THE OMAHA DAILY BEE WEDNESDAY, AUGUST 7, 1895.

| 2 | the second s | THE OFFALLS DATE | | | The second s | and the second se |
|--|--|---|---|--|---|---|
| | | STRATE DI LOS IN THE DICE | Kennedy, reflectively, Attendance, 2,000. | BUDDICK IPADO THE DIDEDO | (25 to 1) second, Cheeripe (15 to 1) third. | NOW AMONG THE VICUTOMENT |
| governor. Mr. Simeral also made an affidavit lec | ction of the said Brown, Amant further | FIFTH PLACE IN THE RACE | Score: | BURDICK LEADS THE RIDERS | 2'ime: 1:02 | ROW AMONG THE YACHTSMEN |
| showing that the quo warranto proceedings say had actually been brought by Mayor Bemis. ap- | and the prior to, and at the time of the | In In Inter In Inter | Boston | | Third race, about six furlongs, selling: | non materia filla fillenteria |
| | understanding or agreement with them. | | Brooklyn | the second s | Third race, about six furlongs, selling: Sir Richard (2 to 5) won, Ricardo (20 to 1) second, Mamie Scott (25 to 1) third. Time: | and the second se |
| ARGUMENT FOR PLAINTIPP. OF | the governor, directly or indirectly, as to | | Hits: Boston, 12; Brooklyn, 11. Errors: Boston, 3. Elamed runs: Boston, 2; Brook- | a all rates in the state of the state | 1:13% | |
| Mr. Simeral opened the argument by dis- wh | hat course said appointees would pursue | Denver Drops Another Game and Changes | lyn, 4. Two-base hits Duffy, Shindle, Daly, | One Lap Ahead at the Close of the Second | Fourth race, seven furlongs: All Baba | Gould's Manager Accuses Defender's Handler |
| cussing the right of the publicate to an in on | a the police board, or what action they | | Barnon, Lachaness Three-Duse hits; Lor- | Night's Racing. | (10 to 1) won, Charmion (4 to 1) second, Royal Flush (4 to 5) third. Time: 1:27)4. | of Unfairness in Sailing. |
| junction restraining the pretended board of we | ould take after the police bill passed by | Notches With Quincy. | coran, Stivetts Home runs: Shindle, | wight's mound. | Fifth race, one mile, selling: Charmer | or omainess in bailing, |
| commissioners from interfering or taking any the | he late legislature should go into effect. | | Lowe. Stolen hase: Daly, First base on balls: Duffy (D, Tenny, Long (D), Tucker, | | (3 to 1) won, Ike Le (7 to 2) second, Hell Ringer (7 to 2) third. Time: 1:4236. | and the second se |
| | fiant further says that he did not in any ay interfere, or seek to bring about the | ANUS NEITHER WIT HAD FILLS SUBELY | Lowe, Sacrifice hit: Corcoran, Struck out: | PACE WAS TOO WARM FOR TESSIER | tringer ti to si tuird Lime: 1.423g. | VICUANT DECUNICE TO START ADAM |
| | ay interfere, or seek to uring about the | COULD NEITHER HIT NOR FIELD SURELY | Bannon (2), Nash, Long, Treadway, Stein, | FACE WAS TOO WANIN FOR TESSIEN | Only One Favorite Able to Win. | VIGILANT DECLINES TO START AGAIN |
| | t has already been made public through | | Grunn. Duy Jouble mays: Nagh to renny | | SARATOGA, N. Y., Aug. 6One solitary | |
| | e columns of The Bee, and further affiant | Control of the case of the second second | to Lowe; Corgoran to Daly to Lachance, Passed balls: Tenny, Grimm, Wild pitches: | Holton Had a Fall and Then Made | favorite showed in front today, Hazlett, | Manual Contraction of the second s |
| cers and claim to be officers de jure. This say | tys not. | Hill's Curves Were Puzzles and the | Sexton, Kennedy, Hit by pitcher: Tucker. | the state of the second s | at odds on, winning the Grand Union Hotel | Handling of the Syndicate Boat at the |
| position we assume is supported by High on Ct | OMMISSIONER DEAVER'S AFFIDAVIT. | Few Errors Made Were of the | Batteries: Sexion, Stivetis, Tenny and Ganzel; Stein, Rennedy and Grimm. Time: | Trouble for Everybody by Try- | stakes. The track was in good condition. | Start of the Drexel Cup Race |
| 'Injunctions.' Officers de facto of a school | "D. Clem Deaver, being first duly sworn, de- | Most Costly Kind-Lincoln | Two hours and fifty minutes. Umpires: | ing to Get the Lost | First race, five furlongs; Midlo (5 to 1) | Brings Out an Earnest |
| district, it states, may restrain officers who po | ones and says that he is one of the plaintiffs in | and Des Moines Win. | Burnham and Hunt. | Ground Back. | won, Pen Brook (4 to 1) second, Runover | Protest. |
| | he above cause. Affiant further says that | | BUNCHED HITS ON HUTCH. | N | G to 5) third. Time: 1:324. | |
| at a start of these sales hald the other the | e was duly appointed by the governor of | | CINCINNATI, Aug. 6 Cincinnati bunched | | Second race, six furlongs: Wernberg (6 to 5) won, Jack of Spades (5 to 1) second, | the second to a second second |
| A THE REAL PROPERTY AND A DESCRIPTION OF | he state of Nebraska as a member of the | Quincy, 8; Denver, 3. | five hits in the seventh inning and gained | The second night of the sin-day bicycle | Derfargilla (11 to 1) third. Time: 1:15. | NEWPORT, R. I., Aug. 6 If any ad- |
| the state of the second second in the state of the second se | tord of Fire and Police Commissioners for he city of Omaha, and that by virtue of the | Lincoln, 6; Jacksonville, 5. Rockford, 4: Des Moines, 3. | a lead which the Chicagoans could not | chase at the Charles Street park was most | Third race, Grand Union Hotel stakes, | ditional test had been needed to show that |
| while the right to the office is being tested | aid appointment he took possession of and | Peoria, 19; St. Joseph, 4. | overcome. The only error made by the visitors cost nothing, but Smith's misplay | exciting. There was not a moment's let up | five and a half furiongs: Hazlett (4 to 5) won, Axiom (5 to 2) second, La Vienta (12 | the finkeel yacht Defender is a better alt- |
| by a proper proceeding." Spellman, another ov | xercised the duties incumbent upon him as | Pittsburg, 17; St. Louis, 2. | and a base on balls were responsible for | in the pace throughout the two hours and a | to 1) third. Time: 1:0859. | round boat in light waters than the center- |
| law writer, was read, indicating a similar su | uch member of the Board of Fire and Po- | New York, 9: Washington, 0. | two of the tallies scored by Anson's men. | half's going. The first mile was reeled off in | Fourth race, seven furlongs: Lucania (3) | board Vigilant, it was furnished today, when |
| doctrine, and several cases were cited in sup- lic | ce Commissioners. Afflant further says | Cincinnati, S. Chicago, 6. | Attendance, 2,900, Score: | 2:36, one man after another setting the pace. | to 1) wore, Sufficient (8 to 5) second, Lady Diamond (19 to 1) third. Time: 1:28 | those yachts raced over a twenty-one mile |
| port of the position taken by the plaintiff. th | hat he is acquainted with the contents of | Broaklyn, 8, Boston, 7, St. Paul, 7-20; Kansas City, 14-13. | Cincinnati 0 0 0 2 1 0 4 1 *- 8 Chicago 1 0 0 0 0 2 2 1 0 6 | All rode well, but early in the game it was | Fifth race, one mile: Babe Murphy G to | equilateral triangular course, outside of the |
| | he answer filed by the said defendants | St. Paul, 7-20; Kanaas City, 14-13, Minneapolis, 9; Milwaukee, 4, | Hits: Cincinnati, 12; Chicago, 13. Errors: | evident that Burdlek, Holton and Tessier | 1 1) won, Lord Nelson to to 1) second, Darien | |
| | erein, and that the statement of a con- piracy between this affiant, the governor and | Indianapolis, 10; Grand Rapids, 6. | Cincinnati 9: Chicago 1 Earned runs: | a second s | (4 to 1) third. Time: 1:43, | harbor, for a \$200 cup offered by J. R. |
| due course of law. The cases go on to ex- E | 2. Rosewater is wholly faise and untrue, | | Cincinnati, 7; Chicago, 2, Two-base hits: McPhee, Lange, Hutchinson, Three-base | were out for business. | Interstate Championship Games. | Drexel. The course was one which gave |
| plain the reason why this rule exists, for it ar | nd is without any foundation in fact. Af- | QUINCY, III., Aug. 6(Special Telegram.) | hits' Holliday, Burka Docker, Home runs; | Holton displayed unusual powers and dem- | The Wahoo base ball team proper has de- | the contestants every chance of showing |
| would result in the entire subversion of the fit | iant further says that during the campaign | -Quincy played an almost errorless game | Lange, Stolen bases: Holliday, Wilmot, Double plays: Dahlen to Decker; McPhee | onstrated that he is yet far from a selling | feated all the other teams of any promi- | what they could do. They started out on a |
| | efore the last campaign in the state of Ne- | today. A single and a home run in the | Double plays: Dahlen to Decker; McPhee to Ewing. First base on balls: Off Parrott, | plater, and there is no telling what Lester | nence throughout the state during the month | beat of seven miles to windward, then had a |
| | masks, he was chairman of the state com- nittee for the people's independent party, o? | be a second se | 5: off Hutchinson, 3. Batteries: Parrott | might have chalked up to his credit had he | | I THE TEACH OF THE SAME DISTANCE AND HUARY R |
| | which the said governor was a member and | | and Vaughn; Hutchinson and Kittredge. | not met with an untimely and unfortunate | the state. However, the University club did | run home before the wind for seven miles |
| The law was taken up by Mr. Simeral in sa | aid governor was a candidate for the office | more runs on a base on balls and errors. Two | Time: Two hours and fifteen minutes. Umpire: McDonald. | accident. He lost a lap and a half after hav- | leven better than that, it defeated a team | Bore, in the first two legs the Defender |
| reference to the provision for an appointing of | f supreme judge, and in this manner the | a study of the second state the | CLEVELAND, Aug. 6 No game; rain, | ing ridden for an hour and one-half by run- | composed of the nower of the Hastings | easily showed her superiority. When the Defender and Vigilant were lock-ying for po- |
| board, of which the governor is one. The af | ffiant and said governor became well ac- | | STANDING OF THE TEAMS. | ning into Burdick's wheel on the northeast | clement of the original wahoos, so that it | sition to cross the line the hig wachts came |
| | juainted, and that said acquaintance | visitors' three runs were earned on three | Played, Won, Lost, P.Ct. | turn, where he took a bad fall, but immedi- | THEN HIS DUSTRALIN Y WEITLE SHIT SHE CHARACTER CHE | protty close together at one time. Doth wears |
| sions, before any appointment could be th | as continued since. Affiant fur- her says that the appointment of | | Cleveland | ately made up the half lap. After riding | amateur championship of the state. On next Eridax and Saturday, August 9 and 10 the | on the starboard tack, so there was no ques- |
| made legally or the governor required to hi | imself as a member of said commission was | QUINCY. AB. R. 1B. PO. A. E. | Pittsburg | along for ten minutes he struck out to gain | I Kansas City Schmetzur, who hold the same | Lion as to who had the right of way, except- |
| take part in an appointment. Yet the m | nade without any influence being brought to | Mertes, If | Baltimore | back the lap which he had dumped, and made | title for both Kansas and Missouri, will be | ing by the rule that the overhauling ves- |
| Churchill-Russell combine attempted to com- bu | war in his behalf by said Rosewater. Af- | Larocque, 2b 5 1 1 3 2 0 | Beston | an eighth in fifteen and four-fifths seconds. | here for two games at University park. In case of an even break another game will be | sel should yield. In this case the De- |
| | lant further says that he is at the present | McVey, 10 | Brooklyn 82 45 37 54.9 | and kept it up by changing pace with Bur- | arranged and in case either team wins | Vigilant as the did off Sands Uock cannot off |
| | ime acting with the mayor of this city and | Holmes, cf 5 1 3 3 0 0 Boland, c 4 0 1 4 1 0 | C.nciunati | dick and Taggar until he took back his lost | | Vigilant, as she did off Sandy Hook, eased off and avoided what might possibly have been |
| | Sharles H. Brown, which said persons consti- | White, ss 1 1 0 2 4 1 | Philadelphia 82 44 38 53.7 New York | ground on every one but Burdick, whom he | | a collision. Of the other yachts which raced |
| | ute a majority of the said Board of Fire and Police Commissioners for the said city of | The second | Widdhington | was unable to shake for an instant. First | and a second | the winners were among the schooners Em- |
| eality " | Imaha, exercising the duties and functions | | St Louis | they took a lap from the Mound City boy, | Murphy Bests Sheldon. LOUISVILLE, Aug. 6.—The Murphy- | erald, Amorita and Loyal; among the sloops, |
| An examination of the law, Mr. Simeral | of said office and are in active possession of | | Games today: Brooklyn at Boston; Wash- | who immediately hooked on to the procession and the three started to make it too hot for | | Queen Mab and Uvira. The official time of |
| also showed, disclosed that it is unconstitu- tional and hopelessly in conflict with the | ill property pertaining thereto, together with | Totals | ington at New York; Baltimore at Phila- | | Murphy weighed in at 111 and Sheldon at | the big yachts was as follows; |
| tional and hopelessly in connet with the th | he records of the said office, and that the | DENVER. | delphia; St. Louis at Pittsburg; Louisville | | 11012. Murphy made the pace very hot from | Start Finish Time |
| | cooms, records and all property of said office | AB. R. 1B. PO. A. E. Shaffer, 15 | at Cleveland; Chicago at Cincinnati. | with cramps, no doubt caused by the | the start and had everything his own way. | Defender 11:25:55 2:10:13 2:44:18 |
| VERY TITLE DEFECTIVE. | ire under the control and in the custody of | 1 1 The loop 2 1 0 0 2 2 0 | | fearful pace maintained. | The fight was to be fifteen rounds for | Vigilant 11:26:46 2:17:14 2:50:28 |
| "The title of the law itself in the new fire it and police bill is fatally defective. The title af | he said mayor, Charles H. Brown and this | Single, cf 4 1 1 1 9 1 | SCORES OF THE WESTERN LEAGUE. | Burdick is a dangerous competitor for any | points, but was stopped in the fifth round by the police, and Referee Ahrens awarded | This evening Mr. Willard, who is George |
| | iffiant, as the majority of said Board of Fire | Hutchinson, $2b$ 4 1 1 3 3 2 Pace, rf 2 1 1 1 0 0 | St. Paul and Kansas City Wrestle | of the local riders in this kind of a race. | it to Murphy, as he had his man all but | Gould's representative and manager of Vig- |
| he and is hereby repealed." | and Police Commissioners for said city. Affi- ant further says that as to the legal questions | | Mightily for the Leadership. | Hall, the stocky Missourian, is a tie with | out. Sheldon put up a good fight, but was | liant, gave out this letter, which shattered |
| "What does 'heretofore' mean?" interrupted | irising herein, he is acting upon the advice | Cole, If 4 0 1 2 0 0 | ST. PAUL, Aug. 6 St. Paul lost the lead | Holton for second place, and those who know | | the well laid plans of the yachtsmen and others interested in the race. |
| Judge Hopeweil, Mr. Simeral replied that the | f his attorneys, E. W. Simeral, Charles J. | Miles, 83 4 0 0 0 3 0 Balsz, p 3 0 0 0 1 0 | for a moment this afternoon, but won it | him assert that he is keeping a force in re- serve that will astonish the natives when he | | ON BOARD VIGILANT, Newport Harbor, |
| great brain of the late legislature, which ex- | Greene and George W. Doane. | | back the next. Both games were character- | concludes to let it go. He is riding pluckily. | PHILADELPHIA, Aug. 6An eight- | Aug. 6.—Executive Committee N. Y. Y. C.: |
| hausted itself in trying to pass this law, | COMMISSIONER BROWN'S AFFIDAVIT. | Totals 31 3 5 27 11 4 | ized by hard hitting and careless fielding, | | oared shell from the Vesper Boat club of | Dour Sirs-1 hereby withdraw Vigilant from races on Thursday and Saturday. In doing |
| could probably alone solve the problem. | "Charles H. Brown, heing duly sworn, says | Quincy 0 0 0 2 3 0 1 0 2-8 | but in the second Fricken was slaughtered | first or second honors. The mile he lost last | the Schuylkill navy is training for a race | 1 and 1 desires to add a few words of evolute |
| It was shown that the alleged law is alto- gether at variance with the city charter pro- | hat he is one of the plaintiffs in this suit; | Earned runs: Quincy, 3: Denver, 3, Two- | | night can only be recovered by accidents hap- | with the navy of Pennsylvania eight at | I finn. As you are aware Mr. Could and L |
| solutions differentian 124 of the city charter pro- | hat he has read the answer of the defend- | hase hits: Holmes (2), Hutchinson, Three- | | pening the leaders, which is not probable. | af that effe have subscribed \$2000 for such | as his representative, fitted out and pre- |

2

It was shown that the alloged law is alto-gether at variance with the city charter pro-visions. "Section 134 of the city charter pro-vides that the mayor and Board of Fire and Police Commissioners shall appoint special policemen. This section is not repealed by the alloged law of 1895 and therefore must still be in existence. Section 146 of the city charter was not repealed and it also provides that the special police of the city shall be subject to the mayor and Fire and Police board." Judge Doane, continuing the argument. cited law along the same line, case after case

cited law along the same line, case after case being read to show that where an officer or set of officers are in possession of an office the law along the same line, case after case being read to show that where an officer or set of officers are in possession of an office the law along the same line, case after case being read to show that where an officer or set of officers are in possession of an office the law along the same line, case after case said office, and from that time forward to the date of this affidavit has been in the full. law allows an injunction to restrain those out of the office from attempting to exercise the law allows an injunction to restrain index out of the office from attempting to exercise the duties of the office or disturbing to exercise the duties of the office or disturbing to exercise the session until the right to the office is deter-mined in a proper suit by quo warranto. It was also shown that the appointing board must consist of three, the governor, commissioner of lands and attorney general. If two of the board would get together and appoint police commissioners without the con-st the defendants which relates to this affiant, were the defendants which relates to this affiant, and requirements of this said office; that the said plaintiff, as a member of the Board of Fire and Police Commissioners, on the evening of the 5th inst., met in the rooms in the city hall of the city of Omaha, set apart and assigned to said board as the place for the meeting of said board. Affiant further and Hoover; Gragg and Speer, Umpire: and Hoover; Fire and Police Commissioner the defendants which relates to this affiant, appoint police commissioner without the con-the defendants which relates to this affiant, appoint police commissioners without the con-currence of the third member it would give

the defendants which relates to this affiant. currence of the third member it would give them the power of disfranchising that mem-ber. "The law is explicit that these three officers constitute the appointing board, and if the law is defective in not providing for a quorum it is the fault of the law. In this particular case the two members of the board exhibited the most undue haste, undertaking on the very day the new law went into effect to force the governor to meet and appoint the solves, in spite of the express provisions of the law designating all three asian appointing the law designating all three asian appointing to force the governor to meet and appoint the commissioners in conjunction with them selves, in spite of the express provisions of the law designating all three asian appointing power." JUDGE CHECKS RANSOM. At the conclusion of the remarks of Judge Doane, Frank Ransom started to speak. He insisted on going into an exhaustive discussion of the constitutionality of the law in spite of Judge Hopewell's assurance that this confictions he did not care to hear argued in a spite of Judge Hopewell's assurance that this confictions he did not care to hear argued in the says all such charges, allegations and in the says all such charges, allegations and in spite of Judge Hopewell's assurance that this confictions he did not care to hear argued in the says all such charges, allegations and in his betalf, should hold their such thereof in said answer. situations, and each thereof in said answer contained, are untrue; that the charges that in pursuance of such design this afflant, acting with others, procured the discharge of some of the police force of said city and ap-pointed others in their place, and that the 'I certainly will object," said the court, same was done in pursuance of a "corrupt agreement" is false in every essential and Peoria particular, and any statement, charge or allegation made imputing to this deponent iny corrupt or impure acts or doings touching the procuring of his appointment, or his naking any pledges, or his exercising and discharging his duties as such commissioner. are malicious, false and wicked."

COMMISSIONER BROWN'S AFFIDAVIT. Quincy 0 0 0 2 3 0 1 0 2-8 Denver 0 0 0 0 0 3 0 0 0-3 "Charles H. Brown, being duly sworn, says

CARUTHERS ALMOST WON. CARUTHERS ALMOST WON. JACKSONVILLE, Ill., Aug. 6.—(Special Telegram.)—The Nebraskians won a game from Jacksonville, though the score was to ta had one by any means. The visitors not be-ing used to the grounds, caused them to make more errors than usual, and the home team fell down at every point. There was no very brilliant work on either side. If Caruthers had been given proper support the home team would have won. Score: Jacksonville. 10 1 0 0 0 0 2 1 - 5

AND FLAHERTY FELL DOWN.

NINETEEN HITS OFF STULTZ.

 St. Paul.
 86

 Indianapolis
 81

 Kansas City.
 84

 Milwaukee
 87

 Minneapolis
 82

 Detroit
 80

 Terre Haute
 83

 Grand Rapids
 83

 Games today:
 Kansas
 Games today: Kansas City at Minne-apolis; Terre Haute at Detroit.

GAMES OF THE LIVELY AMATEURS.

Hebron Had Two Mice Contests for

Paul.

Berger

Moran

Second game:

One Afternoon. HEBRON, Neb., Aug. 6 .- (Special Tele-

Played, Won, Lost, Pr. Ct

545454388

33342941

53

tiders. Burdick

Faggar .

night, he having covered one more lap than any other rider. Score: Laps STATE TENNIS TOURNEY OPENS.

Contests for Doubles Given a Good

GRAND ISLAND, Neb., Aug. 6 .- (Spe-cial.)-The annual tournament in doubles of the Nebraska Lawn Tennis, association see the town. While he was walking along mened in this city this morning. The Grand Island tennis devotees have an excellent court and have made the proper arrangements for spectators. The games arrangements for spectators. The games were begun at 9 o'clock, and some lively playing was done from the start. The knowing ones are speculating a great deal as to the outcome, as the teams are pretty evenly matched and it is a tossup between three of the clubs, if not four of them, which will be the winner. The visiting teams are: Balley and Bernhart, Stone and partner, Guilmette and Brown and Powers and Duer of Hastings; Coffin and partner and Milford and Laverty of Ord; Young and Caldwell and Austin and Battin of Omnha, Haskell of Wakefield and Abbett of Grand Island. The home teams are Farns-worth and Wilfard, Abbott and Alter, Ewart and Fowlie and Nusz and Hetzel. Today's scores are: black in further to some one he knew. He fair to affind the actions of the America's could not remember who it was, but was nevertheless very glad to see Turper, and shook hands with him. All this tickled Turner mightily and he said maybe it was his brother he resembled, a brother who was in the hardware business in Sloux City.

Mr. Iselin was taken aback at the news the street he was accosted by a well-dressed that the Vigilant had decided to withdraw, and apparently well-to-do young man. This young man said that he saw some resem-blance in Turner to some one he knew. He

terested, because he was well acquainted in Sioux City. He asked what the brother's name was. When he got the answer he ex-claimed: "Turner". When Claimed: "Turner? Why, bless my soul, every time I go to Sioux City I stay at your brother's bonse You know I am a traveling man and Scotch cutter Thistle, which was defeated I go to shint only an a traveling man and house. You know I am a traveling man and have shipped him hundreds of carloads of goods. When are you going up? Today? Oh, no. Wait until tomorrow. I have six teeu cars of barb wire down here on the tracks that I am shipping to your brother, and I am going up tomorrow. We can go The failure of the Meteor to start was due to the fact that half a gale of wind was blowing, and as Meteor is no match for Britannia in such weather she did not Turner agreed to stay over a day and the two parted with the agreement that they were to meet on the following day at Eleventh and Farnam streets and go to the start. depot together. Turner went to the meeting place yester-

Will Race at Indianapolis.
PHILADELPHIA, Aug. 6.-An eight, on August 17. Clubers interested in the race:
One of the should like the should be availed to be should be available to a contest, and in addition to paying the series of the winning crew will be awarded solid gold medals valued at \$100 each.
BUFFALO, Aug. 6.-A cloudburst shortly before noon deluged the driving park and made it advisable to postpone today's grandicular determined by a Well Known Game.
SO TURNER PAID THE FREIGHT.
Yesterday afternoon Joseph Turner, a young farmer of Oregon, who was passing through the city on his way to Sloux City, was bunched the city on his way to Sloux City, was bunched be in the city and the size of the men has been discovered.
Turner arrived in the city last Monday, intending to remain here only a few hours to see the town. While he was walking along the size the was accosted by a well-dressed
Market the town. While he was walking along the size the was accosted by a well-dressed
Market the town. While he was walking along the size the was accosted by a well-dressed in the value the town was to be a given way. In doing the response to the size to a given way in the act of the men has been discovered.
Market the town. While he was walking along the size the was accosted by a well-dressed in the town was taken aback at the pawar to withdraw.

question he did not care to hear argued in

Ransom got so warm that he threatened to withdraw from the sult if the court again objected.

"if you persist in discussing a question I do not wish to go into."

Ransom's appearance in the case was challenged by Judge Doane, who reminded him that the other day he only claimed to reprewas none of Judge Doane's business whom he represented. He then proceeded to argue the question from the point of view that the law was constitutional and the city council was not in the position pointed out by preceding attorneys

Judge Hopewell said he didn't intend to have an order of this court ignored by an indirect course. "Tomorrow," he said, "I indirect course. "Tomorrow," he said, "I have announced I will go into that. Now I don't want to hear anything on that line." Other arguments of Ransom were directed to the point that the law must be good in

spite of the defects in the title pointed out by Mr. Simeral, and the provisions relating to appointments being made by a board of three, as argued by Judge Doane. He went so far as to say that the clause "within thirty days" was an emergency clause. Judge Hopewell dissented.

At 5:30 the case was adjourned until 9:30 this morning.

DENY THERE WAS COLLUSION.

Affidavits Relative to the Appoint-ment of Brown and Deaver. Affidavits of Edward Rosewater, Charles H.

Brown and D. Clem Deaver in ansewer to charges of collusion and conspiracy with the governor in the appointment of the two latgovernor in the appointment of the two lat-ter as members of the Board of Fire and Police United States will be held at Cincinnati Sep-Commissioners, as read before Judge Hopewell yesterday, are as follows:

"Edward Rosewater, being first duly sworn, says that he knows the contents of the answer filed herein by the defendants, and that so much thereof that refers to affant's con-Brown and D Clem Deaver by Governor Holcomb upon the Board of Fife and Police Commissioners, affant avers the truth to be that up to the day preceding the appoint send to ments affiant had no other knowledge than gates, was generally rumored about the city as to whom the governor was likely to appoint and that he did not even know whether the appointees would be republicans, democrats or populists; that about 9 o'clock on the evenof May 6, 1895, affiant was requested to call upon Governor Holcomb at the Paxton hotel, where the governor for the first time informed affiant that he had selected Messrs. Brown and Deaver as said commissioners, and asked affiant whether said appointces would be objectionable to the citizens of Omaha. Affiant thereupon asked the governo. long he would remain in the city, and was then and there informed that he tended leaving at 6 o'clock the next morning. May 7. Afflant then represented to the gov ernor that the time was too short for him to gather the desired in-formation and thereupon the governor agreed to remain until 10:15 a.m. Affant forther says that carly the next day, May 7, affant called upon Herman Kountze, Henry Pundt, William Paxton, B. B. Wood and other prominent citizens to ascertain their views regarding the proposed appointments. When fliant again called at the Paston hotel he informed the governor that he had been able to see but few persons, and asked the governor to remain until afternoon. To this the governor acceded. After making further inquiries, afflant called at the Paxton hotel about 1 o'clock p. m. of the same day d was then informed that the governor and was then informed that the governor had gone back to Lincoin, and affant had no further communication with him until after the said appointments had been made. Affant further says that he never solicited the governor, or importuned him to appoint either Charles H. Brown or D. Clem Deaver, although affiant, for some time previous to May 7, knew that Deaver had been an applicant for said appointment; that so far as the appointment of Brown was concerned, the first information he had as to his (Brown's) cant for said appointment; that so far as the appointment of Brown was concerned, the first information he had as to his (Brown's) willingness to serve on the commission was on the said 7th day of May, and after the governor had informed affant of his se-

Must Go to the Supreme Court.

LINCOLN, Aug. 6 .- (Special.)-Governor Holcomb said today that the situation of the fire and police complication in Omaha looked very much as if it were steadily drawing nearer the supreme court chambers. He understood that another supreme judge would Peoria be in the city tomorrow with Judge Norval. when some arrangement might be made looking to the preparation of petitions and briefs to be ready for the regular session of Rockford the court on September 17. The governor seems confident that the case must ultimately St. Joseph be decided by this tribunal regardless of what the lower courts may order. He said further that he had no doubt of the final result. He believed the law would be de-

clared unconstitutional and invalid.

Called on for Delegates.

Mayor Bemis has received communications requesting him to appoint delegates to several conventions which are scheduled for the next month or two. The annual meeting of showed its superiority over the Browns in tember 20, and at least two delegates are wanted from Omaha. The Western States conference will convene at Topeka, Kan., Ocother 1. The purpose of the organization is to organize an interstate exposition, to be held at Galveston, to celebrate the comple-tion of the jetties and the securing of deep water for the gulf ports. In addition to these

the third annual convention of the Waif Sav-ing association of America will be held at Detroit August 29, and the mayor is asked to send two women and three gentlemen as dele-

PERSONAL PARAGRAPHS

C. E. Baker of Beatrice is at the Millard. C. H. Sharp, New Castle, Wyo., is at the Paxto

D. T. Morgan, Evanston, Wyo., is at the Merchants.

W. L. Moreland, Atlantic, Ia., is at the Merchants. H. S. Mann, South Omaha, is making the

Barker his headquarters. Charles R. Allen, a prominent business man

of Neligh, is in the city. Mrs. S. Pauline Rogers is making the

Barker permanent quarters. Edward C. Millar of Fullerton and P. L.

Hale of Arapahoe were in the city last even-

Mrs. Charles H. Pickens and daughter have returned from a two months' visit at Sal Lake City and Utah Hot Springs.

John J. Holland, railroad contractor and business representative for Lemon Bros." circus, is registered at the Barker.

At the Mercer: Lyman Brown, St. Louis: At the meters: Lynan Brown, St. Louis, G. C. Wooster, Lincoln; George Beecher, Columbus; Charles F. Clarke, Chicago; George A. Bush, Utica, N. Y.; E. Irvine McDowell, Louisville; J. W. Story, Cincin-nati; L. L. Spooner, Council Bluffs; N. S. Des Moines; O. H. Swingley, Beatrice J. E. Byers, F. A. Emery, Chicago; J. K. Wheat, P. M. Price, Hot Springs, S. D.

Nebraskans at the Hotels.

At the Dallone-M. Moore, Norfolk; J. W. Holmquist, Oakland; J. Bratt, North Platte; J. M. Bower, St. Paul. At the Morohants-J. A. Westover, Hy-annis: Abel@Hill, Rushville; M. H. Christy, Sterling; E. L. Burke, Genoa; Robert Black-man, Jacob Ross, Friend.

NINETEEN HITS OFF STORIA. PEORIA, III, Aug. 6.-(Special Tele-gram.)-Peoria had an easy victory over St. Joseph today. The game was a slugging match from the start and Peoria had no trouble at all in finding Stultz, getting nine-teen hits off of him and nineteen runs. Score:

core:

STANDING OF THE TEAMS.

Played, Won, Lost, Pr. C. 544443395 Des Moines 34 39 44 45 53 Quincy Denver facksonville Games today: Des Moines at Rockford; St. Joseph at Peoria; Denver at Quincy; Lincoln at Jacksonville.

NEW YORK, Aug. 6.-Meekin pitched a phenomenal game today and the Senator were whitewashed. Mercer did fairly good work in the box, but those who played be hind him were very slow. Attendance

2,500. Score: New York....... 0 2 0 2 2 3 0 0 *-Washington 0 0 0 0 0 0 0 0 0 -Washington 0 0 0 0 0 0 0 0 0 0 0 Hits: New York, 11; Washington, 4. Er-rora: Washington, 3. Earned runs: New York, 4. First base on errors: New York, 2. Left on bases: New York, 4; Washington, 6. Base on balls: Off Meekin, 4; off Mer-cer, 3. Struck out: By Meekin, 6; by Mer-cer, 4. Three-base hits: Fairfel. Sacrifice hits: Fuller. Stolen bases: Davis (4), Burns. Double plays: Crooks to Hassa-maer. Hit by pitched ball: Fairfel. Passed ball: McGuire. Eatterles: Meekin and Fairfel; Mercer and McGuire. Umpire: Emsile. Time: One hour and forty-three minutes. el. Sac Davis to Hassa Passed and olre

minutes. CHAMPIONS WERE EASY.

PHILADELPHIA, Aug. 6.—The Phillie frolloked with Esper to the extent of nin hits in six maings, and touched his suc cessor, Clinkson, for seven in the remain ing three. Attendance, 6000, Score: Philadelphia 2 0 0 2 0 2 3 1 0-10 Baltimore 0 0 0 2 4 0 0 0 0-6

Philadelphia 2 0 0 2 0 2 0 2 0 0 0 6 6 b Baltimore 0 0 0 2 4 0 0 0 0 6 6 b Hits: Philadelphia, 5; Baltimore, 12, Er-rors: Philadelphia, 5; Baltimore, 2, Earned t runa: Philadelphia, 5; Baltimore, 2, Earned t runa: Philadelphia, 5; Baltimore, 2, Earned t runa: Gleason, Sacrifice hits: Hamil-ton, Cross, Stolen bases; Belly, Left on bases: Philadelphia, 11; Baltimore, 8, Struck out: Clementa, Taylor, Jennings, Clark, Double plays; Relly to Haliman to Boyle, First base on errors: Baltimore, 8, Struck out: Clementa, Taylor, Jennings, Clark, Double plays; Relly to Haliman to Boyle, First base on errors: Baltimore, 2, First base on balls: Off Taylor, 2; off Esper, 3; off Clarkson, 4, Hit by pitched ball; Jennings, Passed balls: Robinson, 2, Bal-teries: Taylor and Clements; Esper, Clark-son and Robinson, Time: Two hours, Um-pire: Keefe,

BURNHAM CHANGED THE GAME.

gram.)-Two games of ball were played here this afternoon. In the second game with Hebron Belleville's pitcher didn't do a thing to the Hebron boys. Score first game Belleville 5 4 3 0 6-1 Alexandria 0 0 0 11 0-1

Kanses City...... 0 2 0 0 2 2 0 1 0-7 Kansas City...... 4 1 0 1 0 2 4 2 \bullet -14 Hits: St. Paul, 11; Kansas City, 14 Er-rors: St. Paul, 4; Kansas City, 2. Batteries: Pepper and Boyle; Kling and Bergen.

MINNEAPOLIS, Aug. 6 .- Score:

Hits: Minneapolis, 13; Milwaukee, 9, Er-rors: Minneapolis, 4; Milwaukee, 5, Bat-teries: Blackburn and Wilson; Rettger and

GRAND RAPIDS, Mich., Aug. 6 .- Score:

Grand Rapids..... 6 0 0 2 0 0 2 2 0 4 Indianapolis 2 0 3 3 0 0 2 0 *-1

Indianapolis 2 0 3 3 0 0 2 0 *-10 Hits: Grand Rapids, 15; Indianapolis, 12 Errors: Grand Rapids, 2 Batteries: Staf-ford and Nye; Fisher and McFarland, DETROIT, Aug. 6-Terre Haute-Detroit game postponed; rain.

STANDING OF THE TEAMS.

Alexandria Base hits: Belleville, 16; Alexandria, 6 Errors: Belleville, 6; Alexandria, 10, Struck out: By Jansen, 7; by Brown, 6, Batterles: Belleville, Jansen and Barrett; Alexandria, Brown and Duncan, Ingram and Burruss. Score second game:

Batterles: York, Ahlin and Douglas, Hampton, Klumb brothers, Struck out: By Ahlin, 12; by Klumb, 6. Umpires: Meradith and Edmander Anim, 12, 09 Kindson. CRETE, Neb., Aug. 6.—(Special Telegram.) —The second game of the series was won by Wahoo by a score of 12 to 4. Wahoo did some tremendous batting, making four home runs, Fewer errors were made by the home team. Score: 4.0.0.4.0.1.3.0.*-12

factory to all.

LOCAL BREVITIES.

The Illinois club adjourned without doing any business last night until Wednesday night of next week.

The charge against Sam T. Wiggins of hav ing embezzied \$19 from M. Collins has been dismissed, the shortage in the accounts having been made good.) T

The Neill boys, "Ed Stanford and Ed Shoen-feld, who were accused of having stolen ter gallons of ice cream, and half a dozen pies from the Hurst Pier company, pleaded not guilty in police countil yesterday and their trial was set for August 9

trial was set for August 9 Sam Malovitch, In 14-year-old hoy, was ar-rested yesterday afternoon on the charge of disturbing the peace. Sam has the reputa-tion of being a preity had boy, but he never before equalled the antics he performed at Thirteenth and Douglas streets yesterday afternoon. Besides relating Cain generally he broke a plate eises window broke a plate glass window.

"Rats" Fitzgerald has been hanging around the police court for a month, awaiting trial on the charge of having slugged Charles Brown, who had refused to buy a can of beer at the request of the gang with which "Rata" had been training. Ted Powers is the fel-low who is supposed to have led the assault and as he had not been found by the police

and as he had not been found by the police the case against Fitzgerald was dismissed. A barefoot and ragged boy 12 years of age was picked up last night in the Union Pacific yards by Officer Drummy. The boy gave his name as Jobn Craig and his home as Ot-tumwa, from which place his father runs as an engineer on the "Q." Johnay says that he ran away from home two days ago, but his nam very clear in his non mind why he BURNHAM CHARTER OF AN ALL AND ALL AND

Ewart and Fowlie and Nusz and Hetzel. Today's scores are: Young and Caldwell beat Abbott and Haskell, 6-2, 7-5, 6-6. Balley and Bernhart beat Nusz and Hetzel, 6-4, 9-7, 2-6, 4-6, 5-2. Art Abbott and Alter beat Stone and Vandyke by default. Wolbach and Fowlie beat Guilmette and Brown, 6-0, 6-0, 6-0. Ewart and Mattox beat Art Abbott and Alter, 6-2, 7-5, 6-6. Powers and Duer beat Coffin and Mil-

being the leaders, which is not probable. He was much broken up over his bad luck, but gamely says he will stick it out and do the best he can. Schrader manifested fast improvement in his work over the first night.

Clark, while he rode a good race, found him-self outclassed and was compelled to surren-

der a couple of miles to the leaders. The special prize was won by Burdick last

.....

Start at Grand Island.

Miles.

After, 6-2, 7-5, 6-0, Powers and Duer beat Coffin and Mil-ford, 6-2, 6-4, 7-5, Holten and Laverty beat Farnsworth and Willard, 6-2, 6-2, 9-7.

STEWARDS GIVE WELCH A REST

Disqualified at Brighton Beach for the Remainder of the Meeting. This new man spoke as if he was the head of the firm for which Turner's friend was NEW YORK, Aug. 6 .- The attendanc was good at Brighton Beach today and was all ready to go out, and asked him if he had paid the freight. "Holy smoke," exclaimed Turner's friend, some of the finishes were exciting. Some o the favorites made a fair showing. Mendi cant was the choice for the third, but he cant was the choice for the third, but he had an attack of slowness and was not placed. Florence led to the half, when Maggie K took up the running to the last furlong, when Queen Bess passed and won by a head, Maggie K only beating Now or Never by a neck. There was some excite-ment in the fifth race. In which Gutta Percha was knocked back by foul riding on the part of Welch. The boys were ques-tioned and after the last race the stewards announced the foul did not warrant his dis-qualification, but they suspended him for the rest of the meeting. Tinge won the race easily and Little Mat was second. Sum-matics: Then the new man said that it would be oo late. He would get back in time to catch the train, but not in time to pay the freight. This was a stunner for Turner's friend, and he then suddenly asked Turner if he had \$100.

was to hustle to the depot and pay the easily and Little Mat was second. Sum-maries: First race, one mile, selling: Vision (4 to 5) won, Lanier (6 to 1) second, Elowling Green (7 to 1) third. Time: 1:455. Second race, one-half mile: Religion (7 to 5) won, Annette (8 to 5) second, Emotional (8 to 1) third. Time: 0:494. Third race, one mile, selling: Queen Bess (6 to 1) won, Maggie K (8 to 1) second, Now or Never (2 to 1) third. Time: 1:435. Fourth race, five furlongs: Lola (4 to 1) won, Lord Hawkstone (9 to 5) second, Ina (even) third. Time: 1:625. Fifth race, one mile, selling: Tinge (35 to 1) won, Little Mat (7 to 1) second, Appoma-tox (8 to 1) third. Time: 1:425. Sixth race, one mile: Sir Dixon, jr., (4 to 5) won, Ameer (8 to 5) second, Lutu T (4 to 1) third. Time: 1:405. Joekey Sabiae Killed. freight while Turner and his friend went back to the hotel for the value. When the hotel was reached Turner waited in the reception room while his friend went up to his room after the value. This was at o'clock. friend did not come back. Even t didn't tumble until he told the police.

Yesterday morning Judge Riner continued the sitting in chambers begun Monday afternoon. The sale of certain property in the

Jockey Sabine Killed.

case of Mary L. Hurley in a fore-ST. LOUIS, Aug. 6 .- Jocky Sabine was closure suit against Henry Gibson was conthrown and killed today while exercising Livingston, a horse belonging to J. D. firmed by the court, as was the sale of some Livingston, a horse belonging to J. D. Fatton. The favorites were not profitable investments for the talent at Fair Associa-tion park today. Turberville landed two 10 to 1 shots in the fourth and fifth races and Sull Ross was defeated in the sixth by an outsider. Summaries: First race, three-quarters of a mile: Modericio (4 to 5) won, Ashland (3 to 1) second, Chicot (12 to 1) third. Time: 1:17. Second race, five and a half furlongs: Don Carillo (even) won, Dare Dollar (3 to 1) second, Helena Belle (25 to 1) third. Time: 1:09% property in the suit of C. A. Van Duesen against I. Oberfelder. The question of attorney fees was next taken up in the forcelosure case of the Farmera Loan and Trust company of New York against the Beatrice Rapid Transit and Power company of Beatrice, Neb. This suit was started in Octaber, 1893, and has been tried in various courts, both here and in Lincein. The company was bonded for \$125,-000 originally, the Farmers Loan and Trust

Becond, Helena Belle (25 to D third. Time: 1995.
Third race, mills and a sixteenth, selling: Billy McKenzie (4 to 1) won. Saxaphone (3 to 1) second, Jack Bradley (10 to 1) third. Time: 1:49.
Fourth race, one mile, free handlcap: Strathmeath (10 to 1) won, Linda (c.ven) second, Empera (3½ to 1) third. Time: 1:42.
Fifth race, seven furlongs, selling: Upman (10 to 1) won, Francis Pope (6 to 1) second, Disturbance (4 to 1) third. Time: 1:29. company being interested to the extent of \$25,000. A sale of the property was at least indered by the supreme court and the road and power plant were at last knocked down to the highest bidger for \$22,000, less than one fifth of its bonded valuation. The attorneys

for the plaintiffs asked for \$6,000 as their fee in the case. The amount asked was no allowed by Judge Riner and \$2,000 was fixed

upon by the court as a fair consideration for the work done. Court was adjourned at 12 1:29. Sixth race, mile and a sixtcepth, solling Mollie R (4 to 1) won, King Bors (6 to second, Sull Ross (8 to 5) third: Time 1:19. clock and Judge Riner left in the afteroon for his home in Cheyenne.

Bookies Took it All.

KANSAS CITY, Aug. 6.-Florella, in the first race, was the only horse that ran fo

the public today. The bookles again reaps

a harvest. The track was in fairly good condition and the sport was good. Attendance, fair.
First race, four and a half furlongs, selling: Florella (even) won, Nellie B (40 to 1) second vice, seven furlongs, selling: Fannle Hunt 6 to 1) third. Time: 1:99.
Second race, seven furlongs, selling: Fannle Hunt 6 to 1) won, Montell (2 to 1) accond, Elmo (2 to 1) third. Time: 1:255.
Third race, five furlongs, selling: Mrs. 5 (5 to 1) which Time: 1:255.
Third race, six and a half furlongs, selling: Paulet 6 (to 1) second, Elmo (2 to 1) third. Time: 1:255.
Third race, five furlongs, selling: Mrs. 5 (5 to 1) woo, Camille D (6 to 1) second, Julia C (2 to 5) third. Time: 1:205.
Fourth race, six and a half furlongs, selling: Paulette (4 to 1) woo, Virgin (7 to 5) accond, Willie L (6 to 1) third. Time: 1:255.
Fifth race, five furlongs, selling: Miss Foari (6 to 1) won, Carn Crib (6 to 1) second, Sundown (even) hird. Time: 1:265.
Alt Haba Was a Surarisc.

was a new feature at these meetings oc curred at the close. For years the secretary Paxton & Gallagher company, has served without compensation, and in recognition of his good work he was presented by the as coclation with a beautiful silver set. Presi-

All Baha Was a Surprise.

SAN FRANCISCO, Aug. 6.-The feature of the day's racing was the win in the dent Charles H. May making the speech.

fourth race by Ali Baba, who was knocked WASHINGTON, Aug. 6 .- The president ha

appointed Lloyd Reed to be postmaster a Clarksburg, W. Va. Mr. Reed occupied the same office during the first Cleveland administration.

Suicided on His Wife's Grave.

day afternoon and found his friend waiting CLEVELAND, Aug. 6 .- A. E. Kelley, & there. The two at once started for the depot. well known commission dealer, went to Lakebut had proceeded less than a block, when Turner's friend was met by gnother man. view cemetery today and, lying down on his wife's grave, shot himself through the heart, dying almost instantly. Mrs. Kelley died about traveling, and told him that the barb wire a year ago and the husband has been despondeat ever since. This fact, coupled with some business trouble, is supposed to have led to

the sulcide. "I left my value containing \$600 at the Mil-lard. I will have to go back for it."

Attempt to Wreck a Train. WARSAW, Ind., Aug. 6 .- Early this morning train wreckers threw a switch on the Pennsylvania railroad at Eagle Lake sta-tion, two miles east of this city, for the evident purpose of wrecking one of the fast express trains. A freight train plunged into Turner had told him he had that much the day before and he could not get out of it. Of course the result was that the money was it instead and the locomotive and cars were thrown down a steep embaokment. placed in the hands of the new man, who The trainmen escaped by jumping.

Pledged to Senator Quay.

HARRISBURG, Pa., Aug. 6 .- William B. Meatch, John McIlheny and George R. Bennison were today unanimously elected delegates to the state republican convention from Turner waited until 6, and his the Second district of Dauphin county. The delegates are uninstructed, but are pledged to Senator Quay, as are the other two delegates

IN THE FEDERAL COURT. from this county. Matters Disposed of by Judge Rines

Even then

Yesterday Morning.

WHOLESALE GROCERS IN SESSION.

Their Secretary Remembered in a

Most Substantial Way.

Fifteen houses were represented at a most

ng of the Nebraska Grocers association at the

Commercial club rooms yesterday afternoon.

The business, as usual, was of a private na-

ture, and was in the main a general discus-

sion of the means for promoting the several

and common interests of the members. An incident that all enjoyed and which

Appointed a Postmaster.

Bell Monopoly Asks an Injunction. BOSTON, Aug. 6 .- Papers have been filed in the United States circuit court by the Bell Telephone company asking for an injunction against the National Telephone Manufacturing company of Boston to prevent alleged in-fringement of the Berliner patents held by the plaintiffs. A hearing has been set for September 2.

Foiled.

Indianapolis Journal: Briggs-I knew the cook would burn the steak this morning as sual, so I lay awake last night and got up Farmers Loan and Trust company of finest sort of a sarcastic speech for her cfit. I sprung the speech and she downed benefit. ne in the first round. me in the first round, Braggs-What did she say? "She said, 'aw, you talk like a string of fish!' Now, how could I answer that?"

A Great Blessing

My wife and I have found in Hood's

Barsaparilla. She had rheumatism very

parilla entirely eurod her. It was only shortly after that I was taken with the same complaint, affect-ing my limbs and

hips, so I just tried the same medicine

with the same result. My wife and children take Hood's Sarsaparilla whenever

they feel the need of a medicine and it im-mediately makes them feel better.

Hood's Sarsaparilla

Saves me doctor's bills. I am an engineer, and well known in this locality." Q. W. WYATT, White Bead Hill, Indian Ter.

Hood's Pills easy to buy, easy to take,

35

severely, with

ankles and legs

badly swollen, and

hardly able to get

up and down

siairs without

help. Many other

remedies failed,

but Hood's Barsa-