STEADY OPENING SURPRISES TRADERS

Leading Cereal Advances in Spite of the Weak Cables and the Breaking Up of Cold Weather.

CHICAGO, Dec. 23.—The scarcity of red winter wheat was the controlling factor in the wheat pit today and overbalanced the influence of duilness and the evening up of deals prior to the holidays. May wheat closed 1&1-ke higher, May corn unchanged and \(\frac{1}{2} \) cup and May oats \(\frac{1}{2} \) chigher. Provisions closed \(\frac{1}{2} \) to loc higher. Wheat had the floor throughout the session. It alone of all the grains showed a semblance of activity and had a uniform strong one. At the outset cables were weak and this with the break up of the cold weather presaged a setback for wheat. It was with some surprise that traders saw a steady opening and a still steadier advance in the leading cereal. Weekly statistics were slightly bullish, the strength of Saturday was carried over despite the holidays tomorrow and Christmas and there was a good show of buying orders. The scarcity of red winter wheat and the anxiety of millers to secure what there was on the market did the work. Winter wheat sold in large lots at 4c over May and \(\frac{1}{2} \) cup and \(\frac{1}{2} \) cold in large lots at 4c over May and \(\frac{1}{2} \) cup and \(\frac{1}{2} \) cold for smaller sales. The foreign demand was reported good and private advices reported that stocks abroad were too small to permit of any declines in prices at Liverpool. On these influences May wheat opened \(\frac{1}{2} \) cingle influences May wheat opened \(\frac{1}{2} \) cingle influences May wheat opened \(\frac{1}{2} \) cingle influences May wheat and flour equalled 197.000 bushels. The visible supply decreased 551.000 bushels. Hreadstuffs on passage increased 256.000 bushels against 7.050.000 bushels last week.

Corn had a dull, narrow market little affected by the strength in wheat. Cables were indifferent, trade was small and liberal selling at times had a depressing influence. May opened unchanged to \(\frac{1}{2} \) cars, and the decreasing influence. May opened unchanged to \(\frac{1}{2} \) cars and the close was only steady, unchanged a changed and the close was only along, unchanged and be up at 67607%c. Receipts were 172 cars.

Oats had a fair commission house trade and were moderately active. The range of quotations was very narrow and most of the deals were to even up over the holidays. May opened steady and practically unchanged and closed be higher at 45% 645%c. Receipts, 142 cars.

Provisions had a steady market, with lard the leading product in demand. There was fair buying by the country, based largely on the buillish factor of light weight in hogs. May pork closed live up at 318.824; May lard 5671%c higher at 58.85. Estimated receipts for tomorrow: Wheat, 25 cars; corn, 235 cars; oats, 180 cars; hogs, 40.000 head.

The leading futures ranged as follows:

The leading futures ranged as follows: Articles. | Open. | High. | Low. | Close. | Sat'y. •Wheat | Dec. | May | July •Corn—Dec. | May | July •Oats—Dec. | May | July | Pork—Jan. | May | Lard—Jan. | May | Ribs— 781/2 821/4 821/4 6374 6674 6247 6614 6276 45% (27% 33)

"No 2. *No 2.
Cash quotations were as follows:
FLOUR—Steady but quiet; winter patents, \$3.70g a.90; straights, \$3.70; clears, \$3.00
\$3.40; spring specials, \$4.30; patents, \$3.50g
\$5.80; straights, \$3.10g 3.90.
WHEAT—No 3, 74% \$477c; No 2 red, 83% \$9
\$5.50c.
CORN—No 2 yellow, \$464 \$647c.
OATS—No 2, \$480 \$49% \$c; No 2 white, \$47% \$9
\$84.6; No 3 white, \$47% \$9\$ \$680 \$1.50g \$2.7c; horse hides, \$1.50g \$2.5c.
RYE—No 2, \$63% \$6.2c.
BARLEY—Fair to choice malting, \$58% \$9\$
\$5.50c.
ST. Louis Grain and Provisions.
ST. Louis, \$1.50c. 23.—WHEAT—Higher; elc.

SEEDS—No. 1 flax, \$1.58; No. 1 north-western, \$1.69. Prime timothy, \$6.40@6.59. Clover, contract grade, \$9.40.

PROVISIONS—Mess pork, per bbl., \$15.40 @15.50. Lard, per 100 lbs., \$9.72½@9.75. Short ribs sides (loose), \$8.35@8.45. Dry salted shoulders (boxed), \$7.37½@7.50. Short clear sides (boxed), \$8.36@8.90.

WHISKY—Basis of high wines, \$1.22.

The following are the receipts and ship-ments of grain yesterday: Articles. Receipts. Shipments. ments of grain

Articles. Receipts. 31

Flour, bbis. 41,000

Wheat, bu. 31,000

Corn, bu. 108,000

Oats, bu. 123,000

Rye, bu. 10,000

Rye, bu. 63,000

Rye, bu. 10,000 15,000
Barley, bu 63,000 16,000
On the Produce exchange today the butter market was firm; creamerles, 15@24c; thairles, 14@20c. Cheese, firm, 94@104c.
Eggs, weaker; fresh, 25c. NEW YORK GENERAL MARKET.

Quotations of the Day on Various Commodities.

Commodities.

NEW YORK, Dec. 23.—FLOUR—Receipts, 15.615 bbls.; exports. 10.225 bbls. Market firm but too dull to allow of any advance; winter patents, 43.7520 4.00; winter straights, 43.4523.40; Minnesota patents, 43.4524.40; winter extras, 42.8023 5.10; Minnesota bakers, 42.9523.35; winter low grades, 42.6022.70. Rye flour, steady; fair to good, 43.2023.40; choice to fazey, 43.4523.70.

CORNMEAL—Firm; yellow western, 81.38; city, 41.26; Brandywine, 43.6523.75.

RYE—Firm; No. 2 western, 74%c f. o. p. afloat; state rye, 682680 c. 1. f. New York carlots.

HARLEY—Quiet; feeding, 59261c c. 1. f. Buffalo, wHEAT—Receipts, 34.200 bu.; exports, 127.488 bh. Spot, firm; No. 2 red, 884c, f. o. m., afloat; No. 2 red, 884c, f. o. m., afloat; No. 2 red, 884c, f. o. b., afloat; No. 1 hard, Duluth, 844c, f. o. b., afloat; No. 1 hard, Duluth, 844c, f. o. b., afloat; No. 1 hard, Duluth, 844c, f. o. b., afloat; No. 1 hard, Duluth, 844c, f. o. b., afloat; No. 1 hard, Duluth, 844c, f. o. b., afloat; No. 1 hard, Duluth, 844c, f. o. b., afloat; No. 1 hard, Duluth, 844c, f. o. b., afloat; No. 2 hard, March, 874c, graph; influenced by strong southwest markets, bullish foreign news, crop damage reports, foreign buying and buillsh weekly statistics were the features; closed firm at 151c; July, 854267c, closing at 854c; May, 8642873-16c, closing at 814c; July, 864267c, closing at 814c; July, 864267c, closing at 814c; July, 864267c, closing at 814c; f. o. b., afloat, Options dull and barely steady in face of wheat advance, reflecting larger receipts west and absence of speculative support. In the last hour it railled with wheat and closed pet 4c higher; May, 704271c, closing at 704c, OATS—Receipts, 43.500 bu.; exports, 5.33 bu. Spot, steady, No. 2, Blc, No. 3, 50c; No. 2 white, 50c; No. 3 white, 50c; Costing at 704c, OATS—Receipts, 43.500 bu.; exports, 5.33 bu. Spot, steady, No. 2, blc, No. 3, 50c; No. 2 white, 50c; No. 3 white, 50c; Costing at 704c, OATS—Receipts, 43.500 bu.; exports, 5.33 bu. Spot, steady; No. 2, 10c, No. 3, 50c; No. 2 w

No. 2 white, 54c; No. 3 white, 53½c; track, mixed western, 51¾62c; track, white, 53½ Ge. Options steady with wheat, but rather quiet: HAY—Quiet; shipping, \$6.0066.20; good to choice, 8.25¾9.00.

HOPS—Quiet; state, common to choice, 1901 crop, 11¼15½c; 1900 crop, 8½12c; 1899 crop, 5½3c; Pacific coast, 1801 crop, 11¼152c.

HIDES—Steady; Galveston, 20 to 25 lbs., 18c; California, 21 to 25 lbs., 19½c; Texas dry, 24 to 39 lbs., 14½c.

LEATHER—Steady; Hemlock sole, Buenos Ayres, light to heavyweights, 25¼26½c, WOOL—Quiet; domestic fleece, 25½26c; Texas, 16¼1c.

PROVISIONS—Beef, quiet; family, \$11.00½ 12.50; mess, 19.50½10.00; beef hams, 120.50½ mess, 19.50½10.00; city, extra India mess, 317.00½19.00. Cut meats, quiet; pickled beliles, 8¼300½c; pickled shoulders, 7c. Lard, firm; western steamed, \$10.10; refined, steady; continent, \$10.10; South American, \$11; compound, \$8.00%2.25. Pork, firm; family, \$17.00½17.50; short clear, \$18.500½0.00; mess, \$16.25½f.750.

BUTTER—Receipts, 3.35 pkgs, firm; fancy large September, 10½10½c; factory, 12½½15½c.

CHEESE—Receipts, 355 pkgs, firm; fancy large September, 10½10½c; fancy small September, 11½11½c; factory, 12½½15½c.

EGGS—Receipts, 3.343 pkgs; market demoralized; state and Pennsylvania, 29; western, at mark, 23½25c; southern, at mark 10½c; fowls, 9½c; turkeys, 8½c; tu

METALS—There were no special fea-tures in metal circles at home or abroad, aside from slight advances in the and cop-per at the latter point, but this failed to stimulate business and general holiday

conditions prevailed. Tin at London finished the day £1 5s higher, with spot quoted at £102 10s and futures at £101 17s 5d. The local market was sympathetically better and closed at £2.35, but very dull. Copper in London also gained £1 12s 6d to £47 for spot and £47 lies for futures. At New York prices were as before quoted. Lake Superior at £13, electrolytic at £12.57% and casting at £12.50, with the tone dull. Lead was nominally unchanged here at £4, but eased off 1s 3d to £10 2s 6d for spot at London. Speiter declined 2s 5d at London to £15 12s 5d, but was unchanged and dull here at £14.45. Iron was dull and unchanged; pig iron warrants, £10.50411.50; No. 1 northern foundry, £15.50411.50; No. 2 southern foundry, £14.50415.50; No. 1 southern foundry, £15.00617.09. Glasgow iron warrants closed at 49s 5d and Middlesboro, £3s 44.5d.

OMAHA WHOLESALE MARKET.

Condition of Trade and Quotations on Staple and Fancy Produce. .

EGGS-Receipts, light; fresh stock, 21c. LIVE POULTRY—Hens, 5½(36c; old roosters, 3@4c; turkeys, 7@9c; ducks and geese, 5½(36c; spring chickens, per ib., DHESSED POULTRY—Turkeys, 11@12c; ducks, 8@815c; geese, 8@9c; spring chickens, 74-93c; hens. 7@775c.

BUTTER—Common to fair, 145c; choice dairy, in tubs, 15@17c; separator, 23@24c.
FHOZEN FISH—Black bass, 18c; white bass, 19c; bluefish, 12c; builheads, 19c; buefins, 7c; buffalces, 7c; catifish, 12c; cod, 19c; crappies, 11c; halibut, 11c; herring, 5c; haddock, 9c; pike, 8c; red snapper, 19c; salmon, 12c; sunfah, 8c; trout, 9c; whitefish, 8c; pickerel, 6c; fresh mackerel, each, 29@35c; smelts, 19c.

OYSTERS—Mediums, per can, 25c; Standards, per can, 25c; extra selects, per can, 25c; New York counts, per can, 40c; bulk Standards, per gal., \$1.20@1.25; bulk extra selects, \$1.60@1.65; bulk, New York counts, per gal., \$1.50.

PIGEONS—Live, per doz., 60c, VEAL—Cboice, 6@8c.
CHRISTMAS DECORATIONS. 66%c. DRESSED POULTRY-Turkeys, 11612c

PIGEONS-Live, per doz., 60C.
VEAL-Choice, 66SC.
CHRISTMAS DECORATIONS.
TREES-4 to 6 feet, per doz., £1.75; 6 to
8 feet, per doz., \$2.50; 8 to 9 feet, per doz.,
\$3.50; 10 to 14 feet, each, \$1.00@1.50; 15 to 20
feet, each, \$2.00@4.60.
EVERGREEN WREATHING-In colls
of 20 yards, per coll, \$1; evergreen wreaths,
12 inches in diameter, per doz., \$1.50; holly
wreaths, 12 inches in diameter, per doz., \$2.
HOLLY BRANCHES-Per case of 50 lbs.,
\$6.00; per bbl., \$2.00.
LONG NEEDLE FINES-Per doz., \$2.50@ MISTLETOE BRANCHES—Per lb., 30@

40c.

HAY-Prices quoted by Omaha Wholesale Hay Dealers' association' Choice upland, \$9.50; No. 2 upland, \$8.50; medium, \$8;
coarse, \$7.50. Rye straw, \$2. Inese prices
are for hay of good color and quality. Demand fair. Receipts, 6 cars.

CORN-New, 67c; old, 67c.

BRAN-\$22.

OATS-\$2c.

VEGETABLES. VEGETABLES. VEGETABLES.
POTATOES—Home grown, 31; northern, 11:0; Sait Lake, \$1:10; Colorado, \$1:10.
CARROTS—Per bu, 50c.
BEETS—Per ½-bu. basket, 30c.
TURNIPS—Per bu.. 50c; Rutabagas, per

TURNIPS—Per bu., 50c; Rutabagas, per 100 lbs., \$1.25.
PARSNIPS—Per bu., 60c.
CUCUMBERS—Hothouse, per doz., \$1.25.
LETTUCE—Head, per tbi., \$4.50; hothouse lettuce, per doz., 25c.
RADISHES—Per doz., 25c.
RADISHES—Per doz., 25c.
RADISHES—Per doz., 25c.
CABBAGE—Holland seed. crated, 1½c.
CABBAGE—Holland seed. crated, 1½c.
CAULIFLOWER—Per crate, \$2.75.
ONIONS—Spanish, per crate, \$2.00; Michigan, red or yellow, 3c per lb.
CELERY—California, 40@75c.
NAVY BEANS—Per bu., \$2.15.
FRUITS.
APPLES—Ben Davis, per bbl., \$4.50;

pecans, large, per lb., 12c; small, 10c; cocoanuts, per cwt., 25; chestnuts, 12c.

HONEY—Per 24-section case, 23.50-23.75,
CIDER—Nehawka, per bbl., 33; New York, 33.50.

HIDES—No. 1 greet, dc, No. 2 green, 5c; No. 1 salted, 8c; No. 2 salted, 7c; No. 1 val caif, 8 to 12½ lbs., 9c; No. 2 veal caif, 12 to 15 lbs., 7c; dry hides, 84-13c; sheep pelts, 25-27c; horse hides, 31.50-22.25.

St. Louis Grain and Provisions.

CORN—Easy; No. 2 cash, 68-3c; July, 80-3c; Norfolk & W. CORN—Easy; No. 2 cash, 68-3c; July, 80-3c; July, 80-3c; December, 80-3c; May, 60-3c; July, 80-3c; December, 67-3c; May, 60-3c; July, 80-3c; July, 80-3c; December, 67-3c; May, 60-3c; July, 80-3c; July, 80-3c; December, 67-3c; May, 60-3c; July, 80-3c; December, 67-3c; May, 60-3c; July, 80-3c; July, 80-3c; December, 67-3c; May, 60-3c; July, 80-3c; December, 67-3c; May 68½c; December, 67½c; May, 69½c; July, 68½c; OATS—Higher; No. 2 cash, 48½c; track, 49@49½c; December, 48½c; May, 47½@48½c; No. 2 white, 51@52c.

RYE—Quiet and unchanged.
FLOUR—Stronger; red winter patents, 33.90%40; extra fancy and straight, \$3.40% 3.60; clear, \$3.10@3.25.

SEED—Timothy, nominal at \$6.00@6.30.
CORNMEAL—Steady at \$3.25.
BRAN—Dull and easy; sacked, cast track, 41.00@15.00; prairie, scarce and strong at \$14.00@15.00; prairie, scarce and strong at \$14.00.
PROVISIONS—Pork, firmer; jobbing, \$16.15. Lard, higher at \$9.60. Dry salt meats, quiet but stronger; (boxed), extra short and clear ribs, \$3.50; clear sides, \$3.50.
Bacon, quiet but stronger; (boxed), extra shorts and clear ribs, \$9.37½; clear sides, \$5.624.
WHISKY—Steady \$1.32

shorts and clear ribs, \$9.37\frac{1}{2}; clear sides, \$9.52\frac{1}{2}, \$9.52\frac{1}{2}, \$1.32. \$\$ WHISKY—Steady, \$1.32. \$\$ IRON COTTON TIES—\$6c. \$\$ BAGGING—5\frac{1}{2}\text{(64}\text{(64}\text{(c)}, \$1.32. \$\$ HEMP TWINE—\$6c. \$\$ METALS—Lead, nominal at \$3.95. \$\$ Spelter, easier at \$4.10. \$\$ POULTRY — Steady; chickens, old, \$c; young, \$6c; turkeys, \$\frac{1}{2}\text{(c)} c; ducks, \$6\text{(67}\text{(c)} c; geese, \$\frac{1}{2}\text{(c)} c. \$\$ BUTTER — Steady; creamery, \$20\text{(25\text{(c)} c)} c; dairy, \$15\text{(250c.} dairy, 15@20c.
EGGS-Steady at 25c.
RECEIPTS-Flour, 9,000 bbls; wheat, 3,-700 bu; corn, 131,000 bu; oats, 43,000 bu.
SHIPMENTS-Flour, 5,000 bbls; wheat, 6,000 bu; corn, 34,000 bu; oats, 32,000 bu.

Liverpool Grain and Provisions. LIVERPOOL, Dec. 23.—WHEAT—Spot, No. 2 red, western, winter, firm, 6s 2d; No. 1 northern, spring, firm, 6s 2½d; No. 1 California, firm, 6s 4d; futures, quiet; March, 6s 3½d; May, 6s 3½d.

CORN—Spot, firm; American mixed, 5s 9½d; futures, quiet; January, 5s 9½d; March, 5s 4½d; May, 5s 4½d.

PEAS—Canadian, strong at 7s.
FLOUR—Firm at 7s 9d.
HOPS—At London (Pacific coast), £3 2s@£3 13s.

HOPS—At London (Pacific coast). £3 38@ £3 13s.

PROVISIONS—Beef, firm; extra Indian mess, 75s 9d. Pork, firm; mess, western, 72s. Lard, dull; American refined in palls, 49s; prime western, in therces, 49s. Hams, short cut, 14 to 16 ibs., dull at 49s 6d. Baccon, quiet; Cumberland cut, 25 to 30 ibs., 43s; short ribs, 16 to 24 ibs., 46s; long clear middles, light, 28 to 34 ibs., 45s 6d; long clear middles, light, 28 to 34 ibs., 45s 6d; long clear middles, heavy, 35 to 40 ibs., 44s; clear beliles, 14 to 16 ibs., 53s 6d. Shoulders, square, 11 to 13 ibs., 42s 6d. Shoulders, 6d; American finest colored, 47s.

Kansas City Grain and Provisions. Kansas City Grain and Provisions.

KANSAS CITY, Dec. 22.—WHEAT—May, 801-sc. cash. No. 2 hard, 761-6781-5c; No. 3, 761-677c; No. 2 red. 871-688c; No. 3, 851-66 Sol-c No. 2 spring, 740-5c; No. 2, 736741-5c; CORN—December, 688-sc; January 811-68 Sol-c; May, 681-5c; cash, No. 2 mixed, 671-66 Sol-c; No. 2 white, 684-c; No. 3, 671-686-c. CATS—No. 2 white, 483-664-5c. RYE—No. 2, 866c. RYE—No. 2, 866c. HAY—Choice timothy, \$13.50; choice prairie, \$13.75614-60. BUTTER—Creamery, 18622c; dainy, fancy, 186.

BUTTER-Creamery, 18322c; dairy, fancy, 18c.

EGGS-3c lower on 'change on expected heavy receipts; fresh Missouri and Kansas stock, 22c doz. loss off, cases returned; country, held 16c.

RECEIPTS-Wheat, 45,600 bu.; corn, 181,-600 bu.; oats, 29,000 bu.

SHIPMENTS-Wheat, 21,600 bu.; corn, 49,600 bu.; oats, 10,000 bu.

Milwaukee Grain Market.

pfled by the New York produce exchange, is: Wheat, 58,885,000 bu., decrease 551,000 bu.; corn, 11,131,000 bu., decrease 56,000 bu.; cots, 5,29,000 bu, decrease 53,000 bu.; tye. 2,569,000 bu., decrease 78,000 bu.; barley, 2,044,000 bu., decrease 803,000 bu.

Philadelphia Produce Market. Philadelphia Produce Market.

PHILADELPHIA, Dec. 23.—BUTTER—
Firm, fair demand; fancy western creamery, 251-628c; fancy nearby prints, 29c.

EGGS—2c lower; fresh nearby and western, 30c; fresh southwestern, 29c; fresh
southern, 28c.

CHEESE—Firm; fair demand; New York
full creams, fancy, small, lic; New York
fair to choice, 26104c.

Toledo Grain and Seed. TOLEDO, Dec. 23.—WHEAT—Strong, active; cash and December, 884c; May, 884c; CORN—Dull; December, 68c; May, 68c, OATS—Dull; December, 464c; May, 47c, SEEDS—Clover, December, \$6.674; May, 65

Elgin Butter Market. ELGIN, Ill., Dec. 23.—There were no reg-ular sales of butter on the Board of Trade today. The market was declared firm at 24%c.

MOVEMENTS OF STOCKS AND BONDS. Beet Sugar Looms Up as Giant Against

the Trust.

NEW YORK, Dec. 23.—Today's stock market took on the tone of the holiday dullness and the volume of dealings fell away to little over 500,000 shares, of which a large proportion was in Sugar. The fluctuations in the general market were not of great importance outside of Susar. The deep cut of 25 points made by the American Sugar Refining company in the price of refined sugar, thus underbidding their principal competitor, caused discussion of the probability of a resumption of a war in the trade, but much attention was also given assertions of the threat of competition growing out of the great increased production of beet sugar and the low price at which that product is selling in Europe. Only twice during the day did Sugar rally as much as a point to interrupt its persistent downward movement. The final prices was the lowest and 6% below Saturday's closing. The previous low record for this year was broken at 112%. Today's final price was 1994. Amalgamated Copper maintained its more stable tone. The stock's net loss is %c. There was some continued disorder in the metal markets in London, which was reflected in a 3-point decline in National Lead preferred here, the common stock also losing a point. The firmness in the coalers was due to the urgent character of the demand for coal. The probability that money rates will not relax until some time after January 1. repressed speculation. The unprecedented holiday trade is making a large local demand for cash. Bonds were but moderately active today and irregular. Total sales, par value, \$2,-705,000. United States 3s, registered, and the new 4s declined 's per cent on the last call.

Commercial Advertiser's London financial cablegram says: American stocks were the Trust. all. Commercial Advertiser's London financial

Commercial Advertiser's London financial cablegram says; American stocks were inactive and duli till New York promoted a slight show of activity in the coalers, with Erie and Reading leading. The close was cheerful and at the top. Rio Tintos touched 40% and Copper 47 the ton; Paris exchange is 25.17%, Berlin 20.40%.

The following are the closing prices on the New York Stock exchange: 2 cars. leady market, with the demand. There the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of the country based in factor of light of scales of light of the country based in factor of light of scales of light of the country based in factor of light of scales of light of the country based in factor of light of light of the country based in factor of light of

Offered. New York Money Market.

NEW YORK, Dec. 23.—MONEY—On call, firm at 46814 per cent; closing asked 4 per cent; prime mercantile paper, 56514 per cent.

STERLING EXCHANGE—Steady, with actual business in bankers' bills at \$4.87%, for demand and at \$4.83464.83% for sixty days; posted rates, \$4.8464.84%; commercial bills, \$4.874.

SILVER—Bar, 5514c; Mexican dollars, 3346. BONDS-Government, weak; state, inactive; railroad, irregular.
The closing quotations on bonds are as

Boston Stock Guotations. BOSTON, Dev. 23.—Call loans, 425 per cent; time loans, 4525 per cent. Official closing: Atchison 4s. 102 Amalgamated
Gas 1s. 8t Baltic
Mex. Central 4s. 80 Bingham
N. E. G. & C. 58 Cal & Hecia
Atchison 77% Centennial
do pfd 109% Copper Range
Boston & A. 250 Franklin
Boston & M. 250 Franklin
Boston & M. 191 Isle Royale
N. Y. N. H. & H. 20% Mohawk
Fitchburg pfd 144 Old Dominion
Union Pacific 101% Osceola
Mex. Central 24% Quincy
Amer. Sugar. 109% Sainta Fe Cop.
Amer. T. & T. 161% Tamarack
Dom. I. & S. 24% Trimountain
Gen. Electric 28% Trinity
Mass. Electric 28% Trinity
Mass. Electric 28% United States
do pfd. 30
United Fruit 34 Victoria
Adventure 15 Winona
Allouez 2½ United States

Milwaukee Grain Market.

LONDON, Dec. 23.—Money was firm to day. Discounts were easy. Business on the Stock exchange was poor. The most prominent feature was the weakness of Argentines and Chilians. Other South Argentines and Indian Indian Indian Indian Indian Indian Indian In

and the Chilian securities in London. The closing was dull. Exchange on London. Jorn 35-prigs. for checks. Discount rates, short bills, 3 per cent; three months' bills, short bills, 3 per cent; three months bills, 3 per cent.

PARIS, Dec. 22.—Prices on the bourse today were unfavorably affected by the unsatisfactory Argentine-Chilian news. Argentines were freely offered and declined sharply. Brazilians dropped in sympathy. Bentes suffered, owing to realizations. Russian collieries made a substantial recovery. Sosnovice was in particular favor. Thomson-Houston continued in good demand. Metropolitans were calm. Banks declined, notably Banque de Paris, in consequence of their connection with South American stocks. Rio tintos were flat, due to the fall in copper. De Beers were maintained. The private rate of discount. Exchange on London, 25f 175c for checks. Spanish 4s, 75.50.

London Stock Quotations. LONDON, Dec. 23.-4 p. m.-Closing:

Cons. money 94 11-16 N. & W. pfd.
do account. 94 3-16 No. Paetific pfd.
Anaconda 54 Ontario & W.
Atchison 809 Pennsylvania
do pfd. 1034 Reading
Bal. & Ohio. 105 do 2d pfd.
Canadian Pac. 1164 do 2d pfd.
Ches & Ohio. 474 So. Railway
Chicago G. W. 2445
C. M. & St. P. 1844
Denver & R. G. 454 Union Paetific
do pfd. 4644 do pfd.
Erie ist pfd. 74 y U. S. Steel
Illinois Central 1424 do pfd. Atchison
do pfd.
Bal. & Ohio.
Canadian Pac
Ches. & Ohio.
Chicago G. W.
C. M. & St. P.
Denver & R. G.
do pfd.
Erie ist pfd.
Illinois Central.
L. & N. 74% U. S. Steel 142% do pfd. 108% Wabash 26 do pfd. 51% Spanish 4s. 171 Rand Mines 57% DeBeers

BAR SILVER-Quiet at 2514d per ounce. MONEY-314:04 per cent. The rate of discount in the open market for short and three months' bills is 314 per cent.

Bank Clearings.

OMAHA. Dec. 23.—Bank clearings today, \$1,265,523.44; corresponding day last year, \$1,181,681.17; increase, \$83,940.27; CINCINNATI. Dec. 23.—Money at 4½% 6 per cent, New York exchange at par; clearings, \$4,483,000. BOSTON. Dec. 23.—Clearings, \$16,446,876; balances, \$1,500,000. CHICAGO, Dec. 23.—Clearings, \$32,907,241; balances, \$2,607,794; posted exchange, \$4,84% 4.88; New York exchange, 29c premium. BALTIMORE, Dec. 23.—Clearings, \$3,271,195; balances, \$476,912; money, 6 per cent. PHILADEL.PHIA. Dec. 23.—Clearings, \$16,887,027; balances, \$2,296,752; money, 5 per cent. ST. LOUIS, Dec. 23.—Clearings, \$10,207,-452; balances, \$980,996; money, quieter, 4%@ 5½ per cent; New York exchange, 10c premium.

Cotton Market.

Cotton Market.

LIVERPOOL, Dec. 23.—COTTON—Spot, moderate demand; prices steady; American middling, 421-32d. The sales of the day were 8,000 bales, of which 500 were for speculation and export and included 1,800 American. Receipts, 25,000 bales, including 29,500 American. Receipts, 25,000 bales, including 29,500 American middling, g. o. c., 48-64d, sellers; December and January, 43-64d, sellers; December and January, 43-64d, sellers; March and April, 43-64d, sellers; April and May, 435-64d, 36-64d, buyers; May and June, 435-64d, June and July, 435-64d, 345-64d, sellers; July and August, 435-64d, 345-64d, sellers; August and September, 430-64d, sellers; May and June, 431-64d, buyers.

NEW YORK, Dec. 23.—COTTON—Spot closed quiet; middling uplands, 8916c; middling gulf lands, 813-16c; sales, 5,100 bales, Futures closed very steady; December, 8,19c; January, 8,29c; February, 8,23c; March, 8,29c; April, 8,33c; May, 8,35c; June, 8,36c; July, 8,37c; August, 8,27c.

ST. LOUIS, Dec. 23.—COTTON—Firm and 1-16c higher; sales, 300 bales; middling, 51-16c; receipts, 2,282 bales; shipments, 2,49 bales; stock, 51,256 bales.

GALVESTON, Tex., Dec. 22.—COTTON—Firm at 81-16c.

NEW ORLEANS, Dec. 22.—COTTON—Firm at 81-16c; good middling, 711-16c; good middling, 711-16c; middling, 71-16c; good middling, 711-16c; middling, 71-16c; good middling, 711-16c; middling, 71-16c; good middling, 89c; middling, 89c; middling, 71-16c; good middling, 89c; middling, 89

WASHINGTON, Dec. 23.—Today's statement of the treasury balances in the general fund, exclusive of the \$150,000,000 gold reserve in the division of redemption, shows: Available cash balances, \$170,904.324; gold, \$114.113.380.

Sugar Market.

NEW ORLEANS, Dec. 23.—SUGAR—Quief and easier; open kettle. 2 9-16c; open kettle. centrifugal. 3634c; centrifugal granulated. 44,564 3-16c; whites. 3 11-16634c; yellow. 34,634c; second. 2634c. Molasses. quiet; open kettle. 18631c; centrifugal. 176 21c; syrup. steady. 20,625c.

NEW YORK. Dec. 23.—SUGAR—Raw. easy; fair refining. 3 3-16c; centrifugal. 96 test. 3 21-32c; molasses sugar. 2 15-16c; refined. weak; No. 6, 4.05c; No. 7, 2.95c; No. 8, 3.86c; No. 9, 3.80c; No. 10, 3.75c; No. 11, 3.70c; No. 12, 3.70c; No. 13, 3.65c; No. 14, 2.65c; standard A. 4.45c; confectioners A. 4.45c; mould A. 5c; cut leaf. 5.15c; crushed. 5.15c; powdered. 4.75c; granulated. 4.65c; cubes. 4.20c.

Oil and Rosin.

OIL CITY, Dec. 23.—OII.—Credit balances, \$1.15; certificates, no bid; shipments, 179,-551 bbls., average 92,798 bbls.; runs, 119,511 bbls., average 79,867 bbls.

NEW YORK, Dec. 23.—OII.—Cottonseed, dull; prime yellow, 396394c. Petroleum, dull. Rosin, steady. Turpentine, steady. 3567354.c.
TOLEDO, Dec. 23.—OIL—North Lima, 85c;
South Lima and Indiana, 80c.
SAVANNAH, Ga., Dec. 23.—Spirits turpentine, firm, 363.c. Rosin, firm.

Dry Goods Market.

NEW YORK, Dec. 22.—DRY GOODS—There has been no change for cotten goods today. Business has been on a quiet scale with a number of bids turned down by sellers. Brown sheetings and drills are firm; bleached cottons tend upward; coarse colored cottons scarce, in good makes, and against buyers. Demand for prints and glinghams quiet, but market well sold and firm price. Cotton hosiery, quiet; underwear in moderate demand.

Evaporated and Dried Fruits. NEW YORK, Dec. 23.—EVAPORATED APPLES—The market for evaporated apples ruled quiet and steady; state, common to good, 608½c; prime, 909½c; choice, 9½.409½c; fancy, 10010½c.
CALIFORNÍA DRIED FRUITS—Dull and unchanged; prunes, 3½.7c; apricots, Royal 14c, Moor Park 9½013c. Peaches, peeled, 12013c; unpeeled, 7010½c.

Coffee Market. NEW YORK, Dec. 23.—COFFEE—Spot Rio quiet, unchanged; futures opened steady in tone, at a decline of 5 to 10 points. The market was finally steady at a net decline of 5 to 15 points; sales in-cluded January at 6.5566.60c; March at 6.75c; May at 6.9567c; August at 7.25c; Sep-tember at 7.35c; October at 7.40c; Novem-ber at 7.4567.50c.

Bid Heavy for Stock Exchange Seats. NEW YORK, Dec. 23.—It was reported today in Wall street that bids of \$77,500 were made for seats on the stock exchange, of which five are understood to be for sale at the present time. No sale was reported, but an offer of one seat was made at \$80,000. The sale of one seat on Saturday at \$75,000 was the record price.

Wool Market. ST. LOUIS, Dec. 23.—WOOL—Firm, in demand; medium grades, 13%17c; light fine, 12%475c; heavy fine, 10%12c; tub washed, 14%24c.

New York Live Stock Market.

Date. | 1901. |1900. |1899. |1898. |1897. |1896 |1895. | | Date | 1901 | 1900 | 1899 | 1897 | 1896 | 1895 | 1895 | 1897 | 1896 | 1895 | 1895 | 1897 | 1896 | 1895 | 1895 | 1895 | 1896 | 1895 | 1895 | 1895 | 1896 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 | 1895 |

* Indicates Sunday.

The official number of cars of stock brought in today by each road was: Roads. Cattle C., M. & St. P. Ry... 3 Mo. Pac. Ry.... 1 Union Pacific System 19

Total receipts....102 The disposition of the day's receipts was as follows, each buyer purchasing the number of head indicated: Cattle. Hogs, Sheep.

1,771 2,577 2,870

BEEF STEERS.

BEEF STEERS.

AV. Pr. No. AV. Pr. 830 3 10 20 1022 4 65 545 3 10 21 1070 4 15 866 8 25 6 1080 4 35 1100 3 7 1150 4 35 1100 3 7 1150 4 35 1100 3 7 1150 4 35 1000 3 90 40 1031 4 85 1062 4 00 21 1200 4 85 870 4 00 14 1153 5 80 8TEERS AND HEIFERS. 1015 4 00 STEERS AND COWS. .1017 3 65 COWS.

. 185 5 50 STOCK CALVES. 130 5 50 110 6 00 STAGS. STOCKERS AND FEEDERS

bills, ourse the lews Cattle Changed Hards Rather Slowly and Tendency of Prices Downward.

Tendency of Prices Stown State Color.

Tendency of Prices Stown State Stown.

Tendency of Prices Stown Stown.

Tendency

86. 218 40 6 65 47. 350 120 6 45

SHEEP—Only about three cars of sheep arrived this morning, with the exception of a string of over 1.900 head of feeder wethers which were driven in. The fat stuff did not move any too freely, as would naturally be expected during the holiday season. Besides that, packers claimed that prices are higher at this point than on any other market in the country. For that reason they were a little slow about taking hold, but still they paid about steady prices as compared with the close of last week.

The feeder wethers sold at \$2.80, which was pronounced fully steady with recent sales.

saics.
Quotations: Choice lightweight yearlings, \$4.094.25; good to choice medium weight yearlings, \$3.759.4.00; fair to good yearlings, \$3.5093.75; choice wethers, \$3.0094.00; fair to good wethers, \$3.3093.50; choice ewes, \$1.009.2.00; and the said of the s

cull ewes..... cull ewes. native ewes. Colorado-Méxican ewes.... | 12 Colorado-Mexican ewes | 82 | 32 native ew s | 85 | 1982 feeder wethers | 101 | 68 native ewes | 133 | 11 native eves | 129 | 27 cull lambs | 66 | 12 native wethers | 131 | 15 native lambs | 76 | 289 Colorado-Mexican lambs | 61 | 4 native lambs | 192 | 192 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 193 | 1

CHICAGO LIVE STOCK MARKET.

seedthe to to to to to to medium. \$2.8095.00; canners. \$1.0092.00; balks. \$1.5095.50; calves, \$2.3096.00; Texas fed mixed steady; heavy shade lower; mixed and butchers. \$3.0096.20; cook. \$1.0096.20; balks. \$1.5095.75; bulk of sales. \$5.8096.25; sales to to to the repeal of section. \$1.0096.25; balks. \$1.5095.75; bulk of sales. \$5.8096.25; balks. \$1.5095.75; bulk of sales. \$1.5096.25; balks. \$1.5095.75; bulk of sales. \$1.5096.25; balks. \$1.5095.75; bulk of sales. \$1.5096.25; balks. \$1

42 50g 5.00.
Official Saturday:
RECEIPTS—Cattle, 1,010 head; hogs, 24,568 head; sheep, 1,064 head.
SHIPMENTS—Cattle, 1,306 head; hogs, 627 head; sheep, 1,810 head.

Kansas City Live Stock Market. Kansas City Live Stock Market,

KANSAS CITY, Dec. 23.—CATTLE—Receipts, 2,500 natives, 600 Texans, 160 caives,
Market steady; choice export and dressed beef steers, \$5.75\(\alpha\),505; fair to good, \$4.75\(\alpha\),585; stockers and feeders, \$2.55\(\alpha\),425; western fed steers, \$4.50\(\alpha\),575; western range steers, \$3.50\(\alpha\),50; Texas and Indian steers, \$2.75\(\alpha\),450; Texas cows, \$2.25\(\alpha\),525; calles, \$4.5\(\alpha\),525; calles, \$4.25\(\alpha\),525; calles, \$4.25\(\alpha\),525; calles, \$4.25\(\alpha\),525; calles, \$4.25\(\alpha\),525; calles, \$4.25\(\alpha\),525; bulk of sales, \$4.70\(\alpha\),525; calles, \$5.50\(\alpha\),535; hixed packers, \$5.56\(\alpha\),635; heavy, \$6.40\(\alpha\),530; mixed packers, \$5.56\(\alpha\),635; heavy, \$6.40\(\alpha\),530; head. Market 10\(\alpha\),500.

SHEEP AND LAMBS — Receipts, 300 head. Market 10\(\alpha\),50; higher; fed lambs, \$4.00\(\alpha\),530; fed wethers, \$3.50\(\alpha\),425; yearlings, \$2.75\(\alpha\),450; ewes, \$2.96\(\alpha\),35; culls and feeders, \$1.50\(\alpha\),50.

St. Joseph Live Stock Market.

ST. JOSEPH. Dec. 23.—CATTLE—Receipts, 1.50e head. Market steady to strong; natives, \$3.0907.00; cows and helfers, \$1.0005.00; veals, \$2.5005.25; stockers and feeders, \$2.0007.400.

HOGS—Receipts, 7,000 head; best strong to 5c higher, others steady; light and light mixed, \$5.5006.50; heavy, \$6.0006.55; plgs, \$6.5006.76.

SHEEP AND LAMBS—Receipts, 300 head; best steady; others unevenly lower. Stock in Sight.

The following table shows the receipts of cattle, hogs and sheep at the five principal markets for December 23:

Cattle, Hogs. Sheep.

South Omaha 2.673 8.728 2.623
Chicago 17.309 40.000 20.000
Kansas City 3.100 9.000 3.00
St. Louis 1.100 7.000 1.500
St. Joseph 1.500 7.000 300 | Cattle | Cattle | South Omaha | 2,673 | Chlcago | 17,399 | Kansas City | 3,190 | St. Louis | 1,190 | St. Joseph | 1,599 |

SUPREME COURT SYLLABI

No. 16665. Piano Manufacturing company against Nordstrom. Error from Saunders. Affirmed. Hastings, C., division No. 1. Reported.

1. A general appearance in justice court without further objection, after the overruling of a special appearance and motion to quash service of summons on its agents, by a foreign corporation, confers jurisdiction on the justice to render judgment against it and also on the district court on appeal.

2. On appeal the amount of damages claimed on the same cause of action may be increased, if not beyond the jurisdiction of the lower court.

3. Principal is bound by the acts of an agent within the limit of his apparent authority, if the other party has no reason to question his authority.

4. Principal can not retain the fruits of an agent's contract and repudiate the agreement itself.

No. 16666 Stull against Seymour. Appeal from Buffalo. Affirmed. Sullivan, J.

1. The notice required for the sale of land upon execution or order of sale need not contain a statement of the amount due upon the judgment or decree to the satisfaction of which the sale is to be made.

2. The notice required for the sale of land upon execution or order of sale need not contain a statement of the amount due upon the judgment or decree to the satisfaction of which the sale is to be made.

2. The notice of sale required to be given by section 497 of the Code of Civil Procedure is sufficient if it describes the property about to be sold with reasonable certainty. Pearson against Badger Lumber company, 69 Neb. 167.

3. A failing to comply literally with all the provisions of the law relating to the sale of real property upon execution or order of sale will not justify a court in denying a motion for confirmation where it is evident that such failure was not prejudicial to the rights of the defendant No. 1666. Phillips against Hogue. Error from Sherman. Reversed, with directions. Duffie, C. Division No. 3. Reported.

1. A mere naked promise to pay an existing debt out of a particular fund, unaccom-

panied by any words of transfer or the giving of any power or authority over the fund, does not operate either to create a lien thereon or to work an equitable assignment thereof.

2. The attorney for a defendant in as action in which the plaintiff has caused funds in the hands of a third party to be surnished, is not entitled to an attorney and on the fund so garnished to secure his fea for services performed in the case.

3. L intervened in an action between and H, claiming to be entitled to certain moneys attached in said action and paid into court, by reason of a lien thereon, and also because of a claimed equitable assignment thereof to him by the defendant prior to the attachment of the fund. Prior to the attachment of the fund. Prior to his intervention judgment on the merits had been entered in the action in favor of the plaintiff therein, but no order had been made disposing of the money attached in the case and then in the hands of the court. Held, that even if L had a right to intervene after a trial on the merits he could not in the absence of a showing that he had a lien on the fund, or that the same had been assigned to him before the service of the attachment, be admitted in the proceedings leading up to its entry.

No. 16679. Brewn against Hotel Association of Omaha. Appeal from Douglas, Reversed, with directions to dismiss intervenor's petition. Pound, C. Division No. 2. Reported.

1. A pledgor may assign his interest in the thing pledged to a third person and the assignee, at least where the pledges has notice of the assignment, succeeds to all the rights of the pledgor in the property or against the pledge.

2. Where stock is pledged by delivery of the certificates, without power of attorney authorizing a transfer only by a parchaser who has acquired title to the stock by a valid sale.

3. In foreclosure proceedings to obtain judicial sale of pledged stock a third per-

make such a transfer only by a parchaser who has acquired title to the stock by a valid sale.

3. In foreclosure proceedings to obtain judicial sale of pledged stock a third person, to whom the pledger has assigned all his interest with the knowledge of the pledges, is a necessary party and a sale under decree in a suit to which he is not a party passes no title.

No. 19673. Donahue against Potter & George Co. Error from Sarpy. Affirmed. Hastings, C. Division No. 1. Reported.

1. To obtain a review of the action of a trial court on an application to continuous the affidavits on which it was heard must be made a part of the bill of exceptions.

2. A duly executed option contract for the sale of real estate, otherwise unobjection-able, when accepted and the price tendered by the party to whom it was made within the time stipulated and before withdrawal is enforcible.

No. 10709. Vansyon against Free Water Cemetery Association. Error from Harlan. Reversed and remanded. Day, C. Division No. 1. Reported.

1. When a certificate of the clerk of the district court attached to the record certifies "that the above and foregoing is the original bill of exceptions, also a true and perfect transcript of the record in the above entitled cause, as the same is on alle and of record in my office," is a sufficient authentication.

2. A petition which alleges that defendant

perfect transcript of the record in the above entitled cause, as the same is on file and of record in my office," is a sufficient authentication.

2 A petition which alleges that defendant set out a fire on his premises, that it spread to plaintiff's premises and damaged plaintiff, without an allegation of facts showing negligence on the part of defendant, does not state a cause of action.

3 The law does not presume negligence; he who relies upon the want of ordinary care as the basis of a cause of action must plead and prove it.

No. 19715. Darr against Spencer. Appeal from Dawson. Affirmed. Sullivan, J.

1 The owner and holder of a real estate mortgage acquired by purchase and assignment succeeds to all the rights of his assignor and may, where he has been guilty of no inequitable conduct making redemption difficult or the propriety of it doubtful, maintain an action to foreclose at any time after condition broken.

2 One who in good faith buys a mortgage in the open market may enforce it by action, although aware at the time of the purchase that the mortgagor was being embarrassed in making redemption by reason of the fraud of a third person.

No. 19736. Kuker against Beindorff. Error from Douglas. Affirmed. Sullivan, J.

1. The records of inferior courts must affirmatively show that such courts have acted within the scope of their authority.

2 Jurisdictional facts will not be presumed in order to sustain the Judgments of inferior courts, but when it appears that jurisdiction has once attached the presumption that the subsequent proceedings were regular will be indulged until the contrary is shown.

3 The statute, not requiring a justice of the peace to enter upon his docket the hour when an order of adjournment is made, where furisdiction has attached, it will be presumed that such order was made at the proper time.

4 This court is not authorized to look beyond the transcript and bill of exceptions for evidence of what transpired at the trial, for all edd to state in its docket that a writ of attachment



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or face. Treatment contains to dangerous drugs or injurious medicine.

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