EASE IN THE MONEY MARKET

Henry Clews Sees Hopeful Features in the Situation.

BANKERS BUY STERLING EXPORT BILLS

Absence of Distrust in Rusiness Men's Solvency is Especially Noticeable ... Merchants Full of Confidence as to Spring Trade.

NEW YORK, Dec. 6 .- Henry Clews, head of the banking house of Henry Clews & Co.,

Since our advices of last week there has been no material change in the aspect of affairs in Wall street. We have already indicated that, this being the closing month of the year when all branches of business are making up their annual accounts and preparing for their yearly settlements, it was to be expected that transactions in securities would be held in check and operations largely postponed until the opening of the new year. At the same time, we have expressed the opinion that, on the stock market, there would be a steady improvement in intrinsic conditions throughout December, which would produce a stronger feeling and possibly some advance in prices. The first week of the month is passed and the tendency we have foreshadowed has thus far been realized. The stock market has shown a steady gain in confidence, and buying orders have had a quick effect in strengthening values. The feeling is very confident in favor of a more active market and a higher range in prices in January; and so pronounced is this expectation that it would not be surprising if the movement expected for next month should be partly realized before the close of the year.

One of the most hopeful features of the situation is the extreme and yet still growing ease in the most hopeful features of the situation is the extreme and yet still growing ease in the money market. A more complete change than that which has occurred in respect to credits within the last four weeks could not be imagined. From October 31 to November 25 the loans and discounts of the New York banks increased \$17,900,000, the deposits gained \$24,200,000 and the surplus reserve has risen \$14,100,000. The banks appear to have almost exhausted the supply of discountable paper, and the rates on time loans against collaterals have failen to figures which imply that the banks expect the rate to remain exceptionally low for several months to come. The local rate of interest indeed has fallen below that of London, and with some very unusual results. Bankers here have bought ster

expected sixty to ninety days hence.

IN EFFECT A LOAN TO LONDON.

Virtually these operations constitute a loan to London. They prevent the influx of gold here which would arise if the bills were sent forward, and they constitute a means for offsetting the adverse international balance which usually occurs during the early months of the year, and therefore will either diminish our experts of gold or bring gold this way in January or February according to the condition of the trade balance. This movement, though common as between European countries, is almost without precedent as between New York and London; but it is wholesome in its effects for it prevents a derangement in the London money market which could do us no good, but possibly harm; and it saves two tunnecessary large transfers of gold over the Atlantic, first one eastward and then another in the reverse direction. It is these operations that account for the current relatively high rates of exchange and for the absence of gold imports under a trade balance of probably \$20,090,000 to \$20,000,000 in our fayor. These transactions indicate the strength of our present financial relations with the rest of the world; and it is the more remarkable that they should come as a part of the natural process of readjustment growing out of the late perilous state of our currency conditions.

The ease in the money market and the low rates of interest, present and prospec IN EFFECT A LOAN TO LONDON. of our currency conditions.

The ease in the money market and the low rates of interest, present and prospective, are matters of special importance to the country in its present condition. In a case where business was inflated and credit unduly expanded, an easy money market might be a questionable benefit, for it could casily develop overtrading and excessive speculation. But coming after a great husiness collapse, when credit is needed to restore impaired capitals and to resume suspended operations, it then vastly facilitates the recovery of trade and quickens the process. NO FEAR OF FAILURE.

One remarkable feature in the presen sence of distrust as to the solvency of men of business, which is something very different from what might have been expected after such a severe depression as has lately smitten the nation. One of the features of this month is usually the apprehension of a crop of failures; but at present whisperings of such disasters are scarcely heard. In brief, the feeling in credit circles is a really healthy one; and this fact, coming simultaneously with an abundance of capital seeking employment, is a sure forerunner of a sound and active course of business at large. In this connection it is satisfactory to note that, in trade is a sure forerunner of a sound and active course of husiness at large. In this connection it is satisfactory to note that, in trade circles, the feeling is unqualifiedly hopeful. Merchants feel no disappointment because business has not revived instantly upon the result of the election. They knew that any spurt in trade at the close of the season was out of the question; and they see enough to satisfy them that affairs have now entered on a phase in which a great revival of trade is inevitable. In every branch of operations the feeling is that of entire confidence in the spring trade. This applies to all sections of the country, and one looks in vain for a shadow of pessimism anywhere.

Railroad interests have much to hope for from this state of things. At present, returns of earnings afford little stimulus to buying their stocks and, excepting the promise of a dividend in Omnha, the moment's outlook lacks interest. Their operations, however, must show a different aspect when an active spring trade sets in and their earnings are swelled by an increase of the higher classes of freight and

and their carnings are swelled by an in crease of the higher classes of freight an an addition to their passenger traffic, which so materially contribute to their ne

an addition to their passenger traffic, which so materially contribute to their net profits.

It is to be hoved that the men who made policies and laws for the nation will not jump to the conclusion that, in this hopeful commercial feeling, men of business have forgotten the carnest demand for sound money which they expressed at the late election. On the contrary, their commercial anticipations are largely based upon the expectation that the new administration will carry to completion the currency reconstruction which was only begun with the overthrow of free coinage. They fully expect an early encouragment to business by a revision of the tariff that will develop home industries. But they are even more insistent that the gold basis shall be placed upon a broader foundation than hitherto, that the treasury shall be protected against a recurrence of the dangers that have beset it for the last four years, and that every dollar of our currency shall be made convertible into gold beyond possibility of failure. This is what the world expects from us and what we owe still more to ourselves, and what the mercantile community is not likely to forget; and it would be a great mistake for our representatives and senators to attempt to evade a difficult problem under the idea that because men of business are again absorbed in profitable business this great question can be neglected with impunity.

BROKERS WAITING FOR CONGRESS.

Business Goes Ahead in Hope of a Pacific Message. NEW YORK, Dec. 5.—Wall street patiently awaits the convening of congress. Business on the Stock exchange this week has been exceedingly dull, but interest has not been lacking. In two or three quarters special significance has been in Wall street has been going ahead on the theory that President Cleveland's mes sage to congress will be pacific to the ut

sage to congress will be pacific to the utmost degree.

In this belief a number of Wall street
operators have been quietly picking up
stocks to replace what they sold on the
strength shown by the market right after
election. In the same belief a number of
bear operators have been covering. On this
account the short interest is materially
reduced. Both these factors have figured
in the market, but both quietly. The total
transactions for the week have barrely gone
beyond 1,000,000 shares. This volume reflects, of course, small transactions upon
the part of any special groups of traders.
Yet even upon a comparatively small scale
the changes noted are of interest, and may
soon be of influence.

on be of influence.

The import bears of the Stock exchange som now largely inclined to concentrate pon the trust stocks. Their especial target is Sugar trust. A tremendous game is eing played in that high-flying specialty. being played in that high-flying specialty. During the coming week it is pretty certain to be more conspicuous than any other stock speculated in. During this last week it was traded in to the extent of nearly a fifth of the exchange's total stock transactions. Out of sixty stocks traded in forty had transactions aggregating less than the total for Sugar alone.

Wall street is crammed with points on the stock. Both bulls and bears have abounding fairy tales to relate. An extra cash dividend is the chief bull reliance. This tip is an old friend. It has done serv-

ice about once every sixty days for the last ten years. Some time it may come true. Too much ought not to be expected of it, however, just on the verge of a meeting of congress, where an army of devoted statemen are standing in line to how at it or be spothed.

or be soothed.

The coming session of congress is likely be expectally interesting for Sugar trust agnates. It is mildly intimated in Wall rect that at least twenty anti-Sugar trust lifs will strut into view just as soon as usiness at the capitol begins.

THEST 14.5 CONTROL OF THE STRUCTURE AND CONTROL OF

TRUST HAS EXPECTATIONS.

business at the capitol begins.

TRUST HAS EXPECTATIONS.

Judged by past experiences, however, the trust has little to fear really from such attacks. The trust hopes to get from this congress or the next certain legislation through which to add to its profits. Plans to this end have been carefully laid, and they have influential support from quarters not hitherto friendly to the Sugar trust crowd. The trust's own purposes, therefore, render it politic that the trust shall during the congressional session at least make a poor mouth.

Not without hearing on this is an outbreak between the trust and the Arbuckles, millionaire coffee importers. It was announced some time ago that the Arbuckles, had a row with the trust. They had been large customers and prices didn't suit them. They preferred complaints and the trust paid no attention to them. The Arbuckles are as rich as the Havemeyers. Hot with their grievance they announce that they will start a refinery of their own. This week they began to build it. Nothing can interrupt their plans, they say. They will do more than refine for themselves, they will put a large surplus product on the market in direct competition with the trust. This does not have a pleasing sound to speculators long on sugar trust stock.

The money market growa easier. The banks are becoming glutted with funds. What is of more consequence is that business interests are getting accommodations at fair rates. The New York banks gained this week \$11,000,000 in deposits and extend their loans \$9,000 000. It looks as if a 1½ per cent rate has aiready been established for collateral call loans, while collateral notes on time are promptly supplied at 4 per cent. Commercial paper is daily in better demand. One Chicago financial institution has this week taken New England paper through New York to the extent of \$2,309,000. It is at four months, 6 per cent. It runs over the incoming of the new administration and the possibilities involved in a call for an extra session of congress. This transaction is est

LONDON BORROWS IN NEW YORK.

on Chicago heard usually in New York banks.

LONDON BORROWS IN NEW YORK.

London has become a big borrower of money here, the transactions in sterling on this account being so exceptional and complex as to make exchange market conditions unusual. The following review of this condition is given to me for the Chicago Tribune by the foremost banking authority identified with the national administration:

"The exchange market continues to reflect the peculiar conditions which have been remarked in this column heretofore, viz. a fairly high rate in spite of the heavy trade balance in this country, not offset by debits incurred through other agencies. The amount of long exchange—otherwise deferred pavengats to us by Eurone—is variously estimated between \$25,00,000 and \$40,000,000, and inasmuch as the market for money here continues very easy and that in London has not yet manifested signs of 'softening,' the process will probably continue for some time, especially if the message which President Cleveland sends to congress on Monday shall prove to be pacific in tone, particularly with reference to Cuban affairs.

"If these conditions continue the exportation of gold ordinarily expected in January may be delayed until the new administration comes in, and, in fact, unless imports are stimulated either by anticipation—of higher tariff legislation or an unexpected demand for foreign goods caused by the setting in of actually better times all around, there may be no exportation at all; our credits may prove sufficient to cover our debits, especially when it is borne in mind that Europe has not yet supplied itself with all of our cotton and cereals that she apparently will need."

President Cable of the Rock Island road is much quoted here this week. Wall street has had a disposition to regard Mr. Cable as a pessimist, Refore the panic of 1882 developed he had the nerve and honesty to tell Wall street acquaintances of disturbing conditions as he saw them. Wall street howled at him. He was a bear, a wrecker, and a lot of oth

seled.

Now Mr. Cable is as confident of better times as when he was emphatic in pointing out conditions that were discouraging. He said this week substantially this:
"There is no boom, but we have better mes. Improvement is made all over the untry. Evidences of this cannot be ig-ored. It is substantial, it is extending, boom would have done incalculable harm. strength continually and they will

The gradual gains we are making will gather strength continually and they will be lasting."

Much attention has been attracted by a further statement made by President Cable regarding the physical condition of American railroads. Wall street bears insist that even if railroad earnings were to improve security holders would not benefit, because, they say, the railroads of the country are in such bad shape that they would have urgent need for much more than they can earn in order to bring them up to a proper physical standard. Mr. Cable disposes of this fiction. He says the railroads generally are in good shape. Repairs and renewals are not pressing to any such extent as indicated by Wall street critics.

President Hughitt and other western men identified with the affairs of the Chicago & Northwestern system have been here this week, and their assurances to business acquaintances have been just as confident and encouraging as those that have come from President Cable. Every Chicago man of consequence directly or indirectly involved here is uniformly convinced that we have entered surely and safely upon a long era of national prosperity.

H. ALLAWAY.

MANCHESTER, Dec. 6.—The market is loing better, irregular concessions enabling doing better, irregular concessions enabling the execution of fair orders for China, the Levant and South America. There was a moderate improvement in the home trade and the stoppage of looms is arrested. Some of them are starting, among these being several thousand. Yaras were firm, spinners being mostly engaged forward. The profit margin on yarms has improved some this week. Germany reports quieter tones for yarns, with little business and possibly dull for the balance of the year. Manufacturers are beginning to feel competition through excessive production keenly. The market in France is unchanged.

The kirg of pills is Beecham's-Beecham's It Will Be Generally Fair in Nebraska with North Winds. WASHINGTON, Dec. 6.—The forecast for

Monday is;
For Nebraska and Kansas—Generally fair;
north winds.
For South Dakota—Fair; warmer in eastern portion; south to west winds.
For Montana—Generally fair; warmer in
eastern portion; weat winds.
For lowa—Clearing in the morning, generally fair during the day; north winds, becoming variable.
For Missouri—Fair, possibly preceded by
local showers in eastern portion; cooler;
north winds.

Local Record.

OFFICE OF THE WEATHER BUREAU,
OMAHA, Dec. 6.—Omaha record of rainfall
and temperature, compared with corresponding day of the past three years;

1886, 1895, 1894, 1893.

Normal temperature for the day 31 Normal temperature for the day 52
Excess for the day 53
Accumulated deficiency since March 1. 232
Normal precipitation for the day 94 inch
Excess for the day 99 inch
Total precipitation since Mch. 1. 24.83 inches
Excess since March 1. 5.43 inches
Excess since March 1. 5.43 inches
Deficiency for cor. period. 1895, 46.48 inches
Deficiency for cor. period. 1894, 15.10 inches

STATIONS AND STATE OF WEATHER.

OMAHA LIVE STOCK MARKET

Fair Run of Cattle Finds Business Badly Demoralized.

BUYERS AND SELLERS DO NOT AGREE

Complete Standstill Results as Far as Reef Steers Are Concerned_ Other Grades More Active-

Hogs Still Lower.

SOUTH OMAHA, Dec. 5 .- Receipts for the November 26 The official number of cars of stock brought in today by each road was: Cattle, Hogs, Sheep, Horses

The disposition of the day's receipts as follows, each buyer purchasing the nun ber of head indicated:

loads sold at prices ranging all the way from \$3.50 to \$4.40.

In butchers' stock there was more activity and the few loads of cows and heifers changed hands in good season and at fully steady prices.

The market on stockers and feeders was also about steady and the offerings were practically all taken in good season and at about yesterday's prices. The country demand was a little larger yesterday than usual, and the cattle in speculators' hands were pretty well cleaned up, so that the feeling on the market was decidedly better.

HOGS—The week closed with a good, liberal run of hogs, in spite of the fact that the market has been working downward.

The selling interests had everything against them—large receipts on the last day of the week, and lower markets at other points. As a result the trade here opened with values \$\$\frac{1}{2}\$ to lower in most cases, and the great bulk of all the hogs sold on that basis. A few loads sold early that did not show the full decline, and toward the close the market was a little better. Everything was sold and the yards cleared in good season.

Heavy hogs, which brought mostly \$2.969.15 yesterday, sold today at \$2.50.65.19, but principally at \$4.50. The medium weights and lights sold all the way from \$2.15 to \$2.50, as against \$4.3969.35 yesterday.

The past week witnessed great activity in the 33.2503.25 yesterday.

The past week witnessed great activity in the hog market at this point. The receipts were the heaviest for a long time, the total for the week footing up 41,500 head, as arainst 21,700 head for the previous week. The heavy increase coming all of a sudden, both here and at other market points, could have but one result, values broke badly. The demand, however, was good all the week, and was sufficient to absorb the receipts, large as they were. As to values, the week opened at an advance, hogs selling on Monday at the highest average price since last April. By Wednesday the market had broken over 25c, which carried the market to the lowest

April. By Wednesday the market had broken over 25c, which carried the market to the lowest point touched up to that date zince the early part of October. On Thursday the market reacted, values advancing logs15c, but only to fail back again on Friday and Saturday. The week closed with the market on an average 25g30c lower than it was at the opening of the week. SHEEP—There were four cars of sheep here, but they were all consigned direct to packers and were not offered for sale, so that the market was entirely bare of supplies. Good mutton sheep or lambs would probably have brought steady to strong prices.

Receipts of Cattle Somewhat Larger Than Usual Saturday Runs. CHICAGO, Dec. 5.—Today's receipts of cattle were somewhat larger than is usual on Saturday, but were too small to form much of a changed from yesterday's quotations, Saturday, and prices suffered a decline of fully 10c per 100 lbs. Sales were at a range of from 12:90 to 33.35, chiefly at from \$3.15 to \$3.39, prices being 25c to 39c lower than a week ago.

Trade was fairly active at from \$2 to \$2.75 for sheep, from \$2.85 to \$4.25 for yearlings and at from \$3.25 to \$5.19 for lambs. Very few sheep sold as high as \$2.40, while lambs sold largely at from \$4.50 to \$5. Feeding sheep brought from \$2.85 to \$4.30 feeding lambs from \$3.75.

Receipts: Cattle, 600 head; hogs, \$1,600 head; sheep, 5.000 head. Saturday, and prices suffered a decline of fully

Knnsns City Live Stock. Kansas City Live Stock.

KANSAS CITY, Dec. 5.—CATTLE—Receipts.
1,000 head; shipments, 7,200 head. Market steady;
only retail trade.

HOGS—Receipts, 10,000 head; shipments, none.
Market weak to 10c lower; bulk of sales, \$2,500
1,20; heavies and packers, \$3,050,20; mixed.
\$3,1693.25; lights, \$3,1693.30; Yorkers, \$3,1563.20;
pigs, \$3,0693.10.

SHEEP—Receipts, none; shipments, 2,600 head.
No market.

St. Louis Live Stock. St. Louis Live Stock.

St. Louis Dec. 5.—CATTLE—Receipts, 1,800 head. Market active and strong for all grades; native shipping steers, \$4,0094.75; stockers and feeders, \$2.0091.70; cows and helfers, \$1.7592.50; Texas and Indian steers, \$2.093.70.

HOGS—Receipts, 3,000 head. Market barely steady; light, \$3,1593.20; packers, \$2.9093.15; heavies, \$2.8092.50.

SHEEP—Receipts, 1,000 head. Market strong; mutters, \$2.5092.50; larges, \$2.0093.55; heavies, \$2.5092.50; larges, \$2.0093.55; heavies, \$2.5092.50; larges, \$2.0093.55; heavies, \$2.5092.50; larges, \$2.0093.55; heavies, \$2.5092.50; larges, \$2.0093.50; heavies, \$2.0093.50; larges, \$2.0093.50

| Stock In Sight, | Record of receipts of live stock at the four principal markets for Saturday, December 5, 1896; | Cattle, Hors. Sheep, | Cattle, Hors. | C Totals 3,451 49,550 7,060

CHICAGO GRAIN AND PROVISIONS Features of the Trading and Closing

Prices on Saturday. CHICAGO, Dec. 5.-Wheat today recovered part of its severe loss of yesterday, May closing at a 14c advance. Various influences contributed to the strength, among them being a large cash business. and oats were dull and inclined to weakness, but show litttle change. Provisions declined

The news from Liverpool gave a strong tone to the opening of the local market today. That market paid but slight attention
to the 3c per bushel decline which occurred
here yesterday. Spot wheat was marked
down 4d per cental, but the prices of futures were quoted as unchanged. Argentine news was evidently behind the indifference of Liverbool to the Chicago decline.
Private cablegrams reported further damage to the crops of that country by heavy
rains, and that there was no reason to doubt
that the next crop in Argentina would be
no better than that of the season now ending. The consequence was that May, which
closed Friday at from 80% to Mc, found
buyers at the opening at from 81% to 82c,
and after a reaction to 81% advanced it per
bushel to 82%, reaching the latter point
about an hour from the end of the day's
short session. There were other strong features to the day's statistical news, among
them being a good local demand for carloads from country millers and the announcement of 250,000 bu, consisting of
spring and No. 3 red having been sold late
yesterday afternoon for shipment by lake
and rail to the seaboard. Chicago received
for cars, against 266 a year ago. Minneapolis
and Duluth got 469, compared with 1,014 last
year. The day's Atlantic port clearances
were 41,000 bu of wheat and flour together.
The week's clearances of wheat and flour
from both coasis were reported at 3,653,000
bu, against 3,156,000 bu, the similar week of
last year. There was not much activity to
the trade, however. During the last hour
fluctuations were narrow. May reacted to
82% c after touching \$25% c and closed firm
at from \$25% to \$25% c.
Corn was dull and inclined to weakness,
but price changes were slight. There was
no special feature in the markets, and even
the strength in wheat had little influence on tone to the opening of the local market to-day. That market paid but slight attention

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FLEMING BROS. Managers,

IOWA and NEBRASKA,

FIRST NATIONAL BANK BUILDING, OMAHA.

SIXTH AND LOCUST STREETS. DES MOINES.

cle iv. chapter xviii, Compiled Statutes, the remedy being complete at law, by quo war-ranto against the persons appointed. Nichols against State. Error from Bur-County, Affirmed. Opinion by Judge Nor-val

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H. S. WINSTON, Special Representative. Omaha. promptly. Get our rates at once.

ARE YOU RICH?

How much will your admin istrator have to sacrifice your estate to force quick assets?

An Installment Policy for \$100,000 will leave your family \$5,000 yearly income for 20 years, in any event, and if your stated beneficiary is then living he or she will be paid \$5,000

A 5 per cent Debenture for \$100,000 will leave your wife \$5,000 yearly income either for 20 years or until her death if prior thereto; then \$100,000 will be paid in one sum. A possible return of \$200,000.

children '

The true business man acts

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GRAIN: PROVISIONS: AND: STOCKS

Error from Douglas county. Motion to dismiss proceedings in error overruled. Opinion by Commisioner Ragan. Commisioner Ryan dissenting.

An ex parte order, made by a judge or court in a proceeding in aid of execution based on sections 534 and 558 of the Code of Civil Procedure requiring defendant, against whom a judgment has been rendered, to appear at a time and place specified, and answer under oath all such questions concerning his property as may be propounded to him, is an order affecting a substantial right; made in a special proceeding; made upon a summary application

against O'Fallon. Error from Otoe county. Reversed and remanded. Opinion by Chief Justice Post. Justice Post.

An action, whether at common law or under than they did on yesterday. Businers was dull all day and nothing of any interest developed. Prices were confined to a narrow range and for the most part followed after wheat and corn. May started at from 21%c o 21%c and closed with sellers at from 21%c.

There was not much life to the contract of the agreement of the agr actually made and published in accordance with the agreement of submission, is inadmissible under a general dental.

3. The right to revoke a submission to arbitration at common law must be executed before the making and publication of the award, otherwise it will be considered as waived. or the award, otherwise it will be considered as waived.

Argabright against the state. Error from Nemaha county. Reversed and Remanded. Opinion by Judge Harrison.

The jury are the sole judges of the credibility of witnesses, and it is error for a trial court, in a criminal case, to single out a particular witness for the defense, by name, and give to the jury a cautionary instruction which applies directly to his testimeny the rule of "falsus in uno, falsus in omnibus."

State ex rel Lewellen against Smith. Error from Gage county. Affirmed. Opinion by Judge Harrison.

The title to an office cannot be tried and adjudicated in an action of mandamus. djudicated in an action of mandamus. tate ex rel Truesdell against Plambeck, Neb., 401. 35 Neb., 491.

2 A contract to teach in one of the free schools of the ordinary districts is one of employment. The district, represented by the board, is an employer and the teacher an employe. 3. The teacher in such schools is not a 3. The teacher in such schools is not a public officer.

4. To the state and county superintendents and the school district boards is by law given the general care and supervision of the free schools of this state,

5. The employment of teachers for the free schools is of the duties cast by law upon the district boards, and the discretion and decision of the officers composing such a district board, as to whom they will employ as a teacher, cannot be controlled by writ of mandamus issued at the instance of taxpayers and voters of the district. district.

Denise against Omaha. Error from Douglas county. Affirmed. Opinion by Judge Harrison. Doglas county. Affirmed. Opinion by Joseph No. 3, 1948—No. 2, 10, 10, 1248—No. 1, 10473c.

FLANSEED—No. 1, 70473c.

FLANSEED—No. 1, 70473c.

TIMOTHY SEED—No. 1, 70473c.

THE following were the receipts and shipments today:

Articles.

Beccipts (Shipments. 10 ascertain that any one of the survey of the charge to the following were the receipts and shipments today:

Articles.

Beccipts (Shipments. 10 ascertain that any one of the survey of the charge to the jury, it need be examined no further than 10 ascertain that any one of the survey of the propositions are grouped in the assignment, it does not require any further attention after it is assected in the control of the propositions to which complaint is urget as correct.

3. To secure review of the action of a trial court in modifying a requested instruction to a jury, it is necessary to note an exception to acuse modification.

4. It is not grouped for the reversal of a case that the trial court repeated a proposition of law in the instructions each time in proper connection with facts or other principles involved, or where it does not appear that the effect was to perplex or mislead the jury. Gran against Houston advance overnated; Glades against Herepoisheimer and Harris against Beckwith, affirmed. Opinion by Judge Harrison.

Where an assignment of error refers in gross to a series of propositions of the charge to the bury; it need be examined no further than 10 ascertain that any one of the survey exists of the charge to the jury, it is necessary to not an exception to a jury, it is necessary to not an exception to a proper connection with facts or other principles involved, or where it does not appear that the effect was to perplex or mislead the jury. Gran against Houston against Merker, Dooilitie against Merker, Dooilitie against Merker, No. 11,000 and the proposition of a proper connection with facts or other principles involved, or where it does not appear that the effect was to perplex or mislead the jury. Gran against Houston additional record. The p Where an assignment of error refers in b. The exclusion of chered evidence is not prejudicial error where the witness has praviously given or subsequently gives the evidence sought to be introduced or that of like character and to the same effect. Haibert against Rosenbalm, 68 N. W. Rep. 622.

9. The action of a trial court in the admission of evidence will not be reviewed in the absence of any assignment in reference thereto.

occumber 2, 1896. Fred L. Smith admitted percenter 2, 1896. Fred L. Smith admitted percenter 2, 1896. Fred L. Smith admitted practice.

State ex. rel. Margissey against Ramsey, save to de ket. Court adjourned till Tuesday, December 13.

Following are the syllabl of opinions banded down:
State of Nebraska, ex rel Heinzelman, against Stull. Mandamus. Writ denied.

10. Assignment in relation to the admission of certain testimony of the value of a lot without considering in the estimate the improvements thereon, held: That the evidence was competent and the assignment unavailable.

11. The action of the trial court in sustainable actions to certain questions put to a section of the trial court in sustainable actions.

State of Nebraska, ex rel Heinzelman, against Stull. Mandamus. Writ denied. Opinionelly Thief Justice Post.

An appointing a receiver pendente lite in the superseded as a matter of right of ring the pendency of an appeal theretic to this court. Home Fire Insurance company against Dutcher, 48 Neb., 255. An appointing a receiver pendente lite Pass the supersected as a matter of right subring the pendency of an appeal theretal to this court. Home Fire Insurance company against Dutcher, 48 Neb., 755.

Brown against Hogan. Error from Dawson county. Affirmed. Opinion by Chief Justice Post.

The discretion conferred upon a mort-gagee by a stipulation authorizing him to take possession of the mortgaged chattels at any time he feels himself insecure, is not an arbitrary one, but depends upon some act of the mortgager, done or threatened, which tends to impair the security.

2. The question for determination in an action of replevin under the practice in this state is that of the rights of the parties with respect to the possession of the property at the time of the commencement of the action.

The Connecticut Fire Insurance company

Ower at \$3.57½. Estimated receipts Monday. Wheat, 25 ars; corn, 436 cars; oats, 187 cars; hogs, The leading futures ranged as follows: Articles, Open. | High. | Low. | Close. | Yest'y. 7834 7914 7834 7794 7734 146-82 824 8134 823481 8036-81 76 7036 7534 7638 823481 23 23 2236-23 23 23 2314 2314 26-2014 2036614 2036614 3 8214 3 85 3 8214 3 8214 3 874 3 9714 4 90 3 95 3 9714 4 90 Cach quotations were as follows: FLOUR-Kaster: winter patents, \$4.50604.75; raights, \$4.2064.65; spring specials, \$4.90; spring stents, \$4.2564.65; straights, \$3.9064.10; bakers', .25sr3.60. WHEAT—No. 2 spring, 70½c; No. 3 spring, 77@ c; No. 2 red, 90¼s931¼c. CORN—No. 2 23¼4221¼c; No. 2 yellow, 23¼49 CORN-No. 2 1346c; No. 2 white, f. o. b., 2146 22c; No. 3 white, f. o. b., 15621c.

RYE-No. 2, 41c.

RYE-No. 2, 41c.

RARLEY-No. 2, nominal; No. 3, f. o. b., 256 25c; No. 4, f. o. b., 226725c.

FLANSEED-No. 1, 76673c.

FLANSEED-No. 1, 76673c.

TIMOTHY SEED-Prime, \$2.5562.60.

SUGARS-Cut loaf, \$5.25; granulated, \$4.53.

The following were the receipts and shipments today:

tutes a misdemeanor, punishable by the or imprisonment.

2. In prosecutions under said section several distinct offenses may be charged in one information or indictment in different counts and a separate sentence should be imposed for each offense of which the accused has been convicted.

3. Where an information contains different counts, each charging the defendant with the sale of intoxicating liquors in violation of section 11, chapter I, Compiled Statutes, and he is found guilty under several counts, the punishment is not to be aggregated, so as to make a single or entire punishment for all of the offenses, but a separate sentence is to be imposed for each conviction, the same as though all such offenses were charged in separate informations, and at different times. State against Chandler, 31 Kan., 201; State against Carlyl, 33 Kan., of control of the offenses, but a separate sentine and an attended in separate informations, and at the control of the separate informations, and at a Kan, 2015. State against Carly, 3 Kan.

Sanford against Jeneen. Error from Saunders county. Reversed and remanded at the control of the cont Kan., 201; State against Carlyl, 33 Kan.,