CLUB BATTING

CLUB FIELDING.

Coursing at St. Louis.

New York Horse Show.

SUPREME COURT SYLLABI.

12160. Cleland against Anderson. Error from Dawson. Judgment. Pound, C. Divi-sion No. 2. 1. Chapter xcia, Compiled Statutes for

1. Chapter xcia, Complied Statutes 10: 1901, does not grant to any individual spe-cial or exclusive privileges or immunities within the inhibition of section 15, article ili, of the constitution, and is not special legislation within the meaning of eald sec-

Section 11, article iii, of the constitution

ipon and collects from wholesale dealers a penalty in case they made sales to con-sumers directly or to retail dealers not eligible to membership in the association,

Compiled Statutes.

4. Under the provisions of section I, chapter xcia, Compiled Statutes, the number of dealers who engage in such unlawful combination and the proportion they bear to the whole number of dealers in the same trade is not material.

5. A dealer who is injured in any way by such an unlawful combination may bring such an unlawful combination may bring

thorized by the association as a whole or

When a claim against one state is al-lowed in part by the auditor, if the claim-ant accepts a warrant drawn for the part

allowed he thereby walves his right of ap

peal. 12670. Fruide against State. Error from Polk. Reversed, Oldham, C. Division No.

1. In a prosecution for selling intoxicating liquors in violation of section II, chapter I, Compiled Statutes of Nebraska, the fact that the defendant kept in his place of business a United States internal revenue stamp, commonly called a government license, for the sale of intoxicating liquors, way he received in avidence as a circum-

under section 1, chapter xers

Colorado Springs Denver Kansas City Des Moines

Des Morne Milwaukee

Omaha St. Joseph Peorla

Kansas City

Omaha .... St. Joseph

St. Joseph .... Colo, Springs

Omaha ..... 3797 Kansas City . 3657

coria.

J. L. McKenna Discovers a Solid Seven-Foot Vein of Quartz.

SEVERAL OTHER RICH FINDS MADE

Figures on the Output of the Dis trict Show a Total of Nearly One Million Dollars.

Value.

CUSTER CITY, S. D., Nov. 16 .- (Special.) The Turk group of mines, situated on Crow creek, and belonging to J. L. Mc-Kenna, has received its annual assessment work, which has resulted in opening up a solid vein of quartz seven feet in width. This strike was made while drifting from the shaft, which is down fifty-five feet. The ore is a hismuth telluride and carries considerable free gold near the surface. The vein on which the present strike was made has always carried rich ore, but it had never been exposed to such an extent as in the present opening and it looks as though it would grow wider as greater depth is attained.

On the Caledonia group of mines, owned by John Beuter and situated eight miles west from Custer City, the developments recently made have exposed a strong body of ore. This is another of those Southern Hills properties which, although it has produced rich ore for years, and has been looked on as a promising proposition, has had its richness proved only by recent development. There are seven claims in the group, but on none of them have extensive developments been made, the recent work being more in the nature of assessment than anything clae, yet sufficient of this has been done to demonstrate that the ore bodies are very extensive. The rich ore in this group is in the form of a banded quartz, with alternate streaks of iron oxide and more or less decomposed and mineralized hornblend.

### Sample Shows High Assay.

The Red Bird group of claims, situated and the owners were surprised to learn that it went as high as \$200 a ton in gold. How much of this kind of ore there is in the vein they do not know. They will probably build a cabin and make other arrangements for wintering on the ground. E. N. Davis, who has a group of claims on the opposite side of the mountain from the Red Bird group, has a body of similar ore exposed in the workings on his ground which has a group of \$35 a ton gold. ness of the main veins.

## Pepper Group Shows Wealth.

lie between narrow dykes of granite. On the Pepper claim proper there is an eight foot vein which crops out the whole length of the property. Recent work on the ground shows that the vein carries gold in good quantities and that the surface rock yields free gold in the pan. All of the other veins on the Pepper group show good strong veins of tin ore, or black cassiterite, and are rich in the black oxide of tin, but the mining of tin in the Black Hills received a black eye some years ago, and it will be a long time before the setback it received at that time will be forgotten and confidence again restored in the prospects which this section of the Black Hills holds out for tin mining. Custer and Pennington counties, despite the hard blow which was given to their tin interests, contain numerous mines of value which will some day be worked for this metal alone. The Pepper group is owned by J. A. Collins, Chayles Harbach, William Tarrant and William

HILL CITY, S. D., Nov. 16 .- (Special.) --Work on the Maloney Blue Lead, situated and hands. near Sheridan, was resumed last Friday After two years continuous work on this property operations were abandoned temporarily last March for reasons known only C. R. Bell left last night for St. Louis to the board of directors. This is one of where Dr. Lorenz, the eminent Vienna the best developed mines in the Southern physician, will operate upon his daughter Hills and has upon it a vast amount of for dislocated hips. The child has been work which discloses an extensive ore body treated by a number of American aurgeons carrying nickel, copper and gold. There is but without success. Dr. Maghee of Rawone tunnel on the ground 1,835 feet in lins has arranged to have Dr. Lorenz length which was driven as a working tun- perform the operation at one of his clinics. nel and from which the ground has been opened at a vertical depth of over 600 feet. 1,610 feet from the mouth of this tunnel the vein which is exposed in the surface Word from the Sweetwater country says workings of the ground was encountered wolves are doing great damage among and cut by the tunnel. At this place the vein has a width of 118 feet between the walls and the ore carries \$2 in gold, 1.4 one wolf was killed that weighed ninetyper cent nickel and 2 per cent copper. At point a drift was started which follows the course of the vein, and when work ceased last March had been driven 229 feet and assays of the ore taken from the face of the workings show that it is getting richer in copper. This drift will be continued for a distance of about 700 feet further, at which point it is believed that the working will be beneath the point on the vein from which the rich copper ore was taken from near the surface, and when that position is gained a shaft will be sunk to depth of 100 feet. Some of the richest copper ore in the Black Hills has been taken from the surface workings of this mine and there is a vast quantity of it exposed in open cuts and shallow shafts on the mountain above the tunnel, but the management believes that at the depth which the tunnel gives this ore will increase in richosss and be found in greater quantities. The mines are equipped with air compression. The mines are equipped with air compressions. ater level, which will be reached at a the nodations for the men cannot be ex-

commodations for the men cannot be excelled by any camp in the Hills.

Figures on Gold Production.

DEADWOOD, S. D., Nov. 16.—(Special.)

From figures compiled by Major A. J.

Simmons, one of the best posted men on mining matters in the Black Hills, it is shown that for the month of October there were treated in fifteen of the largest plants of the Black Hills 155 088 tons of one from the cannot fool me."

You won't burt me?" said the architect. "Of course not; but keep your eyes shut!"

He opened the dividers until the molt side them lightly on the back of the architect's hand. "Tell me, he said, how many points can you feel?"

One, said the architect. "You can't fool me."

Only one." said the architect. "You can't fool me."

"Open your eyes. You were wrong of were treated in fifteen of the largest plants of the Black Hills 153,089 tons of ore from which was extracted \$706,456 in gold. These figures do not include the output of several of the smaller plants in the southern and northern Hills, nor do they allow for the gold which has been obtained from the cores shipped to outside smelters and treatment plants during the month, which, if waken into account would make the month's oduct almost \$1,000,000.

This production will be increased during | The new kind of General Arthur cigara the winter in both tennage and gold pro- will please you if you care for good cigars.

MINING IN THE BLACK HILLS duction by over 2314 per cent by reason of new plants, now in course of building. According to the annual report of the state mine inspector, Thomas Gregory, submitted to Governor Herreld for the ten Rival Base Ball Leagues Make Counter months ending November 1, 1902, the gold production for that period was \$7,342,227.56. It is conservatively estimated that the production for the twelve months of the year will reach over \$8,755,139, taking the figures for October for a basis,

The average value per ton, as shown by the October figures, is \$4.61.

CLAIM NINETEEN CHILDREN New York Foundling Home Asks Custoday of Mineteen Walfa.

SIOUX FALLS, S. D., Nov. 16 .- (Special.) -Sisters Anna and Angela of a Catholic foundling hospital in New York City, are in Sioux Falls for the purpose of securing possession of nineteen homeless waifs who were a few days ago, at the request of the Roberts county authorities, taken in charge by officers of the South Dakota Childrens' home, in this city and brought to that institution. They were taken from a Catholic home at Sisseton, where they were alleged to have become sick and emaciated from lack of proper food and clothing the sisters who are here claim that the institution which they represent in New York City is the legal guardian of the nineteen children, and that they were placed in the Sisseton institution as a parent would board out a child. It appears that the New York institution paid for the board and clothing of the children and in no manner gave up its claim to them.

### Soldiers with Money to Pay.

HOT SPRINGS, S. D., Nov. 16 .- (Special.) At the recent meeting of the Soldiers Home board it passed a resolution that has its Kansas City club for \$20,000. The Westcaused considerable agitation among the members. But as it was passed by a unanimous vote no partisanship charges enter and the Western league will relinquish into it. They resolved that all members Milwaukee. of the Home whose incomes from all sources exceeds \$12 a month shall pay over to the commandant all such amounts in excess of that amount, taking his receipt on Lame Johnny creek and owned by C. therefor. This money is to be placed in W. Robbins, James Demercau and A. T. the subsistence fund to be turned over Feaby, is another Southern Hills prospect to the state treasurer, who in turn places that is showing up well. A seven-foot vein it to the credit of the incidental fund of of ore carrying a high percentage of ga- the home. It is provided, however, that dena mingled with pyrities of copper, was any member of the home who has one or cut while running an open cut into the side more members of his family dependent of the Mountain. This quality of ore shows upon him and sends the surplus amount clear across the lead, but as yet no test to them shall be exempt from this rule. has been made. A selected sample taken It is said that this rule will affect about From the face of the workings was assayed twenty-three inmates of the home, but and the owners were surprised to learn that they do not seem to be greatly worried it went as high as \$200 a ton in gold. How over it for they say that they have plenty

There is a belt of granite dykes running mention of two aged couples in this state, through this section, while the veins for one having been married fifty-seven years the most part are walled by a formation of and the other sixty years. Not to be outand the other sixty years. Not to be outdone Scotland also has a couple, who have
been married over sixty years, having
celebrated their sixtieth anniversary on
the 22nd of last May. The couple referred
to are Mr. and Mrs. James Denny, now
living with their daughter, Mrs. E. S. Bennett of this city. Mr. Denny is now past
83 years and his wife 75, both hale and
hearty. He has a sister living aged or hornblend and slate. The veins are verti- done Scotland also has a couple, who have cal and well defined, the main veins running been married over sixty years, having northeasterly and southwesterly and are celebrated their sixtleth anniversary on cut by numerous small veins of ore running | the 22nd of last May. The couple referred at nearly right angles to the belt and con- to are Mr. and Mrs. James Denny, now tributing much to the strength and rich- living with their daughter, Mrs. E. S. Benhearty. He has a sister living, aged 97,

SIOUX FALLS, S. D., Nov. 16.—(Special.)

Business men and other residents of Sioux Falls are greatly aroused because of an advance which has been made in local insurance rates. The case of one man will illustrate the rate of increase. He had been carrying insurance to the amount of \$1,000 on his store fixtures and stock, on which he paid a premium of \$12. The policy expired a day or two ago and when he ordered it renewed he was informed that under the new rating of the city the premium would be \$17. It is claimed that increases of from 50 to 100 per cent are SIOUX FALLS, S. D., Nov. 16 .- (Special.) quite numerous throughout the city.

tion, in twenty-eight gained, get a verages the ten men having the highest averages for that position.

In individual batting the ten best show-

# Loses Season's Crop.

YANKTON, S. D., Nov. 16.—(Special.)—
The ourn and granary of Mrs. John Hack of Jamesville, this county, burned Thursday night. Three hundred bushels of wheat and 1,000 bushels of oats were destroyed. The fire was caused by the accidental overturning of a lantern, a colt kicking it over while the boy who was doing the chores was in the hay loft. He discovered the fire in time to turn the horeacters. was in the hay loft. He discovered the men making the best averages are: fire in time to turn the horses out but he

stock there. The animals travel in droves and it is difficult to hunt them. Recently

### three pounds. HE PELT THE SECOND TOUCH.

First Was an Experiment, the Other

for Coin. man who is always embarrassed financially, but in no other wise, dropped into the office of his friend, the architect, and made himself at home with a lean on the drawing board, relates the New York Tribune. He picked up a pair of compasses and toyed with them with seeming aimleseness.

"George, I want to try an experiment on the sense of touch," he said so suddenly that the architect made a blot on his draw-

"You won't hurt me?" said the architect.
"Of course not; but keep your eyes ahut:"

Lempke, C. S.-De Jones, Colorado S Brown, Omaha Alloway, Omaha Maupin, St. Jose Nichols, Kansas

Propositions for Settlement.

NEITHER APPROACHES OTHER'S POSITION

American Offers One Thing and Western Another as Basis for Proposed Arbitration by National Board.

CHICAGO, Nov. 16 .- Representatives of the American association and the Western | league base ball clubs met here foday to try to effect a settlement of the warfare that has existed for the last year between the two organizations. Very little progress was made today and unless both sides agree to further concessions no agreement will be reached.

Separate meetings were held by each league and two propositions were agreed to and submitted to a board of arbitration, to and submitted to a board of arbitration, Denver composed of members of the National As- Des Moines. sociation of Base Ball Leagues. This committee will meet here tomorrow morning to consider the propositions.

The American association in its first proposition suggests that both leagues retain their clubs in Kansas City and Milwaukee without a conflicting schedule. In its second proposition it asks the Western league to withdraw from Milwaukee and Kansas City and in return for this concession Van Brunt of the Western league will be given a half interest in the Kansas City American association club. In its communication to the arbitration ommittee, the Western league stated that it refused to sell out in Kansas City and

# WESTERN LEAGUE STATISTICS

proposed that the American association sell

ern league's second proposition is that the

American association give up Kansas City

Denver Leads in Batting, Omaha in Fielding and Kansas City Second in Both.

President Sexton of the Western league has compiled the statistics of the Western league, showing the batting and fielding averages of all players who took part in ten or more games during the season of 1902. A glance at the batting averages shows that just fifteen players reached the coveted 300 mark or went beyond it, and five of this number played in less than fifty games. Omaha, though winning second place in the most terrific race ever made for a pennant in the Western league, if not in any other, lands but two men.

Wright took part in only sixteen games and has a record of 297. He covered first base for Omaha during the windup of the

Recent developments on the Pepper group of claims, situated about three miles east from Custer City, disclose the fact that there is a belt of mines of great value in that locality. There are four claims in this group, running north and south on a high divide, and the veins which there is a belt with the magnificent fielding record of 951.

Big Raise in Insurance Raies.

SIOUX FALLS, S. D., Nov. 15.—(Special.)

Gs. PO. A. E. TC. es 37 403 15 4 442 . 16 181 9 2 192 . 55 554 31 10 595 Among second basemen the ten leaders n'individual fielding are:

Among third basemen the ten leaders in individual fielding are:

G8. PO. A. E. TC.

Hall, St. Joseph. 31 36 33 72

Rohe, St. Joseph. 119 181 284 25 470

O'Brien, Milwaukee 20 27 44 4 75

Dundon, Denver 124 291 291 37 529

Cockman, Milwaukee 87 125 177 24 226

Tibald, Peoria. 131 185 276 31 562

Jacobs, K. C. 38 42 43 8 94

Granville, C. S. 137 165 239 42 450

Genins, Omaha. 28 30 87 13 130

Burg, Mil.-Om.-D. M.113 138 220 54 412

The ten shortstops with the long reco The ten shortstops with the long records

Gs. P.O. A. E. TC. 1

Hollingsworth, C. S. 110 225 335 44 804 
O'Leary, D. M. 139 366 444 66 876 
Dolan, Omeha 132 317 364 57 758 
Radcliff, Denver 125 201 452 54 707 
Hall, St. J.-Peoria 115 256 331 50 637 
Shannon, K. C. 128 366 391 66 761 
Maher, St. Joseph 110 231 321 53 805 
Gatins, Milwaukee 141 370 408 75 853 
Mahoney, Peoria 14 33 39 12 84 
Croft, Peorla 16 16 14 6 36 In the list of fielders the first ten names Miller, Kansas City, 51 88 Chark, Des Moines...115 247 Garvin, St. Joseph...76 116 Webster, Denver.....17 29 Duffy, Milwaukee...140 362 Stone (If). Omaha...128 261 Nelson, St. Joseph...127 237 Morrison, Des Moines 11 25 Gs. PO.

Adkins, Milwaukee.

Webster, Denver. 17 28
Duffy, Milwankee 140 302
Stone (If), Omaha 128 261
Nelson, St. Joseph 127 237
Morrison, Des Moines 11 25
McVicker, Mil. 137 288
Jones, Denver. 137 282 The catchers with the ten high averages: Lohbecs, K. C. 11: Messitt, K. C. 11: Lucia, Milwaukeelos Hanford, Mil.-P. 56 Wilson, Denver, 83 Lougph 124

stamp. commonly called a government license, for the sale of intoxicating liquors, may be received in evidence as a circumstance tending to show that defendant was engaged in the bustness of selling intoxicating liquors, but for no other purpose; and when such evidence is admitted the defendant should be permitted, if he so offers, to explain his possession of such revenue stamps for any other purpose.

2. In a criminal prosecution where the state relies on the evidence of detectives employed for the purpose of procuring testimony against the accused it is reversible error to instruct the jury that they should give to the testimony of such detectives "the same consideration as to any other testimony in the case, glying it such weight as, considering the nature of the same, their opportunities for knowing the facts of which they testify and their appearance and demeanor on the witness stand, and all the other elements which go to show their credibility, including their interest and bias, and to give their testimony such weight as under all circumstances the same is, in your judgment, entitled to receive."

12206. Sulpho-Saline Bath Co. against Allen. Error from Lancaster. Affirmed. Duffie, C. Division No. 3.

1. The burden is on a bailee for hire to show that property entrusted to his care was lost without negligence on his part.

2. A bailment is for hire, although no direct hire is paid for the bailment where it is a necessary incident of a bustness in which the bailee makes a profit.

3. The federal congress is not authorized to prescribe rules governing the admissibility of evidence in the courts of this state. Among pitchers the ten with the highest fielding Per Av. H. Av. R. Bats on Struck Wild Fielding Men. Balls. Out Pitch, Average. McPherson, Milwaukee, McNeely, Colo. Springs, Gaston, Colo. Springs.

### Following is the record of shutout, lost by one run, ite and extra inning games: HEAVY DECLINE IN STOCKS

General Business in No Way Injured by the

Flutter in Wall Street.

GOOD CROPS PREVENT SERIOUS CRASH Reaction Has Brought Market Nearer to Line of Safety and Provided a

> Check for Reckless Speculators.

NEW YORK, Nov. 16.—(Special.)—Henry Clews, in his weekly market letter, save. Continued liquidation has somewhat improved stock market conditions. Prices have undergone a very remarkable decline compared with the highest of the last two years. Many of the active railroad stocks are now selling 10 to 20 points below top. ngures, and not a few have dropped 20 to 30 points or more. The industrials show still greater losses. It is a source of substantial satisfaction that this very severe contraction has been effected without serious disaster and without imposing any stantial satisfaction that this very severe contraction has been effected without serious disaster and without imposing any check upon the nation's industrial and commercial activities. The latter are apparently going along at an uninterrupted pace, and the extreme spirit of conservatism which has seized upon Wall street does not yet seem to have spread elsewhere. Such sharp declines, however, as those referred to above cannot continue indefinitely without interruption, for as values recede toward the normal the market becomes more easily oversold, and the inducements for buying correspondingly increase. The improvement in the situation has not been entirely confined to the stock market, considerable relief is observed in monetary circles, call money is easier and bank reserves are rising as a result of the forced contraction in loans. Bankers have at last turned a sharp corner in the matter of credits and scant consideration is now given projects that two months ago would have been taken up with avidity. For this change of attitude, which came none too soon, our bank officers deserve full credit, and the indications are that there will be no reversal of this spirit of caution for some time to come. It is fully realized that we have probably escaped a serious crisis through nothing but good luck, or, in other words, through a good harvest. Had the crops been a failure it is unpleasant to think what might have happened, with so many huge commitments hanging over the market at a time of uncontrollable financial ST. LOUIS. Nov. 16.—Despite the heavy rain which fell all day, the coursing at Del-mar race track was continued all day and the second and fourth rounds and finel in the Louisiana Purchase stake for all aged reyhounds were run. Final, Blakeson's Black D. beat Allen D. 'Ilson's Wh. D. Carefoot B., and won Wilson's Wh. D. Carefoot B., and won the stake.

The American Derby, a classic stake for greyhound pupples, was won by Lady Allen, a black titch, owned by C. E. Root of New Richland, Minn., beating Auheuser, Turner & Lawe's Quicksand. NEW YORK, Nov. 18.—The directors of the National Horse Show association tonight tendered their annual luncheon to exhibitors and others interested in the horse show which opens tomorrow. William C. Whitney, one of the directors of the association, made a short speech, and Cornelius Feilows, president of the association, also said a few words of welcome. Many of the horses to be exhibited were shown in the ring. many huge commitments hanging over the market at a time of uncontrollable financial

### Need for Conservatism.

Need for Conservatism.

While the reaction has brought us back nearer to the point of safety, it does not follow by any means that danger is passed. On the contrary, there are very excellent reasons for continued conservatism. The money market is by no means yet in a strong position in spite of the increase in reserves, for trade activity in the interior is likely to make the return currency movement fully six weeks later than usual, and the relief intended by Secretary Shaw's extraordinary treasury disbursements is being largely defeated by continued heavy treasury absorptions through customs payments, while gold exports stare us in the face as soon as interest rates decline. Add to these circumstances the fact that immense sums are still locked up in syndicate operations, therefore we have very plain reasons for not expecting any great immediate improvement in the money market. Either the supply of funds must be increased, which is impossible under our present landequate currency system, or the decrease which seems un-2. Section 11, article iii, of the constitution does not require that amendments made to a bill while under consideration by the legislature be read at large before each house on three different days, but it is sufficient that such amendments be printed, as required by said section, and that the bill, as amended, be adopted by both houses.
3. An association of retail dealers in lumber organized, as stated by its constitution, to prevent its members from being subjected to competition of wholesalers, which requires a fixed stack, continuously carried, to entitle a dealer to membership and levies upon and collects from wholesale dealers ent inadequate currency system, or the demand must decrease, which seems unlikely, or there must be further contraction and liquidation until the country's savings provide a fresh supply of capital with hich to carry out present obligations present it is a simple proposition of having used up the available supply of floating capital and time and retrenchment being cessary for its restoration

### General Situation Satisfactory.

Outside of the money market the situation is fairly satisfactory. There is little oc-casion for concern beyond the fact that high prices are beginning to check new en-terprises and declining profits are cer-tainly becoming more numerous. There is no doubt but that the crest of prosperity's 5. A dealer who is injured in any way by such an unlawful combination may bring an action under section 11, chapter xcia, Compiled Statutes, against the members thereof, or any one or any number of them, to recover his damages.

6. Where the express object of an association of retail dealers is to prevent competition by wholesalers in selling to constitution of retail dealers in the association, the acts of any of its members or of any persons acting in concert with them in endeavoring to prevent or hinder sales by wholesale dealers to a particular retail dealer not eligible to membership, are in furtherance of the common design and may be shown in evidence against all, whether directly participated in or expressly authorized by the association as a whole or wave has been passed and a partial re-action is on, although the volume of busiaction is on, although the volume of busi-ness seems large when measured in dollars. When quantities are used for comparisons the results are not so gratifying. It is most unfortunate that the future should be clouded by the threatened prospect of labor troubles. Should these become more aggravated they might easily impose a serious strain upon our already overloaded. erious strain upon our already overloaded inancial machinery. Labor has already received many concessions in shorter hours and higher wages during the last few years, and a much larger share of corporation earnings has gone to labor in making improvements than to stockholders in the form of increased dividends. The disastrous effects of the late coal strike have not yet been fully felt. The consequences of high-priced fuel will shortly be seen in diminished profits to the producer and high prices to the consumer, whose sentiments rather than his judgment led him to sympathize with the strikers. Some very valuable lessons in economics are being learned just now in the costily school of experience. The future of the stock market depends largely upon the tactics of the big bankers and capitalists who engineered the recent decline, chiefly to bring about a wholesome readjustment of values and incidentally to curb the power of reckless speculators whose operations were a menace to the entire street. The prolonged downward movement has not as yet exhausted itself, when it does a temporary reaction will naturally follow. The market appears to be under a more conservative control, but subject to frequent and wide fluctuations thorized by the association as a whole or not.

7. Evidence of acts and declarations of persons alleged to have been engaged in an unlawful combination in furtherance of its purpose is admissible not only to charge the several persons engaged therein with the consequences of such acts, but also to establish the existence and extent of the combination. If the combination or the participation of one or more of the defendants therein is not shown sufficiently the court should be requested to instruct that the evidence can only be considered against those whose acts or declarations were proved. naturally follow. The market appears to be under a more conservative control, but subject to frequent and wide fluctuations affording hereafter a good chance for trading. It is quite certain, however, that there is no general bull market in sight, simply because the money to conduct it is not available, and the undercurrents in other quarters are still reactionary. I still advise caution in getting into debt

# IN FOREIGN MONEY MARKETS

Conditions in New York Felt in Lon don and Berlin, but Not So Seriously.

that the evidence can only be considered against those whose acts or declarations were proved.

8. When an uniquidated claim for damages against a number of joint wrong-doers is satisfied by one or more of the persons liable it is extinguished as to all.

9. A cause of action which would survive and pass 10 the personal representative of the plaintiff, so that the avails thereof would be distributed in administration of his estate, will pass to his trustee in bank-cuptcy under the provisions of section 70 of the bankruptcy act of 1898.

10. By virtue of section 455, Code of Civil Procedure, an action under section II, (hapter xcla, Compiled Statutes, would not completely abate on the death of the plaintiff, but could be revived and maintained by his personal representative.

11. Hence, whatever might be the rule had no action been begun prior to filling of a petition in bankruptcy, so that the cause of action would not survive, under section 454, Code of Civil Procedure, the interest of a bankrupt in such an action, pending at the time of his bankruptcy, passes to his trustee, and a purchaser and assignee thereof claiming under a trustee's sale may satisfy the claim.

12. A voluntary association, unincorporated, which is not organized to carry on some trade or business, or to hold property, in this state, and does not in fact carry on a trade or business or hold property therein, cannot sue or be sued as such.

13. An erroneoms instruction directing a verdict in favor of certain defendants, participants in a joint wrong, affords no ground of complaint to co-defendants jointiy and severally liable with them.

12487. Westoh against Falk, Error from Lancaster. Reversed, with instructions. Sedgwick, J.

When a claim against tree state is allowed in part by the auditor, if the claim-LONDON, Nov. 16.—While money was reasonably abundant last week, the slight improvement in the situation on the Stock exchange and an attempt to force a boom in home rails resulted in a few advances, and a small amount of so-called investment buying took place, but the simultaneous break in American securities and in Kaffirs left the market as spiritless and uninteresting as it had been for weeks past. The record fall in the price of silver was one of the features of the week, and this decline was in proportion more market. The explanation offered here for this collapse was the lack of any eastern demand, coupled with the forced liquidation in Wall street, and the rumon that Mexico intended to establish a gold standard. The general outlook in India, however, is improving and it is thought that a period of prosperity in that country will tend to check any further decline in silver.

BERLIN, Nov. 16.—The German bourses are watching the movement in Wall street with the keenest interest, but the break in quotations in New York exercised comparatively little influence here. The Berlin financiers do not expect a great reaction in Germany to result from any collapse in the American securities are too unimportant and the American operators owe practically nothing to the German market. Nevertheless, the most important feature of the week here, namely, the turther heavy break in Hamburg-American and North German Lloyds shares, was attributed to American sales thereof, and especially because the Deutsche bank has also been effecting large sales of its holdings in these stocks. Domestic operators, too, have been selling short and quotations of Hamburg-Americans atood yesterday at 37 and North German Lloyds at 55. Both have somewhat improved since Friday. The renewed relapse was occasioned by the had freight market and the fear that the American revulsion, reacting upon the general business situation, might cause a LONDON, Nov. 16.-While money was The renewed relapse was occasioned by the bad freight market and the fear that the American revulsion, reacting upon the general business situation, might cause a disruption of the Morgan shipping combine and thereby disorganize the freight market. A report was also current that Austria will direct the flow of emigration from that country through Trieste instead of via Hamburg and Bremen, as at present is the case. The other deepartments of the market were weak and duil, this condition being attributed to the Wall street situation and the fall in Kaffirs on the London Stock exchange. Iron and coal shares were irregular. The price of old iron has broken a marks upon the relaxation of the American demand. Electrical shares show recovery.

MADRID. Nov. 16.—The report of the Bank of Spain for the week ended yesterday shows the following: Gold in hand, increase, 160,000 pesetas; sliver in hand, increase, 160,000 pesetas; sliver in hand, increase, 160,000 pesetas; notes in circulation, decrease, 7,162,000 pesetas.

# Manchester Cloth Market.

MANCHESTER. Nov. 16.—The tone of the cloth market was generally steady last week. There was a moderate turn-over which was unevenly distributed. Offers from India were fairly numerous, but proved difficult to negotiate, the bulk of the business being in bleaching cloths and miscellaneous fluishing goods. The inquiry from China was poor, this market

being depressed, owing to the decline in silver. A miscellaneous hand-to-mouth demand from South America and the Levant yarn was steady on a day-to-day demand and prices were slightly in favor of the buyers. There was no pressure to cell, as the position of the spinners was strong.

All Classes of Cattle Suffered Eig. Decline

OMAHA WHOLESALE MARKETS.

Condition of Trade and Quotations on Staple and Fancy Produce.

EGGS-Candied stock, 20gme, LIVE POULTRY-Hens, \$1/30c; old roosters, \$c; tirkeys, 10512c; ducks, \$57c; geese, \$58c; spring chickens, per th. \$1/40c.
DRESSED POULTRY-Hens, 106104c; young chickens, 1161114c; turkeys, 15c; ducks and geese, \$510c.
BUTTER - Packing stock, 15c; choice ducks in this 1500c. BUTTER — Packing stock, loc; chistry, in tubs, issizoc; separator, 26c
FRESH CAUGHT FISH—Trout, 96
ierring, 7c; pickerel, 8c; pike, 10c; perchouffalo, dressed, 7c; sunfish, 3c; bluefins,
whitefish, 10c; salmon, 16c, naddock, whitefish, 10c; salmon, 16c, naddock, 11c; oddish, 13c; redsnapper, 10c; lobsters boiled oer 1b., 30c; lobsters, green, per 1b., 28c; ouilheads, 10c; catfish, 14c; black bass, 20c;

OATS-31c. WHEAT-No. 2 hard, 65c.

WHEAT-No. 2 hard, 65c.

RYE-48c.

BRAN-Per ton, \$14.

HAY-Prices quoted by Omaha Wholesale Hay Dealers' association: Choice No. 1 upland, \$8.50; No. 1 medium, \$8.50; No. 1 coarse, \$8. Rye straw, \$6.50. These prices are for hay of good color and quality. Demand fair; receipts light.

OYSTERS-Standards, per can, 28c; extra selects, per can, 35c; New York counts, per can, 42c; bulk, extra selects, per gal., \$1.75; bulk, standards per gal., \$1.30.

VEGETABLES.

NEW CELERY-Kalamazoo, per doz., 25c;

NEW CELERY-Kalamazoo, per doz., 25c; Jiah, per doz., 45c; California, per doz. for stalks weighing from 1 to 1½ ibs. each, 45

Stakes weighing from 1 to 1% ibs. each, 45 (150.)

POTATOES—New, per bu., 25635c.

SWEET POTATOES—Virginia, per bbl., \$3, home grown, per bu., \$1.

TURNIPS—Per bu., \$0c; Canada rutabagas, per lb., lc.

BEETS—Per basket, 40c.

CUCUMBERS—Hothouse, per doz., \$1.50.

WAX BEANS—Per bu. box, \$1.50; string beans, per bu. box, \$1.50.

CABHAGE—Home grown, new, ic.

ONIONS—New home grown, in sacks, per bu., 50260c. Spanish, per crate, \$1.60.

NAVY BEANS—Per bu., \$2.60.

FRUITS.

FEARS—Fall varietles, per box, \$2; Kie-

FRUITS.
FEARS-Fall varieties, per box, \$2; Kielers, per bbl., \$3.75; Colorado, per box, \$2.25;
APPLES-Cooking, per bbl., \$2.25; eating,
\$2.2502.50; Jonathans, \$3.50; New York stock,
or of the coloradors. S.25.
GRAPES-New York 22c; Tokays, per crate, \$1.75; Malagas, per keg, \$5.00@6.50, CRANHERRIES-Wisconsin, per bbl., \$3.50; Bell and Bugles, \$2.50; per box, \$3.00. QUINCES-Per box, \$1.50.

TROPICAL FRUITS.

BANANAS-Per bunch, according to size, \$2.00g2.50, LEMONS - California fancy, \$4.00g4.50; CEMONS — California fancy, \$4.0034.50; choice, \$3.75.

ORANGES—Mexicans, any size, \$3.75; Fiorida Brights, \$3.75.

DATES—Persian in 70-lb. boxes, per lb., 6c; per case of 80-lb. pkgs., \$2.25.

FIGS—California, per 10-lb. cartons, \$1; Turkish, per 35-lb. box, 14638c.

GRAPE FRUIT—Florida, \$6.

MISCELLANEOUS.
HONEY-New Utah, per 24-frame case, \$3.55.
CIDER—New York, \$4.50; per ½-bbl., \$2.75.
SAUER KRAUT—Wisconsin, per ½-bbl., \$2.75.
E.25; per bbl., \$2.75.
HIDES—No. 1 green, 7c; No. 2 green, 6c;
No. 1 saited, 8½c; No. 2 saited, 7½c; No. 1 veal calf, 8 to 12½ lbs., 8½c, No. 2 veal calf, 12 to 15 lbs. 6c, dry hides, \$42c; sheep pelts, \$2675c; horse hides, \$1.5022.50.
POPCORN—Per ib., 2c; shelled 4c.
NUTS—Walnuts, No. 1 soft snell, per lb., 13c; hard shell, per lb., 12%c; No. 2 soft

NUTS-Wainuts, No. 1 soft snell, per lb., 13c; hard shell, per lb., 12½c; No. 2 soft shell, per lb., 12c, No. 2 hard shell, per lb., 11c; Brazils, per lb., 11c; filberts, per lb., 12c; almonds, softshell, per lb., 16c; hard shell, per lb., 15c; pecans, large, per lb., 13½c; small, per lb., 13c; cocoanuts, per doz., 5½c; coasted peanuts, per lb., 5½c; roasted peanuts, per lb., 8c; black walnuts, per bu., \$1, hickory nuts, per bu., \$1.3c; cocoanuts, per lb0, \$4.

OLD METALS-A. B. Alpirn quotes the following prices: 4ron, country mixed per OLD METALS—A. B. Alpirn quotes the following prices: aron, country mixed, per ton, \$11; iron, stove plate, per ton, \$8; copper, per ib. 8½c; brass, heavy, per ib., 8½c; brass, light, per io., 5½c; lead, per ib., 8c; zinc, per ib., 2½c; rubber, per ib., 6½c.

Kansas City Grain and Provisions. KANSAS CITY, Nov. 15.—WHEAT—December, 64% 2064%; May, 69% 2069%; c. cash, No. 2 hard, 67988c; No. 3, 63064c; No. 2 red, 65066c; No. 3, 63064c.

CORN—November, 42%; December, 38%; c. May, 36%; c. cash, No. 2 mixed, 41%; No. 2 white, 42%; Gash, No. 3, 40%; 640; No. 2 white, 42%; Wash, No. 2 white, 32%; No. 3 mixed, 936%; No. 2 white, 32%; No. 2 mixed,

RYE-No. 2, 44@45c. HAY-Cheice timot -Cheice timothy, \$10.50@11.00; choice, \$10.50@11.00. BUTTER-Creamery, 24@25c; fancy dairy, EGGS-Firm; fresh Missouri and Kansas stock, 18½c, loss off, cases returned; new No. 2 whitewood cases included, 19c. CHICAGO LIVE STOCK MARKET.

Cattle Are Scarce, While Hogs, Sheep and Lambs Rule Steady.

CHICAGO, Nov. 15 .- CATTLE-Receipts.

SIOUX CITY, Ia. Nov. 15.—(Special Telegram.) — CATTLE — Receipts, 200 head; steady; beeves, \$4.5066.75; cows, bulls and mixed, \$2.2564.09; stockers and feeders, \$2.7564.09; vearlings and calves, \$2.5064.00.

HOGS—Receipts, 3.300 head; strong to 5c higher, selling at \$6.0566.30; bulk, \$5.1566.30.

Stock in Sight. The following were the receipts of live stock at the six principal cities yesterday: Cattle. Hogs. Sheep. e receipts of live | cities yesterday: | title | Hogs | Sheep. | 90 | 4.90 | 1.600 | 100 | 13.000 | 5.000 | 100 | 2.000 | 8.00 | 100 | 3.774 | 302 | 306 | 3.300 hicago . 1,100 Bloux City.

All Classes of Cattle Suffered Big Decline

During Last Several Deve.

HOGS ALSO LOWER THAN A WEEK AGO Fat Sheep Have Held Fully Steady for the Week, but Fat Lambs Have De-

elined Fully Twenty-Five Cents.

-Feeders About Stenny.

SOUTH OMAHA, Nov. 15. | Receipts were: Cattle Hoge Sheep. Official Monday 9,346 3,369 12,768 Official Tuesday 8,746 6,104 14,289 Official Tuesday 9,544 1,496 14,286 Cfficial Thursday 4,083 6,871 1,941 Official Friday 2,569 8,244 3,440 Official Saturday 90 4,200 1,200 Total this week ..... 34,424 24,463 30,279 36,646 21,888 26,376 29,736 24,987 25,313 RECEIPTS FOR THE YEAR TO DATE The following table shows the receipts of cattle, hogs and sheep at South Omaha for cattle, hogs and sheep at South Omaha for the year to date and comparisons with last year. 1962 1961 Inc. Dec. Cattle 878,976 715,287 163,709 Hogs 1,476,631 1,199,923 729,749 The following table snows the average price of hogs sold on the South Omaha market the last several days, with comparisons with former years:

| 1902, | 1901. | 1900. | 1899. | 1898. | 1897. | 1896. Nov. 1. . . 6 54% 5 73 4 51 4 01 3 53 3 29 \*\*

Nov. 2. . . . . 6 72 4 60 4 04 3 50 3 41 3 27

Nov. 3. . . . 6 51 \* 6 56 4 06 3 50 3 41 3 27

Nov. 4. . 6 49 5 82 4 60 4 06 3 50 3 41 3 27

Nov. 5. . 6 51 5 71 4 66 \*\* 3 52 3 44 3 21

Nov. 6. 6 62% 5 71 4 64 4 01 \*\* 3 46 3 17

Nov. 7. . 6 55 8 69 4 67 4 20 3 25 3 46 3 21

Nov. 8. . 6 44 5 67 4 71 4 03 3 52 3 54

Nov. 9. . . 6 74 4 03 3 52 3 54

Nov. 10. 6 35 \*\* 4 74 4 03 1 47 3 31 3 21

Nov. 10. 6 25 5 73 4 02 3 45 3 22 3 11

Nov. 11. 6 25 5 73 4 02 3 05 3 23 3 11

Nov. 12. 6 10 5 63 4 84 3 3 43 3 3 3 12

Nov. 13. 6 213 5 59 4 74 3 94 3 34 3 23

Nov. 14. 6 2845 5 69 4 67 3 92 3 41 3 25

Nov. 15. 6 313 5 68 4 82 3 90 3 95 3 27

\* Indicates Sunday. The official number of cars of live stock brought in today by each road was: Cattle. Hogs. Sheep.H'r's. ., M. & St. P...... abash
nion Pacific system 1
& N. W.
E. & M. V.
St. P. M. & O.
S. & M.
C. B. & Q.
K. C. & St. J. 1
C. R. I. & P. east.
Illinois Central. Total receipts ..... 85

Total receipts ... 4 85 4 4
The disposition of the day's receipts was as follows, each buyer purchasing the number of head indicated;
Buyers. Cattle, Hogs, Sheep Omaha Packing Co... 818
Swift and Company 1,333
Armour & Co... 1,341 261
Cudahy Packing Co... 8 1,585 41
Other buyers. 20 561 Totals ...

..... 28 5,177 CATTLE—There were only a few cattle here today, and not enough with which to make a test of the market. For the week the supply has been very liberal, as will be seen from the table given above. Other markets have also had big receipts, so that prices have taken a big receipts. markets have also had big receipts, so that prices have taken a big tumble. More cornfed steers were sold last week than at any time since the range season opened. Prices, as a result, have been going down at a rapid rate, and are now at the lowest point reached in many months. As compared with the high time last June, when top cattle were selling around \$868.25, the market is from \$1.50 to \$2.00 lower, and in extreme cases the decline is considerable statements. the market is from \$1.50 to \$2.00 lower, and in extreme cases the decline is considerably greater than that. Top cattle are selling in Chicago at \$6.75 to \$7.00, and the general opinion is that \$6.75 would be the extreme top at this point. No finished cattle have been received here, however, with which to make a test of values, so that the price they would bring is largely guess work. As compared with last week the market is safely 25040c lower. When prices are going down at a rapid rate the market is apt to be very uneven and the prices are going down at a rapid rate market is apt to be very uneven and present situation is no exception to

present situation is no exception to the general rule, so that some sales look much better than others.

The cow market has also suffered in bad shape during the week. Cornfed stuff has declined even more than grassers. The decline on the general run of grass cows in most cases would be covered by \$5650c, but cornfeds in a good many instances have suffered even worse than that. It is hard, however, to tell much about cornfed cows and neiters, for the reason that they have been selling at such uneven price. It is to be noticed though that the quality of the corn stuff so far has been rather inferior, and no choice stuff at all has been offered with which to make a test of values. It takes pretty good grassers to bring around \$3.59, but something choicer would sell higher.

Veal calves have not shown much change during the week, but bulls and stags have

Cattle Are Scarce, While Hogs, Sheep and Lambs Rule Steady.

CHICAGO. Nov. 15.—CATTLE—Receipts, 300 head; Steady.

So head; height, \$1.000 head; steady.

Except feet steady. \$1.000 head; steady to strong; mixed and butchers, \$2.50 tours, \$1.000 head; steady to strong; mixed and butchers, \$2.50 tours, \$1.000 head; steady; to strong; mixed and butchers, \$2.50 tours, \$1.000 head; steady; to strong; mixed and butchers, \$2.50 tours, \$1.000 head; steady; to strong; mixed and butchers, \$2.50 tours, \$1.000 head; steady; to sold the strong tours heavy, \$2.000 head; \$1.000 head; \$

St. Louis Live Stock Market.

ST. LOUIS, Nov. 15.—CATTLE—Receipts, 500 head, including 300 Texans; market steady for natives, strong for Texans; native shipping and export steers, 13.7567.50; dressed beef and butcher steers, 13.7567.50; steers under 1,000 hea. \$1.2565.50; stockers and feeders, \$3.0034.65; cows and heifers, \$2.2565.25; canners, \$1.5067.00; Texas and Indian steers, \$3.1565.00; cows and heifers, \$2.2565.25; canners, \$1.5067.00; Texas and Indian steers, \$3.1565.00; cows and heifers, \$2.2565.25; canners, \$1.5067.00; Texas and Indian steers, \$3.1565.00; cows and heifers, \$2.2565.25; canners, \$1.5067.00; Texas and Indian steers, \$3.1565.00; cows and heifers, \$2.2565.25; canners, \$1.5065.00; cows and heifers, \$2.2566.25; canners, \$1.5065.00; cows and heifers, \$2.2565.25; canners, \$1.5065.00; cows and heifers, \$2.2566.25; conners, \$1.5065.00; cows and h

### St. Joseph Live Stock Market. ST. JOSEPH, Nov. 15.-CATTLE-Re-

ST. JOBEPH, Nov. 15.—CATTLE—Receipts, 1.162 head; steady; stock cattle lower; natives, \$3.5567.15; cows and heifers, \$1.5065.25; veals, \$2.5066.75; stockers and feeders, \$2.004.50.

HOGS—Receipts, 3.774 head; market a shade higher; light and light mixed, \$6.3548, 6.224; medium and heavy, \$6.556.40; bulk of sales, \$6.274.56.40.

SHEEP AND LAMBS—Receipts, 365 head; market steady; native lambs, \$7.75; year-lings, \$4; wethers, \$3.75; swee, \$5.35.