

Pugilism, Baseball, Racing, Sporting News, Wrestling, Shooting, Automobiling

BASEBALL

STANDING OF THE CLUBS.

National League.

Table with columns: Teams, Won, Lost, P.C. for National League clubs.

American League.

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AMERICAN LEAGUE.

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Chicago, 5; New York, 1.

Chicago, Aug. 23.—Chicago defeated New York, 5 to 1, in a monotonous game today. Score: R. H. E. Chicago 5 7 1. New York 1 6 3.

Philadelphia, 12; Cleveland, 6.

Philadelphia, Aug. 23.—Philadelphia today made it four straight, beating Cleveland, 12 to 6. Score: R. H. E. Philadelphia 12 13 4. Cleveland 6 8 2.

Detroit, 11; Washington, 6.

Detroit, Aug. 23.—Detroit made it four straight with Washington hitting

each of the three pitchers who were sent in to stop them. Score: R. H. E. Detroit 11 9 0. Washington 6 12 0.

Batteries: Willett and Stange; Gray, Groome, Smith and Street.

NORTHWESTERN LEAGUE.

Tacoma, 13; Portland, 6.

Portland, Aug. 23.—Score: R. H. E. Tacoma 13 12 1. Portland 6 9 9.

Batteries: French, Butler and Dashwood; Samsels, Pinnance, Altchener and Armbruster.

Seattle, 4; Vancouver, 1.

Vancouver, Aug. 23.—Score: R. H. E. Seattle 4 5 2. Vancouver 1 7 4.

Batteries: Hall and Shea; Erickson, Gilligan and Sugden.

Aberdeen, 1; Spokane, 0.

Aberdeen, Aug. 23.—Score: R. H. E. Spokane 0 3 3. Aberdeen 1 1 0.

Batteries: Briker and Spencer; Starkell and O'Brien.

NATIONAL LEAGUE.

Chicago, 11; Boston, 6.

Boston, Aug. 23.—Chicago today played its last game here for the season and won, 11 to 6. Score: R. H. E. Chicago 11 11 1. Boston 6 10 4.

Batteries: Pelister and Archer; Richte, Curtis and Graham.

Pittsburg, 2; Philadelphia, 0.

Philadelphia, Aug. 23.—In a pitchers' battle here today between Lefield and Moore, Pittsburg defeated Philadelphia, 2 to 0. Score: R. H. E. Philadelphia 0 5 0. Pittsburg 2 7 2.

Batteries: Moore and Doohn; Lefield and Gibson.

New York, 12; Cincinnati, 9.

New York, Aug. 23.—Cincinnati, playing its last game here this season, was beaten, 12 to 9, today after

a struggle in which each contestant used three pitchers. Score: R. H. E. Cincinnati 9 12 5. New York 12 13 2.

Batteries: Gasner, Campbell, Dubuc and Roth; Crandall, Marquard, Ames and Myers.

Brooklyn, 7; St. Louis, 0.

Brooklyn, Aug. 23.—Brooklyn and St. Louis divided a double-header today. Scores: R. H. E. Brooklyn 7 9 1. St. Louis 0 5 1.

Batteries: Raleigh, Meller and Phelps; Bell and Marshall.

St. Louis, 9; Brooklyn, 1.

St. Louis, Aug. 23.—Score: R. H. E. Brooklyn 1 9 1. St. Louis 9 15 1.

Batteries: Beebe and Bliss; Pastorious and Bergen.

WESTERN LEAGUE.

Des Moines, 5; Denver, 1.

Denver, Aug. 23.—Score: R. H. E. Des Moines 5 10 0. Denver 1 5 0.

Batteries: Lang and McManus; Berger and Haley.

AMERICAN ASSOCIATION.

At Toledo—Toledo, 6; Columbus, 5.

At Kansas City—Kansas City, 3; Milwaukee, 7.

At Louisville—Louisville, 2; Indianapolis, 9.

RESULTS AT RENO.

Reno, Nev., Aug. 23.—Results: First race, six furlongs, selling—Lady Adelaide, 107 (Eisenzapf), 4 to 1, won; Alice Collins, 100 (Peak), 5 to 1, second; Tom Reed, 105 (C. Howard), 6 to 1, third. Time, 1:15 2/5.

Dr. Sherman, Mabel Hollander, Bud Embry, Martinmas, Queen Bessie and Saucy M. also ran.

Second race, six furlongs, selling—Aucassin, 109 (Thomas), 4 to 1, won; Pelham, 109 (Frasch), 4 to 1, second; Deenon, 109 (Cotton), 3 to 1, third. Time, 1:15 1/5.

Charles Green, Palas, Annie Laurie, Governor Orman and Prolife also ran.

Third race, mile, selling—Prince of Castle, 108 (Tullett), 4 to 5, won; Billy Myer, 103 (C. Williams), 3 to 2,

second; Taskmaster, 104 (Cotton), 5 to 1, third. Time, 1:44 2/5.

Black Gem and Mendon also ran.

Fourth race, five furlongs, purse—Port Mahone, 123 (Otis), 5 to 2, won; Velma C., 114 (Cotton), 3 to 2, second; Poppy, 108 (Frasch), 6 to 1, third. Time, 1:01 1/5.

John H. Scheeban and Inelmont also ran.

Fifth race, four furlongs, selling—Swaggerator, 111 (Christie), 8 to 5, won; Nappa, 109 (Eisenzapf), 4 to 5, second; Royal Stone, 104 (C. Howard), 4 to 1, third. Time, 1:08 1/5.

Lucky Mate and Cooney Neff also ran.

RESULTS AT SARATOGA.

Saratoga, Aug. 23.—First race, mile—Mombassa, 15 to 1, won; Footpad, 13 to 5, second; I. H. Reed, 4 to 1, third. Time, 1:29 2/5.

Second race, steeplechase, about two miles—Bobinaround, 10 to 1, won; Student King, 10 to 1, second; Sparker, 10 to 1, third. Time, 4:23 2/5.

Third race, five and a half furlongs—Responsive, 2 to 1, won; Glen Heli, 2 to 1, second. Time, 1:03 3/5. Only two starters.

Fourth race, mile and an eighth—Rio Grande, 10 to 1, won; Miss Kearney, 12 to 1, second; Zenith, 2 to 1, third. Time, 1:52 1/5.

Fifth race, seven furlongs—Aunt Jule, 8 to 1, won; Joe Rose, 15 to 1, second; Trouveur, 20 to 1, third. Time, 1:26 2/5.

Sixth race, five and a half furlongs—St. Diefel, 8 to 1, won; General MacGregor, 40 to 1, second; Malatine, 4 to 1, third. Time, 1:07 4/5.

JOHNSON TO FIGHT BARRY OR BURNS

Los Angeles, Aug. 23.—In a telegram to Tom McCarey, a local fight promoter, Jack Johnson, the negro heavyweight pugilist, tonight accepted an offer to fight the winner of the battle which is to take place in this city tomorrow night between Jimmy Barry and Jack Burns.

The exact terms of the agreement have not been settled, but it is announced that Johnson will receive the heavy end of the purse. The fight will be for ten rounds, and no decision will be announced in the ring.

The match will take place on either the 21st or 24th of September.

WILL HAVE RACING AT CHURCHILL DOWNS.

Louisville, Ky., Aug. 23.—Thirteen days of all racing at Churchill Downs were announced today by Colonel Matt J. Winn. September 25 to October 9 is to be the racing term.

Louisville turfmen are inclined to believe the Downs meet will draw the best cards obtainable in the United States because of the projected opening of the Winn track at Juarez, Mex., shortly afterward.

Colonel Winn stated that western

SALT LAKE AND STATE NEWS

M'WHIRTEE WINS HIS POKER CASE.

Supreme Court Decides He Can Recover \$1,050 Lost at Cards.

Salt Lake City, Aug. 23.—William McWhirter can recover the ten hundred and fifty dollars belonging to the famous "Dr." ama Donaldson, for which McWhirter got judgment in the Third district court, according to a decision of the state supreme court handed down this morning, and the supreme court gives a couple of reasons for its decision.

In effect the court finds that the plea of Donaldson's attorneys to have the case reopened because they fancied they had a stipulation with McWhirter's attorneys will not hold water. Then the court goes on to explain that, even if there had been such a stipulation, the court would not have reopened the case, because Donaldson won the money by gambling.

The case decided this morning was an outgrowth of the famous game of stud poker at the Antlers rooming house. After the smoke aroused by charges against the police authorities had partly blown away the McWhirter's discovery that Donaldson still had possession of some money subject to attachment, and they sued for a writ.

Stipulation Useless. Judgment on this writ was obtained by default. Then came the plea of Donaldson's attorneys that they thought they had a stipulation with the attorneys for the McWhirter's which precluded judgment by default. The case was taken up on appeal, but was lost.

Justice McCarty wrote the decision handed down this morning, and Justice J. E. Frick concurs. Chief Justice D. N. Straup dissents.

The decision recites the history of the case and tells how M. P. Braffet, the first attorney for the McWhirter, went on their bond for the writ of attachment, thus being disqualified from appearing as attorney for the McWhirter in court. Sam Russell entered a formal appearance in the case.

S. R. Thurman and S. A. King, it is related, were attorneys for Donaldson. King went on Donaldson's bond and was therefore disqualified. Attorneys King and Braffet are reported to have made a verbal stipulation with regard to the filing of an answer in the suit. McWhirter became impatient and, after some negotiations, engaged James Ingebreten as his attorney, both Braffet and Russell receiving their fees in full. Ingebreten brought the case into court and secured the judgment by default.

Made Out of Court. In commenting on the case the decision says: "We are therefore asked to give effect to an oral stipulation made with an attorney out of court, which, under the circumstances, the attorney could not have entered into in open court without placing himself in a position where he could have been proceeded against for contempt of court. The mere statement of the proposition is all that is necessary to refute and overturn any argument that can be made in favor of it."

Then comes the part of the decision referring to Donaldson's case. It reads as follows: "There is another reason why appellant is not entitled to have the case reopened. No principle of law is more firmly established nor more strictly adhered to than that which prevents the setting aside of a judgment to enable a party to interpose an unconscionable defense.

"In the answer tendered by appellant in connection with his motion to vacate the judgment is, it is alleged, among other things, that 'Alexander McWhirter took a hand and engaged in said game of cards and then and there wagered upon the result of said game, that as a result of said game this defendant then and there won said money, according to the rules of said game, and in accordance with said rules then claimed and took possession of the same.'"

Hands Not Clean. "It will thus be observed that appellant seeks to invoke the equitable powers of the court to enable him to retain the ill-gotten gains which he nefariously acquired by an open and flagrant violation of the penal statutes of this state. He does not come into court with clean hands. In such case equity gives no relief, but leaves the party where it finds him."

MEN ON SEPARATE TRAINS NOT "FELLOW SERVANTS."

Case of Lena Meyers Sent Back to Third District Court for a New Trial.

Salt Lake City, Aug. 23.—That members of the crews of separate trains, even when they are simply different "sections" of what the time table shows to be the same trains, are not fellow servants within the meaning of the law, and that a "service certificate" given by a railroad superintendent to a retiring employe and over his own signature is not necessarily admissible as evidence, were the two points involved in a decision handed down by the supreme court today. By this decision the case of Lena Meyers against the San Pedro, Los Angeles and Salt Lake Railway company is sent back to the Third district court for a new trial.

Judge T. D. Lewis had tried the case in the lower court before and the jury had awarded Mrs. Meyers \$7,500 as damages for the death of her husband, a conductor in the employ of the company.

Meyers was killed in 1906 as the result of a rear-end collision between the first and second sections of train No. 81 of the Salt Lake route. His widow sued for damages on the plea that the crew of the second train had not observed the rules of the road for the governing of trains following one another. Testimony was somewhat conflicting and among other documents introduced was the "service card" of the conductor of the second train, who was discharged immediately following the accident. This was signed by Superintendent H. E. an Housen, and stated that Conductor Guernsey was discharged because "while on train second No. 81, February 5, 1906, his train ran into first No. 81, which was

on time. He was discharged from service on account of being disobedient of the time table, rules and instructions."

This was admitted as evidence in the lower court, but the supreme court holds that it was not admissible. On the other points to which the decision refers at length, the supreme court holds that Judge Lewis was correct in his ruling as to fellow servants. But because of Superintendent Van Housen's letter referring to a matter on which the evidence was somewhat contradictory, as to whether the first section was actually on time or not, might have influenced the minds of the jury in placing the blame, the case is reversed and sent back for a new trial.

Had the train not been on time, it was stated by some of the witnesses, the usual thing for Conductor Meyers to do would have been to protect the rear end of his train by torpedos or fuses. Failure of to do so might have been construed by the court as contributory negligence.

CUTS HIS THROAT FROM EAR TO EAR

Theodore Baehr, Aged Seventy Years, Despondent, Attempts to Kill Himself.

Bingham, Aug. 23.—Theodore Baehr, an employe of the Byrnes saloon, attempted suicide at the Oxford boarding house at about 11 o'clock yesterday morning by cutting his throat from ear to ear. He was found in his room, sitting in a large pool of blood, his knees against the bed and his back leaning against a chair, a razor at his side.

When asked what was the matter, he said: "I tried to commit suicide, but I guess I made a bad job of it." Dr. J. F. Flynn was summoned, and found that the man had cut his throat from ear to ear, that he had a superficial cut across the abdomen and had slashed himself in the inside of the thigh clear to the bone. Twenty stitches were taken in the gash in his neck. The man is in a critical condition with little chance of recovery.

Baehr is 70 years of age and has been in ill health for a long time. His long illness, coupled with the fact that he was advised to leave and unable to do much work, undoubtedly made him despondent to such an extent that he committed the rash act.

He had \$5 in his pocket this morning, a room to sleep in, and was by no means in want of the immediate necessities of life. He had a piece of cloth tied around the razor at the junction of the blade, so that he could use it as a knife.

He was born in Oberalt, Wurtemberg, Germany, and has resided in Bingham two or three months, having here from Wyoming. Very little is known of the man's history, except that he claims he has no relatives in this country and served in the Franco-German war in 1870.

He was a man of good habits and not addicted to the excessive use of stimulants. He is well liked by those who knew him.

POPULAR ACTRESS DIES

News of Death of Georgia Harper Received in This City—No Details.

Salt Lake, Aug. 23.—A R. Pelton last evening received a wire from Denver, telling him of the death of Georgia Harper, the talented emotional actress, who has for years been a favorite on the Pelton & Smutzer circuit. No details of the death are given, but it is presumed to have been sudden, as she had been recently in excellent health.

Miss Harper for some years has been heading her own companies in tours of the West and has met with repeated triumphs. She has followed Leslie Carter and Maude Adams in such plays as "Mada," "Zaza" and "The Little Minister." Though she usually played in small cities and in second class theaters, the critics have always declared that she was one of the leading actresses of the country and have regretted the fact that she has not sought Eastern recognition.

Miss Harper appeared for the last time in Richfield, where she closed the season last May. She stayed in Salt Lake City for a couple of weeks and then went East to rest for the summer. Recently she returned to Denver to reorganize her company for the fall tour through the west, which included bookings in all of the larger towns of Utah. Miss Harper will be remembered by Salt Lake people through her summer stock engagement at the Grand theatre in 1896.

DEATH WINS IN RACE TO EAST.

Harry McCormick Dies in Chicago of Tuberculosis on Way to His Home.

Salt Lake City, Aug. 23.—Harry McCormick, an employe of the Breeden Office Supply company of Salt Lake City, succumbed half way in a trans-continental race against death Saturday evening. Mr. McCormick was hurrying from Salt Lake City to Jersey City in order that he might be at his old Jersey home near his wife and little ones when he passed away. He left Salt Lake on Thursday and as he was entering Chicago on Saturday evening he succumbed.

Mr. McCormick was for years a typewriter construction expert in the employ of the Underwood Typewriter company. He became afflicted with tuberculosis and four months ago was sent to Salt Lake by the company in the hope that the change of climate might benefit him.

When he came to Salt Lake he entered the employ of the Breeden Office Supply company. For a time the change appeared to have benefited him. A month ago, however, his condition began to grow worse and he was taken to the canyon. Two weeks ago he was removed to the Holy Cross hospital.

Calls For Wife and Babies.

As he grew weaker he was in an almost constant delirium, during which he called constantly for his wife and four little children who were in Jersey City. Mrs. McCormick's mother was critically ill and her children were so small that it was impossible for her to make the journey. When she learned of her husband's critical condition she wrote begging that he be sent back home, saying that if she saw him alive, even if only for a moment, she would be more reconciled to his death.

Arrangements were made as quickly as possible and on Thursday the trip was begun. Marshall Breeden accompanied Mr. McCormick on the long trip. The sick man took heart at the prospect of being reunited with his family, and his condition appeared to be better than at any time in the preceding few weeks. From this fact it



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Some new and fancy serges in Russian blouse just in—will not stay long.

KUHN'S Modern Clothes SHOP

Tell Everybody. Washington Avenue at 2365

was hoped that the journey might be safely made.

On the train, however, he relaxed into his delirious state and grew rapidly weaker as the journey progressed.

A telegram received yesterday from Marshall Breeden told of his death just before the last lap of the race was begun.

The body was taken from the train at Chicago, where it was embalmed, and last evening Mr. Breeden continued the trip, taking with him the body of the dead man.

FUNERAL WILL BE IN LOGAN TABERNACLE

Logan, Aug. 23.—The funeral of Moses Thatcher, who died here Saturday night, will be held from the Logan tabernacle Thursday afternoon at 2 o'clock. Some of the most prominent churchmen of the state will deliver the eulogies, and an attempt will be made to have Apostle Orson F. Whitney among the speakers. Apostle Whitney was a warm personal friend of Mr. Thatcher, and was connected with him in many undertakings. He is at present in Canada, attending the one hundredth anniversary gathering in honor of a friend, Mr. Whitney has been informed of the death of Mr. Thatcher and will try to reach Logan in time for the funeral.

Apostle John Henry Smith, likewise among the list of speakers desired by the Thatcher family, has been reached at his summer camping ground on Bear Lake and will be present on the day of the funeral.

An Englishman has invented a bicycle for the blind. In reality, it is a multicycle, carrying twelve riders, led by a seeing person, who does the steering.

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MRS. KELLER. Bell 1353-K. 2468 Wash.

Hiram Oldboy Appreciates Good Times

"People hain't wut they wuz in my days," growled Jasper Flint. "No nor times hain't, neither."

"Well, thank goodness they're not," declared Hiram Oldboy. "Why, when you and I were youngsters, what did we have? A box-stove warmed one room—we chopped the cordwood. For light—candles. Bathis once a month in the washtub—I pumped the water. Clothes home-made by my mother. She sewed, knit, spun, wove, and not only cooked all our crude food, but raised, killed, cured and preserved it. She even made our one toilet essential—soft soap. Recreation—the circus once a year—good old times. Fudge."

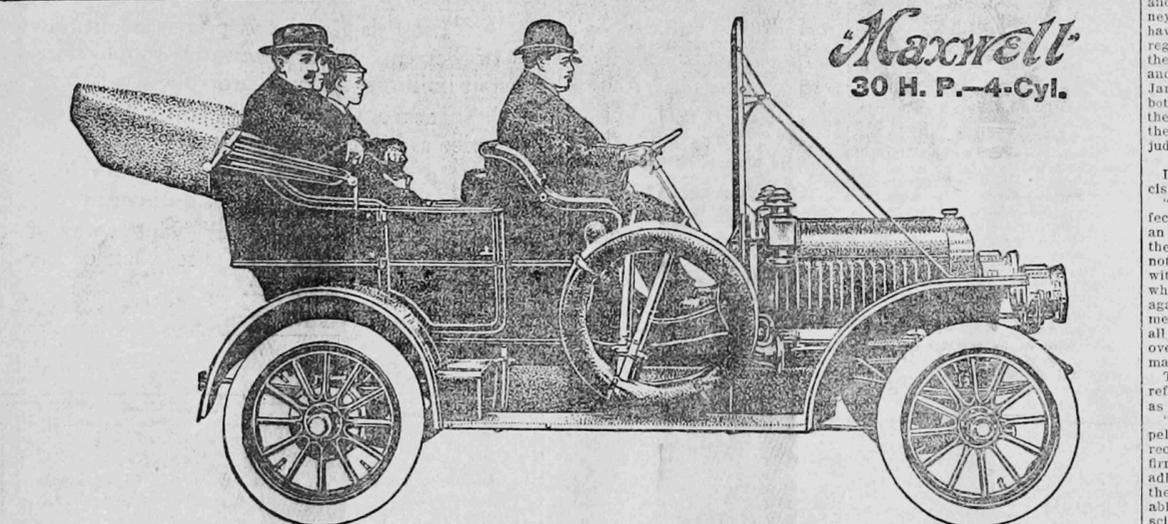
"Look at me today."

"My house is heated and lighted automatically all over, and machinery pumps the water. The fittings in the bathroom are better than the dishes we ate from as boys. I have conveniences that the rich knew nothing about twenty years ago. Would my dear mother cure meats and preserve fruits today? Not a I could help it, wut factories to do such things scientifically. For amusements—the player—piano, and other musical instruments, the camera, the automobile, travel, books, magazines—lights gas stoves and electric lights for home comforts. Our forefathers, if they could return to earth again and see the luxuries we enjoy, would believe they had reached the promised land."

"Jasper Flint, if you grumble at the times like these we live in now, somebody ought to take you at your word and shove you back into your own boyhood, with no comforts or conveniences at all, and no way of knowing about them, if there were any at all."

UTAH LIGHT & RY. CO.

D. DECKER, Local Manager.



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THE confidence that Maxwell owners place in their cars was strikingly shown in the tour of the Maxwell-Briscoe Motor Club.

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An owner's verdict is the final analysis of the value of an automobile. There are today 16,100 satisfied users of Maxwell cars. Satisfy yourself on this automobile problem by asking the man who owns a Maxwell. His reply will be something like the following letter. This is but a sample of the hundreds we receive. We have collected them in a little book. It is yours for the asking.

Medford, Mass. March 25, 1909. Maxwell-Briscoe Motor Company, Tarrytown, N. Y. Gentlemen:—

I thought perhaps you would like to put in the Co-Operator a few words about a car that has been run 35,000 miles or more. It is an '05; motor No. 197. I have run it Summer and Winter through Massachusetts, Maine, New Hampshire, and New York, and furthermore the engine has never been overhauled since I had it. Merely had to tighten my connecting rods and wrist pins. It is running so finely I would not like to part with it. I have used the tires since a year ago February without a puncture.

Yours truly, J. W. BURNHAM.

A WORD TO YOU FROM THE PRESIDENT OF THE COMPANY

On, or about September 1st, I shall announce our new line of Maxwell automobiles. Wait for this announcement for I know that Mr. J. D. Maxwell has produced what will prove the sensation of the year.

Since 1904, the Maxwell has consistently "made good." Over 16,100 satisfied users of Maxwell automobiles is the best proof of our success. Naturally, we are proud of our record in the past—for the future our new line will offer the greatest value that the American public has yet seen. Write today and let me put your name on our mailing list for our advance literature.

Very truly yours, Maxw. Briscoe Pres.

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