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WITHOUT JURISDICTION

United States Supreme Court Remands Merger Case to Courts of Minnesota.

OPINION OF TRIAL JUDGE STANDS REVERSED BY HIGHEST COURT.

Circuit Court Erred in Hearing Case and Rendering Decision, Says Justice Harlan, Who Delivered Opinion.

Washington, April 12.—The United States supreme court has decided the case of the State of Minnesota vs. the Northern Securities company and the Northern Pacific and Great Northern Railway companies, involving the

merger of the two railroad companies, holding that it was without jurisdiction and reversing the opinion of the circuit court.

Justice Harlan, who delivered the opinion, said that the circuit court should not have entertained jurisdiction in the case, the effect being to remand the case to the state courts.

In delivering the opinion of the court Justice Harlan cited the facts bearing on the origin and history of the case, saying that originally the suit was instituted by the state in its own court, but before an opinion could be reached there it was, on petition of the Securities company, transferred to the circuit court of the district of Minnesota, by which court it was dismissed.

Much controversy arose over the right to remove to the federal court and after hearing the case argued once the supreme court ordered a second hearing on that point.

Justice Harlan called attention to the fact that the proceeding was for the purpose of enforcing both the state laws and the federal anti-trust act, saying that the circuit court could not have taken jurisdiction if only the state statutes had been involved.

Federal Law Not Involved.
Taking up the federal law and analyzing its provisions he said it was clear that the case did not belong to any of the classes provided for by it.

"It is," he said, "not a criminal proceeding; nor a suit in equity in the name of the United States to restrain violations of the anti-trust act; nor a proceeding in the name of the United States for the forfeiture of property; nor an action by any person or corporation for the recovery of threefold damages for injury done to business or property by some other person or corporation."

The contention that the case involved proprietary interests of the state was not allowed to influence the opinion. On that point the court said, in part:

"The injury on account of which the present suit was brought is at most only remote and indirect; such an injury as would come alike, although in different degrees, to every individual owner of property in a state by reason of the suppression, in violation of the act of congress of free competition between interstate carriers engaged in business in such state. If Minnesota may, by an original suit in its name, invoke the jurisdiction of the circuit court because alone of the alleged remote and indirect injury to its proprietary interests arising from the mere absence of free competition in trade and commerce as carried on by interstate carriers within its limits, then every state upon like grounds may maintain, in its name, in a circuit court of the United States, a suit against interstate carriers engaged in business within their respective limits."

The court also refused to hold that state would be affected under article IV of the federal Constitution by permitting the stock of corporations of that state to be held by an outside corporation like the Securities company. Justice Harlan said the court did not think that the article of the Constitution had any bearing whatever on the question. He said in conclusion:

"For the reasons stated we are of opinion that the suit does not—to use the words of the act of 1875—really and substantially involve a dispute or controversy within the jurisdiction of the circuit court for the purpose of a final decree. That being the case the circuit court, following the mandate of the statute, should not have proceeded therein, but should have remanded the case to the state court."

"The decree of the circuit court is reversed and the case is sent back with directions that it be remanded to the state court."

The opinion of the court was unanimous.

HIGH SCHOOL BURNS.
Fireman Killed by Falling Wall at Galesburg, Ill.

Galesburg, Ill., April 12.—Fire which broke out in the basement of the Galesburg high school resulted in the destruction of the building.

John Slater, a fireman, was instantly killed by a falling wall. The loss is estimated at \$100,000, fully covered by insurance.

MORO CHIEF STANDS PAT

EIGHT HOUR BATTLE MORO Dignitary Declines to Hold A Conference With General Wood at Vicars.

SHARP FIGHTING REPORTED AT THE WAR DEPARTMENT YESTERDAY.

GERMANS DEFEAT MAIN FORCE OF HEREROS IN DESPERATE ENGAGEMENT.

NATIVES FINALLY PUT TO FLIGHT LATTER'S LOSS HEAVY, BUT GERMAN CASUALTIES ARE LESS THAN A SCORE.

Berlin, April 12.—The foreign office has received the following dispatch from Colonel Lettow, the governor of German Southwest Africa:

"With the united Principal-division and Western division I attacked the enemy's chief force, about 3,000 strong, at Onganjira. The Hereros were in a strong, semi-circular position on a hill fronting the northwest. We first flanked and forced back the enemy's left wing and then attacked the center and right. Two energetic counter attacks of the enemy against our left were repulsed. The enemy's position was broken through at nightfall, after eight hours' fighting, and the enemy was driven back on all sides. The chief forces apparently retired in a northeasterly and easterly direction. Our losses include Lieutenants von Estoff and von Effa and two cavalrymen killed, Lieutenant Rosenberg and five men severely wounded and five men slightly wounded.

Washington, April 12.—The following bulletin was posted at the war department during the day:

"General Wood reports that he invited the sultan of Taraca to meet him at Vicars on March 31 for consultation and that the sultan refused to come and instead made extensive hostile preparations. Marching columns from Marahul and Vicars left for the scene on April 2. The Vicars column was fired into all night ten miles from Vicars and one enlisted man was seriously wounded. The Marahul column was strongly resisted at the mouth of the Taraca river, although every effort was made to accomplish a peaceful landing. Two enlisted men were seriously wounded. The combined forces assembled in the valley on April 4 and a large number of hostile fortified cottages, occupied, were destroyed from April 4 to April 7. The troops then returned to their proper stations. Newcomb, Company K, Seventeenth Infantry, and Wampler, Company D, Twenty-third Infantry, were killed.

"Every effort was made to bring the Moro to terms peacefully, but in each instance our troops were attacked before firing a shot and force was only used when all peaceful methods failed and the enemy attacked us. The two detachments who have been at the bottom of all the trouble on the east side of Lanap for two years are now in hiding and they will be arrested if possible.

"General Wade, to whom General Wood's report was made and who transmitted it to the department, adds that the conditions in the Taraca valley for the last three months have been such as to render the above action absolutely necessary."

SEVENTY THOUSAND PRESENT.
Pope Plus X, Celebrates His First Mass in St. Peter's.

Rome, April 12.—For the first time since his coronation, Aug. 3, 1903, the pope went to St. Peter's to say mass in celebration of the thirtieth anniversary of St. Gregory the Great, who died in 604 A. D.

The immense basilica of St. Peter's was filled, more than 70,000 persons being present. On the pope's express recommendation the audience refrained from applause or crying out, contenting themselves with the waving of handkerchiefs.

FLOOD AT MONTREAL.
Thousands of People Forced to Flee From Waters.

Montreal, April 12.—Three thousand persons in Verdun, adjoining the western limits of the city of Montreal, are living in the upper stories of their houses, while several thousand more at Point St. Charles are in danger.

Trains from out of town points are all delayed by the floods in the surrounding country. No lives have been lost.

AGREEABLE TO RUSSIA.
Satisfaction Expressed Over Anglo-French Colonial Treaty.

Paris, April 12.—The Russian ambassador, M. Nelidoff, acting on instructions from Foreign Minister Lamsdorff, has expressed satisfaction at the conclusion of the Anglo-French colonial treaty. "This is accepted as Russia's answer to the reports that the Anglo-French treaty was indirectly hostile to Russia. In the course of an interview M. Nelidoff is quoted as saying that M. Delcasse advised him several weeks ago concerning the negotiations and the authorities at St. Petersburg were kept informed of the developments concerning Newfoundland, Siam and some of the other questions involved. M. Nelidoff said Russia had no interest in these questions as they have no international importance, but concerning Morocco and Egypt, the ambassador continued, Russia felicitates France on the happy solution. He said: "We are friends and allies of France. As friends we rejoice at your successes. As allies we are gratified at this new guarantee of French strength and security. We naturally wish to see our ally as strong as possible and with the least possible international issues. Therefore, as the accord removes numerous vexations, it is most agreeable to Russia."

RUSSIANS PRAY FOR VICTORY.
Vladivostok, April 12.—The churches have been crowded in observance of the Easter holidays, with people praying for victory. Many of the inhabitants who fled from Vladivostok to Khabarovsk, Eastern Siberia, at the outbreak of the war, are now returning here.

NO PESTER DISTURBANCES OCCUR IN EUROPEAN RUSSIA.
St. Petersburg, April 12.—The Associated Press informed officially that up to the present hour the government has not received any advices of Eastern disturbances anywhere in European Russia. Complete quiet reigns, according to reports from all the Jewish centers of population.

FOUND DEAD IN BATH TUB.
St. Paul, April 12.—Flora E. von Suessmlich was drowned in a bath tub at the Astoria hotel during the morning. Apparently death was accidental. It is supposed that the woman fainted from weakness while in the tub and was drowned. The woman was once a prominent society woman in Duluth, where her husband is a well known dentist.

LIEUTENANT PARSHALL DEAD.
Washington, April 12.—Acting Adjutant General Hall is informed that Second Lieutenant Harry Parshall of the Twenty-second Infantry died at Marahul, Mindanao, on the 8th inst., of heart disease. Lieutenant Parshall was a native of Wisconsin and was appointed from the ranks in February, 1902.

WOMAN CHARGED WITH MURDER.
Wheeling, W. Va., April 12.—Mrs. Ella Graham and Victoria Robinson disagreed and quarreled over the attentions Mr. Robinson was alleged to have lavished upon Mrs. Graham and in consequence Mrs. Robinson is dead and Mrs. Graham is in jail charged with murder with a revolver.

BRIEF BITS OF NEWS.
Henry C. Kumpf, three times mayor of Kansas City, died at his home here Monday of grippe, aged seventy-three years.

RACE WAR THREATENED.
Brother of Congressman Pinckney Murdered by Negro.

Houston, Tex., April 12.—Reports from Walker county, near here, indicate that race feeling is very high owing to the murder last Hempstead of Tucker Pinckney, brother of Congressman John M. Pinckney of the Houston district.

Pinckney and a companion were riding by a negro church when they were fired upon. While the dead man's body lay in front of the church a negro, with a shotgun, rode by and informed the crowd that he did the shooting, after which he disappeared. This negro had a finger shot off, which indicates that Pinckney and his companion, whose name is unknown, returned the fire.

GREATEST PRODUCER IN OHIO.
Monster Oil Well Struck Near Upper Sandusky.

Upper Sandusky, O., April 12.—A monster oil well has been struck on the farm of Albert Wright, just south of this place. When the drill penetrated to the depth of nine feet in the sand there was a terrific rush of oil that went in a solid column over the top of the derrick. After the flow had continued for hours the well was finally brought under control. It is estimated that in twenty-four hours the well flowed fully 2,000 barrels. It is believed to be the greatest producing oil well in Ohio.

It pays to buy at Bemidji's largest store

Candy

Choice Chocolate Creams
25c to 40c per pound

O'LEARY and BOWSER

BEMIDJI, MINNESOTA.

Candy

Pure Sugar Stick Candy
25c per pound

Men's Oxfords.

Men's Patent Leather Oxfords, Douglas make, \$3.50 a pair.
Men's Vic Kid Oxfords, Douglas make, \$3 a pair.

Ladies' Shoes.

Composite, Pingree's best \$3 shoes.
Gloria, Pingree's best \$3.50 shoes.
Vogue, Pingree's best \$5 shoes.

Ladies' Oxford Ties.

This season we carry a full line of Drew Oxfords in the kid or patent leather, \$2.50 to \$3.

Ladies' Shoes.

Lady Elgin, Selz's best \$1.50 shoes.
Romana, Selz's best \$2.00 shoes.
Miss Chicago, Selz's best \$2.50 shoes.

Men's Suspenders.

Special: 50 pairs Men's Fancy Suspenders, one pair in a box, regular price 75c, now at 50c a pair.

Men's Clothing.

Adler Suits from \$10 to \$25
Adler Rain Coats from \$12 to \$15
R. & W. Trousers from \$2.50 to \$7.50 a pair

Mill Men's Clothing.

We carry a large assortment of Men's Overalls, Jack-ets, Shirts, Underwear, Mitts, Gloves, Mill Caps and Oil Clothing.

The Little Buster Boy

can be outfitted here.

Buster Suits	\$5.00 to \$6.00
Buster Collar	15c
Buster Tie	25c
Buster Oxford Ties, patent leather, heavy soles	\$2.25

Silks and Dress Goods

New Voiles, black and colors, 50c to \$1.50 a yard.
New Taffeta Silks, from 75c to \$1.50 a yard.

Wall Paper.

We can furnish the paper for your house for less than you are asked elsewhere.

ONE MAN FATALLY INJURED.
Collision of Automobile and Carriage Wrecks Both Vehicles.
New York, April 12.—One man has been probably fatally injured, another seriously hurt, a horse killed and a carriage and an automobile smashed in a collision between a 24-horsepower automobile and a carriage at Ocean Boulevard and The Neck road, near Coney Island.

The automobile was in charge of William A. Stark of Brooklyn. In company with another man he was running home from Coney Island at the rate of ten miles an hour when the big machine suddenly collided head on with a buggy carrying two Italian merchants from New York. Men, animals and machine were thrown into a heap. The horsemen were injured, most, however, an auto wheel, whose skull was crushed, probably will die. The automobilists were badly bruised and cut and it was found necessary to kill the horse.

FOR MURDER OF MISS PAGE.
Charles L. Tucker Arraigned in Court at Waltham, Mass.
Waltham, Mass., April 12.—Charles L. Tucker was arraigned here during the day and formally charged with the murder of Miss Mabel Page at West Newton. He pleaded not guilty and the case was continued until April 21.

Miss Page was stabbed to death in her home at West Newton on March 31. Tucker, who is a former railroad employe, was arrested in connection with the crime on April 4, but apparently establishing an alibi he was released. He was kept under surveillance, however, and was rearrested at West Newton last Saturday.

Woman Charged With Murder.
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BRIEF BITS OF NEWS.
Henry C. Kumpf, three times mayor of Kansas City, died at his home here Monday of grippe, aged seventy-three years.

The condition of winter wheat is 76.5, against 77.3 on April 1, 1903. The condition of winter rye is 82.3, against 77.9 last April.

The United States supreme court has decided that books published periodically are not entitled to transmission through the mails as second class mail matter.

Samuel Hoar, a distinguished lawyer and nephew of Mrs. Graham and brother of George F. Hoar, is dead at Concord, Mass., of paralysis. He was fifty-nine years old.

O. S. Kelly, millionaire manufacturer, is dead at Springfield, O., aged eighty-two. Mr. Kelly has been for years identified with the leading manufacturing interests in Springfield.

Jane Emery Scates Cogswell, wife of General James Grant Wilson, the author, is dead at her home in New York city. She was a descendant of Mme. Bayard, a sister of Governor Peter Stuyvesant.

A notable decrease in the percentage of deaths in Chicago from nervous diseases suggests to the health department that the high tension of life in Chicago is being lowered and that the people are returning to saner and simpler modes of living.

MARKET QUOTATIONS.
Minneapolis Wheat.
Minneapolis, April 11.—Wheat—May, 94½¢@94¾¢; July, 94¼¢@94½¢; Sept., 92½¢. On track—No. 1 hard, 85½¢@96½¢; No. 2 Northern, 85¢@85½¢; No. 2 Northern, 81½¢@82½¢.