

The City In Brief

Phone in your want ad! 500, either line.—Adv.

Infant Dead—The infant child of E. J. Binnie, whose mother died shortly after its birth, passed away last Saturday at St. Cloud.

Ice! Ice! Ice! Independent Ice Co.—Prompt delivery lake and river ice. Both phones, 47L.—Adv.

Bone Fertilizer in any quantity. Home grown Golden Bantam sweet corn. Garden seeds at half price can be obtained by phoning McDougall's Feed Co. Phone 55.—Adv.

Builders Attention—We can save you money on cement blocks. Write for prices. Reynolds Construction Co., Reynolds, N. Dak.—Adv.

Selling Out Below Cost—Ladies' pattern hats, no two alike, also hats made to order. Bon Ton Millinery and Hair Parlors, first block, 103 Cottonwood street.

Plant Trees—It will pay you to buy from your Home Nursery as they are climated and shipments will reach you in one or two days. Send for catalogue and note special reduction list on forest trees and Caragana (Siberian Pea Tree). Address East Grand Forks Nursery, Oscar Wick, Prop., East Grand Forks, Minn.—Adv.

Real Estate Deals—Land transfers recorded yesterday were as follows: E. J. Lander to W. H. Schultz, lots 13 and 14 in block 5, Lindsey's addition, consideration \$200. W. S. Base to C. Erickson, 160 acres in Hegton township, consideration \$7,300.

What Have You for Sale? That's what the readers of The Herald want to read to know. Just think for a moment and see if you haven't something which is to you now of no value, but which is of value to some one else. Advertise it. Herald want ads cost only a penny a word a day.—Adv.

Delegates Named—Henry O'Keefe, Jr., and Robert Hughes were named as delegates Monday night to represent the local council of Knights of Columbus at the state meeting of the order at Dickinson, Robert Thacker of this city, state deputy, will also attend.

Wonderful Summer Trip—Any point in North Dakota to San Francisco, steams through Panama canal to New York (12 days), thence by rail to starting point. Stop-overs granted. First class, \$24.66; third class, \$19.66, including meals and berth on steamer. H. Bendke, Agent, Grand Forks.—Adv.

Do the Frats Measure Up—The Y. M. C. A. at the university will hold an interesting meeting this evening when the question, "Do the Frats Measure Up?" will be discussed by members.

The Bhand Electric Co. are now well on with the "Whiteway" electric lighting contract which will give satisfaction to the people of "City Beautiful." Why not give us your house wiring to do? Phone 278-J. N. W. Office opposite N. P. freight depot.—Adv.

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Start Your Clean Up and Paint Up Campaign Right—We will show you the most up-to-the-minute stock of wall paper in the state. "Homes Beautiful" the "City Beautiful." Roat's Paint Store.—Adv.

New Directory—The Northwestern Telephone Exchange company is preparing a new directory which goes to press about May 1. Order your telephone today and get your name in the new book. For rates and information call 1510.—Adv.

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Vigor and Health For You. Do you feel the need of a good tonic? Is your appetite poor? Are you always tired? Do you want to feel within yourself the power that comes with vibrant health and strength? You need Meritol.

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Bendke Returns—H. Bendke returned today from the Twin Cities where he has been spending the last week.

Moot Court Friday—Practice court for the seniors of the law school of the state university will open Friday. Dean G. F. Wells will preside.

Past High Priests—The work in the R. A. degree, to be done Wednesday night by Corinthian Chapter, R. A. M. will be put on by the past High Priests of the chapter.

Locksmithing—We repair locks and make keys of every description; over 2,000 blanks now in stock. Tennis racquets restringed. Complete line of tennis and golf goods. Lyons & Company.—Adv.

Niagara Visitor—C. F. Fee, formerly of Minto, now proprietor of a general store at Niagara, N. D., was a business visitor in Grand Forks Monday.

Harris to Canada—W. S. Harris, who has been connected with the Grand Forks Herald during the last two weeks, has left for Brandon, Man., to accept the position of managing editor of the Brandon Sun.

Funeral Held Today—The funeral of Alice Rose, the 1 year old daughter of Mr. and Mrs. Fred Rose, was held from the home of the parents on Cottonwood street this morning. Four little girls acted as pallbearers, being Jane Pagett, Laura Hinkins, Mable Barlow and Eunice Wilkinson.

Card of Thanks—I wish to thank my friends, neighbors and relatives for the many kindnesses extended during the sickness and death of my husband, Archie McMurray. Signed, Mrs. Archie McMurray.

No Word From Bushaw—No word has been received as yet from Owen Bushaw of the local Singer Sewing Machine company agency, who has been missing for the last week.

Preble in Town—Oscar Preble, formerly a student at the Dickinson Pressed Brick company, is in Grand Forks today in connection with the opening of bids for the proposed high school building by the city school board.

The Y. W. C. Lunch Room at 414 1/2 DeMers avenue will begin to serve cafeteria style on Thursday, April 22. Prices range from 1 cent up. Try this for your spring appetite.—Adv.

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Lee Recovers—P. A. Lee of Pekin, N. D., who underwent an operation for appendicitis at a local hospital a week ago, was sufficiently recovered today to leave the hospital.

New Grooms in Towns—Myron Brathovd of Reynolds, a groom of about two weeks, accompanied by Mrs. Brathovd, is visiting in Grand Forks today.

Revival Meetings—Rev. O. Horstad of Halstad, Minn., will conduct revival meetings every evening this week at the Scandinavian Methodist church. The meetings last week were very successful and we are sure this week's meetings will be just as successful. All welcome.

Final Arrangements for the proposed course in agriculture for pupils of the high school, and upper grades of the Grand Forks city schools will probably be made during the present week.

The board desires to have at least 50 high school pupils enrolled for the work before proceeding further with the arrangements. Sixteen have already signed up and it is expected that as many more will enroll after consulting their parents in the matter.

After the high school pupils have all been accommodated, as many from the seventh and eighth grades as there is room for will be admitted to the course.

Applications have already been received from a number of prospective teachers for the work and a choice among these will probably be made as soon as the class is definitely assured.

The twenty acres of land owned by the city school board, adjacent to the state fair grounds will be utilized for the work in the course.

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UNDERSTOOD THAT LEAGUE MAGNATES WILL PUT UP THE BOND IN PEG COURT

Justice Curran Grants Injunction, But Will Stay Judgment if \$20,000 Bond is Put Up—Case Also Will be Appealed.

Winnipeg, Man., April 27.—It is understood here that the Northern league magnates have decided to put up the \$20,000 bond demanded by the court to avoid an injunction preventing them from opening the season May 6. It also was announced that the defendants would appeal from the decision of Justice Curran.

Justice Curran's decision was handed down late yesterday afternoon. He granted the plea for an injunction, but made the provision that judgment would be stayed if the defendants put up a bond of \$20,000 to guarantee any damages that might be awarded to the plaintiffs in trial.

A summary of Justice Curran's decision follows: The plaintiffs ask for an injunction restraining the defendants, others than the Winnipeg baseball club and the National Trust company, limited, and each of them, their agents and attorneys, from playing baseball games within the city of Winnipeg and the territory surrounding said city to the extent of five miles in every direction from its corporate limits, in violation of the plaintiffs' rights.

It appears that the Winnipeg baseball club was deliberately dropped from the membership of the Northern league by the action of the defendants, other than the Association of Baseball, Limited, and the National Trust company, limited, when the league officers met at a meeting held subsequently to the meeting referred to, at which the Winnipeg Baseball club, through its representatives, was not permitted to be present.

Expulsion against Will. This action, I think, undoubtedly constituted an expulsion against the will of the Winnipeg Baseball club from the Northern league, an expulsion which does not seem to me from the evidence produced, to have been founded upon either principles of right or justice, as certainly was not the case in the case of the other regulations which the league has had deliberately adopted for their guidance under the circumstances.

Friction undoubtedly existed between the plaintiffs and certain of the individual defendants. Whether or not it is just ground of complaint exists against Purford with regard to his past management of the Winnipeg Baseball club in the city of Winnipeg, it seems to me that any rate, it appears to me beyond question that the individual defendant or a majority of them, at all times, have endeavored to get rid of Purford from the Northern league, and substitute another club, and ultimately, when proper arrangements for playing games of professional baseball were made, to grant a franchise to another club or its owners or promoters.

Such a club seems to have been brought into existence by the defendant Will, in connection with the defendant Association of Professional Baseball, Limited, a company incorporated in the province of Manitoba, and which is now doing business in Winnipeg, and considerable expenses already been incurred in making necessary improvements for the purpose of playing games of baseball during the coming season.

The defendant league has put forth into the public domain a schedule of playing games of professional baseball in its environment, and if an injunction asked for is granted, it will seriously dislocate not only the games fixed to be played in the city of Winnipeg during the present season, but also all the other games scheduled throughout that part of the United States controlled by the Northern league.

Plaintiffs have not, this season at all events, gone to any material extent making preparations for game River Park. They do not appear to have a lease in writing from the owners of the grounds, and have no expenditure in the matter of improving the grand stand or the funds generally for the convenience of patrons of the sport.

The briefs of the situation of the defendants contend that members of a club in the league only for a year, and must be given a year to year by some positive action of the part of the members of the league.

Plaintiffs contend that the defendant league is in violation of the terms and tenor of the various covenants, bylaws, and agreement referred to go to show a continuing membership in the league until the defendant league is either voluntarily withdrawn or expelled for any causes assigned for purpose, and I agree with this contention, and do not seem to me that any valid ground of expulsion of Winnipeg club has been shown in any way the final issue of which I will not discuss by going so far as will be necessary, to reach a conclusion upon the objects of the present motion, namely, whether or not to continue the injunction to the trial.

Plaintiffs' Rights. I think the plaintiffs have shown the existence of a right in their favor as the constituents of the Winnipeg baseball club to the enjoyment of the rights and privileges inter se afforded by membership in the Northern league, amongst which seem to be those conferred by section 29 of the constitution and seemingly incorporated by article 27 of the National Association agreement. Whether or not this right is a franchise as the term is legally defined I am not called upon now to determine. It would seem not to be, but is nevertheless a right conferred by mutual agreement between all the forces and powers of organized professional baseball in Canada and the United States.

It has been suggested that this agreement, being in the nature of a monopoly, is void at common law or, at all events, not enforceable in law. This contention was not argued with sufficient conviction or upon authority to cause me to do more than refer to it.

Defendants Cause of Deprivation. It seems to me that the plaintiffs have been deprived of something which they were and still are entitled to enjoy and defend against, other than the National Trust company, Limited, are the authors or cause of such deprivation, and ought to be held responsible for it and all the consequences naturally resulting therefrom, if the rights enjoyed by the plaintiffs are legal rights an infringement of which would result in legal injury. The defendants contend there may have been damage to them, but Judge Curran here quotes from Kerr, and goes on to say: "These passages from Kerr seem to cover this case very fully, and appear to me to indicate just how I ought to apply the law. The relative situations of the two parties I have before stated in brief, and I think beyond any doubt the balance of inconvenience is in the defendant's favor. It seems to me that their position would be very gravely prejudiced by the present interference of the court by way of injunction—interference which might result in the loss to the defendants, and particularly to the defendant Webb and Association of Professional Baseball, Limited, which it would be impossible to estimate."

Keep Records of All Takings. The defendant's counsel have offered an undertaking that a strict record and account of the takings of all annual spring meetings of the Northern league, or wherever the ball grounds are located, will be kept so that, in the event of the plaintiffs being adjudged favorably at the hearing, the plaintiffs will be in a position to know definitely what has been sustained or will have sustained during the baseball season of 1915 by being deprived of the alleged franchise.

Must Give Bond. On the other hand, if the injunction being granted it should ultimately prove that the defendants are in the wrong, it would be, I believe, impossible to compute the loss which the defendants, and particularly the defendant Webb and Association of Professional Baseball, Limited, would suffer. These considerations, I think, would lead me in deciding to withhold the injunction, and I do so, but upon terms that the defendants shall give satisfactory security to the plaintiffs for the proper accounting of the receipts from all games played ashore as well as in Winnipeg or Norway or wherever the games shall be played, and abiding by the provisions of the receipts which ultimately shall obtain upon a trial of this action.

I am the more inclined to take this view, and so decide this application, because I am impressed with the utility of any action the court may take in enjoining the defendants in the manner sought for upon this application, because, with the exception of the defendant Webb and Association of Professional Baseball, Limited, all of the defendants are without the jurisdiction of the court. It is true that the court might enjoin these defendants from playing in the city of Winnipeg, but the court could not compel these same defendants to play baseball with the plaintiffs' club, and the result would be if the injunction were granted that the defendants would be wholly deprived of the privilege of playing games in the city of Winnipeg for the public amusement, but could not be compelled to furnish any amusement for the public at the plaintiffs' baseball park or under the plaintiffs' direction and guidance.

Costs Go With Trial. Upon the whole, I think the interests of justice will be served by refusing to continue the injunction upon the terms I have just indicated. If these terms are not complied with, then the injunction will go as asked for until the hearing of the appeal. Costs of the application to abide the result of the trial.

W. H. Trueman appeared for the plaintiffs and Sweatman & Fillmore for the defendants.

PLANS FOR FARM COURSE ADVANCE