## GRAIN AND PRODUCE MARKET

Opening is Firm and Some Higher Than Previous Day.

FOREIGN SUMMARY IS BETTER

Offerings at the Start Were Very Light and the Shorts Covered

Freely and Prices Ral-Red Eastly.

OMAHA. Neb., Aug. 13, 1907.

The opening frarket was fine and some higher caused by the fallure of Liverpool to follow the severe decline of yesterday and the increased export sales.

The foreign crop summary has improved a very little and the condition in the northwest continues still to be doubtful.

Wheat opened fine and a fraction higher, owing to higher Minneapolis curb and the firmness in Liverpool prices, which has increased the export sales.

Offerings at the start were light and shorts covered freely, and prices raillied early. September wheat opened at 77c and closed at 77c.

Corn opened firm and shade higher, on heavy buying and scattered demand from commission houses.

There was a strong built tone to market, with No. 1 in particular heading it. Weather in the west and south is still dry, with showers predicted for Nebraska and Kanasa. September corn opened at 45%c.

Oats continue to be strong, with country houses being the best buyers. Receipts are small and offerings are very light and trade not active. September oats opened at 45%c and closed at 47%c.

Primary wheat receipts were 1,49,000 bu. and shipments 252,000 bu. against receipts last year of 80,000 bu. and shipments of 505,600 bu.

Corn receipts were 548,000 bu. and shipments 252,000 bu. against receipts last peneds.

Corn receipts were 548,000 bu. and ship-ments 262,000 bu., against receipts last year of 386,000 bu. and shipments of 256,000. Liverpool closed 4d lower on wheat and 4d higher on corn. Beaboard reported 40,000 bu. of wheat and 16,000 bu. of corn. Local range of options: Articles. | Open. | High. | Low. | Close. Yes y.

Bept Dec May Corn-	77 82 89%	77% 52% 58%	77 82 884	7776 8716 88%	76% 8114 87%
Sept Dec May	45% 45% 47%	45% 45% 47%	47% 47%	47% 48% 47%	45% 45% 40%
Bept Dec May	4316 4316 4414	4414 1294 4494	4214 4214 44	43% 42% 44%	4314 4214

736760; No. 4 hard. 686776; No. 3 spring. 776800; no grade, 606680. CORN—No. 2. 4754740; No. 4. 4514546140; no grade, 456430; No. 3 yellow, 4714547140; No. 2 white, 474547340. OATS—No. 3 mixed, 435440; No. 3 white, 68677c; No. 3 spring c; No. 4 white, 449444c; standard. RYE-No. 2, 69c; No. 3, 69667c. Car Let Receipts.

Wheat Corn. Oats. .... 470 271 291 CHICAGO GRAIN AND PROVISIONS

Pentures of the Trading and Closing Prices on Board of Trade.

CHICAGO, Aug. 13.—Wheat opened strong ecause of improved export demand. September opened at 840 to 844c and sold at

tember opened at 84c to 844c and soid at 844c.

Though still nervous, the panicky feeling which developed yesterday, entirely disappeared today. The strength abroad, the knowledge that a big export business would have been worked had the wire service permitted, and the very thorough cleaning up of long lines, contributed to the restoring of confidence. It is probable also that as a bearish factor the strike was discounted yesterday. The trading was good shroughout the session, and from one source and another we gather that considerable export business has been done in erable export business has been done in both wheat and flour, of the last we are positive. It may take a day or two to refleve the market of the consequences of the break, and if September liguidation is not yet completed this may act as a drag. not yet completed this may act as a drag, but the worst is over, and operators from now on should be looking for a place to

The market slumped about the middle

The market slumped about the middle of the session, and again became strong; September advanced to \$4\forall C. The close was strong at the high point.

Corn was firm. September opened at \$4\forall C and advanced to \$4\forall C.

Firm cables, dry, hot weather west and reports of drouth in Roumania caused the early spurt. Long corn came out from local holders, precipitating like break, which was recovered in part only. This seems to be the aftermath of yesterday's break in wheat.

The market weakened with wheat and falled to raily. September closing weak, down \$\forall a \text{ at \$4\forall C}\$.

Outs were strong on active buring. September sold at \$4\forall C.

There was only a moderate trade in oats and not a very great range in values, final prices showing a slight gain. The reports in regard to threshing while limited in number are of the same tenor as heretofore, showing disappointing results everywhere. We would buy oats on any setback, believing the crop be short and an exceptional condition existing this year.

Provisions were firm on a 5c advance in the price of live hogs. September pork was 74\forall C.

Prices in Chicago, furnished by the Updike Grain company, telephone Douglas 2472.

at 15.79.

Prices in Chicago, furnished by the Updike Grain company, telephone Douglas 2472

100 Bee building, Omaha:

Pork—
Sept... 16 10 16 10 16 10 16 10 16 00

Lard—
Sept... 9 02 5 06 9 00 8 00002 9 00
Oct... 9 12 9 134715 9 106712 9 10

Chicago Receipts—Wheat, 40 cars; corn. 571 cars; oats, 285 cars. Estimated tomorrow: Wheat, 229 cars; corn. 271 cars; ST. LOUIS, Aug. 18.—(Special.)—WHEAT—No. 2 red, 518574c; No. 3 hard, 76604; No. 1 hard, 816854c; No. 3 hard, 76604; No. 2 hard, 816854c; No. 3 hard, 76604; CORN—No. 3. 5146554c; No. 2 white, 546654c; No. 2 white, 546654c; No. 2 white, 546654c; No. 3 white, 55661c; No. 2 white, 55661c; No. 3 white, 55661c; September, 814c; December, 814c; No. 2 white, 55661c; No. 3 white, 55661c; September, 41c; December, 414c.

Kansas City Grain and Provisions. KANSAS CITT, Mo., Aug. 13.—(Special.) WHEAT—Cash No. 2 hard. TSpecial. No. 3 hard. TSpecial. No. 2 hard. TSpecial. No. 2 hard. TSpecial. No. 2 red. 844c; No. 3 red. 81683c; September. 824c; May. 8c.
CORN—Cash No. 2 484,614c; No. 3 48469c; No. 3 48469c; No. 2 white. 49460c; September. 48c; December. 48c; No. 2 white. 49460c; September. 48c; December. 48c; No. 3 48c; No. 3 white. 50685c44c.

bogsette.
EGGS Stendy, 16%Gile.
HAY Stendy; choice timothy, \$12.00G12.50;
choice prarie, \$1.25G8.50.
HYE—80G18c.

Kansas City cash prices: | Open. | High. | Low. | Close. Liverpool Grain Market.

LIVERPOOL, Aug. 13.—WHEAT-Spot market quiet: No. 1 red western winter. in: futures steady: September, is 11%d: December, is id; March. 7s 1%d. CORN.—Spot, American mixed, new, steady, is %d; futures quiet; September, is 11%d.

MINNEAPOLIS. Aug. 13.—(Special.)—WHEAT—No. 1 hard, 96 %c; No. 1 northern, 92% 993 %c; No. 1 durum, to arrive, 72% 95 %c; No. 2 durum, to arrive, 71@72c; Beptember, 92c; December, 93c; May, 97% o.

New York General Market. NEW YORK, Aug. 12 -Butter and cheese,

Cotton Harket. NEW YORK, Aug. 11.—COTTON—Fu-tures opened steady; August, 11.ec bid; september, 11.50. Spot closed quiet; middling uplands, 16.30c; middling guif, 12.50c. Futures were very steady. Closing blds:

August, 11.41c; September, 11.49c; Octo-ber, 12.06c; November, 12.10c; December, 12.17c; January, 12.27c; February, 12.28c; March, 12.86c; April, 12.40c; May, 12.44c. OMAHA WHOLESALE MARKET.

Condition of Trade and Quotations on Staple and Fancy Produce.

BUGS-Per dez. Ho.
BUTTER-Packing stock, 184c; choice to fancy dairy, He; creamery, Mc.
LIVE POULTRY-Spring chickens, 14c; hens, 16c; roosters, 5c; turkeys, 13c; ducks, 525c; geese, 6c.
HAT-Choice No. 1 upland, 10.00; medium, 13.00; No. 1 bottom, 18.00; offgrades from 55.50 to 85.50; rye straw, 87.00; No. 1 alfalfa, Fil.00.

BUSINES AND MELONS

FRUITS AND MELONS.

APPLES—Early June and Astrachan, %coper half bushel basket.

BLACKHERRIES—Case, M quarts, 11.50.

CALIFORNIA PEACHES—Per box, 11.50.

CALIFORNIA PLUMS—Per crate, 21.60.

BLUEBERRIES—Per 15 quart case, 21.50.

TEXAS WATERMELONS—Each, 25.60c;

crated for shipment, Meacar, 11.

DATES Kadaway, 54c; Sayers, 5c; Hallowis, 5c; new stuffed walnut dates, 3-lb. box, \$1.00.

NAVY BEANS-Per bu., No. 1, \$2.000 Lin; No. 2, \$1.5062.00; Lima, 554c per lb. POTATOES-Per bu., new, 75c. ASPARAGUS-75c per doz. bunches. HEANS-New wax and string, 50c per parket backet. parket basket.

BEETS, TURNIPS and CARROTS—Per arket basket, Septoc.

RADISHES—Per doz. bunches, home TOMATOES-Home grown, market basket

rate, H.
CUCUMBERS—Per doz., 6060c.
LETTUCE—Per doz., 25c.
CELERY—Kalamazoo, 30635c.
ONIONS—Yellow, Byc.per lb.; red, 3c.
NEW PEPPERS—Per market bask NEW

MISCELLANEOUS.

COFFEE—Roasted, No. 5, 25c per lb.; Missouri Pacific. 8
No. 29, 144c per lb.; No. 25, 19c per lb.; No.
II. 124c per lb.
CALIFORNIA DRIED FRUITS—Prunes
CALIFORNIA DRIED FRUITS—Prunes
Are somewhat unnettled by freer offerings
from second hands, who seem desirous of
moving supplies of immediate grades Quetations range from 6c to 5c for California
fruit and from 54gc to 8c for Oregon
Peaches are slightly easier, with fancy yellinets Central CALIFORNIA DRIED FRUITS—Prunes are somewhat unsettled by freer offerings from second hands, who seem desirous of moving supplies of immediate grades. Questations range from 6c to \$c for California fruit and from \$\frac{1}{2}c\$ to \$c\$ for California fruit and from \$\frac{1}{2}c\$ to \$c\$ for California fruit and from \$\frac{1}{2}c\$ to \$c\$ for Oregon. Peaches are slightly easier, with fancy yellows quoted at \$13\frac{1}{2}c\$. Haisins are firm; three-crown loose Muscatela are quoted at \$c\$; four-crown, bc; seeded ratains, \$\frac{1}{2}c\$ filled by \$c\$; pike, \$\frac{1}{2}c\$; white-fish, \$\frac{1}{2}c\$; buffalo, \$c\$; bullheads, \$\frac{1}{2}c\$; white-perch, \$\frac{1}{2}c\$; buffalo, \$c\$; bulkeds, \$\frac{1}{2}c\$; white-perch, \$\frac{1}{2}c\$; crapples, \$\frac{1}{2}c\$; large crapples, \$\frac{1}{2}c\$; herring, \$\frac{1}{2}c\$; black bass. \$\frac{1}{2}c\$; white-perch, \$\frac{1}{2}c\$; reapples, \$\frac{1}{2}c\$; large crapples, \$\frac{1}{2}c\$; herring, \$\frac{1}{2}c\$; halk bass. \$\frac{1}{2}c\$; sunfish, \$\frac{1}{2}c\$; crapples, \$\frac{1}{2}c\$; large crapples, \$\frac{1}{2}c\$; herring, \$\frac{1}{2}c\$; native mackerel, \$\frac{1}{2}c\$; herring, \$\frac{1}{2}c\$; native mackerel, \$\frac{1}{2}c\$; per fish; codifish, fresh frozen, \$\frac{1}{2}c\$; red snapper, \$\frac{1}{2}c\$; bounders, fresh frozen, \$\frac{1}{2}c\$; shad ock, \$\frac{1}{2}c\$; from these, \$\frac{1}{2}c\$; melts, \$\frac{1}{2}c\$; shad roc, \$\frac{1}{2}c\$; per dot, green sea turtle meat, \$\frac{1}{2}c\$; per dot, green sea turtle meat, \$\frac{1}{2}c\$; per dot, \$\frac{1}{2}c\$; \$\frac{ B.75; three-quariers mustard, B.10 cert potatoes, B.2561.25. Sauer kraut, Sc. mpkins, Sc.851.60. Luma beans, 2-1b. gfl.35. Scaked peas, 2-1b. 69c; fancy, Thegri. 25. Source pean.

11. Sept. 45.

HIDES AND TALLOW-Green salted,
No. 1, Ske; No. 2, Tke; bull hides, 6c; green,
nides No. 1, Tc: No. 2 6c; horse, H. 1999
2.50; sneep peits, Negal. 25. Tallow, No. 1,
the; No. 2, Fee. Wool. 1/202c.
BEEF CUTS.

Sept. 114c; No. 3 rib,

OMAHA, Aug. 18, 1207.
Light showers were scattered throughout Kanssa, Colorado and New Mexico within the last twenty-four hours, and were quite general in the lower Mississippi and Ohio 

Deficiency corresponding period in 1906,

Deficiency corresponding period in 1906.

For the twenty-four hours ending at 8 a. 75th meridian time, Tuesday, August 13, OMAHA DISTRICT.

—Temp.— RainStations. Max. Min. fall.
Ashland. Neb. 84 \$2.00
Columbus. Neb. \$3 \$2.00
"Fairmont. Neb. \$4 \$5.00
"Fairmont. Neb. \$4 \$5.00
Hartington. Neb. \$5 \$5.00
Hartington. Neb. \$5 \$6.00
Hastings. Neb. \$5 \$6.00
Omaha. Neb. \$5 \$6.00
Omaha. Neb. \$5 \$6.00
Tekamah. Neb. \$6 \$6.00
Tek Sky. Clear Clear Clear Clear Clear Clear Cloudy Pt. cloudy Clear C \*Not included in averages. tMinimum emperature for twelve-hour period ending it s a. m.

DISTRICT AVERAGES.

OMAHA LIVE STOCK MARKET Cattle of All Kinds Slow, with Prices

Easier.

SOUTH OMAHA, August 13, 1907. Two days this week .... 14.872

11,968 18,258 14,718 15,738 15,277 6,167 18,384 10,197 17,927 8,551 21,135 23,857 Same days last week. 18,512 18,798 18,208
Same days 2 weeks ago. 19,352 15,277 8,167
Same days 2 weeks ago. 19,352 15,277 8,167
Same days 3 weeks ago. 10,794 15,354 10,197
Same days 1 weeks ago. 6,701 17,527 8,551
Same days last year. 8,751 11,755 23,577
The following table shows the receipts of cattle, hogs and sheep at South Omaha for the year to date, compared with last year: year: 1997, 1998, Inc. Dec. Cattle 694,824 570,344 33,990 .....
Hogs 1,643,030 1,134,249 91,219
Sheep 953,272 838,183 16,084
The following table shows the average price of hogs at South Omaha for the last several days, with comparisons:

Date. | 1967. | 1906. | 1906. | 1904. | 1903. | 1902. | 1901. Aug. 10... 5 84% Aug. 11... Aug. 12... 5 85% \*Sunday.

The official number of cars of stock brought in yesterday by each road was: Cattle, Hogs. Sheep. H'ses. Illinois Central ..... 8 Chi. Gt. Western .. 8

Total receipts. 248

Total receipts. 248 106 24 3

The disposition of the day's receipts was as follows, each buyer purchasing the number of head indicated:
Buyers. Cattle, Hogs. Sheep.
Omaha Packing Co. 519 1.122 1.258
Swift and Company. 536 1.355 .527
Cudahy Packing Co. 997 2.122 1.379
Armour & Co. 1.286 2.226 1.283
Swift from country. 439
Vansant & Co. 14
Carey & Benton. 42
Lobman & Co. 148
McCreary & Carey. 217
N. I. Stephen. 207
Hill & Son. 148
F. P. Lewis. 136
Huston & Co. 127
Hamilton & Rothschild. 285
L. F. Huss. 91
J. H. Bulla. 108
Sam Wertheimer 12
Mike Haggerty 31
Sol Degan 18
J. B. Root & Co. 259
O. McConnaughey 67
T. B. Inghram 5
Sullivan Bros. 27
Lehmer Bros. 2
Cher buyers 632 530
Totals 6.396 6.836 5.507

6.996 5-500 6.836 CATTLE-Receipts of cattle were again guite liberal, while other market points were

BEEF CUTS.

No. 1 rib. 12c, No. 2 rib. 11½c; No. 3 rib.

7c. No. 1 loin, 19c; No. 2 loin, 14½c; No. 3 rib.

8c; No. 1 chuck, 5½c; No. 2 chuck,

8c; No. 3 chuck, 4½c, No. 1 round, 9c; No.

2 round, 8½c; No. 3 round, 7½c. No. 1

plate, 3c; No. 2 plate, 2½c; No. 3, 7½c.

WEATHER IN THE GRAIN BELT

Fair Wednesday and No Change in

Temperature.

CMAHA, Aug. 11 1207.

Light showers were scattered throughout Kansas, Colorado and New Mexico within the last twenty-four hours, and were quite general in the lower Mississippi and Ohio valleys and southers at a constant of the corn feds were cattle good enough to bring \$7.60.

Cows and heifers were also rather slow, Cows and heifers were also rather slow, but without any great change in prices. Sellers who felt the full force of the decline yesterday were quoting today's market as steady, while on the other hand sellers who were fortunate yesterday figured that they had to take off some today.

Good feeders were in demand and were free sellers at cityly steady prices. Some of

WESTERNS. NEBRASKA ASKA.

17 cows. 960 2 35
5 heifers. 576 2 75
5 heifers. 602 3 10
11 cows. 970 3 25
12 calves. 275 4 25
8 feeders. 465 37
2 cows. 836 2 25
6 steers. 578 4 60
15 fd.strs. 780 4 60
16 steers. 1042 4 40
4 cows. 832 1 75
0AKOTA 11 calves . 214 8 heifers . 536 17 ccws . 900 21 feeders . 798 2 cows . 930 81 fd strs . 1653 7 cows... \$18
7 cows... \$18
8 SOUTH
68 steers...102 4 40
19 cows... 1025 4 25 25 cows
1 bull... 5 30 3 50
WYOMING.

\*ifers. \$73 4 10 2 he
800 2 00 24 f SOUTH DAKOTA.

Kansas City 17.000 2.000 12.000
St. Joseph 2.000 5.00 7.000 1.000
St. Joseph 2.000 5.00 7.000 13.000
Chicago 7.000 14.000 15.000

Totals 2.000 5.00 42.000

Sioux City Live Stock Market.

SHEEP-Receipts this morning were very moderate and, as there was at the same time a good active demand, receivers met with no difficulty in disposing of their holdings. The market might be summed up as fairly active at steady prices. The feeling on the market is good and the conditions of trade satisfactory to the selling interests.

of trade satisfactory to the selling interests.

There were hardly enough feeders among the offerings to make a test of the market, but what few there were met with ready sale at steady prices. The demand is such that there would be no difficulty at all in selling ten times as many feeders as are coming in at the present time.

Quotations on killers: Good to choice lambs, 17.567.59; for to good to choice wethers, 25.566.69; fair to good wethers, 25.564.69; Quotations on feeders: Lambs, 25.694.99; Quotations on feeders: Lambs, 25.696.99; yearlings, 25.2566.76; wethers, 14.556.50; No.

yearlings... bucks Utah lamb culls.
Utah lamb culls.
Wyoming ewes culls.
Wyoming ewes
Wyoming wethers Wyoming yearlings native lambs ..... Idaho wethers native ewes ..... cull ewes
cull iambs
cull ewes
native yearlings

Kausas City Live Stock Market. KANSAS CITY. Mo., Aug. 12.—CATTLE—Receipts, 18,000 head, including 1,800 southerns; market steady to 10c lower. Choice export and dressed beef steers, \$8.2567.60; fair to good. \$8.0096.25; western steers. \$4.00 66.00; stockers and feeders. \$1.5095.50; southern cows and heifers. \$2.0093.80; native cows and heifers. \$2.0096.90; bulls, \$2.80 694.00; calves. \$3.1566.35.

HOGS—Receipts. \$1.000 head; market 2467.75c lower: heavy. \$6.0096.10; packers. \$6.10 66.25; pigs and lights. \$5.1568.30.

SHEEP AND LAMBS—Receipts. 5.000 head; market steady to weak. Lambs. \$7.25 697.75; stockers and feeders. \$3.5005.50.

St. Louis Live Stock Market. ST. LOUIS. Mo., Aug. 13.—(Special.)— ATTLE—Receipts, 9,000 head. HOGS—Receipts, 7,500 head; market

Closing Prices of Stocks. The following quotations of active stocks on the New York exchange today are furnished by Logan & Bryan, 112 Board of Trade building:

Opening Closing Closing

Trade building:

Opening Closing Closing
Prices. Prices. Yes'y.

Union Pacific. com. 1254 1284 1334
Missouri Pacific. com. 654 65 654
Southern Pacific. 82 834 518 19
Rock Island. com. 1856 1854 19
Rock Island. com. 1856 1854 19
Rock Island. com. 12012 122 1304
Atchison. com. 84 56 844
Reading 5235 918 8576
Pennsylvania R. R. 116 1176 111
Erie 214 11 21
Battimore & Ohio 214 92 904 Texas & Pacific 254
Louisville & Nashville 1034
Canadian Pacific 165
Chesspeake & Ohio 324
U. S. Steel com 304
U. S. Steel pfd 64
Colorado Fuel & Iron 25 Copper .....

NEW YORK STOCKS AND BONDS

More Confident Feeling Pervades the Wall Street Market.

QUOTATIONS GENERALLY HIGHER Great Northern Preferred, Northern

Pacific, Union Pacific Lend Advance-Reaction Comes Later in Day.

NEW YORK, Aug. II.—More confident feeling pervaded the stock market today, Avorage gains were half to I per cent at opening. Later general range exceeded a point, reaching between I and Ph in Great Northern preferred, Northern Pacific, Union Pacific, Amaigamated Copper and Smetting

4. The clause of the constitution of the United States requiring full faith and credit to be given in each state to the public acts, records and judicial proceedings of every other state, does not prevent the courts of this state from examining the records of the courts of a slater state to ascertain whether or not that court had jurisdiction of the subject matter. had jurisdiction of the subject matter. 1412. Cobbey against State Journal company. Error from Gage. On rehearing, former opinion of this court vacated and judgment of district court affirmed. Barnes, J. Separate opinion by Letton, J.

1. An action for the malicious prosecution of a civil suit cannot be maintained if there was probable cause for bringing the suit compaigned of

if there was probable cause for bringing
the suit complained of.

2. Both malice and probable cause must
exist in order to justify an action for
malicious prosecution.

3. A judgment in a civil suit or a conviction in a criminal suit by a court of competent jurisdiction is prima facte evidence
of the existence of probable cause, but this
the relation of the court of the conviction of s a rule of evidence and is subject to re-cuttal by proof that no probable cause in act existed.

is a rule of evidence and is subject to rebuttal by proof that no probable cause in fact existed.

1424. Fringle against Modern Woodmen of America. Error from Deuel. On rehearing. Former judgment adhered to. Barnes, J. Letton, J., dissenting.

1. A subordinate lodge of a mutual benefit society and its clerk, who is designated by the supreme lodge to receive and forward dues and assessments from certificate holders, are agents of the supreme lodge.

2. The collection of dues and assessments from a member of the order, convicted of a felony, by the clerk of such subordinate lodge, with full knowledge of that fact, which are forwarded to an retained by the supreme lodge until after the death of the member, amounts to a waiver of a forfeiture of his benefit certificate on the ground of such conviction.

14314. Central Granaries Company against the County of Lancaster. Appeal from Lancaster. On rehearing former judgment vacated. Judgment district court affirmed. Sedgwick, C. J. Barnes, J., dissenting.

1. The classification (Sec. 66, Revenue Act) of "every person, company or corporation engaged in the business of buying and selling grain for profit" as a sessment, and providing for the assessment of the average capital of grain brokers is not unconstitutional.

2. The amount of capital invested in a business ordinarily is the whole amount of money invested and used in carrying on that business. The average capital of a grain dealer is defined by section 66

on that business. The average capital of a grain dealer is defined by section 66 of the revenue law to be the average amount which the total investment in the business of the grain dealer exceeds the tangible property which can be esparately assessed at the time of the assessment. The assessor, from the exarately assessed at the charactery assessment. The assessor, from the eramination, pointed out in the statute must find what capitain? I the business there was, if any, from time to time during the tax year, not including in the computation the tangible property on hand and capable of assessment at the time of assessing, and the average or mean of the capital so found is to be assessed as property in addition to the tangible property.

assessing, and the average or mean of the capital so found is to be assessed as property in addition to the tangible property.

14381. Holcomb against Tierney. Appeal from Custer. Reversed and remanded. Jackson, C. Division No. 2.

L. In an action against an insolvent banking corporation for the appointment of a receiver to wind up the affairs of the bank for the benefit of its creditors, notice of the filing and pendency of the action should be given before a receiver is appointed.

1. Where in such action a receiver is appointed without notice to the bank, except such as is implied from being dispossessed of its property, and the receiver proceeds by direction of the court, without objection, to convert the assets of the bank into cash and pays the proceeds out to the creditors, the proceeding is not void to the extent that the status of the property involved is open to collateral attack.

3. A judicial ascertainment of the liabilities of an insolvent banking corporation, such as is necessary before an action can be maintained to enforce the liability of the stockholders, can only be had in an action where the bank, being a party, has been properly served with notice of the pendency of the proceeding, or where it has voluntarily appeared and submitted to the jurisdiction of the court.

14520. First National Bank of Blue Hill against Webster. On rehearing former judgment vacated. Reversed, remanded. Jackson, C., Division No. 2.

1. The assessment of property for the purpose of taxation as ultimately fixed by the Board of Equalipation is final, except upon appeal to the district court, and should not be disturbed on such appeal unless it appears from clear and convincing proof that it is gerroneous.

2. An assessor is required to assess the stock of a bank at its real value, and where a bank owns real estate of a greater value that that at which it is carried on the bank books, such excess of value should be taken into consideration in fixing the value of the stock.

2. National banks are the agents of their st

the record. Held, to be some syldence of payment.

2 In an action on a life insurance policy issued by what is commonly called an old-time life insurance company, it is not error to overrule a motion for a new trial on the ground of newly-discovered evidence, where the claim of newly-discovered evidence is grounded on statements alleged to have been made by the insured that he had not paid the premiums on the policy upon which the action was founded.

ounded.

3. The possession by the defendant of 3. The possession by the defendant of an uncanceled receipt for a premium terfore the death of the insured is not, of lesself, sufficiently controlling to justify the trial court in setting aside the verdict of a jury upon motion for a new trial.

1850. Richards against Harlan County. Appeal from Harlan. Reversed and remanded Jackson, C. Division No. 2.

The State Board of Equalitation is not authorized to adopt rules for the government of assessors which requires the assessment of the property of an individual in excess of its value.

18714. Runkie against Welty. Appeal from Furnas. On rehearing, former opinion ad-

point, reaching between I and I is in Great Northern preferred, Northern Pacific, Union Pacific, Amaigamated Copper and Smeiting Reactions cut the advance in two.

SUPREME COURT SYLLABI

Opinions filed July 12, 1997:

I assist Fall against Fall. Appeal from Hamilton. On rehearing, Reversed and remanded, with directions Letten, J. Sengwick, C. J., dissenting.

I a court of chaucery has power in a proper case to comped a conveyance of land situated in another county or sate when the persons of the parties interested are within the jurisdiction of the court.

A If no action is taken by the passing of the order to convey an another state.

B A decree and order to convey in such a case can act only upon the person and cannot affect the title to the land. It imposes a mere personal obligation enforcemble by the usual weapons of a court of chancery.

4. The clause of the constitution of the United States requiring full faith and credit to be given in each state to the public acts, records and judicial proceedings of every other state, does not prevent the courts of this state from examining the records of the courts of a state to the public acts, records and judicial proceedings of every other state, does not prevent the courts of this state from examining the records of the courts of a state to the public acts, records and judicial proceedings of every other state, does not prevent the courts of this state from examining the records of the courts of a state to the public acts, records and judicial proceedings of every other state, does not prevent the courts of this state from examining the records of the courts of a state to the public acts, records and judicial proceedings of every other state, does not prevent the courts of a state to the public acts, records and judicial proceedings of every other state, does not prevent the courts of a state to the public acts, records and judicial proceedings of every other state, does not prevent the courts of a state to the public acts. The public acts are prevented to a secr

presumed that the legislature intended any provision of an act to be without meaning. 2. A person who is found in possession of intoxicating liquors with the intention of of intoxicating fiquors with the intention of disposing of same without license is a keeper within the meaning of the provisions of section 20, chapter i, Compiled Statites.

2. Where several counts are included in the same information a conviction on one count may be sustained aithough the jury ignore the others, and a judgment upon one of several counts with no verdict as to the others operates as an acquittal on the other counts. Casey against State, 29 Neb., 128, overruled.

overruled.

1455. State ex rel. Rutledge against Eaten. Original. Writ of mandamus allowed. Barnes, J.

The Board of Educational Lands and Funds is vested with a discretionary power in passing on appreciation of a lessee to purchase. But such discretion is a reasonable. chase. But such discretion is a reasonable one and must be fairly and reasonably .xercised, and the arbitrary of unreasonable recised, and the board to approve of a fair appraisement will not justify the commissioner of public lands and buildings in required to the commissioner of public lands and buildings in recisions. fusing to issue a certificate of purchase, which the lessee would otherwise be entitled to receive.

1837. Burk against State Error from Richardson. Reversed and remanded.

Bichardson. Reversed and remanded. Barnes, J.

1. Where a person on trial for a crime testifies in his own behalf he becomes as any other witness and his credibility should be subjected to the same tests as are legally

subjected to the same tests as are legally applied to other witnesses, and it is error for the court to give undue prominence to the fact of defendant's interest in the result of the prosecution by repeatelly calling the attention of the jury thereto and informing them that they must consider that fact in determining the weight and credibility of his evidence.

14380 Patrick against Barker. Appeal.
Douglas. Reversed and remanded.
Barnes, J.

1. An agreement made by the president of a bank with a proposed purchaser of its stock that the bank will accept certain notes and mortgages held by him, amounting to the face value of said stock, in payment therefor, and that if such purchase is made he will hold the purchaser harmeless and indemnify him against any action of the bank to recover any further or other amount either on his endorsement of said notes or otherwise, in payment for of said notes or otherwise, in payment for said stock, is not a contract to answer for the debt, default or miscarriage of an-

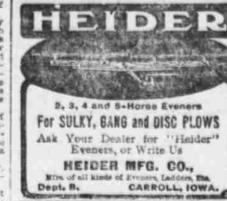
2 Where, by reason of such agreement. the bank stock is actually purchased and paid for, according to its terms, such purchase is a sufficient consideration to support the agreement.

1454 Stull Bros. against Beddee. Appeal, Harian. Reversed and remanded. Albert C. Division No. 2.

1 A surety on an injunction bond, given in a suit brought to restrain the enforcement of a judgment, is not released from liability thereon by the discharge of his principal in bankruptcy.

2. In an action on such bond, the extent to which the amount collectible on the judgment has been reduced in consequence of the injunction is a proper element of damage.

2. Whether a debt due from an agent to his principal for rent collected and converted to his own use, is one created by fraud, embezzlement, misappropriation or defections and converted to his own use, is one created by fraud, embezzlement, misappropriation or defections.



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Overland Limited a 8.55 am a 9:00 pm
The China and Japan
Fast Mail a 2.550 pm a 5:50 pm
Colo & Calif. Ex a 3.50 pm a 3:50 am
Californ'a & Ore. Ex a 4:00 pm a 5:50 pm
Los Angeles Limited a 12:55 pm a 9:15 pm
Colorado Special all 55 pm a 6:55 pm
North Flatte Local a 7:42 am a 6:55 pm

K. C. & St. L. Exp. ... a 9:00 am a 6:55 am K. C. & St. L. Exp. ... all ils pro a 5:55 pp Nebraska Local ... a 1:2- pm all 40 ac Chicago, Milwaukee & St. Paul. Chicago & Colo. Special. 7a2 am 18:06 am Laif. & Oregon Exp. 5-25 pm 1:25 pm Overland Limited. . \$155 pm 8:27 am Chicago, Bock Island & Pacific.

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WEBSTER STA.—15TH & WEBSTER Chicago, St. Paul, Minneapolis &

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Local via Weeping
Water a 6:35 pm a 6:35 pm
Falls City Local a 5:50 pm all 20 a 4
a Datty. b Dally except Sunday, d Dally
sucept. Saturday o Sunday only. a Pally
except Morday.

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