WEATHER AND CROPS.

Yesterday's Rainfall General Throughout North Texas and, in Most Cases, Unwelcome.

A Considerable Amount of Wheat and Oats Lost in the Southern Part of Tarrant County.

TARRANT COUNTY.

Special to the Gazette.

CROWLEY, TEX., July 5.—A very heavy rain fell this evening. What grain is not cut now is gone by the board. It is feared that there will be no wheat saved at all, and there are no hopes for oats now.

McLENNAN COUNTY.

Special to the Gazette.

McGREGOR, TEX., July 5.—It rained here again to-day.

Special to the Gazette.

WACO, TEX., July 5.—Abundant rains fell here and throughout the county to-day.

MORRIS COUNTY.

Special to the Gazette.

DAINGERFIELD, TEX., July 5.—We are still having too much rain for the good of farmers.

MONTAGUE COUNTY.

Correspondence of the Gazette.

SPANISH FORT, TEX., July 4.—The small grain has been much damaged by the rains, and it is hoped that the grain not already damaged will be saved. Red river has been very high but is now falling.

HILL COUNTY.

Special to the Gazette.

BLUM, TEX., July 5.—A fine rain fell this evening, cheering the farmers greatly. Corn in this section is the finest ever known, and the cotton is very promising.

GRAYSON COUNTY.

Special to the Gazette.

SHERMAN, TEX., July 5.—We had several showers of rain this afternoon.

Correspondence of the Gazette.

COLLINSVILLE, TEX., July 4.—This dry weather is dispelling the blues from all our farmers and merchants. We will yet have wheat, oats, corn and cotton in abundance.

Special to the Gazette.

BELL'S, TEX., July 5.—It has now been several days since we have had any rain and, as a consequence, the farmers have made good use of the time, the crops of wheat and oats being now about all harvested, which are very fine in this section of country. The corn crop is said never to have been better, and the cotton, though thought at first to have been injured by the worms, is now very promising, and, unless some unforeseen disaster arises, it will still make a bale per acre.

GREGG COUNTY.

Special to the Gazette.

LONGVIEW, TEX., July 5.—Although the cotton looks excellent, the long-continued damp weather is causing the squares to drop, and in fields of forward cotton the boll worm has begun its work. Corn is out of the way, and the crop will be nearly double that of last year.

HAYS COUNTY.

Special to the Gazette.

KYLE, TEX., July 5.—A heavy rain fell here yesterday, much to the inconvenience of the hay men, who are obliged to defer work until the sun comes out again.

The wheat crop in this section, with the exception of the Nicaragua wheat, was the finest for many years, and in quality will compare favorably with North Texas wheat.

The cotton and corn crops in this section are very fine, and, with anything like a fair season, cotton will average a bale to the acre.

Special to the Gazette.

SAN MARCOS, TEX., July 5.—The rain still continues, and everybody is praying for fine weather now. The ground is thoroughly saturated and the mud is as bad as at any time last spring.

WISE COUNTY.

Special to the Gazette.

DECATUR, TEX., July 5.—The careless worm has left this county entirely. We do not hear anything of him. Crops are looking fine since the rains, and wheat and oats were not nearly so badly damaged as it was thought.

Special to the Gazette.

ALVORD, TEX., July 5.—We are having beautiful weather. The recent heavy rains damaged the wheat crop considerably. The farmers are busy threshing their grain, which has been considerably delayed on account of so much wet weather.

FANNIN COUNTY.

Special to the Gazette.

DODD CITY, TEX., July 5.—Our merchants have been nearly drummed to death since the worms quit our cotton fields. Crop prospects have improved about 25 per cent. in the last three or four days.

Correspondence of the Gazette.

BONHAM, TEX., July 5.—A new report reached us to-day that the worms have again attacked the cotton. As to the truth of it we cannot say. It is probably the old scare revived. The weather is now fine, but we have had one heavy rain since the first of the month.

HOWARD COUNTY.

Special to the Gazette.

BIG SPRING, TEX., July 5.—The surrounding country never looked prettier. We have had no rains during the last week.

HUNT COUNTY.

Special to the Gazette.

GREENVILLE, TEX., July 5.—A fine rain is falling to-night.

DENTON COUNTY.

Correspondence of the Gazette.

ROANOKE, TEX., July 4.—The wheat crop is not so seriously damaged as was at first supposed. W. A. Ambler has started his new separator, which is a complete success. He was at work to-day on C. B. Marster's crop, half an acre of which was measured and yielded nineteen bushels. Several other machines will begin work Monday unless it rains again.

Messrs. Welborn and Freeman shipped a car of new wheat to-day.

BROWN COUNTY.

Correspondence of the Gazette.

WILLIAMS' RANCH, TEX., July 3.—A good rain fell here to-day. It appears to have been general. The crops are the best ever known in this section.

WEATHER REPORT.

The cotton-belt weather report of Texas, showing the maximum and minimum temperature, also the rainfall for the past twenty-four hours, is as follows:

STATIONS.	Max. Tem.	Min. Tem.	Rain fall.
Galveston	89	79	.14
Houston	86	78	.01
Hearne	91	72	.35
Waco	91	74	.30
Corsicana	94	75	.01
Dallas	92	70	.38
San Antonio	86	70	.59
Cuero	89	76	.15
Palestine	..	..	..
Columbia	..	..	..
Huntsville	..	..	..
Longview	..	..	..
Austin	..	..	..
Tyler	..	..	..
Weatherford	92	61	..
Belton	..	..	..
Orange	..	..	..
Luling	..	..	..
Sour Lake	..	..	..
Weimar	..	..	..
Mean	90.0	72.6	.18

BIG SPRING.

Independent Municipal Ticket Nominated—Other Notes.

Special to the Gazette.

BIG SPRING, TEX., July 5.—The Fourth was celebrated here in a very moderate manner, due respect being paid to the day; but not much demonstration.

Mr. Gus O'Keefe shipped quite a lot of fat cattle from this place to St. Louis during last week.

The round-ups were in session last week and our town was made lively by the festive cowboy. Our citizens like to see them come to town.

The reports of our business men are flattering; they say that their sales and receipts during the month of June were better than for a long time past.

Jack Lanagan, for several years a citizen of Big Spring, died of consumption on North Concho, in Tom Green county, during last week. He was buried here.

An Independent ticket and one in opposition to that published in our last letter was nominated by the citizens of Big Spring in mass meeting on last Monday night. The nominees are: G. H. McLin, for mayor; — McKinnon, for marshal; P. J. Donovan, G. B. Moody, J. A. Monahan, George Mount and G. A. Torbet, for aldermen. We expect fun on election day.

GREENVILLE.

Special to the Gazette.

GREENVILLE, TEX., July 5.—Last week the interior of the Methodist church was completed, through means raised by the Church Ladies' Aid society, and to-day Rev. P. C. Archer, the pastor, preached a fine eulogistical sermon on woman's work from the text, "She hath done what she could."

ROANOKE.

Special to the Gazette.

ROANOKE, TEX., July 5.—Messrs. McCrutcher and Gregory, Seventh-Day Adventists, are holding a meeting in town.

Rev. T. A. Cowan of the Cumberland university, Lebanon, Tenn., has commenced a meeting in town. Services are held every night at the Union church.

PILOT POINT.

Special to the Gazette.

PILOT POINT, TEX., July 5.—D. J. Kendall has returned from Dallas, where he has been looking after his interest in the United States marshal's office. He reports eight applicants from this county alone. His claim he regards heads the list over all applicants.

The protracted meetings at the Methodist church, which began last Sunday, are largely attended.

The National Encampment.

PHILADELPHIA, PA., July 4.—Fifteen thousand persons spent the day in viewing the exhibition drills and parade at the national military encampment at Fairmount park. The exercises comprised the firing of a national salute of twenty-one guns at noon by the Third United States battery gatling guns, an exhibition drill by Battery Two of New York and a flying artillery drill by Col. Warner's Fifth United States battery. Exhibition drills were given by the Busch Zouaves of St. Louis, the Houston Light Guard of Texas, the Lomax Rifles, the Montgomery Grays, and the Indianapolis Light Infantry. At 6 o'clock the First and Second regiments of Ohio were reviewed by Lieut.-Col. Hawkins of the First, and all unattached companies were formed into a battalion and reviewed by Col. Crump of the Kentucky State Guards.

BREAKING CAMP.

PHILADELPHIA, PA., July 5.—Though the troops on duty at the national encampment were not obliged either to attend divine services or engage in an exhibition drill, they found plenty to do in entertaining the thousands of visitors who thronged the camp-ground. This morning the First Ohio regiment started for the West. It was accompanied by the Second battery attached to that regiment. The Houston Light Guard of Texas and the Montgomery Grays of Alabama will leave to-morrow night and proceed to New York, where they will be entertained by the Twenty-third regiment. The Richmond Howitzers also broke camp to-day. The Second battery of New York will leave Tuesday morning.

AFFAIRS ABROAD.

Fourth of July Kept by Americans in London—Gladstone Regrets His Resignation.

The Liberals Thoroughly Frightened Over the Results of the Parliamentary Elections.

GREAT BRITAIN.

Liberals Frightened.

LONDON, July 5.—The results of the parliamentary election which took place during the past week, to fill vacancies caused by the changes in the ministry, have rather alarmed the Liberals. They were beginning to feel sure of an easy victory in the coming general elections, but the Tories have more than held their own in the special election, and have increased their majorities in such hotly contested boroughs as Wakefield and Woodstock. The Liberal election agents in many provinces sent in discouraging reports about the outlook. They say the agricultural voters are falling away from the Liberal interest and that

THE LABORERS APPEAR INDIFFERENT about taking advantage of their enlarged franchise. The agents further declare that in most of the rural regions in England both the agricultural laborers and the workingmen this year are especially under the influence or control of the local squires or farmers and authorities. This is accounted for by the fact that the times have for a long time past been very hard and this class of voters are under more than ordinary obligations to their employes and patrons. The Tory managers are locating the polling place in the remote districts controlled by the Liberals in such a way as to make it difficult for the voters to reach the polls. The Liberal managers are

THOROUGHLY FRIGHTENED at all these things and will early this week attempt to obtain a solid union between the Whig and Radical factions of their party on an electoral programme. Both Gladstone and Chamberlain had advised that the Liberal candidates be selected, or at least approved, by the central body of selections in order to save the party strength from being

FRIGHTENED AWAY BY CONTESTS in some constituencies between rival Liberal candidates. Both also urge the appointment of a national campaign committee to direct the entire canvass upon a matured and uniform plan instead of the disjointed and anarchial form heretofore in vogue.

The new cabinet has determined to meet any factious or obstructive opposition in the house of commons with the announcement that unless the Liberal leaders prove themselves willing and able to assist the Conservatives in passing the budget the Tory ministry will resign to compel the Liberals again to attempt the task which but recently brought about their downfall. Sir Michael Hicks Beach, the new chancellor of the exchequer, will announce the decision soon after the house of commons resumes its sittings. The chances are, therefore, that the present government will terminate within a month. Gladstone already

REGRETS HIS RESIGNATION. He now evinces a certain degree of willingness to resume office. He has gone so far as to deny for publication the report that he told the queen nothing could induce him to take office again. Though the leading question in the coming general election be a question of local government, the speech of Earl Rosenbarry, Gladstone's lord privy seal, foreshadows a solid agreement among the radical members of the Gladstone ministry in favor of elective county councils in Ireland, Scotland and Wales.

France Recedes.

The French government has withdrawn its demand for fixed date upon which the English troops shall evacuate Egypt, and offers to leave the period to the discretion of the English government, if Lord Salisbury will admit the principle of evacuation. M. Waddington, the French embassador at London, has also made overtures regarding the question of the Suez canal. This change of attitude on the part of the French government is attributed to the entente cordiale between Lord Salisbury and Prince Bismarck.

Fourth of July Banquet.

The Savage club gave a banquet last evening to the leading literary and artistic Americans at present in this city. The reception given by Mr. Phelps, the American minister, in the afternoon was largely attended.

Independence Day in London.

Mr. Cyrus W. Field entertained Mr. Phelps, the American minister, at dinner last evening at the Buckingham Palace hotel. The other guests included Senator Edmunds, Consul-General Walter, the more prominent members of the American colony in London, the duke of Argyle, Lords Houghton and North, John Bright and a large number of Englishmen.

Mr. Field sent the following cablegram to President Cleveland:

"LONDON, July 4.

"To His Excellency, the President of the United States, Washington:

"A party of American citizens and English friends of the United States have assembled at my table to celebrate the declaration of American independence and to meet Mr. Phelps, the American minister, at dinner. We have just drunk your health and wish you a long and prosperous life and a successful administration of your high office. Besides Mr. Phelps, Senator Edmunds and Mr. Walter, the American consul general, were honored guests, including the duke of Argyle, Lord North grandson of the prime minister of England during the revolutionary years; Lord Houghton, the Right-Hon. John Bright, M. P.; the Right-Hon. W. E. Forster, M. P.; Mr. H. M. Stanley, the African explorer; Sir Rowell Buxton, Sir Daniel Gooch, M. P.; Sir George Elliot, M. P.; Prof. Sir W. Thomson, Sir James Anderson, M. T. B. Potter, M. P., Dr. Farrar, archdeacon of Westminster; Mr. Howard Potter, Dr. Russell Reynolds, and Messrs. Pollard, Burt, Fowler, Pippin, White, Smalley, Wells, Weavon, Chisson, Earle, Ford and McLean.

"On this memorable anniversary we all return thanks to the Almighty God for the blessings he has vouchsafed the American government and people. CYRUS FIELD."

When the viands had been disposed of Mr. Field addressed his guests. He said, in reviewing the history of the United States, that the work of freedom which had been begun by Washington had been completed by Lincoln. He proposed the health of President Cleveland and coupled with the toasts the names of Mr. Phelps and the duke of Argyle.

Mr. Phelps replied that he had never before been present at such a significant and gratifying celebration. What was once the cause of hostile feeling between the two countries was now conceded to be happy events to both. These nations used to be cousins, but now they are brothers. Their experience taught them that their interests were identical. The history of England was the property of the United States as well as of England. The untold future was a matter of equal concern to both.

Mr. Bright also made a felicitous response.

Mr. Field received the following answer from President Cleveland in reply to his cablegram:

"EXECUTIVE MANSION, WASHINGTON, July 4.

"To Hon. Cyrus W. Field, London:

"I received with heartfelt gratitude the kind sentiments expressed by you and your assembled guests. I am exceedingly pleased to know the hearts of our citizens now in your company turn homeward with patriotic warmth, while they celebrate the anniversary of American independence, and that, as they return thanks for all that God has done for us, they are joined by their kind friends there who, although illustrating the greatness of another nation, can heartily rejoice in the success and prosperity of our government and people.

"GROVER CLEVELAND."

An Insult to the Queen.

DUBLIN, July 5.—The Freeman's Journal approves of the action of the municipal authorities in abstaining from participation in the ceremonies attending the state entering into Dublin of Lord Carnarvon, lord-lieutenant of Ireland.

The Express, on the other hand, says the abstention of the authorities places them in a new and more repulsive aspect before the country.

The Irish Times says: "For the first time in the history of the city the municipal authorities abstained from respectful recognition of the queen's representative."

GERMANY.

German-Americans Visit the Fatherland.

BINGEN-ON-THE-RHINE, July 5.—At 8:30 o'clock yesterday morning a procession of the Independent New York Schultzen-bund started for Rochensberge to begin the shooting contest. They were cordially saluted on the way. On arriving at Rochensberge, and before beginning at the targets, Capt. Diehl, commander of the New Yorkers, ordered three salutes to be fired in honor of the emperor of Germany, the president of the United States and the city of Bingen. A banquet was served at which 300 guests were present.

Mr. Hugo Hohenack of New York presided. After calling for three cheers for the German riflemen, German unity and the empire, Mr. Hohenack offered a toast to the united fatherland, the most powerful of Europe, which excited the admiration of the world, whose usages and customs are held sacred in remote America.

Mr. Ottendorfer of New York replied to this toast, and his remarks excited great applause. He said it might, perhaps, seem peculiar that an American guest should be called to reply to such a toast, as most of those present had long ago been prosecuted for making the attempts, perhaps then impracticable but certainly fervently patriotic, to see the unity of Germany accomplished, and were compelled to seek an asylum in America, and, further than this, they had not been permitted to take any active share in the reorganization of their youthful days. Nevertheless, he continued, the fatherland had no more enthusiastic devotees than the American citizens of German descent. Apart from all political opinions, every one could pay the hoary-headed hero, William, his tribute of heartfelt esteem and fervid reverence. [Bravoes]. The American Germans vied with all the friends of Germany in wearing upon the brow of the glorious army of Germany and its leaders the well-deserved crown of fame. He continued by proposing three cheers for the fatherland. The cheers were given vociferously.

Emil Rittershousen replying to the toast "The United States," elicited a storm of cheers.

Mr. Weber replied to the toasts of "the Fourth of July" and "the ladies."

Scheusten Goff of Bingen spoke to the toast, "The Bingen Rifle Association," and Louis Berndt to the toast of "The New York Rifle Association."

The speeches were characterized by expressions of brotherhood between Germany and America. After the banquet a ball was given, the festivities continuing up to a late hour. The shooting was interrupted by rain and was postponed.

FRANCE.

President Grevy to Retire.

PARIS, July 5.—Le Figaro announces that M. Grevy, president of France, intends to retire from public life at the expiration of his present term of office, which takes place in January next. M. Henri Brisson, president of the present council of ministers, Le Figaro thinks, will succeed M. Grevy in the presidency.

The number of cases of cholera reported Saturday in Madrid was 1424, and the number of deaths from the disease in the same city 668.

Just received a large shipment of Little Joker long-cut tobacco.

J. H. BROWN.

COURT OF APPEALS.

Synopsis of the Decisions Rendered at the Austin Sitting of the Court of Appeals.

Made up From the Full and Official Report of the Rulings and Opinions Rendered.

Compiled for the Gazette.

Watkins vs Morley & Co., from Parker county. It is a well-settled rule of law that an agreement in general restraint of trade is illegal and void, but an agreement which operates merely in partial restraint of trade is good, provided it be not unreasonable and there be a consideration to support it. Chilly on Cont. 8 ed. 576; 20 Wall (U. S.) 64. The rules applicable to contracts in restraint of trade are: 1. To be valid the restraint must be partial only; 2. It must be founded on a valuable consideration, and, third, it must be reasonable and not oppressive. The principal is bound by the act of his agent done within the scope of his apparent authority in dealing with innocent third parties, although such act may be in direct violation of his private instructions (29 Tex. 97). If an agreement provides that a certain sum shall be paid in the event of performance or non-performance of a particular specified act, in regard to which damages, in their nature uncertain, arise in case of default, and there being no words evincing an intention that the sum reserved in case of a breach shall be viewed only as a penalty, such sum may be recovered as liquidated damages. Reversed and remanded.

Gamble & Co. et al. vs. Talbot, from Taylor county. Although the statute provides that the pleadings may be amended under the directions of the court, upon such terms as the court may prescribe, before the parties announce themselves ready for trial and not thereafter (R. S., 1192), it is well settled that this is but directory and that it is within the discretion of the court to permit amendment after announcement for trial, which may be found necessary for more speedily and certainly attaining the ends of justice, and in granting such leave the court may or may not, in its discretion, impose terms. (61 Tex., 154.) Objection to the discontinuance of the suit as to a joint defendant comes too late when made for the first time in this court. In this state a creditor has the right to receive property from an insolvent debtor in payment of his claim if the transaction be open, and more property is not taken than is reasonably sufficient to pay his demand, and this, although the creditor may know at the time that he will thereby prevent other creditors from enforcing their claims, and although the creditor may know that the debtor prefers him through motives of friendship. 59 Tex. 154; W. & W's Con. R. sec. 453. Upon this subject the court charged that "a purchase of goods from a debtor in failing circumstances must not only be for a valuable consideration but also must be bona fide." Held, abstractly correct, but too broadly stated for the facts of this case, but immaterial as it imposed no injury. Affirmed.

Green vs. Sass et al., from Bastrop county. The motion to dismiss the appeal in this case because the appeal book misdescribes the judgment, must prevail. The judgment does not foreclose the attachment lien of Sass, as the bond recites, but only declares that the property was held under and was liable to the attachment, and not liable to the distress warrant. Because of such misdescription the bond is insufficient. Appeal dismissed.

Scarborough vs. Powell, from Scurry county. Jurisdiction legally acquired cannot be defeated by a defendant by pleading a defense which can only be enforced in another forum. The answer in this case virtually asked the court to enforce a verbal contract for the sale of land, which was in contravention of the statute of frauds, and presented a defense which was not within the jurisdiction of the court. Affirmed.

Cook vs. Horstsman et al., from Milam county. Sub-division of art. 1198, R. S., provides that if the foundation for the suit is some crime, or offense or trespass, for which a civil action in damages will lie, the suit may be brought in the county where the offense, crime or trespass was committed or in the county of the defendant's domicile. The statute referred to includes not only a technical trespass vi et armis, when the injury is the direct consequence of the wrongful act, but it includes wrongful acts from which indirect injuries occur. It has been held by both this and the supreme court that it is a wrongful and unlawful act to construct a fence of barbed wire except in the manner prescribed by statute W. & W. Con. R., Sec. 361-3. The act being done in M. county, the court erred in sustaining defendants' plea of privilege to be sued in their county of domicile. It was alleged and the proof tended to show that the injury to plaintiff's horses arose from the gross negligence of the defendants in constructing their fence, and there is nothing tending to show that plaintiffs pleaded exemplary damages in order to confer jurisdiction upon the court, wherefore the trial court erred in holding that there was no reasonable grounds upon which to base vindictive damages, and that the actual damages being less than $200, the court was without jurisdiction. Reversed and remanded.

The Gulf, Colorado & Santa Fe Railway vs. Welt, from Bell county. Appellee sued for actual and vindictive damages for personal injuries and for injuries to a wagon and horses which he alleged to be his property. The items of injury alleged were specified with sufficient certainty in the petition, and the court did not err in overruling special exceptions thereto. But the evidence being insufficient to correspond with the allegation of the ownership of the property injured, the motion in arrest of judgment should have been sustained. The rule is that the ownership of the property destroyed must be proved as alleged. When a right of action is joint, the suit must be brought by all parties who are entitled to redress. 2 (Will.) Con. R., 175, 173, 618. The proof shows the wagon and one horse to have belonged to the plaintiff's father. Reversed and remanded.

Barnett vs. Abernathy, from Nolan county. Upon his defeat [illegible] below, which was had before [illegible] without a jury, the [illegible] quested the court to put [illegible] of fact and law into writ[illegible] the court failed to do during [illegible] of court. Several days after [illegible] journment of court, the [illegible] what purports to be a [illegible] facts, which, however, cannot [illegible] sidered as such, inasmuch [illegible] authenticated and was filed [illegible] adjourned, without an order [illegible] authorizing such filing. It [illegible] duty of the court to comply [illegible] time, to the appellant's re[illegible] statement of his conclusion[illegible] and fact. Reversed and rem[illegible]

The International & Great [illegible] Railway vs. Gorman, from [illegible] This was a suit by appellee [illegible] damages for injury to his w[illegible] she was attempting to board [illegible] at F., Texas. In substance [illegible] are that when the train arr[illegible] depot the plaintiff (who had [illegible] his wife with a ticket) and [illegible] were about seventy-five yard[illegible] that they hurried to catch [illegible] but were somewhat retarded [illegible] wife having a large valise, [illegible] into a ditch. Just as the wife [illegible] been in the rear of a lar[illegible] boarding said train, attempted [illegible] it, the train started. She fa[illegible] the assistance of her husband [illegible] employe of the road, to board [illegible] and, after holding on for some [illegible] fell. A recovery under such [illegible] stances could not be had, [illegible] showing contributory neglig[illegible] versed and remanded.

The Missouri Pacific Rail[illegible] Teague, from Hill county. [illegible] tion alleged that the injured [illegible] was the property of the [illegible] Proof showed that when inju[illegible] the homestead of plaintiff's [illegible] who had since died, and that [illegible] had since occupied it as the [illegible] stead of herself and children [illegible] were the facts found by the [illegible] ting without a jury, and up[illegible] he held plaintiff entitled to [illegible] It is correctly insisted by [illegible] that, the petition alleging [illegible] plaintiff owned the property [illegible] was injured, it devolved upon [illegible] prove that it was then her [illegible] property. It was a correct [illegible] advanced by the appellant [illegible] court should have so held [illegible] plaintiff had no right to re[illegible] injuries to her husband's estate [illegible] his lifetime upon mere pr[illegible] was his homestead, and that [illegible] only recover for damages [illegible] ceased husband's estate by ma[illegible] heirs, who were joint owners [illegible] parties to the suit. Reversed [illegible] manded.

The International & Great [illegible] Railway and Missouri Pacific [illegible] Company vs. J. L. Watt, from [illegible] county. Suit against appell[illegible] recover for damages to [illegible] shipped from Memphis to Aus[illegible] action was against appellants [illegible] mon carriers to enforce their [illegible] law liability. Answer plead[illegible] ly a special contract of affr[illegible] between them and appellee [illegible] and place of shipment. This [illegible] stricken out upon exception [illegible] ment entered for appellee [illegible] error. The plea set up the spe[illegible] tract and made it a part of the [illegible] It contained reasonable and [illegible] ditions, limiting the common [illegible] bility of appellants as common [illegible] ers, and, as that contract [illegible] wholly to be performed in this [illegible] these limitations were not [illegible] by our statute. W. & W. [illegible] secs. 191-4. A valid contract [illegible] be avoided upon the ground [illegible] party to it did not read it and [illegible] know its contents. Reversed [illegible] manded.

Miles vs. Patterson, from [illegible] nan county. M. sold P. a car [illegible] wheat by sample and recei[illegible] pay. The wheat being deliv[illegible] P., he notified M. that it did [illegible] respond with sample, demand[illegible] money back and directed M. [illegible] and get it, or he would redu[illegible] flour, sell the flour and hold [illegible] sponsible in damages. M. nei[illegible] turned the money nor took the [illegible] back. P. reduced it to flour, [illegible] sued M. and recovered $200 da[illegible] The proper measure of damage [illegible] the difference between the pri[illegible] and the actual value of the whe[illegible] livered. Upon that issue the [illegible] mony was entirely silent and the [illegible] ment was based upon P.'s me[illegible] ment in the evidence that [illegible] damaged $200. Held, insuf[illegible] Reversed and remanded.

Whittington vs. Butler, from [illegible] county. Whatever may have be[illegible] previous law, there is no law [illegible] our present constitution auth[illegible] parties to a suit in the county [illegible] to agree upon a special judge [illegible] event that the regular county j[illegible] disqualified. The proper p[illegible] in a cause in the county court [illegible] the regular judge is disqualifie[illegible] certify that fact to the distric[illegible] and transfer the cause to that [illegible] Reversed and remanded.

King et al. vs. G. P. Frazie[illegible] Jack county. It is a general [illegible] a statutory bond, to be valid [illegible] must strictly conform in every [illegible] tial particular to the statute [illegible] there is this further rule to [illegible] served: If a departure from the [illegible] tions of the bond prescribed by [illegible] makes the obligation less one[illegible] bond may be enforced by a [illegible] judgment, but when its condi[illegible] more onerous than the statute [illegible] such judgment ought not [illegible] entered against the [illegible] The bond sued on this case, [illegible] not in the exact terms of the [illegible] does not make the conditions [illegible] onerous than the statute. De[illegible] alleged that the note sued on [illegible] case of Frazer vs. Green was [illegible] August 24, 1884, and it allege[illegible] judgment in the case was re[illegible] August 6, 1884—eighteen days [illegible] the note was due and payable. [illegible] writ of attachment may issue [illegible] the debt is due and proceeding[illegible] thereon, before the debt is due, [illegible] judgment cannot be rendered [illegible] the debt has become due. The [illegible] murrer should have been sus[illegible] Reversed and remanded.

The Texas & Pacific Railway [illegible] Miller, from Callahan county. [illegible] original trial in justice's court [illegible] appeal to the county court, [illegible] recovered judgment for board, [illegible] and care of an employe of the [illegible] lant who had been injured by [illegible] lant's cars. The evidence fails to [illegible] port the verdict. It not only do[illegible] tend to prove (the burden bein[illegible] plaintiff) that the amount claim[illegible] reasonable, or that the appellant [illegible] expressly agreed to pay such am[illegible] but it tends to show, and does [illegible]