EYLER'S CURVES LIKE ARCTIC CIRCLE

Rourke's Explorers Get Near Edge, but Strike Impenetrable lee Blockade-Barometer Still Falling.

DENVER, July 30 .- (Special Telegram.) -Eyler was a little too much for the Omaha boys today and the Denver team took one of the fastest and cleanest games of the season. Gonding's throwing was the only weak spot on either of the teams Toman and Stewart for the visitors and Mobier for the locals did especially fine work. Denver lost a chance to score two runs in the second by sharp fielding of the ball to the plate by Toman and Stewart. Denver's run in the third was the only earned run of the game. Eyler hit, went to third on two outs and scored on Everitt's two-bagger. The locals got one in the fourth on a pass, a steal and Gonding's bad throw to Toman. They made another in the eighth on a hit, a wild throw by Gonding to Stewart and Jones' two-bagger. Fifteen hundred people wit pessed the contest. Score:

Monthe Free consecutor program					
DENVER.					
AB.	R	11.	O.	A.	E
Preston, cf	0	6	1	0	1
Mohler, 2b 3	000	ä	4	4	1
Everitt, 1b	0	1	14	0	- (
Dundon, 3b	1	î	1	3	j
Jones, 1f	ô	- 12	0	0.	į
Radeliffe, ss 3	1	9	0	5	-
Morrow, rf 4	0	0	1	0	- i
Sullivan, c 3	0	1	6	0	- 1
Eyler, p 3	1	î	0	2	- 1
	200	100	-	-	i de
Totals	3	9	27	14	- 0
OMAHA.					
AB.	172	H.	0	A	E
Genins, cf		6	13	11	7
Fleming, If	0	ŏ	- 1	- 11	- 1
Calhoun, 1b 4	-ñ	ò	6	0	- 3
Letcher, rf	ő	ő	1	0	
Stewart, 2b 2	ŏ	0	4	3	
McAndrews, 3b 3	ŏ	1	- 1	0	- 3
Toman, 88 3	0 0	i	1	6	
Gonding, c 3	ő	1	7	0	
Herman, p 3	0	0	0	0	
Control of the Contro	-	-	-	-	-
Totals30	0	3	24	9	
Denver 0 0 1	1 0	0	0	1 .	-

...... 0 0 0 0 0 0 0 0 0 Earned runs: Denver, 1. Two-base hits:
Mohler, Everitt, Toman, Jones. First base
on balls: Off Eyler, 1; off Herman, 1.
Struck out: By Eyler, 3; by Herman, 4.
Riolen bases: Radeliffe, Toman, Gonding,
Time: 1:15. Umpire: Jevne.

KANSAS CITY, Mo., July 30.—The feature of today's game was the great pitching of Wolfe and the heavy batting of the home team. Score:

Batteries-Kansas City, Wolfe and Be-rille; Minneapolis, Wadsworth and McCon-

Western	League Stan	itng.
Kansas City St. Joseph Minneapolis Omaha St. Paul Colorado Spring Des Moines	Won. 50 42 39 40 41	Lost. P. C. 29 55 55 55 55 55 57 57 58 50 41 44 44 44 44 44 44 44 44 44 44 44 44

NATIONAL LEAGUE PARADOX Cincinnati Plays Best Ball, but it is Chicago that Wins the

CINCINNATI, July 30.—Chicago Nationals bunched hits in the first and seventh innings and won the game, though the locals outplayed them in the field. In the ninth inning the locals had two men on the bases and one out, but could not get the tying run over the plate. Attendance, 800. Score: CINCINNATI. R.H.O.A.E. CHICAGO.

Hartsel, 1f., 1 1 5 0 1 Dobbs, 3b 1 1	. 1	0
Green of 1 1 3 0 0 Harley, 1f 0 1		0
Change of 1 0 6 0 0 Heckley 1b. 1 1	- 5	1
Thoule th 1 1 9 3 0 Crawford rf 0 1	1	0
They is, 10 1 2 3 0 Clawton, 11 0		
Raymer, ab. 0 1 2 1 0 Magoon, se		
Childs, 2b 0 0 1 3 1 Bey, ct 0	. 0	Y
M'C'm'k, ss. 0 0 1 2 0 Fox, 2b 0 0	- 4	1.0
Kahoe, c 0 0 3 1 0 Hergen, c 1	. 3	10
Taylor, p 1 1 3 3 2 Stimmel, p., 0	0	0
Guese, p 0 (1	1
Hartsel, If. 1 1 5 0 1 Dobbs, 3b. 1 1 Green, cf. 1 1 3 0 0 Harley, If. 0 1 Chance, rf. 1 0 0 0 0 Beckley, 1b. 1 Doyle, 1b. 1 1 9 3 0 Crawford, rf 0 1 Raymer, 3b. 0 1 2 1 0 Magoon, ss. 1 Childs, 2b. 0 0 1 2 1 Bey, cf. 0 MC'mk, ss. 0 0 1 2 0 Fox, 2b. 0 0 Kahoe, c. 0 0 2 1 0 Bergen, c. 1 Taylor, p. 1 1 3 3 2 Stimmel, p. 0 Chuss. 5 5 27 13 4 Deltz 0 1	0	0
Totals 4 10	27	5
*Batted for Guese in ninth.		
Chicago 3 0 0 0 0 0 2	0	0-
Chicago	- 22	11
Earned runs: Cincinnati, 2; Chic		
Earned runs: Cincinnati, 2, Cinc	10.00	
Two-base hits: Doyle, Taylor, Bey.	11	18.45
base hits: Beckley, Green. Stolen	- 0	R.M
Dobbs. Double play: Magoon to		Fo.
First base on balls: Off Stimmel,	1:	.0
Quese, 4; off Taylor, 1. Hit by	ott	chi
hall, delement Struck out. Dr.	1000	417

Long Redeems Boston.

BOSTON, July 30.—After batting in the winning run in the eighth Captain Long saved today's National league game by a jumping catch of a hard liner of McBride's bat and a quick throw to Demont, doubling Selbach. Both teams played stupid bail in the first part of the game. Attendance,

in the first part of 1	ın	e game. Attendance
BOSTON.	1	NEW YORK, R.H.O.A.
R.H.O.A.F		
Single, rf 1 1 1 0	0	V'Halt'n, cf. 1 2 1 0
Tenney, 1b., 0 1 8 1	0	Selbach, 1f., 1 2 1 0
Demont, 2b., 0 1 1 5	0.	Strang, 2b. 0 0 1 4
Cooley, cf 1 2 3 0		Hickman, ss 0 2 2 5
Murphy, 1f 0 0 0 0		
Rowe, 3b 1 1 1 0	1	McBride, rf. 0 0 0 1 Buelow, 3b. 0 1 0 6 Warner, c. 0 0 4 4
	31	Minimum, was a direct
Long, sa 0 1 3 1	100	Warner, C U U .
Moran, c 1 2 5 0	0	Ganzel, 1b 1 1 14 0
Pittinger, p. 1 1 1 1	0	Taylor, p 1 1 0 2
Willia, p 0 0 0 1	0	
	_	Totals 4 9 24 22
Totals 5 16 27 11	2	
Boston	1	0 0 3 0 0 0 1 .
New York	0	0 0 3 0 0 0 1 0
THE RESIDENCE OF THE PARTY AND ADDRESS OF THE	14.14	to the Williams Williams

Earned runs: Boston, 1: New York, 2. Two-base hit: Moran. Home run: Van-Haltren. Sacrifice hits: Strang. Murphy. Stolen bases: Demont. Cooley, Lowe. Pittinger. Double piays: Strang to Hickman to Ganzel, Long to Demont. First base on balls: Off Pittinger, 3; off Taylor, 3; off Willis, 3. Struck out: By Pittinger, 4; by Taylor, 1; by Willis, 3. Time: 2:10. Umpire: Dwyer.

Brooklyns Put 'Em Together. BROOKLYN, July 30.—The Brooklyn Nationals beat the Philadelphias today by bunching seven hits off Orth in the third and seventh innings. Kitson held the Philadelphias down to six hits, all of them

confined to	three	innings.	Atten	dance
RROOKL	VN.	1 PHIL	ADELPI	ITA
R	H.O.A.	18.	R.H	O.A. E
Kelley, 1b 1 Keeler, rf 2 Sheckard, If 2	1 7 1	0 Thomas,	cf. 0 0	1 0
Keeler, rf ?	1 4 0	6 Wolv'ton	2p 6 6	0 0
Sheckard. If 2	2 3 1	o Flick, If	0 0	3 0
Daly, 1b 1	3 1 1	6 Wolv'ton 6 Flick, rf 2 De hanty	100 0	7 0
Dahlen, sa 6	1 1 1	1 Jacklitach	1, 01 1	4 0
Daly, 1b 1 Dahlen, sa 0 McCreery, cf 1 Irwin, 5b 0 McGutre, c 0	1 3 0	@ Barry, lf	1 1	4 0
Irwin, 3b 0	1 3 0	0 Hallman,	2b 0 1	0 2
McGutre, c., 0	0 4 1	f Cross, a	A 1 1	3 2
Kitson, p 1	1 1 2	I Orth, p.	0 2	0 2
Totals 8	12 27 7	4 Totals	1 6	24 6
Brooklyn	CT 13 13 5 7			0
Philadelphia	******	0 0 0 2	0 0 0	1 0-
Earned run	: Ph	lladelphia,	1; Br	okiyı

No other soap is a welcome gift with Fels-Naptha at your

Fels & Co., makers, Philadelphia.

4. Two-base hit: Orth. Stolen bases: Delahanty (2), Daly (2), McCreery. First base on errors: Philadelphia, 3. Left on bases; Philadelphia, 7. Brooklyn, 6. First base on balls: Off Kitson, 5; off Orth, 1 Sacrifice hit: Keeler. Hit by pitched ball: Orth. Struck out: By Kitson, 4, by Orth. 4. Time: 1:48. Umpire: Emsile. Attendance: 2,600.

National League Standing. Pittsburg

Chicago QUAKER AMERICANS GET IT

Cleveland Drops Game to Then Through the Inefficiency of Moore in the Box.

CLEVELAND. July 20.—Philadelphia Americans won the last game of the series by good batting. Moore was taken out of the box after sixth, after six runs had been scored and Hart took his place. Attendance, 1,490. Score: PHILADELPHIA CLEVELAND. 0 Plekring, cf 1 1 0 6 McCarthy, if 1 1 1 0 0 Hrien, rf. 0 1 1 1 0 Beck. Zb. - 1 0 0 L Ch.nce, 1b 1 1 1 1 Rradley, Jb. 1 2

0 1 6 3 0 Connor, c... 0 1 9 2 2 5 2 0 Shiebeck, ss. 0 1 1 1 0 0 0 0 Moore, p... 0 0 0 --- - - Hart, p... 0 0 0 Totals 11 14 27 12 1 Totals 6 9 27 14 Cleveland 0 0 2 1 0 0 2 0 0 5
Earned runs: Cleveland, 1; Philadelphia,
4. Two-base hits: Seyboid, Lajoie, Davis,
LaChance, Three-base hit: Lajoie, Home
run: Lajoie, First base on errors: Philadelphia, 4. First base on balls: Off Moore,
2; off Plank, 1. Struck out: By Moore, 3;
by Hart, 2; by Plank, 5. Stolen bases:
Pickering, McCarthy, Fuitz, Dolan, Sacrince hits: LaChance, Plank, Left on
bases; Cleveland, 2; Philadelphia, 6, Double
play: Bradley to Beck to LaCchance, Wild
pitches: Moore, 2, Time: 2:15. Umpires:
Haskell and Connolly.

American League Standing. Baston Detroit

SOON TO INVADE ST. LOUIS President Johnson Declares American League Will Have Full Control There by Spring.

Stolen bases: Radcliffe, Toman, Gonding.

Time: 1:15. Umpire: Jevne.

Des Moines Shy One Run.

COLORADO SPRINGS, July 30.—Bubser made a present of today's game to the locals in the ninth inning, with a score of 6 to 4 in Des Moines favor. He gave two men bases on balls, hit two batsmen, forcing a run and Shay made a hit good for two bags, scoring the winning run. Attendance, 1,000. Score:

RH.E.

Colo, Springs. 1 0 2 0 0 1 0 0 3-7 10 4 Des Moines..... 0 1 0 3 0 1 0 1 0-6 11 0 Batteries—Colorado Springs, Parvin and Donahue; Des Moines, Hubser and Cote.

St. Paul Shuts Door on St. Joe.

ST. JOSEPH, Mo., July 30.—St. Joseph was shut out, owing to the effective pitching of Cogan, who allowed the home team but three hits. Score:

R.H.E.

St. Paul 1 1 0 0 4 0 0 0 0-6 10 2 Bt. Joseph, McFadden and Dooin.

Kansas City Shuts Out Millers.

KANSAS CITY, Mo., July 30.—The feature of today's game was the great pliching of Wolfe and the heavy batting of the home

There by Spring.

CHICAGO, July 30.—President Johnson's reply to the reports from New York to the effect that the American league under the American league proposes to invade St. Louis on that the American league proposes to invade St. Louis of the Misuakee club for their dan offer of \$30,000 has been made the owners of the Misuakee club for their dan offer has been refused.

Fresident Johnson made the announcement at the conclusion of a conference with the American league and owner of the Boston olde, and Fresident Comiskey of the Chicago club. Mr. Killiea confirmed the facts of the St. Louis offer and said it was a bona fide bid on a cash basis, but that it had been declined.

When asked if it would not be a doubting the Misuakee club for Fresident Johnson made the remark: "There will be no other club in St. Louis when we go there."

Whip the Soldiers Twice.

ford. Second game:

Beaver Crossing... 2 1 0 0 1 2 7 2 5-20 Light Infantry..... 0 0 0 0 0 0 0 1 0-1 Struck out: By Moore, 15; by Tobey, 3. Base hits: Off Moore, 4; off Tobey, 27. Batteries: Beaver, Crossing, Moore and Wilson; Lincoln Light Infantry, Tobey and Fetz. Umpire: H. A. Houchen.

Southern Lengue.

NEW ORLEANS, La., July 30.—Score;
New Orleans ... 0 0 0 1 0 0 0 0 2-3 10 6
Selma ... 0 0 1 0 0 0 0 1 0-2 7 3
Batteries—New Orleans, From and Abbott; Selma, Cribben and Moore,
SHREVEPORT, La., July 30.—Score;
R.H.E.

Batteries—Shreveport, Sample and Mc-Guire; Birmingham, Keefe and Culver, At Little Rock—Little Rock-Nashville game postponed; rain. At Memphis—Memphis-Chattanooga game postponed; rain.

North Platte Wins Close Game. NORTH PLATTE, Neb., July 30.—(Special Telegram.)—North Platte won a close game from Kearney here today in the tenth inning. Features were a running. y catch by Kitzmiller and Black's playing at third

BROKEN BOW, Neb., July 30.—(Special Telegram.)—Broken Bow and Alliance played the second game of base ball here today. The catcher for the home team was struck in the face in the seventh inning, making it necessary to change catchers. Broken Bow

Batteries-Broken Bow, Whitehead and Carstensen; Alliance, O'Connor and Bell. Three-I League.

At Rock Island-Bloomington, 6; Rock Island, 5. At Davenport-Davenport, 8; Evans-ville, 7. At Rockford-Decatur, 4: Rockford, 3. At Cedar Rapids-Cedar Rapids, 5: Terre Haute, 4.

Western Association. At Columbus-Columbus, 8; Marion, 3. At Fort Wayne-Fort Wayne, 16; Mat-At Dayton-Dayton, 4; Toledo, 3. At Grand Rapids-Grand Rapids, Wheeling, 3.

Osceola Wins This One.

OSCEOLA, Neb., July 30.—(Special Telegram.)—The second game of base ball between Osceole and Gresham was played at Osceola yesterday afternoon. Osceola won 11 to 1. Batteries: Osceola, Baker and Coolridge: Gresham, VanHorn and Dunbler,

TWO YACHTS TO FIGHT IT OUT Cadillac and Milwankee Now Left to Sail for Privilege of Defend-

CHICAGO, July 30.—Cadil'ac and Milwaukee will start tomorrow afternoon in the first of a series of races which will settle finally the question as to which boat will defend the Canada cup against the Canadian boat, the invader.

This conclusion was reached this afternoon after the officials of the Chicago Yacht club had interviewed the interested parties and settled what promised to be an ugly squabble between the cub a d visiting yachtsmen. Commodore Shaw, owner of Cadillac, claimed that his boat had won four of the seven trials and shoud be the defender and at first refused to have anything to do with the trials.

Singer's Horse Wins.

LONDON, July 30.—A. M. Singer's O'Denovan Rossa wen the Stewards' cup at the Goodwood race meeting today. Le Blizon was second and Forfarshire (Maher) finished third. Twenty-eight horses ran. New Oil Company Incorporates. DOVER, Del. July 30.—Articles of incor-poration were filed here today by the Ar-kansas Valley Oil and Mining company of Parsons, Kan. Capitai, \$100,000.

DAY AND HOT HEATS Mercury Up but Records Down at the

Columbus Meeting. RAIN PAVES THE WAY FOR CRESCEUS' TRIAL

Puts Track in Better Condition for the Trotting King's Mile Against His Own Record Next Friday.

COLUMBUS, O., July 30 .- The racing at the Grand Circuit meeting today was of a high order, although the intense heat confavorites were successful, but the 2:20 trot

duben Boy, Star Pugh, Captain Brino, Shadow Chimes, Helen D and others. Au-Brino showed a world of speed in the first heat, leading all the way. Dick Lee and Helen D forced him to the three-quarter pole, when he came away very fast. He was a sure winner at the seven-eighths pole and Fox did his best to slow him up before he reached the wire, but the mile was paced in 2:0714, the fastest time of the day. The effort was too much for the Brino horse and Audubon Boy went out and won the next three heats, reducing his record

heat to win. Durfee refused to dismount for some time, but did so at last and Me-Henry was substituted. The judges reserved their decision in Durfee's case pending further investigation. In McHenry's hands Charley Mc went out and won the next three heats, Porto Rico always being the contending horse.

Colonel Clary, overnight favorite in the 2:20 trot, was not in form and was drawn after the second heat. Ebba, a gray mare from Indianapolis, repeated May Allen's

improve the track for Cresceus' trial against 2:20 class, pacing, purse \$5,000.

2:20 class, pacing, purse \$5,000.
Audubon Boy, b. h., by J. Audubon (Hudson)
Captain Brine, bik. h. (Fox).
Star Pugh, ch. g. (Lockwood).
Dick Lee, b. h. (Lyman).
John H., b. g. Lyman).
Helen D., b. m. (Mahoney).
Shadow Chimes, br. h. (Geers).
Braden, b. h. (Miller).
Challie Downing, ch., m. (Huston). facts of the St. Louis offer and said it was a bona fide bid on a cash basis, but that it had been declined.

When asked if it would not be a doubtful proposition to locate a rival club in the Mound city at a time when there is so much enthusiasm over the National League club there President Johnson made the remark: "There will be no other club in St. Louis when we go there."

Whip the Soldiers Twice.

BEAVER CROSSING, Neb., July 39—(Special Telegram.)—Beaver Crossing defeated Lincoin Light Infantry at base ball 12 to 3 and 29 to 1. Score, first game:

Beaver Crossing. 2 1 4 2 3 0 0 0 9—12 Light Infantry. 0 0 0 0 0 1 0 0 2—3 Struck out: By Moore and Moses, 14; by Lewis and Mickel. 4. Base hits: Beaver Crossing, 13; Lincoin Light Infantry, 4. Eatteries: Beaver Crossing, Moore, Moses and Wilson; Lincoin Light Infantry, Lewis, Mickel and Fetz. Umpire: Healey of Milford.

Second game:

Beaver Crossing., 2 1 0 0 1 2 7 2 5—20

At Albany. ALBANY, N. Y., July 30.—Results: 2:14 class, pacing, Governor's stake, purse \$1.800: Prince A. won, Berdina second, Henry P. third. Best time: 2:134, 2:30 class, trotting: Gen. Shafter won, Hilda King second, Avon third. Best time: 2:19, 2:24 class, pacing (unfinished): Don Derby, Nancy Roy and Rosetta each won a heat.

WADDELL RUNS FIRST AGAIN Derby Winner Takes Handlesp Hawthorne, with Ben Battle

at His Throat. CHICAGO, July 30.—Robert Waddell, with Bullman up, won the handicap at Haw-thorne today after a hard drive through the stretch with Ben Battle. Ural, backed from 30 down to 15 to 1, was the good thing of the day. Weather clear, track heavy. Results:

ef the day. Weather clear, track heavy.
Results:
First race, six furlongs, selling: Pyrrho,
won; Legal Maxim, second; Almirante,
third. Time: 1:194.
Second race, one mile and seventy yards:
Flying Torpedo, won; Odno, second; Tammany Chief, third. Time: 1:53.
Third race, six furlongs, selling: Ural,
won; Emma R, second; Sortie, third. Time:
1:204. Sixth race, one mile and one-sixteenth, elling: Prairie Dog, won; Prince Blazes, econd; Oxnard, third. Time: 1:55.

At Delmar Park, St. Louis. At Delmar Park, St. Louis.

ST. LOUIS, July 30.—Tom Collins and Nearest were the winning favorites at Delmar today. A second choice and three long shots scored in the other events. Track fast. Results:
First race, four and one-half furlongs, purse: Crozier, won; Broodier, second; Bar Le Duc, third. Time: 188.
Second race, six furlongs, purse: Mona B, won; John Morton, second; Charles C, third. Time: 1164.
Third race, one mile, selling: Sazel, won; Ahe Furst, second; Ignis, third. Time: 11445. Abe Furst, second; Ignis, third. Time: 1:44½.
Fourth race, six and one-half furiongs; Tom Collins, won; La Desirous, second; Santa Ventura, third. Time: 1:22.
Fifth race, one mile, selling; Swordsman, won. Ben Frost, second; Nellie Helmuth, third. Time: 1:44½.
Sixth race, seven furlongs, selling; Nearest, won; Lord Neville, second; Hungarian, third. Time: 1:29.

At Brighton Beach.

At Brighton Beach.

NEW YORK, July 30.—Three favorites were successful at Brighton Beach today—All Gold at 5 to 2, Eloim at 8 to 5 and Utopian at 7 to 8. The track was dead and slow close to the rail. Results:
First race, one mile and one-sixteenth, selling: Taveta, won; Irene Lindsay, second; Balloon, third. Time; 1:49 1-5.
Second race, six furlongs: All Gold, won; Gold Fox, second; St. Finnan, third. Time: 1:15 1-5.
Third race, one mile and one-eight: Smoke, won; Ogden, second; Harry Mc-Coun, third. Time: 1:53.
Fourth race; the Mountauk stakes, five and one-half furlongs; Highlander, won; Major Dangerfield, second; Lombre, third. Time: 1:07 3-5.
Fifth race, one mile and seventy yards, selling: Eloim, won; Fingal, second; Animosity, third. Time: 1:4 1-5.
Sixth race, six furlongs: Utopian, won; Castiron, second; Octoroon, third. Time: 1:15.

At Windsor.

DETROIT, July 30.—Track slow at Windsor today. Weather fine. Results:
First race, six furlongs: Dr. Clark, won:
Dandy H. second; Princess Evelyn, third.
Time: 1:214,
Second race, five furlongs: Huntress,
won: Kalona, second; Elgiva, third. Time:
1:07. Third race, one mile and one-eighth:
Bohul, won. Meggs, second; Custodian,
third. Time: 2:031,
Fourth race, handicap steeplechase,
short course; Jim McGibbon, won; Coley,
second; Tales Creek, third. Time: 3:04.
Fifth race, seven furiongs, selling; Teagown, won; The Bronze Demon, second;
Remp, third. Time: 1:334.
Sixth race, six furiongs; Trebor, won;
Mr. Pomeroy, second; Antagone, third.
Time: 1:13. At Fort Erie.

BUFFALO, July 30.—The track was dead at Fort Eric. Results: First race, six furlongs, selling: Compe-

tition, won; Yorkshire Boy, second; Far Sight, third. Time: 1:19.
Second race, nve furlongs; Silver Ore, won; Appointee, second; Ravel, third. Time: 1:09.
Third.race, seven furlongs, seiling; Radford, won; Tenderloin, second; The Brother, third. Time: 1:31½.
Fourth race, five and one-half furlongs; Bronze Medal, won; The Common, second; Lembel, third. Time: 1:12.
Fifth race, seven furlongs, selling: Prince of Song, won; Cogswell, second; Miss Redwood, third. Time: 1:31½.
Sixth race, six furlongs, selling: Edinberough, won; Corialis, second; Race Bud, third. Time: 1:17½.

SUPREME COURT SYLLABI.

No. 10153, Bentley, against Woolson Spice Error from Lancaste Reversed and new trial ordered. Ames. C. Division No. 3. Unreported. the Grand Circuit meeting today was of a high order, although the intense heat continued and kept many prople away. Two favorites were successful, but the 2:20 trot went to a third choice.

The 2:20 pace, a \$5,000 early closing stake, brought out such good ones as Auduben Boy. Star Pugh. Captain Brino. Shadow Chimes, Helen D and others. Auduben Boy was installed favorite, the pools averaging 50 to 40 on the field. Captain Brino showed a world of speed in the first heat, leading all the way. Dick Lee and Helen D forced him to the three-quarter pole, when he came away very fast. He 1. The mere fact that a merchant has a justice when the evidence was not preserved amounting to an admission of the falsity of the representations is incompetent to prove the issue as between the parties to the suit evidence of such admissions is hearsay only.

No. 16157, Nisely against Spencer et al. Appeal from Dawson, Affirmed, Hastings, C., Division No. 1. Unreported.

1. Evidence examined and held to sustain finding that plaintiff took the notes and mortgage for which he exchanged his farm in reliance on representations that it was

the next three heats, reducing his record from 2:09 3-4 to 2:08 1-4. Star Pugh, winner at Detroit and Cleveland, was driven hard in the third and fourth heats, but could not reach the favorite. Shadow Chimes was never a factor.

Charlie Mc was a hot favorite in the 2:17 trot. Forto Rico won the first heat in slow time and when the horses reappeared for the second heat the judges ordered Driver Durfee down from Charley Mc's sulkey on the ground that he had not driven the heat to win. Durfee refused to dismount for some time, but did so at last and Mc-

after the second heat. Ebba, a gray mare from Indianapolis, repeated May Allen's performance of yesterday by winning in straight heats with Henrietta half a length behind each time.

It is raining tonight, which will greatly his record of 2:92 3-4, on Friday. Results:

time, does not show across sunceau prevent reactission.

No. 101:9 Thompson against Buehler et al Appeal from Johnson. Reversed. Day.
C. Division No. I. Unreported.

1. A party who pays money to another to be applied on a note which such parson has not in his possession assumes the burden of proof to show the authority of the person to whom payment is made to receive the money. Southbranch Lumber company against Littlejohn, 31 Neb. 60, followed.

company against Littlejohn, 31 Neb. 60°, followed.

2. The fact that a person or company is authorized to receive the installments of interest which became due on a mortsage note or bond is not sufficient ground from which to infer that the authority also exists to collect of receive the principal sum, if the evidences of the indebtedness are not and have not been in the possession of such person or company. Richards against Waller, 49 Neb. 639, followed.

3. Evidence examined and held not sufficient to show that the person to whom the mortgage debt was paid was the agent of the owner and holder and authorized to receive the same.

No. 10233. Lansing against Oliver et al. Error from Lancaster. Affirmed. Duffie, C. Division No. 3. Unreported.

Petition examined and held not to state a cause of action against defendant.

No. 10236. Parsons Eand and Self-Feeder Company against Gadeke et al. Error from Polk. Affirmed. Pound. C. Division No. 2. Unreported.

1. Objections to a verdict which go to its form only should be made at the time of its form only should be made at the time of its Polk Affirmed. Pound, C., Division No. 2. Unreported.

1. Objections to a verdict which go to its form only should be made at the time of its rendition.

2. Conditions in a printed warranty furnished by a vendor which limits its benefit and operation should be construed strictly as against such vendor.

3. Where a vendor acts upon an oral notice requirements of notice in writing contained in the written agreement between the parties are waived.

No. 10237. Johnson et al against Hansen et al. Error from Dakota. Affirmed. Albert, C. Division No. 3. Unreported.

Evidence examined and held sufficient to sustain an order of the Board of County Commissioners for the establishment of a highway. highway.
No. 10248. Chaffee against Park Falls
Lumber Company. Error from Douglas.
Affirmed. Ames, C. Division No. 3. Un-

Lumber Company. Error from Douglas. Affirmed. Ames, C. Division No. 3. Unreported.

It is not error for the court to instruct the jury to return a verdict for one of the parties to a litigation when there is not sufficient evidence to sustain a verdict in favor of his adversary.

No. 10228. Anderson against Hendrickson et al. Appeal from Lancaster. Affirmed. Hastings, C. Division No. 1. Unreported.

1. The filing of a motion, which is overruled, to vacate a decree and dismiss the action in which it is rendered, because of findings of fact made by the court in the same action, does not waive an appeal from the decree thus vainly attacked.

2. A joint employment of an attorney by a principal and surety to represent them both in an action and set up the defense of usury for one and suretyship for the other, though accompanied by an understanding that as much delay as possible should be secured with the least expense, is not an authority to the attorney either to sign the stay bond on behalf of the surety or to procure any other signatures to such a bond on his behalf where no further instruction or authority has been given.

3. Sareties who at the request of the principal and his attorney have signed such a stay bond without the knowledge, consent or authorization of the surety, cannot a sert as against him any representations from the principal and his attorneys that it was on the surety behalf and at his request; a settlement of the judgment by sureties so on the stay bond is discharge of the original surety.

No. 10212 Hodge against Scott et al. Appeal from Webster. Judgment. Ames, C. Division No. 2. Unreported.

1. When in an action on a note and morting on the face of the instruments taken together to indicate that the change complained of was made after execution and delivery, but on the contrary inference may more readily be drawn therefrom, it is incuments in the defendant to establish both by pleading and proof that the alleged alteration was made without his consent.

2. I pon an examination of the recor

ment.

No. 11313. Morrison against Lincoln Savings Bank and Safe Deposit Company. Appeal from Lancaster. Reversed and remanded Duffie. C. Division No. 3. (Not reported.)

1. The notice of a judicial sale should contain such a description as to inform the public of the general nature of the property to be offered at the sale.

2. A receiver's sale of property must be 2. A receiver's sale of property must be made within the time fixed by the order of the court. Following Ackerman against Ackerman, 50 Neb. 54.
No. 11775. Faulkner et al against Gilbert. Error from Cass. Motion denied. Norval. C. J. 1. A reversal of a judgment cannot be based upon the admission of irrelevant testimony, when such testimony has been wholly withdrawn from the consideration of

leading are erroneous Could Not Stand Jeering.

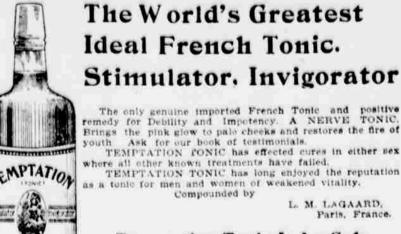
the jury by the charge of the court.

2. Instructions that are conflicting or mis-

NEW YORK July 39.—George McCabe, 46 years of age, has committed suicide by cutting his throat. Members of the family say McCabe was driven to desperation by the feers of his fellow workmen at the Worthington Hydraulic works in Brooklyn, where a strike was in progress. McCabe went out with the strikers early in May, but returned to work July 18. As a result it is said he was reviled by men and women and his neighbors would have nothing to do with him. Even the children hooted him as he passed. For days McCabe has been gloomy and it is thought his mind gave way under the strain

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