# MANY BILLS CANNOT PASS

Senate Work in Chaotic State Cannot Be Cleared by Wednesday.

CANAL AND TARIFF CERTAINLY DOOMED

Morgan Can Save Treaty, but Will Not. Finance Blocks Insular Law -Upper House Will Sit Continuously.

WASHINGTON, March 1 -The senate bas more than enough work to keep it occupled during the remaining three days of the session, and, do the best it may, there will be much left undone when the president's gavel falls at the close of the final

calendar at this late day is quite full, and there are many more bills in committee than have been reported out. In the present congress, like most others, only about 10 or 12 per cent of the bills introduced have become laws, while this congress has beaten the record of bills introduced. Tuesday's session will be continued until noon Wednesday and the senate will be in almost continuous session day and night until then.

#### Supply Bills Seem Sure.

Of the supply bills, the sundry civil, postoffice and naval appropriation bills are still in the hands of conference committees, but there are no points in dispute which are likely to be difficult of adjustment. The general deficiency bill is the only one of the apprepriation bills that has not passed the senate, and it will be passed some time tomorrow.

Aside from the appropriation bills and to the Aldrich bond deposit bill. Senator Aldrich expresses confidence that it will pass during Monday, but some of the democratic sensiors may such speedy passage Its passage shall be delayed beyond the day it cannot be got through the house.

There is also great anxiety to get action is also opposition to this measure, it is the case of cessation of efforts to pass the bond deposit bill. Senator Aldrich, however, is not disposed to yield to this kind of argument. It therefore seems that the greater part of the day tomorrow will be devoted to the Aldrich bill and to approators are scheduled for speeches on the Aldrich bill and in all probability the consideration of the measure will run well into the night.

There will be a determined effort to get the Philippine bill in shape to send to the president before the final dissolution of congress on Wednesday, but this as intlmated above, many depend on the fate of the financial measures. All senators understand that at this time in the session any one or two of their number can prevent the passage of any individual measure.

A final attempt will be made to press the Panama canal treaty to a conclusion in the hope that Senator Morgan may relent and allow it to be ratified rather than force an extra session of the senate. His friends say, however, that he has no such intention and they add that he is willing to accept the full responsibility for a called session. No Hope of Avolding Extra Session.

Senators generally, therefore, have given up all hope of avoiding the extra session and now are concerned principally as to the time it will begin and the length of time it will occupy. Some of them are advising the president not to ask the body to Senator Aldrich is urging that the call be issued for the 5th, the day after the dissolution of the present congress.

The principal if not the only duty of the extra session will be the consideration of the Panama treaty and the Cuban reciprocity treaty, but the senate may, if it so desires, take up the question of the reorganization of committees. No discosition toward this step has yet manifested itself and does not now seem probable.

On the first day of the new session the new senators will be sworn in. Amons those who will take the oath of office will be Mr. Smoot of Utah, against whom, on account of his connection with the Mormon church and his alleged adherence to its tenets, old and new, a number of protests have been filed. These protests do not constitute proof, and as Mr. Smoot's credentials are entirely regular, he will be allowed to take his seat, and the investiga tion, if one is made, will be postponed until the regular session of congress begins in December next. If there should be objection to Mr. Smoot taking his seat the ceremony, under the rules of the senat), might be postponed for a day. It is intimated that there may be some discussion of his case during the extra session, but if so it would precede all committee action and would come up either as a question of a construction camp on the Tuxpen exprivilege or in connection with some other tension of the Mexican Central, reached

#### HOUSE POSITION HOPELESS Democratic Filibuster Dooms Most Pending Legislation to Ig-

nomious Death.

WASHINGTON, March 1 .- The democrats of the house have decided to prosecute their | Says He Looks with Pleasure to Apfilibuster until congress expires by limitation at noon on Wednesday, and the three remaining days, therefore, promise to be largely repetitions of the three that have

just passed. But it is believed there is ample time to is slim chance for much beyond so far as

the house is concerned. Twenty-seven bills with senrte amendments are on the speaker's table. One or two of these may get through, but the great majority are doomed to die where they are. The one bill in which the rapubican leaders are particularly interested is the Aldrich Spancial bill, and if it comes over from the senate a way will by found. probably through a special rule, to secure action on it, although the action of the ommittee on banking and currency today in reporting a new Fowler fluancial bill complicates matters. Mr. Fowler and his friends are determined, it is said, to push this measure to the exclusion of the Aldrich bill. Still the complications arising out of the fact this hostile committee has jurisdiction over the subject can be overcome by a rule. It is believed that the immigration bill, which passed the senate yesterday in amended form, will also be

acted upon. One of the things which gives the repub lican leaders grave consideration in these closing hours of the session is the weakness of the position of the house conferees on the appropriation bills. With the present tieup the house conferees cannot go back for instructions without a complete agreement except at the price of great risk of delay. The senate conferees have not been slow to take advantage of this situstion, and, believing that the house is at their mercy, are insisting on propositions which the house conferees say they would be forced to abandon if the house could appealed to to uphold their hands.

## Devlin Pushes Irish League.

CLEVELAND, March 1 .- Joseph Devlin, M. P., addressed 1,500 sympathiners with theater tonight. Seven hundred dollars | year the country will have adopted prac-

QUEBEC, March 1.-The successful fight made by Colonel Gaynor and Captain will stay at her mother's chatcau for the Greene against extradition proceedings instituted lesi summer by the State department at Washington will be the subject of an interpellation in the provincial legisla-

L. H. Pellitier, former attorney general, has given notice that on Monday he will ask the following questions:

Ask the following questions:

Has the assistance given by the provincial police to Messrs. Gaynor and Greene, fuglifives from justice in the United States, been so given with the knowledge and consent of the government?

Who represented the government and more particularly the attorney general's department in the extradition proceedings with respect to Messrs. Greene and Gaynor?

When Greene and Gaynor were arrested last summer under sensational circumstances and hurried down to Montreal on board a tugboat by Chief Detective Carpepter and United States secret service men, counsel for the fugitives gave chase in a special train and made an unsuccess ful attempt to intercept the tug. Legal proceedings ensued at Montreal and Gaynor and Greene finally were brought back to Quebec and released. During all the conference reports preference will be given proceedings counsel for the fugitives were accompanied by provincial constables, who department.

There was a feeling at the time that the is out of the question, and contend that if local and provincial authorities were not doing all in their power to assist the representatives of the State department.

#### on the Philippine tariff bill, and while there SHIPS DARE NOT FACE STORM intimated that antagonism might case in Find Atlantic Hurricane Too Much and So Return to Queens-

LONDON, March 1 .- The gale was renewed over the British Isles on Saturday priations. A number of democratic sen- night and continued today, but with less violence. Vessels are still taking refuge in the ports, arriving battered by the storm. Others have gone ashore.

A quantity of wreckage has been seen off the coast of Northumberland and the indications point to the wreck of the British ship Cambrian Prince.

Later pews from the south of Ireland says that the gale was exceedingly flerce. Many storm-beaten vessels have taken shelter in Cork barbor. The British steamer Pharsalia went through a terrible experience. It left Boston on January 30, for Leith, calling at St. John, N. B. The hurricane struck it on February 24 and the heavy seas flooded the hold, damaged its cargo, smashed the brilge and almost all the deck fittings, stove in the bows and swept the binnacle overboard. The captain's ribs were broken and several of the crew injured. Pharsalia was obliged to put into Queenstown.

The British steamer Cebrania, for Bos ton, also put back to Queenstown after being seventeen days at sea. It only got 700 miles west of Ireland and experienced repeated hurricanes. The decks were swept of everything moveable and the boats damaged. The captain thought the steamer would never weather the storm.

#### VOLCANA FILLS CHURCHES Worshipers Pray When Mount Coloma Continues Belching

Lava and Ashes.

GUADALAJARA, Mex., March 1-The rain of ashes from Mount Coloma still continues. Many plantations situated in the rich valleys to the castward of the volcano have been completely devastated. The slate colored powder covers the ground to a depth of several inches. Lava is pouring down the eastern slope of the mountain. Natives are terror-sticken by the terrific

earthquake shocks. The seismic disturbances show no indication of decreasing in violence. The shocks occur at intervals throughout the day. Everyone is camping out of doors. A pall of smoke that hangs close to the earth and is almost stifling covers the country for fifty miles around the volcano. The light of the sun is shut out and lighted lamps are required throughout the day. The cathedrals are crowded with worship

ers day and night. Henry Eakell, an American, in charge of here today. He was at Zapotlan, situated only five miles from the volcano, when the eruptions began several days ago. He says reports had reached Zapotlan before he left there of the destruction of many buildings in Tonita, Santa Maria, Canada, Autlan and Naranja by earthquake shocks.

## ROOSEVELT BOOSTS LAND ACT

proaching End of Iceland's

LONDON, March 1 .- Captain Shawe-Taylor, secretary of the Dublin landlofds' and

get through the conference reports on the tenants' conference, who has just returned remaining five appropriation bills. There from a visit to the United States, describing this visit tonight, said: President Roosevelt, who is himself half

President Roosevelt, who is himself half an Irishman and extremely proud of it, received me most cordially. I believe there is nabody in the United States more anxious than he for Ireland's welfare. Referring to the Dublin conference Mr. Roosevelt said: "I am not speaking now as a politician when I say that, in company with the whole civilized world. I heartily welcome the prospect of a final settlement of the Irish land question. Captain Shawe-Taylor concluded the interview by saying that during his visit to the United States he met Irishmen of all

and he added: I have the highest possible authority for making the following statement:

A final settlement of the land question by removing the barrier now existing between Ireland and England will greatly improve the relations between the United States and England, and will also link Canada closer to the British empire.

shades and degrees of political orinion.

Temporizes with Gold Breis. LONDON, March & .- The Times correpondent at Shanghat telegraphs that the special mission to the National Industrial exhibition at Osake, Japan, headed by Prince Tsai Chen, have been ordered to inquire into and report upon questions of establishment of a gold standard in China on the Japanese model. The proposal is regarded as merely a temporizing expedient, adds the correspondent, and a pretext for inaction in the indemnity question.

Train to Cross Siberis.

ST. PETERSBURG, March 1.-The first express train by the Eastern China & Trans-siberian railroad left Port Arthur on Friday for Lake Baikal.

Mexico Will Adopt Gold Standard. MEXICO CITY, March 1 .- There is grow the Irish fight for home rule in the Lyceum | ing belief here that before the end of the

were raised to further the work of the Parliamentary members. Mr. Devlin speaks in St. Louis tomorrow night.

Devlin has been in this country several months and has instituted 300 branches of the United irish league. Already \$60,000 of a \$100,000 fund promised from the United States, has been raised. With Mr. Devlin is John Mitchell, a grapdson of the Irish patriot of the same name.

ACCUSES QUEBEC MINISTERS

Former Attorney General Will Ask Why Gaynor and Greene

Were Aided.

Were Aided.

Lically a gold basis with modifications to suit local needs. The continued fluctual needs. Name had a from the right to remove it from the posception of it otherwise it no

which is situated on an island in Lake

Constance, where she met her mother. She birth of her child. Trinogular Fight in Chill,

general elections were held today. There were three candidates for each seat. Great enthusiasm of an orderly character was displayed. The results are not yet to

hand.

SANTIAGO DE CHILL, March 1.-The

Seized Chinese Rifles. SHANGHAL March 1 .- The authorities here have seized hundreds of rifles and large stores of ammunition in Chinese

#### SEEK TEXAS LANDS BY FORCE Organized Bands of Armed Men Pro-

pose to Present Claims at Revolver's Point. AUSTIN, Tex., March 1 .- The state authorities have been advised that bloodshed

thorities have been advised that bloodshed is threatened in a number of west Texas cities by an organized band of land-grabbers who have sent their armed men to the different county seats. These men are to rush the county clerks when land leases expire and file on the claims.

\*About 300,000 acres of state lands will come on the market through expiration of leases within the next few days. In order to avoid bloodshed the governor has inpears that such application is not filed until pears that such application is not filed until pears.

\*Construction from its natural course.

No. 12320 Miles against Ballantine. Error from Frontier. Affirmed Barnes, C., division No. 2. Unreported.

1. An application for a continuance is addressed to the sound discretion of the trial court, and unless it appears that there has been an abuse of such discretion its fulling will not be disturbed.

2. Where, by the rules of the trial court, it is provided that applications for continuances must be filed on or before the first day of the term, and where it appears that such application is not filed until pears. are under control of the attorney general's the county clerks when land leases expire

to avoid bloodshed the governor has instructed the land commissioner to withhold the sale of these lands until a change can be made in the law as to the manner of filing upon them.

## PENNSLYVANIA TRAINS CRASH

Freights Come Together Near Elma and Hobo is Fatally Injured.

BUFFALO, March 1 .- A serious freight wreck occurred on the Pennsylvania road near Elma today. Three men were injured

near Elma today. Three men were injured and one will probably die.

Two freight trains, beth running north, were in the collision. The first train stopped in the yard to do some switching. The second, which was not scheduled to stop at Elma, crashed into the rear of the standing trpin.

An unknown man, who apparently was a bar to their prosecution of the parties and the subject matter in a former action, the judgment is conclusive and is not subject to collateral attack when introduced in another proceeding involving the same matters between the same parties.

An unknown man, who apparently was stealing a ride, was fatally injured. James Seagraves, conductor, and Robert Chadwick, engineer, were badly hurt and brought to Buffalo for treatment. An unknown man, who apparently was

ORDERS FOR BOGUS FACTORY

Boston Crook Swindles Leather and
Machinery Deniers Out of
Plant and Supplies.

Cessive.

No. 11861. Morgan against State. Error from Red Willow county. Affirmed. Kirk-patrick, C., division No. 1. Unreported.

1. In a proceeding under chapter xxxvii. Compiled Statutes, Nebraska, the record of the Jistice of the peace pefore whom the preliminary examination was had, showing that the examination was regularly had and completed, is conclusive upon the question. BOSTON, March 1 .- Edwin C. Everett, ar-

BOSTON, March 1.—Edwin C. Everett, arrested under the name of Emory C. Davis, confessed today to having swindled feather mony given by the complaining witness are machinery dealers out of over \$20,000 worth of supplies for a plant in Part Henry worth of supplies for a plant in Part Henry worth of supplies for a plant in Port Henry, Y., and to having negotiated for the hipment of boilers, machinery and engines to be used in a plant in Malden, Mass, When arrested Everett had a massive Odd Fellows charm attached to his watch chain and carried a letter of introduction purporting to be from a high official of that order. The letter, he acknowledged today, was forged.

#### EARTH BARS TRAIN'S PATH Avalanche Brings St. Louis Express to Temporary Full Stop.

ALTON, III., March 1 .- As the Chicago, Peoria & St. Louis southbound passenger train was passing a bluff near Clifton Terrace at forty miles an hour tonight an avalanche of earth came rolling down and stopped its passage.

The engine was derailed and the train was delayed five hours. The passengers were shaken up, but not hurt.

MAY STOP MUNCIE BUILDING

Workmen in All Branches Told to Strike in Ald of Carpenters' Demands.

MUNCIE, Ind., March '.—The Building Trades council tenight ordered a strike of all carpeniers, plasterers, tinners, lathers, electricians, painters, stonecutters and building laborers in Muncie.

It is the result of the contractors' refusal to grant the carpenters' demand of an increase from 30 to 40 cents an hour.

Cone who furnishes, under a running account with the common owner of a group of exposition buildings, materials for use in the lilliminating equipment thereof is entitled to a lien on such buildings, where they are maintained for a common purpose, though they are not all situated on contiguous lots and though the claimant is not able to show what portions were used in a particular building.

1258. City of South Omaha against Tighe. Error from Douglas. Affirmed Hastings, C. Division No. I.

1. A petition signed as required by statute is a necessary prerequisite to the assessment of the cost of grading city street upon the abutting property.

2. Evidence that the petitioners have no title of record to the premises described in the petition will support a finding that the petitions were unauthorized and insufficient where the only evidence of ownership is the recitais of the petitions themsolves.

building laborers in Muncie.

PRELATE WILL GET WELL

# Cishop Stephen Merrill is

Bishop Stephen Merrill is Now
Reported to Be Out of
Danger.

CHICAGO, March 1.—Bishop Stephen M.
Merrill, who has been seriously sick with penumonia at Wesley hospital for two weeks, was reported tonight as being out of danger.

Sam Newman's wallpaper shop at 119 North Twelfth street was damaged by fire at about 11 o'clock last night, the blaze originating just inside of a rear window. The building, which is owned by Annis Wilson, was damaged to the extent of about 25, but a considerable part of the stock of wallpaper was more or less wet. The loss cannot be ascertained until the rolls have been examined, but it may ceach to \$560. been examined, but it may reach to \$550. Newman carried \$500 insurance. M. Kula-kofsky and family live in the reoms over the shop, but suffered no damage.

## SUPREME COURT SYLLABI.

Joslin against Williams. 12547. Joslin against Williams. Appeal from Douglas. Former judgment adhered to. Pound. C. division No. 2. Unreported. 1. The mortgagee of a homestead is not entitled to a receiver as against the widow of the mortgagor to whom the property has passed under section 17, chapter xxxvi, Compiled Statutes.

12548. State ex rel Lee Douglas against Altstadt. Error from Douglas. Affirmed. Oldham. C., division No. 2. Unreported.

1. Alleged errors of a trial court in the admission and exclusion of testimony can admission and exclusion of testimony can only be reviewed in this court when they have first been called to the attention of the trial court by a motion for a new trial. 12555. Shull against Best. Error from Burt. Reversed. Barnes, C., division No.

Unreported. One who furnishes material under con-1. One who furnishes material under con-tract to a person in possession of a tract of land with which to creet a house or other building thereon, in case such person does not become the owner of the prem-fises, may have a mechanic's lien on such building separate from the land on which it is situated.

2. A judgment or decree established.

No. 2.

1. Hesselgrave v. State of Neb., 89 N. W. Rep., 76, and State v. Murdock, 59 Neb., 521, examined, approved and distinguished.

2. The conditions of a recognizance for the appearance of one accused of a criminal offense are not invalidated by the fallure of the term of court at which he was required to appear on account of an adjournment or continuance of such team.

2. In such case the liability of the surety on the recognizance is extended to the next term of court actually held as though no adjournment or continuance had been had. it is situated.

2. A judgment or decree establishing such then on the building alone separate from the real estate, and ordering it sold to satisfy the lien, necessarily adjudicates the question of the nature of the improvement and in effect decrees it to be personal property. ment and in effect decrees it to be personal property.

1 One purchasing the building at a sheriff's sale, under such decree, upon a confirmation of the sale obtains title thereto binding.

# OMAHA LIVE STOCK MARKET

Beef Steer: Just About Steady for the Week and Good Cows Stronger.

HUG MARKET HAS BEEN GOING DOWNWARD

Strictly Choice Sheep Nearly Steady for Week, but Half Fat Kinds Ten to a Quarter Lower-Feeders Active and Steady,

thereof, or may exchange it for other land, and cause the same to be conveyed to his wife, and she will be entitled to hold such land to the amount of \$2.000 free and clear of his debts. SOUTH OMAHA, Feb. 28. Cattle, Hogs, Sheep, 4,617 8,758 4,514 5,213 12,480 6,435 4,257 9,357 10,232 Receipts were: Official Monday.... Official Tuesday.... Official Wednesday of his debts.

12572. Cole against Adams company. Error from Adams. Affirmed. Albert, C., division No. 3. Unreported.

Errors required to be assigned in a motion for a new trial will be deemed waived unless the ruling on such motion is assigned as error in this court.

12575. Jensen agains. Stelber. Error from Lancaster. Affirmed. Oldham, C., division No. 2. Unreported. Official Thursday
Official Friday
Official Saturday 53,651 55,296 55,954 Total this week. Week ending Feb. 21... Week ending Feb. 14... Week ending Feb. 7... Lancaster. Affirmed. Oldham, C., division No. 2. Unreported.

1. When the court in one paragraph of its instructions correctly states a rule of evidence, it is not erroneous to refer to the rule in apt terms in instructions immediately following, without repeating the rule in each of the instructions.

2. Action of the trial court in admitting evidence examined and held proper.

12580. Stocker against Coddington. Appeal from Nemaha. Affirmed. Ames, C., division No. 3. Unreported.

1. Inferences of fact drawn by a trial court without a jury will not be disturbed by this court unless clearly wrong.

12593. Stocker against Nemaha county, 12593. Stocker against Nemaha county.

1. A county is not liable to land owners for injuries caused by the discharge of surface water from ditches constructed by the county authorities diverting such water from its natural course.

No. 12320. Miles against Ballantine. Error trom Frontier. Affirmed Barnes, C., di-38,926 50,296 47,533 ending Jan. 31... week last year... this month.... Total February, 1896... 33,305 79,772 Total February, 1896... 32,306 115,649 RECEIPTS FOR THE YEAR TO DATE. The following table shows the receipts of cattle, hogs and theep at south Omaha for the year to date, with comparisons with

partsons: | Date | 1903 | 1902 | 1900 | 1900 | 1899 | 1898 | 1897 | 1804 | 1807 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1897 | 1806 | 1806 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | 1807 | Date, | 1903. [1902. [1901.] 1900. [1899. [1898.] 1897.

eb., 217. 5. Held, that an instruction by which the The official number of cars of stock brought in today by each road was: Cattle. Hogs. Sh'p. H'ses. nton Pacific system Total receipts ..... 19

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

the the examination was regularly had and completed. Its coilcusive upon the question.

The proceeding under chapter XXXVII.

Compiled Stafutes. Nebraska, the testiation or proceeding in the preliminary examination is not original the preliminary examination is not original to purpose of confirming or impression in the preliminary examination is not original to purpose of confirming or impression in the preliminary examination is not original to purpose of confirming or impression in the preliminary examination is not original to purpose of confirming or impression in the preliminary examination is not original to purpose of confirming the preliminary examination is not original to purpose of confirming the preliminary examination of the complaining witness at the testimony of the complaining witness at

The built market has shown some little improvement this week and the better grades are 15625c higher. A choice built will now bring \$3.75, or even a little more than that, but the bulk of them sell from \$3.25 to \$3.50. Boiogna grades are also a little stronger for the week. Veal calves have held just about steady, choice grades selling largely from \$6.00 to \$6.25.

The stocker and feeder market has been active and strong all the week on desirable grades. As compared with the close of last week. It is safe to quote the market 15020c higher. The commoner kinds have not shown much improvement. Fair to good cattle are selling from \$3.50 to \$3.55 and good to choice from \$3.85, to \$4.50. The common stuff sells from \$3.40 down. Representative sales:

12395. Sickler against Mannix. Error from Buffalo. Affirmed. Duffie, C. Diviresentative sales:

BEEF STEERS. Av. Pr. No. 938 2 99 2 .... 939 2 50 10 .... 979 2 50 COWS. 1000 I 00 I ... 948 2 II 712 3 25 I ... 1010 I 25 947 2 II5 I I I 1010 I 25 COWS AND HEIFERS. BULLS.

STOCKERS AND FEEDERS. ... 100 1 25 9..... 816 1 85 ... 102 1 15 15...... 640 4 00

uses.

1255. Matoushek against Dutcher & Son. Error from Bryd. Affirmed. Barnes, C. Division No. 2.

1. Where a new trial is asked for on the ground of misconduct of the jury the finding of the trial court on that question, based on conflicting evidence, will not be disturbed by a court of review.

2. A motion for a new trial on the grounds of accident or surprise is addressed to the sound discretion of the trial court, and where it is shown that the facts on which such claim is based were known during the trial, and it is not shown that an effort was made to meet these conditions, it cannot be said that there was an abuse of discretion in overruing the motion. HOGS—There was a light run of hogs here today and the prices paid were generally a shade better than yesterday, sales being made all the way from steady to 5c higher. It was rather an up and down market, however, being high in the middle and low at both ends. Packers did not take hold very freely, as they did not want the hogs bad enough to pay the prices asked. Trading as a result was slow from start to finish, as the end of the market was very slow and weak. The bulk of the medium weight hogs sold from \$6.85 to \$6.90 and the good weight hogs from \$6.95 to \$6.95, while prime heavies sold as high as \$7.05. The light stuff in particular was hard to dispose of and sold from \$6.85 down.

For the week the receipts of hogs have only been fair, as there is a decrease both as compared with last week and with the same week of last year. For the month there has also been a decrease as compared with the same month of February. For the year to date there is a decrease of about 75.600 head.

The market for the week has fluctuated back and forth to some extent, but the general tendency has been downward. As compared with the close of last week the market is 5610c lower. Representative sales: 2. To entitle a party to a new trial on the ground of newly discovered evidence it is not enough that the evidence is material and not cumulative, but it must further appear that the applicant for a new trial could not have discovered and produced such evidence at the trial, and where the evidence is merely cumulative the failure or inability to produce it is not a ground for a new trial.

4. Where a party, while on the witness stand, properly identifies a series of scale or weigh checks as having been executed and delivered to himself, or some one authorized by him to do so, they may be introduced in evidence by the opposite party to rebut his testimony without further identification.

a. To entitle a party to a new trial on the

b result his testimony without further learning and the verdict in this case was amply sustained by the vidence.

12657. Bartling against State. Error from theyenne. Affirmed. Oldham, C. Division No. 2

54(10c lower. Av. Sh. Pr. Av. Sh.

SHEER P.—There has been a liberal run of sheep lare all this week, as will be seen from the table given above. For the month receipts have been the heaviest on record and for the year to date there is an increase over the same period of last year amounting to over \$4,000 head.

The demand has been in good shape during the week ander review, but will packers wanted to hur, their supplies a little lower. Strictly charce grades of sheep were probably not over wak to a dime lower, while the haif-fat kinds are 15625c lower. Lambs have also suffered fully as much as sheep.

The demand for feeder's has been of lib The demand for feeders has been of liberal proportions and owing to the decline on the haif-fat cornfeds a good many of that class of sheep and lambs sold for feeders that last week went to packers. The quotations on the different grades of killers and feeders will be found below.

4.514
4.45
10.222
7.181
7.181
7.665
1.565
1.565
1.565
1.565
1.565
1.565
1.565
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CHICAGO LIVE SPOCK MARKET.

Hogs Rather Weak and Slow to Sell-

Sheep and Lambs Steady. CHICAGO, Feb. 28.-CATTLE-Receipts CHICAGO, Feb. 28.—CATTLE—Receipts, 200 head; market nominal; good to prime steers, \$5.0095.5; poor to medium, \$5.25\(\pi\)
4.75; stockers and feeders, \$2.35\(\pi\)4.70; cows, \$1.40\(\pi\)4.60; helfers, \$2.00\(\phi\)4.75; canners, \$1.40\(\pi\)2.60; bulls, \$2.00\(\phi\)4.25; calves, \$3.25\(\pi\)7.56; Texas-fed steers, \$3.50\(\phi\)4.25; calves, \$3.25\(\pi\)7.56; Texas-fed steers, \$3.50\(\phi\)4.25; calves, \$3.25\(\pi\)7.56; Monday, \$3.60\(\phi\); light, \$6.00\(\phi\) and steedy to weak; mixed and butchers, \$6.80\(\pi\)7.20; good to choice heavy, \$7.25\(\phi\)7.42\(\phi\)5.10\(\phi\)6.80\(\phi\)7.20; SHEEP AND LAMHS—Receipts, 1.500 head; sheep and lambs steady; good to

HOGS — Receipts, 1,500 head; market steady; top, \$7.20; bulk of sales, \$6.9067.06; heavy, \$6.9667.20; mixed packers, \$6.7569 7.10; light, \$6.6506.95; yorkers, \$6.8506.95; pigs, \$5.6066.50. Receipts for week, \$4.800. SHEEP AND LAMBS—No receipts; market unchanged; native lambs, \$4.0006.90; western lambs, \$3.8505.40; fed ewes, \$3.006.59; native wethers, \$3.5605.40; western wethers, \$3.4006.55; stockers and feeders, \$2.5003.60. Receipts for the week, \$1.800. St. Louis Live Stock Market.

St. Louis Live Stock Market.

ST. LOUIS, Feb. 28.—CATTLE—Receipts, 500 head, including 360 Texans; market steady to strong; native shipping and export steers, 34 1526, 25, with strictly fancy quoted up to 35.75; dressed beef and butchers, 13.7525, 57; dressed beef and butchers, 13.7525

Cattle, Hoga Sheep,
458 5,957 1,562
200 15,600 1,500
550 1,500 100
850 3,000 100
850 8,973 225
300 2,500 Omaha 1,562 .2,053 21,930 OMAHA WHOLESALE MARKET.

Condition of Trade and Quotations on Staple and Fancy Produce.

EGGS-Fresh stock, lbc.
LIVE POULTRY-riens, 10@10%c; eld
conters, 465c; turkeys, 12@15c; ducks, 8c; geese, 768c; chickens, per ib., 10@10%c.
DRESSED FOULTRY-Chickens, 11@12c DRESSED FOULTRY—Chickens, 11912c; hens, 11912c; turkeys, 15915c; ducks, 11912c; geese, 11912c.

BUTTER—Packing stock, 12%c; choice dairy, in tubs. 15916c; separator, 25925c.

OYSTERS—Standards, per can, 25c; extra Selects, per can, 5c; New York Counts, per can, 42c; bulk, extra Selects, per gal., \$1.75; bulk, Standard, per gal., \$1.35.

FROZEN FRESH FISH—Trout, 9910c; herring, 5c; pickerel, 8c; picke, 9c; perch, 6c; buffalo, dressed, 7c; sunfish, 3c; bluefins, 3c; whitefish, 5c; salmon, 15c; haddock, 11c; codfish, 12c; redsnapper, 10c; lobsters, belled, per lb, 33c; lobsters, green, per lb, 33c; bullheads, 10c; catfish, 14c; black bass, 20c; hallbut, 11c. RAN-Per ton, \$15.50. BRAN-Per ton, \$15.00.

HAY-Prices quoted by Omaha Wholesale
Dealers' association: Choice No. 1 upland,

\$i; No 1 medium, \$6; No. 1 coarse, \$5.50.

Rye atraw, \$6. These prices are for hay of
good color and quality. Demand fair; re-

OATS-39c. RYE-No. 2, 45c. NEW CELERY—Kalamazoo, per doz., 26c; alifornia, per doz., 45@75c. POTATOES—Per bu, 40045c. POTATOES-Per bu., 40745c. SWEET POTATOES-lown and Kansas NEW PARSLEY-Per doz. bunches, 40c. NEW CARROTS-Per doz. bunches, 40c. LETTUCE-Per doz. bunches, 46c. BEETS-New southern, per doz. bunches,

c; old, per bu., 40c. CUCUMBERS-Hothouse, per doz., \$1.75. PARSNIPS-Per bu., 40c. REOTS Per bu., 40c. REEN ONIONS Southern, per doz, RADISHES-Southern, per doz. bunches, TURNIPS—Per bu., 40c; Canada rutaba-gas, per lb., lac; new southern, per doz. bunches, 50c. ONIONS—Red Wisconsin, per lb., lac; white, per lb., Bac; Spanish, per crate, \$1.75. SPINACH—Southern, per doz. bunches WAX BEANS-Per by box, \$1; string cans, per bu box, \$1.5c. CABBAGE-Holland seed, per lb., 124c. NAVY BEANS-Per bu \$2.5c. TOMOTOEB-New Florida. per 6-basket

CAULIFLOWER-California, per crate, - FRUITS. PEARS—Fail varieties, per box, \$3.50. APPLES—Western, per bbl., \$2.76; Jona-

thans, \$5; New York stock, \$3.25; California thans, 35; New York stock, 34.50.
Bellflowers, per bu, box, 31.50.
GRAPES-Maisgas, per ker, 36.00gr.00.
CRANBERRIES - Wisconstn, per bbl.,
\$11.00; Bell and Bugles, 512.00; per box, 21.50.
STRAWBERRIES-Florina, per qt., 50c.
TROPICAL FRUITS
LEMONS-California fancy, \$2.50; choice,

ORANGES—California naveis, fancy, \$3.00 93.15; choice, \$2.75; Mediterranean sweets, \$2.25; sweet Jaffa, \$2.56 DATES—Persian, in 70-lb, boxes, per lb., 60c; per case of 30-lb, pkgs., \$2.25 FIGS—California, per 10-lb, cartons, 90c; Turkish, per 35-lb, box, 14g18c. MISCELLANEOUS. HONEY-Utah, per 24-frame case, \$3.25; HONEY-Utan, pe.
Colorado, \$2.50.
CIDER-New York, \$4; per \$4-bb1., \$2.50.
SAUERKRAUT-Wisconsin, per \$4-bb1.,
\$2; per bb1., \$3.75.
OLD METALS, ETC.—A. B. Alpira quotes
OLD METALS, ETC.—A. B. Country mixed.

Sige; brass, light, per lb., 54c; lead, per lb., 8c; ginc, per lb., 24c.

MAPLE SUGAR—Ohlo, per lb., 10c.

POPCORN—Fer lb., 2c; shelled, 4c.

HIDES—No. 1 green, 54c; No. 2 green, 5c; No. 1 salted, 7c; No. 2 salted, 6c; No. 1 veal calf, 8 to 12 lbs., 84c; No. 2 veal calf, 12 to 15 lbs., 8c; dry hides, 8671c; sheep pelts, 25275c; horse hides, 81,566256.

NUTS—Walnuts, No. 1 soft shell, per lb., 15c; hard shell, per lb., 13c; No. 2 hard shell, per lb., 12c; diberts, per lb., 12c; dimonds, soft shell, per lb., 16c; heard shell, per lb., 16c; heard shell, per lb., 16c; pecans, large, per lb., 12c; spuall, per lb., 11c; cocoanuts, per doz., 6c; hard shell, per lb., 16c; pecans, large, per lb., 12c; spuall, per lb., 11c; cocoanuts, per doz., 6c; hardnuts, per bu., 11; hickory nuts, per bu., 15c; cocoanuts, per lb., 7c; black walnuts, per bu., 11; hickory nuts, per bu., 15c; cocoanuts, per bu., 15c; cocoanuts, per bu., 15c; cocoanuts, per bu., 15c; cocoanuts, per lb., 5c; cocoanuts,

WEARE COMMISSION COMPANY.

110-111 Board of Trade, Omaha, Neb-Telephone 1516.

relephone 1516.

CHICAGO, Fab. 28.—WHEAT—The market was helped Friday by the corn strength and today it was influenced in the other direction by the corn decline. The cables cows.

11.40 (77.56; and the comes on the heels of a cold wave and it comes on the heels of a two days' rain, but the southwest exhibited no fear over it, and consequently it was without influence here. There was some southwestern selling. St. Louis & Kansas City, and the claim from that direction of ample protection and abundant moisture. Clearances were incomplete. 234. 606.36; ambs, but help the world's shipments are estimated at 10,000,000 bushels, and an increase on passage is expected. The visible will decrease about as it did last year. 250,000 bushels. The scaboard reported 10 loads sold late yesterday to Lisbon. Speculative trade was quiet, with everybody writing some new factor. Fifteen ands wheat taken for export today at New York.

CORN—There has been a good deal of profit-taking in corn today, and some slight yielding of the price. The provision crowd was very large commission selling by Metalian and the season of the corn was very large commission selling by Metalian and the season of the corn was very large commission selling by Metalian and the season of the corn was very large commission selling by Metalian and the season of the corn was very large commission selling by Metalian and the season of the corn was very large commission selling by Metalian and the season of the corn was very large commission selling by Patten, Howe, Camselman and others. Receipts were 180 cars; estimates for Monday, 215.

The cash people report the western offerings light and the season demand some better; also the amount of business is kept small by the car situation.

PROVISIONS—The market opened steady, more or less influenced by the action in grain. Trade was quite general with commission houses. Fair demand for land and

PROVISIONS—The market opened stendy, more or less influenced by the action in grain. Trade was quite general with commission houses. Fair demand for lard and ribs. May pork soid at \$18.02, reacted on selling by Canby. Harris & Gates were fair buyers July pork. There were \$15.000 hogs; market steady; estimated for Monday, 44,000; for the week, \$185,000. Hogs in the west today, 34,000 head; last week, 40,103 and last year, \$1,200. and last year, 31,300.
WEARE COMMISSION COMPANY.

Foreign Financial.

LONDON, March 1.—The stock market closed last week in a happier frame of mind than has been the case for a long time. The public is entering the market with confidence because of the feeling that there will be no trouble in the far east and on account of more peaceful reports from the other troubled sections of the world. NEW YORK, Feb. 28.—BEEVES—Receipts, 164 head, all consigned direct; no sales reported; dressed beef steady; city consists and native sides, extreme range, 640 outsiders have shown a particular preference for home rails, which are the preference for the week. In other departments outsiness was limited. Americans were negociated and the consists of the constant of t ousiness was limited. Americans were neglected and dull, the last with few exceptions showing quotations below the closing prices of the previous week. Grand Trunks are still attracting attention, though not so much as during the previous few weeks. Kaffirs showed a firm tendency on the good reports, political and economic, from South Africa. Reports of amalgamation beloed Argentine rails and Mexicans were also patronized. The depression in consols continued, but this is attributed to realizations in favor of more profitable investments. Altogether while there was no great volume of business, general indications point to a more active market and a brighter condition during the current year than was anticipated.

ST. JOSEPH. Feb. 28.—CATTLE—Receipts, 350 head; natives, \$3.8565.55. Texas and westerns, \$3.3564.60; bulls and stags, \$2.75694.35; stockers and feeders, \$3.2564.60; bulls and stags, HOGS—Receipts, 3,973 head; light and light mixed, \$6.3067.10; medium and heavy, \$3.2667.20; bulk, \$6.3067.10; medium and heavy, \$3.2667.20; bulk, \$6.3067.10; medium and heavy, \$1.5064.25; calves and stage and continue to be published and do not satisfy the exaggerated expectations of the market. Hence there were heavy realization sales, which had the effect of depressing until market were firm, many shares steady; heeves, \$3.5063.00; cows, bulls and mixed. \$1.5064.25; calves and yearlings, \$2.5063.85. 110GS—Receipts, 2,500; market steady; beeves, \$3.5065.00; cows, bulls and mixed. \$1.5064.25; calves and yearlings, \$2.5063.85. 110GS—Receipts, 2,500; market steady; breves, \$3.5065.00; cows, bulls and stage and the effect of depressing until market were firm, many shares scoring further rises. Outsiders continue to buy industrials, being influenced by the reports of improving business, but the Frankfurter Zeitung asserts that the improvement in the situation has already been ment in the stuation has already been many the first proving business, but the Frankfurter Zeitung asserts that the improvement in the stuation has already been ment in the stuation has already been many the first proving business, but the Frankfurter Zeitung asserts that the improvement in the stuation has already been market. Hence there were heavy realizations all the proving business, but the Frankfurter Zeitung asserts that the improvement in the stuation has already been done the continue to busy industrials, being influenced by the respective for the first pro BERLIN, March 1.—Business on the man and Prussian loans, resulting in a moderate advance in quotations. Imperial and Prussian 3s were further aided by an intimation that the forthcoming loans may be for less than \$15,000,000, the sum originally intended. These loans; according to a bourse rumor, may be postponed till May.

Dry Goods Market.

MANCHESTER, March I.—DRY GOODS
—Business in the cloth market during the
last week was difficult. All sections of the
buyers were very caulious owing to doubts
as to the maintenance of values, though a
few orders were negotiated. The dislocations in the telegraph system due to the
atorm greatly interfered with business.
There were occasional sorting up transactions with China in staples, as the engagements in shirtings for India will soon
run out. There were numerous offers, but
they were mostly impossible of execution.
Occasional orders in moderarts lines were
placed. The minor outlets helped in a fair
degree, and there was a good undercurrent
of trade with South America.
Spinners firmly maintained the quotations
for yarns, which advanced in sympathy
for cotton. Most users were in the home
trade. Americans were operated in caustoonly to meet urgent regulierements. trade. Americans were operated it tiously to meet urgent requirements

Philadelphia Produce Market. PHILADELPHIA, Feb. 28.-BUTTER-Firm and in good demand; extra western, PHILADELPHIA. Feb. 38—HUTTER—
Firm and in good demand; extra western,
2c; nearby prints, 32c.
EGGS—Firm and in fair request; fresh
nearby and western, 15gc at mark; fresh
southwestern, 15c at mark; fresh southern,
16c at mark.
CHEESE—Steady; moderate demand;
New York full creams, prime small, 14g;
14gc; New York full creams, fair to good
small, 134,6134c; New York full creams,
prime large, 14c; New York full creams,
fair to good large, 134,6134c.

Geo. A. Adams Grain Co. GRAIN,

PROVISIONS AND STOCKS. Members Chicago Board of Trade, St. Louis Merchants Exchange and Kan-sas City Board of Trade. Room 224 Board Trade Bldg., Omaha. 'Phones 1006 and 1017, J. E. Von Dorn, Vice President,

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