfall yesterday was .29 of an inch, total for the season being 18.70 inches. The total last season to date was 10.36 inches. The fruit is very little damaged by the frosts of last week and the prospects of a good crop are excellent. Grain of all kinds also looks well.

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DUFFY'S PURE MALT WHISKEY
FOR MEDICINAL USE
NO FUSEL OIL
If headache, backache, sore throat and coughing give you reason to feel the prevalent grip, you will be glad you have read these lines. In any case, of course, you are in search of a remedy.
LET YOUR SEARCH END HERE AND DON'T WORRY ANY LONGER. Whooping, stiffness and other grip maladies are put to rest by DUFFY'S PURE MALT WHISKEY, a tonic that soon makes the body strong enough to fight its own battles. Druggists and grocers sell it. Illustrated pamphlet will be sent by the DUFFY MALT WHISKEY CO., ROBERT R. N. Y.

THEY TALK ABOUT GRAY HAIR!
Here is a Restorer Which is Sold for \$2.50 PER BOTTLE.
Use one bottle, and if you don't like it I will refund your money.
MME. MARCHAND—Dear Madame: At your request I have carefully analyzed your Antoinette Gray Hair Restorer. In my judgment it is an effective preparation and will not injure the hair. I can cheerfully recommend it to your patrons. Respectfully submitted, W. T. WENZEL, Chemist.

THIS WONDERFUL PREPARATION
For Restoring its Original Color, Acts on the secretions and furnishes the natural coloring to the hair, and is NOT A DYE. It leaves the scalp WHITE and in a healthy condition.

THE ANTOINETTE PREPARATIONS
Have received the indorsement of the leading chemists and physicians. Trial samples of my Complexion Specialties for 50 cents.

MME. MARCHAND,
Hair and Complexion Specialist,
121 POST STREET, ROOMS 32-36,
Taber's Entrance. Telephone 1349.
GRATEFUL—COMFORTING.
EPSS'S COCOA
BREAKFAST—SUPPER.
"BY A THOROUGH KNOWLEDGE OF THE natural laws which govern the operations of digestion and nutrition, and by a careful application of the fine properties of well-selected Cocoa, Mr. EPSS has provided for our breakfast and supper a delicately flavored beverage, which may save many heavy doctors' bills, it is by the judicious use of such articles of diet that a constitution may be gradually built up until it is strong enough to resist every tendency to disease. Hundreds of subtle maladies are floating around us, ready to attack wherever there is a weak point. We may escape many a fatal shaft by keeping ourselves well fortified with pure blood and a properly nourished frame."—Civil Service Gazette.
Made simply with boiling water or milk. Sold only in half-pint tins, by grocers, located thus: JAMES EPSS & CO., Ltd., Homeopathic Chemists, London, England.

AN OLD LIGHT RENEWED.
A UNIQUE DEVICE.
A Candle-stick, AB-SUN Lamp Chimney, Make the DAISY LANTERN.
Will withstand a hurricane. Cannot Blow It Out with Hat or Fan.
For sale by all Wholesale and Retail Merchants. Sample by mail, 25c.
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O'BRIEN & SONS,
FINE CARRIAGES.
Our Patent Spring Buggy Has No Equal.
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DR. MCNULTY.
THIS WELL-KNOWN AND RELIABLE SPECIFIC TREATS PRIVATE GONORRHOEA AND NEURALGIA, AND CURES ALL THE DISCHARGES, cures secret blennorrhoea, gonorrhoea, and swellings; cures Syphilis, Impediments and other weaknesses of Manhood. He corrects the Secret Errors of Youth and their terrible effects, Loss of Vitality, Palpitation of the Heart, Loss of Memory, Dependence and other troubles of mind and body, caused by the Errors, Excesses and Diseases of Boys and Men. He restores Lost Vigor and Manly Force, removes Blemishes and restores the Organ to Health. He also cures Diseases caused by Mercury and other Poisonous Drugs.
Dr. McNulty's methods are regular and scientific. He uses no poisonous nostrums or ready-made preparations, but cures the disease by thorough medical treatment. His New Pamphlet on Private Diseases, sent free on application to the address of his office. He has cured thousands of his troubled patients. Patients cured at Home. Terms reasonable.
Bottle - 3 to 5 dollars; 6 to 8 to 10 dollars. Send 10 to 15 cents for Pamphlet free and securely enclosed.
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Beware of cheap imitations that try to talk to you about their goods as if of the least injury to the constitution. Ask your druggist for it. Price \$1 a bottle.

Crossman's Specific Mixture
Without the least exposure, cure of diet, or change in application to business. The medicine contains nothing that is of the least injury to the constitution. Ask your druggist for it. Price \$1 a bottle.

COTTON-GROWERS COMBINE.

IN GEORGIA THEY ORGANIZE AN ASSOCIATION FOR PROTECTION.

WILL CUT THINGS TO THE LOWEST NOTCH AND MAKE THE INDUSTRY PAY BETTER.

ATLANTA, Ga., March 18.—Delegates from a number of counties in the State met here to-day and organized the Georgia Cotton-growers' Association, with State Senator W. A. Broughton as president. The following address was adopted. "To the Farmers of Georgia: Realizing the importance and necessity for concerted action of all engaged in the growing of cotton for mutual protection, we, the Cotton-growers' Protective Association, in convention assembled, do hereby appeal not only to those engaged in growing cotton, but all interested in it, for their active co-operation in an effort to better our condition. "The imports into Georgia exceed her exports. Therefore there is an imperative necessity for reducing our expenses of all kinds, from a ton of grain to a ball of polish. We would encourage the establishment of factories of all kinds, as by that means their employments may become consumers of our products. The contraction of the currency may be relieved by a system of bartering between the farmer and merchant. We appeal to you to aid in this effort. "First—By the raising of supplies of every kind possible to be produced on the farm for the sustenance of man and beast. "Second—By making the cotton crop a surplus crop, intensifying its culture on every acre. "Third—By the use of home-made fertilizers, and the use of less commercial fertilizers. In inviting your co-operation, we assure you there are no fees, dues or charges made for membership, and no salaries offered, but each county is left to pursue its own plan of carrying out the plans of our organization.

Does your water for a real delicacy? Try shortcake made with Dr. Price's Baking Powder.