

A Toronto lady, Mrs. Juliette C. Smith, some time ago brought a suit for libel against the Chicago Herald on account of some statements in reference to her which appeared in the columns of that paper. The jury awarded her \$15,000 damages and the defendant newspaper immediately moved for a new trial. In granting this, the presiding justice, Judge Dunne, offered some remarks on the law of libel and the responsibility of newspapers which it would be well for some of his judicial brethren in Canada to take to heart. Judge Dunne said: "The plaintiff had the protection of a husband, an intelligent gentleman fully cognizant of the publication of a newspaper. He and she must have known that news is gathered by such a paper from multitudinous sources and from the whole face of the earth and published not from the telegraph wires. That it is absolutely impossible for this modern engine of information to do the work which the times and the people expect and demand and at the same time to verify every statement and to explore for possible falsity in what seems true was information common to the plaintiff, her husband and all intelligent persons." The judge went on to show that the proper course for the plaintiff to pursue was to inform the publisher of the falsity of the article and demand reparation and retract the article. The suit had been brought without any request for a retraction. This statement Judge Dunne followed with a few observations on the press and its relations to the public which show that he has a true sense of equity and some knowledge of actual newspaper work. "The modern daily is at once the effect and instrument of progress. Its proprietors must answer for wrong done, even without express malice, but they are entitled to fair treatment. When a newspaper is led into publishing unknowingly an untrue statement concerning an individual, it should not only retract when the truth is made known, but also compensate the injured party for injury already done, but it is equally the duty of the person thus injured to make known the truth, demand retraction and lessen so far as possible the injured consequences of the libellous publication. If this is done and the paper persists in repeating the statement, or refuses ample retraction and reparation, then it is time for the vindictive lightning of the law to strike. Here a party who claimed to be injured, did nothing to stop the further circulation of the report. The right to retract is not the right to vengeance. Courts are to stand between every individual and injustice, protecting the one, preventing the other. It has been the uninterupted practice of the courts to examine with careful scrutiny verdicts the principal elements of which is vindictive damages, and to set aside, or otherwise control, the same where they are manifestly the result of unreasoning prejudice, blind sympathy or wanton recklessness." There are people who seem to be at all times looking for a chance to be libelled and who are continually exposing their feelings to injury in order that they may proceed against some newspaper for libel. Unfortunately they too often find courts and lawyers but too effective instruments for the working of injustice, but if all judges had the same sense of justice as Judge Dunne of Chicago the newspapers would less frequently be victimized. His concluding words seem well worth quoting: "The management of a newspaper was subject to the same risks as any other mercantile undertaking, no more; but there was no rational theory in law upon which vindictive damages against one class of defendants should be higher than against those of like financial standing."

The Vancouver government organ reproduces from an American paper an instructive article on "campaign lying," of which the conclusion is as follows: "A campaign liar has much to answer for. He can plead no extenuation. It is either a lie, whether it is uttered in the heat of political discussion or in 'cold blood.' The responsibility for it cannot be evaded. Although the campaigner has lost much of its potency, the fact has only been the effect of redoubting the efforts of its inventors and stimulating their ingenuity. But the public revolt against resort to such methods is emphatic, and gives reason for the hope that the day is not far distant when lying as a political expedient, and lies as political instruments shall have passed into innocuous desuetude." We should very much like to see these words taken to heart by the World, which is proving itself the worst "campaign liar" in Canada, with the possible exception of the Toronto Empire. It may be well to remind the World that it has made its own case all the worse by reproducing the article quoted from the press. It intends to give heed to the words of wisdom contained therein.

NANAIMO. Nanaimo, May 31.—The government party in Cedar district cannot be said to be harmonious, as was clearly evinced at the meeting last evening, that is, if the report brought in is a true one. There were quite a few of C. O. McKinnon's supporters present, who wanted to nominate him, but Quennell's supporters were in the majority, so that it was finally decided to nominate Mr. Quennell in the interests of the Davis government. A meeting of Mr. J. McGregor's supporters is called for Friday night, but the nature of the business has not as yet been decided. By a committee, it has been working steadily all day, but the next few weeks will find them engaged in holding meetings in different parts of the city and district. The Reform Club will take advantage of the first day of the session to hold a meeting, so that they may be assured of a large attendance. A boat containing Mr. Savage and a lady capsized on the bay on Tuesday evening. Fortunately, the accident was observed by the crew of the bark King. The launching and manning of a boat was the work of a few minutes and a few minutes after the lady and gentleman were rescued from their perilous position. Rev. G. W. Taylor was formally inducted as rector of St. Albans church last evening by the Lord Bishop of Columbia. There was a special service, in which the clergy of the district took part. Mr. J. Randle, jr., the popular foreman of No. 1 shaft, has been appointed a member of the board of examiners for granting certificates of efficiency in place of the late R. Scott. The appointment was made by the minister of mines on the recommendation of Inspector A. Dick.

THE AMBULANCE. The circumstances attendant on the death of the boy Johnson show the necessity of some change in the regulations regarding the ambulance. It so happened that the first doctor called upon in that case had no power to call in the ambulance, so another had to be asked to issue the necessary summons. It seems that the power is restricted to doctors who are on the consulting staff of the hospital, others not being entrusted with it, for some reason not known to us. In the case of young Johnson there was time lost on account of this red tape regulation, but less than will be lost in the majority of cases, for it so happened that a member of the consulting staff was found without delay. However, the incident has furnished sufficient evidence to show that the regulation should be modified so as to permit the ambulance being summoned by any responsible physician when similar emergencies arise. An hour's delay in such cases might easily make a decisive difference in the outcome.

EDITORIAL NOTES. Vancouver will shortly vote on a by-law to raise by loan the sum of \$50,000, being the amount due by property owners for taxes during the past year. The bonds will be for one hundred dollars, and as the arrears are paid in the bonds will be retired. This course, the World says, is deemed preferable to selling in the lands and will give those owing the city an opportunity to pay up without sacrificing their property. The plan is a new one in civic financing, and will work well provided prosperity returns before the bonds mature. The uncertainties of the law, through the mistakes of those who administer it, is demonstrated afresh in the Cotton

SPORTING INTELLIGENCE.

Matters of Interest Going Forward in the Sporting World. CANOEING. MEETING. There will be a meeting of the Canoe Club next Tuesday evening at 8 o'clock. There will be an election of members and general business will be considered. The meeting will be at the club house. CRICKET. ALBION VS. R. M. A. The following team will represent the Albion cricket club in the match against the Royal Marine Artillery at Work Point on Saturday. Players are requested to leave town by 10.30 on Friday. Frost, J. C. Jones, V. Howard, R. H. Swinerton, C. Schwengers, H. Martin, J. E. Martin, W. J. Savory and Q. D. H. Warden.

THE WORK OF THE VOLAGE. A photograph of the yacht Volage as she appeared with everything except a portion of the design carried away, has been taken and forwarded to Captain Kirk, her owner, who is at present in London. The newspaper articles, telling of her work in the regatta have also been forwarded to him. It is understood that he will be charged with the task of carrying more sail. She, with the other Victoria yachts, will go to Whistler on July 4, and will very likely make an interesting showing there. There is a wonderful interest taken in yachting in the North-west, and the design will be well put to the test. The yacht Star having proved to be too big for Class D, she has been declared disqualified, and the Plunger, which was second, has been awarded the first money.

LACROSSE. The Victoria lacrosse club has adopted a very pretty badge. It consists of a pair of outspread wings with the letter V in the center. The badge will be worn on the front of the shirts worn by the players, and a number of small badges will very likely be made up for the members of the club. The game between the intermediates of Nanaimo and the Stars of this city on Saturday next promises to be an interesting game. There will be a large number of Victorians to go to New Westminster on the Islander on Saturday. Victoria will have a strong team in the field and it will very likely be a royal game.

THE WHEEL. TWO-MILE RACE. E. A. Wolf, of Victoria, won the two mile roadster bicycle race at Beacon park last night. F. Moody was second and H. T. Franklin, of Vancouver, third. There was only half a foot between the second and third man. Franklin cracked the handle bar of his bicycle in the start. The race was interesting. A one mile open race was also run and won by E. W. Bradley. The winner was mounted on an eighteen pound Bramford racer, which stood the rough track admirably. Local wheelmen who intend to compete at the Northfield meet on the 9th inst. should see that their entry papers are in the hands of the list will be closed later that date.

NEW CLUB ORGANIZED. The new bicycle club was organized last night with a good membership. The following officers were elected: President, Herbert Kent; Vice-President, W. J. Jeffrey; Secretary, Treasurer, J. M. Alley; Captain, M. C. Reynolds; Committee, H. Hibben; Stanard Bearer, Justin Gilbert; Executive Committee, the foreman with Thomas W. Edwards, C. H. Gibbons and E. W. Bradley. A committee is provided for the explanation of the meeting on the 9th inst. Receipts of the members are Herbert Kent, Clemett Rowlands and W. Williams.

DWYER VICTORIOUS. Brooklyn, N. Y., May 29.—Philip J. Dwyer, was held for the grand jury on a charge of maintaining a lottery, and whose case was brought before Judge Gaynor in the supreme court on a writ of habeas corpus last week. He was today discharged on the ground that the writ was illegal under the Ives law. The judge in his decision says: "There is no foundation for the contention that horse racing is a lottery. It is not a lottery, either in common speech or within the legal definition of a lottery. It depends on a lot of chance, such as the turning of lots, throwing dice, or the landing of a wheel. In the scheme of these race horse owners do not pay a sum of money to the grand jury, but they do in order to enter into the contest of skill and endurance and speed, upon which the stake depends. With the matter as a moral question, I have nothing to do."

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FROM CALIFORNIA. Record of the Day's Events in the Golden State. DANOMAN AMAZONS FOR THE FAIR. Prince Behanzin Accompanies the Band. They've Fought the French—Death of an Old Friend of President Lincoln—The Loss of the Sealing Schooner Charlotte. San Francisco, May 29.—Information has just been received here that Assistant Secretary of the Treasury Hamilton's visit to this port has been indefinitely postponed. He started a few days ago for the coast, but received a telegram while at Chicago from Secretary Carlisle, requesting his immediate return to Washington. Fresno, Cal., May 29.—Professor W. A. Sanders, who is accused of the murder of William Wootton, has pleaded no guilty to indictment charging him with forging Wootton's name to a draft for \$1400. Fairfield, Cal., May 29.—"Captain" Wood and eighty other industrialists who raided ranches near Vacaville recently, driving out the Chinese and Japanese employees, were this morning acquitted of the charge of riot. The jury was out ten hours. A. W. Dranch, a pioneer who came to California in 1847, died at San Luis Obispo last night, aged 77 years. Deceased built the first business block in the town of Monterey, and established one of the first lodges of Oddfellows in the state. A. C. Conrath, shoemaker, has failed, owing \$27,000, mostly to local firms. Assets estimated at \$20,000. Fresno, Cal., May 29.—General Barker's army is still here with no apparent intention of moving. Their demands for food are not liberally complied with, and the leaders are very indignant, saying that since coming here has been from the Chinese who have furnished considerable supplies. The action of the latter, however, was on account of fear of the army. San Francisco, May 29.—Directors McDonald, Jenkins, Graves and Montgomery pleaded not guilty to the charge of embezzlement, and their trial was set for July 9th. Argument on motion for a new trial in the case of the convicted embezzler, smuggling gangster heard in the U. S. district court to-day. Dr. G. W. Leek, a well known oculist and brother of the Dr. J. J. Leek who was mixed up in the recent mysterious death of Alice Aldersley, was arrested to-day by postal authorities at the instance of Dr. Walsh, who charges Leek with opening his letters. The penalty in case of conviction is one year's imprisonment and a fine of \$500. One of the pioneers of California is Wong Yip Hong, who came from Hong Kong in a sailing vessel in 1844. Los Angeles, Cal., May 26.—On motion of Deputy District Attorney Conklyn, information charging Constock, Fitzsimmons and others with the first train robbery at Roscoe has been dismissed. The reason for this move is because of the death of Len Harris, which will make conviction in the first case evaded. Conklyn is confident that he has a good case on the second robbery. San Francisco, May 26.—News has been received here that the sealing schooner Charlotte, from Victoria, has been lost in the Japan Sea. No particulars have been received, but it is supposed she was caught in a terrible typhoon which nearly wrecked the George W. Peabody, and in which the schooner Mascot was overturned and her crew sent to the bottom. Rev. Dr. Gray, a well known Baptist minister, died in this city last night, aged 60. Deceased at the commencement of the 29th congress was elected chaplain of the United States senate. In this position he gained prominence and influence. He was a personal friend of President Lincoln. Dr. Gray was chaplain when the president was assassinated. A band of about forty Dahomans has arrived here from New Orleans to attend the Midwinter fair. Among them are some Amazons who fought in the recent war with the French in Dahomey, and Prince Behanzin, son of the late deposed king of that name. The troop will form a Dahoman village at the fair. San Francisco, May 28.—Thomas E. Bowen was sent to state prison to-day for life for the murder of Margaretta Boneman, a dissolute woman, several months ago. Federal officials in this city have received orders from Secretary Carlisle of the treasury to send all advertisements for government supplies to the California Democrat for publication. Several government advertisements have already appeared in the columns of the papers named, in accordance with instructions which have created a little surprise. The Democrat is published in the German language. LAW INTELLIGENCE. Opening of the Spring Assizes—McNulty's Case Called. The spring assizes opened this morning with Mr. Justice Crease presiding. The grand jury, consisting of M. Baker, George Bishop, James Burns, Robert Brekline, Thomas Fatcher, George Glover, Andrew Gray, Anton Henderson, Robert Jamieson, John Jones, J. B. Lovell, John Kinsman, Richard Maynard, Joseph E. Phillips, Samuel T. Styles, Henry Waller and Ridgway Wilson, with Mr. Glover as foreman, were first called and sworn. The following is the list of cases on the calendar: Regina vs. Carruthers, manslaughter; Regina vs. Mitchell and Keat; Regina vs. Gaylor, Irvine vs. Walker, arson; Regina vs. Irvine and Sylvia, horse stealing; Regina vs. Redgrave, assault; Regina vs. Whittall and Reid, false pretences; Regina vs. Wallia, concealing birth of child; Regina vs. Smith, removing land mark; Regina vs. McNulty, Gilmore and Dutton, receiving stolen goods; Regina vs. Walker, burglary. His lordship then briefly told the grand jury their duties saying that there were to be dealt with several cases of grave nature and they would have no difficulty in determining that they should be difficult before the petti jury as now that the new code allowed prisoners to testify in their own behalf it was often a benefit to a

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Preparations for a... ing Forward... Alaskan In... Chilkoots to Entertain... Guests During... One of the greatest... ever held on the Pacific... place at Klakwan... the Chilkoot river, in... thousand Indians will... them will be the aborige... great tribes, including... Takus, the powerful A... and the Sticks. The potluch will be... the opening of the her... last for the entire mo... of the several tri... cant, and while it is... dancing and general e... tribal and family in... for amusement. It will... dancing, which will... for the music of their... there are to be Indian... and dialogues before... These are in accor... tons long prevalent a... and other tribes. The finest and rich... including much that... squaws years to make... the occasion. Klakwan, where the... to the Klakwan, is the... village of the territory... several hundred. It is... a white man and the... it is the Klakwan wh... potluch part guests and... is staid without expens... cats get through they... considerable money and... The news of an accor... there has been great... the Indians for some... here a day or two ago... of Alaska, who is a... hotel. Mr. Sylvester... Sika, Herald of the... much interest that... residents of Juneau a... to take a trip up the... village to see it. "It will be the big... ever known up... expected to be so,"... of Alaska, who is a... last year \$15,000 to... but this will be a big... They will give away... before they get to... Old Shualen gave... blankets and other at... caused much money to... in part of the great... the passing... silver dollars. As the... each Indian dipped in... They were welcome a... lated. It was the m... of the Klakwan, a... only I ever beheld... barbarians of these w... need any examples i... anybody. Not even... of our civilization... When they see... good time they lay... wealthy chief or tri... a tribe less fortun... fishing they dispense... things the Indians ne... the greatest... things, also, that the... at such times distri... good will. "The chief, Shuale... last year, was a... one, as will the vario... sub-chiefs. "There will also... men. It is not exp... will take on the cha... however, it is kno... known in Alaska... of the authorities at... Touban, and occasio... Alaska and elsewhere. "This is the old sha... of the paper. He... he caused the death... men, and that the U... war Pinto was dis... him, and hold him... he was made. The... the search that was... and he went forty mi... and stayed for a w... Jack Dalton, the exp... and his over. I saw... man had been stoppi... death of the old w... over at the potluch... reached in regard to... that it will be settle... of this city, expres... cases, by a gift of b... "The case in ques... which the medicine m... treat an Indian who... him in the usual w... with wild incantatio... he didn't get any b... Indian was going to... help him any, and m... casts, and being des... responsibility, the ch... woman in the tribe... Indian. She was the... several ways and st... watched the sick ma... confess, and being c... finally died. "It is a common thi... to select some perso... usually some old ma... few or no relatives... her with bewitching... usually answers as a... to cure. Under puni... they sometimes... not work. In some c... filled one, not long... with being a witch... that the shaman had... and he had at onc... "He told him what... the shaman said he... give me twenty blank... and own up that y... hate to reconsider i... blankets. He said the

man to have his case tried. Any twelve of them could send it to the petti jury. Each case was then referred to a brief directions given by his lordship, who said that after they had determined upon their attention to abating public nuisances such as gambling halls and before their notice. The hospital and affairs connected with the administration of justice were also under the scope of their report and any suggestions made to him would be dealt with in the proper way. The Jury then retired. Mr. A. G. Smith, the deputy attorney-general, who was conducting the crown cases, then suggested an adjournment, which was taken until two o'clock. At the re-opening of the court at two o'clock the grand jury returned a true bill in William McNulty's case, which was at once proceeded with. A jury was then empanelled and sworn. Mr. McNulty's case was then called on.

On or about the 20th of April last the Bay View saloon was entered and several bottles of liquor and a quantity of cigars stolen therefrom. Shortly after the prisoner's cabin on Herald street was searched and two bottles of whiskey and several cigars were found there. The prisoner was then in bed drunk. Joseph King, proprietor of the Bay View, identified the stolen goods as his and Constable Palmer told the story of the arrest.

The Victoria & Sidney Railway Co. and Elford & Smith arbitration is going on to-day. C. H. Hayward is the arbitrator appointed by Elford & Smith. A. J. Leck is the umpire, who will require 25 feet through the owners' brick for the use of their railway, for which they offered \$750, which was refused. While only 25 feet is actually required for the work, the balance will take nearly 70 feet, which cannot be used by them for the purpose for which they require it. The land is brick clay, and if they cut it away the roadbed will drop. H. B. Smith, of Kiefer & Smith, who prepared the plans of the land, explained them and gave evidence of the injury likely to be done. Hon. A. N. Richards, Q. C., and E. E. Wootton appear for Elford & Smith and E. V. Bodway for the company.

In Regina v. McNulty the jury yesterday afternoon returned a verdict of not guilty. Gilmore and Dutton were then tried on a similar charge. In their case the evidence was much stronger and they were convicted. The boy Irving and the half-bred Shika were the next on the list. They were charged with stealing on the 27th of January last two horses from the Indian reserve, the property of John Mann. It appears that they took the two animals and rode out to Saanich, where they stayed four days and then returned to town. One of the horses fell and broke a leg. The defence was that the boys thought the horses belonged to their uncle. The jury returned a verdict of guilty, with a strong recommendation to mercy. T. R. Mitchell is now being tried. Robert Cassidy and the deputy attorney-general appear for the crown and F. B. Gregory for the defence. The grand jury has no bill in the case of Regina v. Wallia, and at noon to-day they returned true bills in the case of Regina v. Hanley, Whittall and Reid. Mr. Doremus asked the judge if any person could be made an accomplice by refusing to take the jury out to the hospital, jail, etc. His lordship said the question was new to him, and he would direct them to the deputy attorney-general, who was charged with the duty of making the best arrangement they could.

At the opening of the assize court before Mr. Justice Crease the case of Healey was called. This man was charged with the burglary of a house on Blanchard street, occupied by several young men of this city. The facts, as appears from the opening address for the crown by Mr. Cassidy, are as follows: "Mr. Patterson, one of the occupants of the house, was awakened by a noise about 4.20 on the morning of the 19th inst., just in time to see and partly recognize a man hurriedly leaving his room. Upon awakening the other lodgers and after a search it was discovered that Mr. Morphy's watch and papers, as well as what money Mr. Patterson himself had in his pockets, were missing. One of the coins taken from the latter supposed to be a very rare English Jubilee shilling, and it was through it that the prisoner was arrested. They at once dressed and left the premises in search of the man, and after some search they saw the prisoner, who at once fled drunk. The man's fur coat was seen to go to the Vancouver hotel, in which place he was arrested by Sergeant Levin. The witnesses called so far to prove these facts were Messrs. Patterson, Howard, Morphy and Macfarther. During the trial some amusement was afforded by an article in a previous issue of the Times referred to the gentlemen robbed as young detectives being produced. It is only fair to add that Mr. Morphy, who is a barrister of this city, expressly disclaimed any pretensions to being a sleuth hound of the law. "F. B. Gregory, of Belyea & Gregory, appears on behalf of the prisoner.

MR. COTTON'S CASE. Released on Habeas Corpus. He is Immediately Re-arrested. New Westminster, May 30.—F. C. Cotton, M.P., was released from jail this afternoon on habeas corpus proceedings. "Later" Mr. Cotton has been re-arrested on a fresh warrant. From Thursday's Daily. New Westminster, May 31.—Application was made in the supreme court yesterday for the release by writ of habeas corpus of F. C. Cotton, M. P. before Justices McCreight, Walker and Bole. The ground taken was that Mr. Cotton had not been brought over on a warrant issued by Judge Drake. After three times the court adjourned until three o'clock, when Justice Walker delivered the judgment of the court releasing Mr. Cotton on the ground that the omission to issue a warrant was fatal. Justices McCreight and Bole concurred. Mr. Cotton was released at four o'clock and immediately re-arrested on a fresh warrant, signed by Justice Walker, based on Judge Drake's order. Mr. Wilson applied to the judges to hear his appeal, which was fixed for ten o'clock on Friday at Vancouver.

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