Wheat

*Corn Jan May

Jan May. Pork-Jan. May.

Jan... May...

* No. 2.

Articles.

Flour, bbls.....

y Chief Justice Post.

ducks. 10. 10 %10 %c.

 $rac{7816}{8198}$

16 19

7544 8136 19736

225 25 26

16

7834 8156 7656

2236 24% 2538

22% 24%@% 25%

15%

 $\begin{array}{r} 4.000\\ 18.000\\ 60.000\\ 195.000\\ 5.000\\ 29,000\end{array}$

Dressed poultry, casy; chickens, 7c

SUPREME COURT SYLLABL

	and the second s
GLUT OF MONEY IN THE BANKS	pected from Washington on this account
Effective Argument in Favor of a Low Money Market.	111 the new congress in special session shall have opportunity to act, there is a growing feeling in important inancial and commer cial circles that fill after the last of March we fire likely to see little trade activity With uncertainty out of the way with
CASH HOLDINGS ARE UNUSUALLY LARGE	revised fariff established, with stability ussured for four years to come, there will be no hesitation in development and ex pansion.
Financier of New York Declares that Conditions Favor Low Mouey and Higher Rates for For- eign Exchange.	The whole business world is simply now recerving its energies for a definite basis upon which transactions can be safely and intelligently conducted; when that is at hand we will have activity in every branch of enterprise. There is no question what ever that the country intrinalcally is in better shape today than it has been for years.
NEW YORK, Jan. 10.—The Financier mayn: The statement issued by the clear- ing house banks of New York City for the week ended January 9 is a more effective argument in favor of an immediate low money market than columns of theoretical discussion. The increase in deposits and each holdings has been equaled only once, and that was for the week ended Novem- ber 14, succeeding the election. These ex- ceptional gains, it is needless to say, were the results of the January dividend pay- ments, the continued flow of money to this center and the large increase in savings de- posits. As there is no outlet for this money, the usual winter gold exports having been	"The chief factor upon which hear traders have for some time past been basing de- pressing claims, and which crey still make much of, has to do with railway earnings. There are indications that there play be a booncrang in this. Already figures begin to increase, Current reports are, by a sub- stantial majority, favorable. We are be- ginning, too, to compare with a period of poor traffic last year. For the next month or more there are jretty sure to be general earnings increases, whether business as a rule picks up much or not. Apropos of prospective improvement in railway earn- ings I. H. Waggoner of the New York Stock exchange treeenily of Chiengo) points out in an interview to be published here tomorrow that there is one factor which is not yet generally considered. He says: FEED COIRN TO CATTLE. "Farmers are finding more profit in feed- ing corn to cattle than in selling it. Great
postponed, the total cash gain appears much larger than during any previous year. The expansion of deposits, unaccompanied by an increase in loans, as is usually the case, also shows clearly the source of the accumulation, and the result of the week's operations has been to increase by \$10,704,- 500 idle cash in the New York banks, bring- ing the total excess reserve up to \$43,901,- 500, which is larger than for two years past. It is only logical, therefore, to look for a continued low money market and higher rates for foreign exchange, the conditions flavoring both circumstances. It was from almost similar causes that the large ster- ling loans were made in this market re- cently, and if money rates abroad go higher, as appears probable, some interesting de- velopments may be expected to result. The large gains reported for the current week were foreshadowed in this analysis not long since, but the very great increases have surpassed all expectations, and it becomes interesting, therefore, to employ some of their surplus funds and whether Europe will not endeavor to benefit through the oppor- tunity presented.	proparations are being made throughout the western country for the beef and pork business during the coming year. There is reason to believe that the shipments of both of these are going to be very large. That means money for the farmer, and it also means big carnings for the rallroads." Mr. Waggener pays an enthusinstic tribute to Chlengo, but says: "It is an undeniable fact that business in the west is inflated; it has been given too much wild speculation. Financhi methods have been too reckless. The Dinmond Match and the American Biscait opiaodes evidence this, There has been too much money put out on unworthy collaterai. The west suffers from this and cannot at once expect to re- ceive a full measure of prosperity, which otherwise should result promptly from natural conditions." These statements from Mr. Waggener are very much in spirit like statements which come from other Chlengo authorities, most of whom talk much more freely than they will consent to be quoted. On every side, however, there is agreement now that Chieago is wholly free from any of the sus- picions which were so freely huckstered in and out of Wall streat a week or so ago, when the failure of the National Bank of Ullinois was still serving as a text for hypercritical folks to sermanize upon.

HAS RENEWED FAITH IN THE WEST.

Wall Street Sees Western Borrowers Steadily Paying Debts.

NEW YORK, Jan. 2,-New York specu-lators have apparently gotten through with their foolish worries over Chicago, A week ago nothing but Chicago was discussed in Wall street. Every western in terest centering in Chicago was under crit-Icism and suspicion. Such extravagant sil

terest centering in Chicago was under crit-icism and suspicion. Such extravagant sil-liness as then prevailed on this account was without precedent. The change came suddenly. Today confidence has wholly routed distrust. The very men who a week ago were skeptical and hypercritical are now outspoken in their confidence. Prac-tically every advice from Chicago during the hast week has been reassuring. One Important Chicago corporation hav-ing large loans here was called upon on January 2 to take up 50 per cent of its ob-ligations-this demand being accommanied by a patronizing letter to the effect that if the Chicago borrowers were unable to do so at once they "gust at least send on \$250,000 to margin down the loan." the total of which was \$200,000. This was last Saturday. On Monday the lenders here re-ceived a brief dispatch from Chicago say-ing: "Send over entire loan to our New York representative, who will make pay-ment in full." This loan was on call at about 4 per cent rate. As soon as the New York lenders discovered the independence of the Chicago borrowers they began at once to send telegraphic explanations, anx-lous to keep the loan at a higher rate than had for some time past been provailing. The Chicago borrowers received such prop-ositions coolly, but after some lively cor-respondence the whole loan was left stand-ing with no change in 11 except that the rate was put down to 2 per cent. This

respondence the whole loan was left stand-ing with no change in it except that the rate was put down to 2 per cent. This is not an exceptional incident. So pro-nounced was the feeling here against Chi-cago credit at the close of December that it seemed practically unavoidable to reach any conclusion other tran that an organ-ized anti-Chicago crusade was being car-ried out in the financtal world. The changes which have taken place in these special conditions at the close of the first business week of the new year are so material and significant that they must be considered as of influential importance in any consideration of the general finan-cial outlook. for Madras, Japan, China, the Levant and home users. Prices show fair profit mar-gins, with no stocks and some orders re-turned. Cloth for Bombay and Karachi was interfered with by the plague and famine, Calcutta and Madras taking some, but business being very spotty. The Levant and Egypt showed a good trade, China was taking more shirtings. South America was buying more freely. The home trade was very healthy. Rouen was quiet, but fairly engaged. Germany was dult, with very few orders growing out of the strong competition for Australian spinners, who sell at a loss to get rid of heavy over-production. TRADERS SWITCH TO GRAIN. TRADERS SWITCH TO GRAIN. So far as the stock market directly is concerned, Chicago seems at the moment to be doing little. Such traders as were in the stock market have all pretty gen-erally whipped over to grain. There are, however, indications of the approach of a number of important financial deals here in which Chicago operators will be con-splcuously interested. One or two of these have to do with corporations and prop-erties whose headquarters are in Chicago, one such practically arranging to transfer its financial control to Wall street. Current rumors are very much to the ertiles whose headquarters are in Chicago, one such practically arranging to transfer its financial control to Wall street. Current rumors are very much to the contrary, but few risks will be taken in predicting close relations soon to be overly established between Mr. Yerkes and Mr. J. Pierpont Morgan. On the surface these two financiers are supposed to be alto-gether at cross purposes. Conclusions of this sort are sometimes calculated to help along partics with millionaire interests who, having large projects afoot, hope to accomplish more by apparent competition than in open combination. Wall street likelf has during the week had its chief interest in action taken by the Delaware & Hudson board of directors. That property has been paving 7 per cent dividends for years past. These dividends have not always been earned. Neither last year not the year before were the nat reve-nues equal to such a distribution. But as the company had a "surplus" some of its influential managers insisted on a mainte-nance of the high dividend rate. This they also contended for when they got to-gether thils week. But of a sudden con-servatism had developed on the inside of the directory, and, by a majority of one vote. It finally was determined to cut the dividend rate from 7 down to 5 per cent. Wall street was caught unawares. Even the biggest holders of the stock had not expected such action could go through. Delaware & Hudson stock tumbled about 10 points. So far as the professional ele-ment in the street was concerned, little speculative profit was made out of the trouble. The dividend reduction came so unexnectedly and the consequent drop was so like a spontaneous explosion that even the moment stays at the low level to which it immediately fell and there is no sign of an early rally. There seems, how-ever, mon the other hand no develoying disposition upon the part of owners of the stock to sell out. OTHER COAL STOCKS FREE. London Wool Market. LONDON, Jan. 10. - The arrivals of wool to date for the first series of the colonia wool sales, which open January 19, are: New South Wales, 54,198 bales; Qucensland, 37,195 bales; Victorin, 64,905 bales; Tasmania 214 bales; South Australia, 20,970 bales; West Australia, 7,865 bales; New Zealand, 19,227 bales; Cape of Good Hope and Natal, 57,357 bales; making a total of 261,467 bales, in-cluding 80,000 bales sent direct. The imports of the week aggregated 161,-677 bales, including New South Wales, 49,642 bales; Queensland, 11,948 bales; Victoria, 11,853 bales; South Australia, 16,676 bales; New Zealand, 5,173 bales; Cape of Good Hope and Natal, 3,162 bales; Singapore, 503 bales; France, 1,758 bales, and sundries, 962 bales. wool sales, which open January 19, are Keystone State Banker Shoots Himself LEBANON, Pa., Jan. 10.-John M. Goss ler, aged 40 years, cashier of the Lebanon National bank, attempted to commit suicide today by shooting himself in the head. He will die. His wife and two chil-dren had gone to church, leaving him in the house alone. The ball lodged behind the right ear, and when found a few min-utes afterward he was unconscious. Be-sides his connection with the bank Mr. Gossier was the tcacher of a large bible class in the Lutheran church. For some time past his health has not been good and this, it is believed, prompted him to end his life. His accounts with the bank are said to be correct. non National bank, attempted to commit WEATHER FORECAST FOR TODAY. Higher Temperature and Southwest-erly Winds for Nebraska. WASHINGTON, Jan. 10.-The forecast

f and pork There is pments of ery inrge. er, and 1 railroads "It is ar have been h and the nce this y put out st suffers ect to re ity, which ptly from Waggonei uthorities of the suskstered in ar so ago, I Bank of text for H. ALLAWAY. LONDON MONEY MARKET FIRM. Anticipated Intervention in Cuban Affairs Braces Spanish Securities, LONDON, Jan. 10.-A firmer money mar ket has caused a reaction in investment seurities, which were mostly easier, foreign securities continuing strong. Spanish seurities were largely bought on the expecation of the United States intervention in tation of the United States intervention in Cuba being accepted. Turkish securities were firm on the report that the Banque de Parls had purchased a large parcel of bonds from the Ottoman bank. Uruguay securi-ties were down on the reported revolution. The upward movement in Argentines ap-pears to have ceased for the present, but Brazillans are advancing. Mines were stag-nant. American securities were quiet and cenerally firmer, Grand Trunk advancing. The increases were: Chicago, Milwaukee & St. Paul, Louisville & Nashville 4s, and Reading 1s, 14 per cont; other changes were fractional.

a growing d commer-t of March

fractional London Grain.

LONDON, Jan. 10-The weather for the ast week has been mild, foggy and damp, and the crop accounts are promising. An increased area has been sown, but no defi-nite estimates of the yield have yet been

made. Wheat in the market varied in price in response to American news. Trade has been quiet, but the offers of moderate hold-ers were fairly steady. California wheat, prompt delivery, was quoted at 356 6d. Northern spring wheat, parcels, January and February delivery, was quoted at 336 6d. 338 6d.

328 6d. Flour was firm and not active. Maize was quiet; American is now easier; mixed ateamer at destination asked buyers at 138 6d. Barley was firm and not active.

Oats were firm; American white, clipped, February delivery, were quoted at 12s 6d.

Manchester Textile Market. MANCHESTER, Jan. 10 .- The market has een quiet and firm, yarns selling readily

safely and that is at ery branch tion what-Early at Steady Prices_Hogs Strong and Some Times a Nickel Higher. ally is in a been for ar tralers SOUTH OMAHA, Jan. 9 .- Receipts for the still make the days indicated were: Cattle, Hogs, Sheep, Horses January 9 4,6554,8666,1003,119..... 1,128 January ares begin 4,489 2 228 421 2,697 lanuary by a sub January Ve are be-period of text month be general 1633 118 Apropos of stock way carn-New York brought in today by each road was: Cattle, Hogs, Sheep go) points tor which He says: $\frac{16}{19}$ fit in feedit. Great hroughou Total receipts 47 63 The disposition of the day's receipts was as follows, each buyer purchasing the number of head indicated: Cattle, Hogs, Sheep. 1,009 940 768 402 1,962 **** 272 Ink the cattle at about the same prices as sood and everything changed hands early in the morning. The cattle market of the past week was hargely under the influence of the snow storm, which occurred the first of the week, and which cut down receipts very materially. The light receipts of Monday and Tuesday gave the market a sharp upturn, values on Tuesday being recorded 25c higher than the previous week, on beef cattle. By Wednesday the roads were open and the cattle came in large numbers, breaking the market badly that day and the day following, until at the close of the week the advance was all lost and possibly a little more. The demand was good all the week, and it was no trouble to dispose of each day's arrivals at the current prices.
HOGS-The market opened strong and in some case is chigher and the day following and in some were sold, however, the market opened strong and in some case is chigher and the trade was active at the advance. After the most of the hors were sold, however, the market losed of and elosed weak, with the advance losed in reasonably good season, with practically everything sold.
Hough the light and medium weights today brought \$1.15467.274.
Hough the light and medium weights today brought \$1.15467.274 and when still higher on Tuesday and Wednesday. On the last mentioned day used to the hore week. The market losed in reasonably good season, with practically everything sold.
How that started out with an advance at the commencement of the week and went still higher on Tuesday and Wednesday. On the last mentioned with point rack at the day following the market bas follower than the opening. The market has ranged from 25666 were than the opening. The market has ranged form 25666 were than the opening. The market has ranged form 25666 were than the opening. The market bas the day following to the week the receipts moving of freely at the week, the receipts moving of freely at the week, the receipts moving of freely at the week the market active on most days

OMAHA LIVE STOCK MARKET

Week Ends with the Customary Light Run of All Sorts.

STRENGTH OF CATTLE TRADE NOT TESTED

Demand Good and Everything Sold

SHEEP-There were a few sheep here today which met with ready sale at full steady prices. CHICAGO LIVE STOCK MARKET.

Cattle Too Scarce to Make a Market-

Good Demand for Hogs. CHICAGO, Jan. 5.-Receipts of cattle today were too small to make much of a market. The cattle in the pens sold readily enough, but

shade over yesterday's closing prices. The decrease in packing for the week tended to enlarge the meridiative demand, and there was less pressure to sell from the packing interest. No important price. Was firm all day by the close pork was a shade higher at \$4.00. The leading futures ranged as follows: 4.60 head. The leading futures ranged as follows:

and indersers thereof. 4. Held, from an examination of the evi-dence that prejudice to the defendant as drawer of the check which is the subject of controversy will be presumed from the failure to give notice of its dishonor, there being to his credit therein sufficient funds for its navment, the drawee bank having The leading futures ranged as follows: Articles. | Open. | High. | Low. | Close. | Yest'y 78% 77% 81% 80%-81 77% 70%%%

being to his credit therein sufficient funds for its payment, the drawee bank having in the meantime become insolvent. 5. The authority of a county treasurer to deposit for safekceping in bank the funds entrusted to his care cannot be ques-tioned in a strictly collateral proceeding. Biodgett against State. Error from Lan-caster county. Affirmed. Opinion by Chief Justice Post. A motion or objection directed to an in-dictment or information as a whole will be overruled unless applicable to each count thereof. 2. A charge of malpractice against an at-torney and counselor-at-law may be joined with a prosecution for a contempt of court where both charges involve a single trans-action. 225 26 15% 15% 18% 18%-19

7 70 7 724 7 70 7 724 7 70

4 07% 4 10 4 07% 4 00 3 97% 3. A finding without a judgment in a sum-

 No. 2, Cash quotations were as follows: PLOUR-Quiet; winter patents, \$4,5004.75; straights, \$4,2004.00; spring patents, \$4,1544.20; spring straights, \$3,0003.00; bakers, \$3,1003.256.
 WHEAT-NO. 2 spring, 7840783c; No. 3 spring, 760776; No. 2 red, \$7%40854c; CORN-No. 2, 21490224c; OATS-NO. 2, 21490224c; OATS-NO. 2, 35c; RYE-NO. 2, 38c; HARLEY-NO. 2, nominal; No. 4, f. o. b., 2409 S4c; mary prosecution for contempt of court will not be reviewed by means of proceed-

will not be reviewed by means of proceed-ings in error. 4. The test by which to determine the sufficiency of an indictment is whether enough remains after rejecting all unnec-essary averments thereof to satisfy the requirements of the statute. 5. The remedy of the accused in an in-dictment or information is by plea and not by motion to strike unnecessary and im-material allegations. Scott against Overail, Appeal from Doug-las county. Affirmed. Opinion by Judge Harrison.

 Mc.
 TIMOTHY SEED—Prime \$2.6647.65.
 PROVISIONS—Mess pork, per bbl., \$7.7597.80;
 Pardy per 160 bs., \$3.9093.025; short ribs sides (loose), \$1.9094.10; dry salted shoulders (boxed), \$4.0094.125.
 M.25644.60; short clear sides (boxed), \$4.0094.125.
 WHISKY—Distillers' finished goods, per gal., \$1.18.
 SUGARS—Cut loaf, \$5.26; granulated, \$4.63.
 The following were the receipts and shipments today: Beott against Overail. Appeal from Douglas county. Affirmed. Opinion by Judge Harrison.
The statute by which the clerk of the district court is allowed to settle and sign a bill of exceptions, instead of the judge who heard or tried the cause in which it is sought to make such bill a part of the record, must be strictly construed and the method prescribed by statute. If any, for making, the facts on which the clerk's authority to settle and sign a bill of exceptions apparent of record, should be followed, and where the statute requires a showing of the facts to be by affidavit a statement by the clerk in the certificate that he has personal knowledge of the facts will not be sufficient to take the place of the required affidavit.
Chicago Lumber company against Benjamin. Error from Custer county. Affirmed. Opinion by Judge Harrison.
A bill of exceptions which is not authenticated by the certificate of the clerk of the clerk of the trial court is not entitled to consideration in this court. Receipts, Shipments 8,000 32,000 39,000 209,000 18,000 On the Produce exchange today the butter mar-ket was firm: creamery, 15:(19c; dairy, 9s; 17c. Ezgs, weak; fresh, 15c. Cheese, steady;

the trial court is not entitled to considera-tion in this court. 2. Where to an examination and settle-ment of questions argued to this court an inspection of the evidence contained in a bill of exceptions is necessary, and such bill lacks the authentication of the clerk of the trial court, the points presented may be overruled. Ashiand Land and Live Stock company igainst Woodford, Error from Saunders county, Reversed and remanded, Opinion Where to a counter claim well pleaded

the plaintiff interposes no reply, a verdict

may be overruled. Bellamy against Chambers. Error from Gosper county. Affirméd. Opinion by Judge Harrison. "In an appeal from the county court to the district court, the cause must be tried on the same issues as were tried in the county court, unless some new matter has arisen since the trial there such as new

Where to a counter claim well pleaded the plaintiff interposes no reply, a verdict in his favor in excess of the amount claimed in his petition, less the amount of such counter claim, should be set aside as unsupported by the pleading. Rviey against Sandean. Appeal from Douglas county. Decree affirmed. Opinion by Chief Justice Post. The evidence in this case, although con-flicting, held sufficient to sustain the de-cree appealed from. Chappell against Smith. Appeal from Dawes county. Decree affirmed. Opinion by Chief Justice Post. Held from an examination of the record that the decree complained of is war-ranted by the judgment or this court on a former appeal, and agreement of parties made pending such appeal. Harshman against Rose. Error from Cass county. Affirmed. Opinion by Chief Justice Post. It is in a clvil agion for assault and battery unnecessary to specially allege such dumarces as are the necessary and county court, unless some new matter has arisen since the trial there, such as pay-ment, etc." (Halbert against Rosenbaum, 68 N. W. Rep., 622.) 2. A covenant against encumbrances in a conveyance of land is in effect that the premises then are free from encumbrances and if any computances give the cov-

battery unnecessary to specially allège such damages as are the necessary and usual consequences of the act complained

usini consequences of the act complained of. 2. A petition charging the defendant with unlawfully beating and wounding the plain-tiff on the head with a pitchfork, whereby the plaintiff "was wounded and is, and for a long time will be, sick, and has suffered and will suffer great bodily pain and dis-comfort," states a cause of action for such physical and mental suffering as is the natural and proximate result of the wrong so alleged. American Water Works com-pany against Dougherty, 37 Neb., 373 3. One who has commanded an intruder to leave his premises is authorized to use such means as may be reasonably neces-

the signature of the attaching plaintiff, and where he does not sign the bond he is not liable thereon to defend in attachment. Ryan and Ragan, C. C., desenting, Wallace against School Disrict IT, Saline county. Error from Saline county. Re-versed and remanded. Opinion by Judge county. Error from Sainle county. Reversed and remanded. Opinion by Judge Norval.
Thaniff entered into a written contract of employment as teacher with a school district for the term of three months, commencing at a stated time, with option to her to teach the school year if satisfaction was given. She taught under the contract the three months, exercised the option provide the the term of three months, exercised the option first the time months, exercised the option first the term and remained in the employ without objection another three months, when she was discharged without goed or sufficient cause before the close of the school year. Held, that the services cendered after the first three months were performed inder said contract, and a new written contract was not necessary to bind the district for the entire school year.
2 In the absence of a stipulation in the contract to the contrary, under the district, but only where fust cause exists therefor.
3. Jones against Nebraska City, 1 Neb., 106, distinguished.
4. If a teacher duly employed in the public school for a specified period is dismissed by the school board prior to the contract on the district.
5. Held, that the petition stated a cause of a cause cause cause cause and the district is liable therefor.

1. In a prosecution for criminal likel it is error to so instruct the jury as to cash upon the defendant the ourden of estab-lishing that the alleged publication was not libelous.

not liberous. State, ex rel Morrissey, against Ramsey. Mandamus, Demurred sustained and ac-tion dismissed. Opinion by Judge Norval. The filing of a supersedeas bond is not essential to obtain a review of a decree or final order of the district court, either by appeal of upon error. But such bond is appeal or upon error. But such bond is dispensible to a stay of proceedings pend-

ndispensible to a stay of proceedings pend-ng the review. 2. Such bond, when filed and approved. will not operate as a supersceleas unless it outtains the conditions prescribed by law. 3. A proper supersceleas bond, executed, filed and approved in one cause, will not act as a supersceleas of a decree subse-quently rendered in another action between

A Averments of logal conclusions in a deading are not admitted by a demutrer. Hans against State. Error from Sinnton county. Affirmed. Option by Judge Nor-

Anna against Sinte, arror from stanton county, Affirmed. Opinion by Judge Nor-val. Affidavits for a continuance must be em-badied in a bill of exceptions to be consid-ered in the appellate court. Whether the prosecution in a criminal case may avoid a continuance sought by the defendant on a showing which eatitles him to a postponement of the trial, on the ground of an absent witness, by the state admitting merely that the witness. If pres-ent, would testify, as represented in the application, is not involved in this case, and consequently not decided 3. The ruling of the court made before the trial commenced, denying the defendant's motion to require the state to elect under which count or counts of an information it would rely for conviction, is reviewable without being assigned as error in the motion for a new trial. 4. A count charging the llogal sale of in-toxhating liquors may be joined in an in-formation containing a count charging the defendant with keeping such liquors for sale in violation of inw.

showh to be incompetent, or for other good reason, the district is liable therefor.
Theid, that the petition stated a cause of action.
Brotherton against Manhattan Beach Improvement association. Error from Doughas county. Reversed Opinion by Commissioner Ryan.
The conclusions reached in the former opinion in this case considered and adhered to on rehearing.
Thy against State ox rel Dufek. Error from Butler county. Reversed and remained. Opinion by Commissioner Ryan.
In a bastardy action it is projudicial error to admit evidence over proper objections and offer of marriage by the putative father to the mother of the bastard child made with a view to the settlement of such proceedings about to be commenced.
The alleged errors in this case being wholy dependent upon the nature of the bastard child made. Opinion by Commissioner Ryan.
The alleged errors in this case being wholy dependent upon the nature of the bastard child made. Opinion by Commissioner Ryan.
The alleged errors in this case being wholy dependent upon the nature of the bastard by the putative faither to be commenced.
The alleged error because of the bill of exceptions having been quashed. Opinion by Commissioner Ryan.
The alleged contrast is to be construed on notion before the final submitsion.
The writien contract is to be construed with the reference to its terms alone it is the duty of the court to interpret it, but if the construction or application must depend upon other and excluded by a failure should be submitted to the jury under proper instruction or availed to the jury under proper instruction its and t

defendant with keeping such liquors for sale in violation of inw. 5 An order in a criminal case permitting the state to withdray its rest for the purperso of introducing further testimony will not be disturbed where an abuse of discre-tion on the part of the trial court has not been shown. d. Where the bill of exceptions reveals that metaclal orderse introduced reveals

d. Where the bill of exceptions reveals that material evidence introduced on the trial has been omitted this court cannot review an order denying a motion to direct a verdict, when to do so would require an examination of the proofs.
7. In a prosecution for a misdemeanor it is not essential that the state should prove the procession of the procession.

the commission of the offense on the precise date haid in the information. It is sufficient if it be established that the crime was committed within the statute of limita-

INSTRUMENTS [] ced on record Sa urday, tions, 8. The unlawful intent with which in-January 9, 18

S. The unlawful intent with which in-toxicating liquors are kept may be presumed by the recent prior sale by the defendant of the same kind of liquors in violation of law.
9. Held, that the first instruction did not assume the possible existence of a single fact, but merciy told the jury what were the material averments of the informa-tion.

, Board of Trade. Direct wires to Cnicago and New York. Correspondents: John A. Warren & Co

1,600 3.000

THE REALTY MARKET.

WARRANTY DEEDS.

\$1,000

100

1

QUIT CLAIM DEEDS.

O F Davis company to Thomas Creigh, lot 6, block 13, Central park.
E E French and wife to same, lots 3, 5 and 6, block 13, same.
Inez Callahan and husband to C C Deyo, ne ne se, 36-16-13. 10

:500 Total amount of transfers \$6 464

JAMES E. BOYD & CO Telephone 1039. Omaha, Neb.

COMMISSION

OTHER COAL STOCKS FREE.

OTHER COAL STOCKS FREE. The other coal stocks have not been af-facted. None of them can be considered in a happy situation. Much has been heard about a coal trust, but its opera-tions have not been showing in any in-creased earnings for the big coal produc-ing and carrying companies. In some Wall street quarters there is, however, a lurking suspleion that bad statements from the big coal companies are just now advantageous features of a new policy in the conduct of the chief anthracite prop-erties. kota and Missouri-Fair; warmer; south-westerly winds.

for Monday is:

For Nebraska, Iowa, Kansas, South Da

Westerly winds. Local Record. OFFICE OF THE WEATHER BUREAU. OMAHA, Jan. 10.—Omaha record of rainfall and temperature compared with cor-responding day of the past three years:

Record of temperature and precipitation at Omaha for the day and since March 1,

STATIONS AND STATE OF

Omaha, clear North Platte, part cloudy Salt Loke City, part cloudy Cheyenne, part cloudy Rapid City, clear Huron, cloudy Chicago, clear St. Louis, clear

Louis, clear Paul, cloudy

WEATHER.

1897, 1896, 1895, 1894

317 220

at in

A. WELSH.

"The operations of the coal trust"-I quote "The operations of the coal trust"-I quote an important insider-"will show in the early future. It can be counted upon as a fixed fact now that every one of the lead-ing antiracite railroads is in line, and sub-ject, virtually, to a unified control. There may not be sharp advances in the price of coal, but there are plans of far-reaching consequence which will make 1857 results show up magnifecently."

consequence which will make 1857 results show up magnificently." This bit of rhetoric. I take it, significs— if it signifies anything—that coal prices are to be screwed up. There is reason to be-lieve, however, that not much will be at-tempted on this account till after congress shall give us a revised tariff law and con-sequent business activity. Today's statement of the associated banks of New York, first business week of the new year, is in many ways remarkable. It shows an absolute glut of money at this center. Deposits udring the week have in-creased over \$17,000,000. Surplus reserve figures have jumped up over \$10,000,000. In the face of such fremendous accumulations, such almost unprecedented ability to ac-commodate the business world and send the wheels of trade whiriling, the statement wheels of trade whirling, the statement shows that during the week the banks of New York cut down their loan accounts over \$300,000.

BUSINESS MEN HESITATE.

BUSINESS MEN HESITATE. This indicates the feeling of hesitancy which pervades and dominares the business world just now. In Wall street there is spathy, but it reflects only fairly what outside conditions are. Our widest awake business men are disposed to do nothing but walt. Nervousness over congress has disappeared, though much lurid war talk is expected next week. What business in-terests want is some stable basis on which to found calculations. If the tariff is to be Cavenport, part cloudy felena, clear Cansas City, clear Havre, clear Bismarck, clear Williston, part cloudy Galvanton, part cloudy ""I" indicates trace of precipitation

With a good demand prices for hogs wer for Madras, Japan, China, the Levant and

With a good demand prices for hogs were stronger and largely 5c higher. Sales were at \$3.0574.15, with the bulk of transactions at (3.20g3.40. Heavy hogs were discriminated against to some extent. In sheep the few offerings sold readily at steady prices. The sales were on the basis of \$2.2592.50 for very common sheep, up to \$3.509 3.5 for the best flocks. Lambs sold at \$3.15 for 40-1b, lots, up to \$5.0095.30 for choice, to 58 to 95-b, lots. Receipts: Cattle, 500 head; hogs, 22,000 head beep, 1,000 head,

Kansas City Live Stock.

KANSAS CITY, Jan. 5. -CATTLE-Receipts, 1.09 head; shipments, 2.96 head; market steady and unchanged; only retail trade. HOGS-Receipts, 7,000 head; shipments, 1.560 head; market steady to strong; bulk of aales, \$1.567.25; heavies, \$1.1043.29; packers, \$1.0567.25; mixed, \$3.1567.375; lights, \$2.0097.36; Yorkers, \$3.1567.25; plas, \$3.0097.30; Market, \$1.1567.25; plas, \$3.0097.30; Yorkers, \$1.1567.25; plas, \$1.0097.30; Yorkers, \$1.1567.25; plas, \$1.1567.25

St. Louis Live Stock

ST. LOUIS, Jan. 8.-CATTLE-Receipts, 500 ead; market quiet; native shippers, \$2,5005.25; tockers and feeders, \$2,0002.75; c. ws and heifs, \$1.75gra.co; Texas and Indian steers, \$2.60g HOGS-Receipts, 8,000 head; market steady, bu slow; light, \$3,20673.30; mixed, \$3,0567; 25; heavy \$3,0663.30,

SHEEP-No market on account of no receipt Stock in Sight.

Kansas City St. Louis 3,428 41,655 2,174 Totals

CHICAGO GRAIN AND PROVISIONS.

on your home if you die before Features and Closing Prices of Saturday's Trading. CHICAGO, Jan. 9.-Wheat today recov-It's lifted?

ered about %c of what it lost Friday, du almost entirely to the advance at Liver pool, which was totally unexpected. Othe

markets exhibited various degrees of strength or weakness, corn declining %c

<text>

Local Forecast Official

otations were mostly nominal at yesterday of other commercial business, Miller agains; First National Bank, 37 Neb., 500.

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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.

What is \$1,500, \$2,500; \$5,000 a year to you for an assurance provision for your Wile and children?

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> The Mutual Life Insurance Co., of New York, has paid \$246,000,000 to its living members.

Has been the benefactor of women and children yearly during life.

to the extent of \$165,000,000.

Has paid its members in all over \$411,000,000

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