THE OMAHA DAILY BEE: MONDAY, APRIL 4, 1904. good wethers, \$4.5095.5; good to choice atmost \$21,000,000 is doubtless due to preparations for the payment of \$20,000,000 of A.60; clipped stock sells 50975c less than Panama canal moneys. clety of Agriculture. Error from Gage. Reversed. Hastings, C. Division No. 1. 1. The supplying of missing records is a matter resuling in the sound discretion of a court, and unless it is abused, its exercise will not be interfered with. 1338 Bonacum against Murphy. Ap-peal from Seward. Affirmed. Duffle, C. Division No. 2. 1. The courts will not review the judg-ments or acts of the governing authori-ties of a religious organization with ref-erence to its intermal affairs for the pur-pose of ascertaining their regularity or accordance with the discipline and usages of such organization, but they will inquire and determine whether or not a church the roust interfaces to expel a mem-ber has been organized in conformity with the constitution of the church, and whether a member of such tribunal is disqualified under the rules and canons of the church from sitting as a judge in the case. These questions are not ecclesiastical and within the ecclustre jurisdiction of the ecclesions of such tribunal, although the decisions of such tribunal although the decisions of such tribunal although the decisions of such tribunal of original jurisdiction proceeds to try and discipline or expel a member of the accides and the such at a property and legally con-stituted, would be binding on the ecisions of the trial. CRAIN AND PRODUCE MARKET Omnha Leads Middle West Cities on End look for its source in the statute or it does clety of Agriculture. Error from Gage OMAHA LIVE STOCK MARKET not exist. 8. Provisions of chapter xxv, Compiled Statutes, relative to alimony, its allowance and the mode of its enforcement. Held, relative Olls and Hoaln Olls and Hosin. Oll. CITY. April 3.-Oll.S-Credit bai-ances, M.63; certificates, no bid, shipments, March 31, 39,751 bbis; average, 62,145 bbis; shipments, April 1, 32,772 bbis, runs, March 39 and 31, 20,852 bbis; average, 77,847 bbis, Shipments, Lima, March 31, 59,751 bbis; average, 63,942 bbis; shipments, Lima, April 1, 89,858 bbis; runs, Lima, March 33 and 31, 199,080 bbis; average, 55,195 bbis, BAVANNAH, April 2.-Oll.S-Turpentine, nulst. exclusive. 4. In a suit arising under the provisions of chapter xxy. Compiled Statutes, the dis-CHICAGO LIVE STOCK MARKET. Beef Steers and Cows Lower for the Week. 4 In a suit arising under the provisions of chapter xxy. Compiled Statutes, the district court has not jurisdiction to award real estate of the husband to the wife in fee as allmony, and a decree insofar as it attempts so to do, is void and subject to collateral attack. 5 Jurisdiction of the subject matter is conferred by the law, and cannot be conferred by the law, and cannot be conferred by consent of the parties. 6 Prior opinion herein (Cizek against Cizek, Nebr.), vacated, and judgment reversed. 13438. Dickson against Stowart. Error from Clay. Reversed inst. Fawcett, C. Following were the receipts and ship-ments of flour and grain: Receipts.Shipments. Corn Center. Light Heifers Steady. Prices Rule Stendy, but the Usual Saturday Quiet Prevails in Trading. Flour, bbls..... urday Quiet Prevails in Trading. CHICAGO, April 2.-CATTLE-Receipts. 200 head; market, nominal; good to prime steers, nominal, \$2.5665.80; poor to medium, \$2.5065.00; stockers and feeders, \$2.5095.50; rows, 8, 15594.55; helfers, \$2.0064.60; caives, \$2.5095.50; Texas fed steers, \$4.0064.60; caives, \$2.5095.50; Bead; market steady to strong; mixed and butchers, \$5.3095.60; rough heavy, \$5.1565.30; light, \$5.1065.55; buils of sales, \$5.5595.52; SHEEP AND LAMBS-Receipts, 2.000 head; market for sheep steady; lambs, steady; good to choice wethers, \$4.7505.40; native lambs, \$4.5065.50; western lambs, \$4.7563.50. . 56,900 72,000 158,000 468,400 20,500 142,909 FARMERS TOO BUSY TO COME TO TOWN HOGS A TRIFLE LOWER FOR THE WEEK bu.... Barley, b Sheep Have Advanced Fifteen to BAVANNAH, April 2.-OILS-Turpentine, quiet. ROSIN-Firm, A. B. C. D. E. \$2.55; F. \$2.60; G. \$2.65; H. \$2.90; K. \$3.30; M. \$3.55; N. \$2.60; W. B. \$3.90; W. W. \$4.30. NEW YORK, April 2.-OILS-Cottonseed, quiet; prime crude, nominal; prime crude yellow, \$5%; Philadelphia and Balti-more, \$4.46; Philadelphia and Balti-more, \$4.46; Philadelphia and Balti-more, \$5.50. TURPENTINE-Dull. Armours Builling Cors on Condition ferred by consent of the parties. * Prior opinion herein (Cisek against Cizek Nebr.), vacated, and judgment re-versed. 19485 Dickson against Stowart. Error from Clay. Reversed inst. Fawcett, C. Division No. 2 - One who, by agreement, purchases and at a foreclosure sale, for the benefit of the owner of the equity of redemption, at a price greatly below its value cannot set up the statute of frands against the party for whom he purchased, the law will hold him to be a trustee ex maleficio, n court of equity will not permit the statute of frauds to be made an instrument of frand. Ryan against Dox, 34 N. Y., 307, and cases there cited. - 3. Where a party acquires the legal title pursuance of a parol agreement with a judgment deutor that he is to hold the title thus obtained as a security for the loan of the money paid to relieve the land from the judgment lien, and that he will re-convey when the mouse is refunded, the case is not distinguishable from any other, where the deed though absolute in terms was designed simply as security for a fons, and parol evidence is admissible to show the transaction to be of that charac-ter. Relgard against McNeill, St III. 401. - 3. Want of mutality is no defense, even an action for specific performance where the party not bound thereby has performed all of the conditions of the contract and brough himself clearly within its terms. Bigler against Baker, 40 Nebr., 357. - 6. The rule is well established that in-the made is first applied to discharse the interest and afterwards, if there be a sur-plus, such surplus is applied to shak the principal and so toties quoties—taking care that the principal thus reduced and aproved. - 1046. Otoe County against Stroble, Error from Olos. Reversed. Oidham, C. Di-vise and of county geninst Stroble from - 1046. Not county geninst Stroble Strutte - a board of county commissioners act min-istrution. No. 1. Quarter, While Lambs Are Ten of What is in Cribs, Particuto Fifteen Higher Than Inrly in Illinois and They Were a Week Ago. Iowa. OMAHA WHOLESALE MARKET. OMAHA April 2, 1994 SOUTH OMAHA, April 2, 1904. Cattle, Hogs, Sheep, ...4,587 6,322 8,341 ...6,789 15,859 5,720 ...6,470 12,987 5,406 8,102 10,437 5,531 ...1,771 7,269 1,106 ...63 4,342 OMAHA, April 2, 1904. Condition of Trade and Quotations on Receipts were: Official Monaay ... Official Tuesday ... Official Wednesday Official Thursday ... TURPENTINE-Dull. ROSIN-Quiet; strained common to good, 2.59. Staple and Fancy Produce. EGGS-Receipts, liberal; market steady; fresh stock, Mc. LIVE POULTRY-Hens, 1046111c; young roosters, SGBc; old roosters, Sc; turkeys, lic; ducks, 94c; gress, Sc. BUTTER-Packing stock, 1951125c; cholce to fancy dairy rolls, 19514c; separator, 22c. FRESH FISH-Trout, 9510c; pickerel, 54; Gec; pike, Sc; perch, 56565c; bluefah, 15c; whitefish, 7576c; salmon, 11c; haddock, 16c; codfash, 12c; redsnapper, 11c; lobstsr, bolled, per lb., 40c; smoked whitefish, 11c; bull-heads, 11c; catfish, 13514c; black bass, 10c; hallbut, 10c; crappies, 12c; herring, 45c; white bass, 13c; bluefins, 8c; smeits, 105711c; innan haddles, smoked, 84c. OYSTERB-New York counts, per can, 35c; per gal, \$2.00; extra select, per can, 55c; per gal, 81.75; standard, per can, 37c; per gal, 81.856140. BRAN-Per ton, \$18.00. HAY-Prices quoted by Omaha Wholesale Dealers' association: Choice No, 1 upiand, \$5.00; rye straw, \$5.00; These prices are for hay of good color and quality. Demand fair and receipts light. VEGETABLESS. EGGS-Receipts, liberal; market steady; stituted, would be binning on the entry before it-courts on all matters properly before it-for trial. " . Where a courch tribunal of original jurisdiction proceeds to try and discipline or expel a member of the society and the member proceeded against claims that the presiding judge is disqualified from accint on account of a challenge interposed be-fore the commencement of the trial, and where such such challenge has been dis-regarded and an appeal has been dis-regarded and an appeal has been taken by the accused to an appellate church tribunals the civil courts have jurisdic-tion to enjoin the si forcement of a sub-tence pronounced against the accused un-til the appealate scclesiastical tribunal has disposed of the appeal. 3. Where the district court has enjoined the enforcement of a decree of an eccle-stastical court of the presecution of any civil action against the accused until has appeal taken by him has been determined by the appealiate such appeal is sus-penalities of an dobeyed until the ap-peal has been disposed of. 4. Stidence examined and held to war-\$2.80 Kansas City Live Stock Market. Official Thursday Official Friday ... Official Saturday Kansas City Live Stock Market, KANSAB CITY, April 2.-CATTLE-Re-ceipts, 100 head; market unchanged; export and dreesed beef steers, \$3.50(25.0); fair to good, \$3.50(24.00; western fed steers, \$3.50(2 4.25; stockers and feeders, £7.50(24.50; south-ern steers, \$3.50(24.10; southern cows, \$2.10); 3.25; native cows, \$2.00(24.00; native heffers, \$3.50(24.30; builts, \$2.80(25.30; native heffers, \$3.50(24.30; builts, \$2.80(25.30; native heffers, \$3.50(24.30; builts, \$2.80(25.30; native heffers, \$5.15(35.35; packers, \$5.10(35.25; pigs and lights, \$4.00(5.15; SHEEP AND LAMBE-Receipts, 500 head; market weak; native lambs, \$5.00(95.35; fed ewes, \$4.155; 4.75; yearlings, \$4.75(56.35; stockers and feed-ers, \$2.75(34.50) Foreign Financial. LONDON, April 2.-SILVER-Bar, quiet, 55 7-16d per ounce. Money, 24463 per cent. The rate of discount in the open market for short and three months' bills, 2% per Total this week..... Some days last week... Some days week before. Same three weeks ago... Same four weeks ago... Bame days last year... Becourse more more weeks. 57,126 35,994 48,670 35,678 38,935 37,634 .20,782 .23,347 .34,391 .16,476 .16,528 .18,432 26,062 42,709 34,344 31,822 36,003 25,049 for short and three months bills, 2% per cent. PARIS, April 2.-Trading on the bourse today was quiet and inactive. At the close prices were firm except Russians, which were hesitating. Other internationals had an upward tendency. Russian Imperial is closed at 55.14. Rio Tintos gained 11 francs. The private rate of discount was 2% per cent. Three per cent rentes, 967, 92% for the account. Exchange on London, 257, 12% for checks. BERLIN, April 2.-Exchange on Lon-don, 20m 46pfgs for checks. The rate of discount for short bills, 4 per cent and three months bills, 3 per cent. Business was light on the bourse today. Prices were firm. RECEIPTS FOR THE YEAR TO DATE. The following table will show the receipts of cattle, hogs and sheep at South Omaha for the year to date, with comparisons with last year: Cattle Hogs . Sheep New York Live Stock Market. Average prices paid for hogs at South New York Live Stock Market. NEW YORK, April 3.-BEEVES-Re-celpts, none; dressed beef, steady, 36.500 5.50, a little choice at \$8.75, Exports today, 1,356 cattle and 8.200 quarters of beef, CALVES-Receipts, 320 bead; market steady; common to prime veals, 34.5038.00; city dressed, 38.00512.50, HOGS - Receipts, 2.574 head; market steady; prime state, 35.90 SHEEP AND LAMBS-Receipts, 765 head; sheep, nominally steady; lambs, more parisons: Date. 1 1904, 11908, 11903, 11901, 11900, 11899, 11899 Date. | 1904, [1905, [1902, [1901, [1900, [1899, [1899,] Mar. 14... | 8 15%, 7 28 | 6 13 | 6 56 | 4 75 | 3 63 | 8 09 Mar. 15.. 6 55 Mar. 16. 6 159, 7 19 | 5 56 | 4 76 | 3 65 | 3 65 | 3 75 Mar. 15.. 6 044 7 10 6 15 | 4 94 3 45 3 71 Mar. 15.. 6 044 7 10 6 15 | 4 94 3 45 3 71 Mar. 19.. 4 974 7 19 6 22 6 61 4 89 | 3 65 3 70 Mar. 21. 4 924 7 35 6 17 8 71 4 86 3 55 Mar. 22. 4 454 7 36 6 23 5 6 24 81 3 66 3 75 Mar. 22. 4 454 7 36 6 23 5 85 3 80 3 74 Mar. 22. 4 504 7 45 8 5 8 50 4 85 3 60 3 76 Mar. 22. 4 504 7 45 8 5 8 57 4 81 3 66 3 75 Mar. 22. 4 504 7 45 8 5 8 57 4 93 3 67 8 47 Mar. 26. 5 17 7 25 6 28 5 75 3 67 8 36 Mar. 27. 5 5 145 7 25 6 28 5 75 3 67 8 45 Mar. 28. 5 004 7 45 5 8 45 5 85 4 97 3 67 8 47 Mar. 28. 5 014 7 25 6 28 5 75 3 67 8 47 Mar. 28. 5 014 7 25 6 28 5 75 4 57 3 67 8 47 Mar. 28. 5 014 7 25 6 28 5 75 4 57 3 67 8 47 Mar. 28. 5 17 7 20 6 54 5 9 5 05 3 6 6 3 57 Mar. 29. 5 145 7 22 6 54 5 58 4 97 3 60 3 57 Mar. 29. 5 145 7 22 6 54 5 58 5 16 3 60 3 57 Mar. 30. 5 67 7 22 6 54 5 95 5 12 3 63 6 27 Mar. 30. 5 67 7 22 6 56 5 57 8 10 8 59 3 62 Mar. 30. 5 7 22 6 56 5 50 5 12 3 63 6 27 Mar. 30. 5 7 22 6 66 5 0 5 10 8 59 3 62 Mar. 30. 5 7 22 6 66 5 0 5 10 8 59 3 62 April 1. 5 03 4 7 29 6 56 5 97 8 3 64 3 50 Mar. 30. 5 09 7 22 6 66 5 00 5 08 8 3 67 Mar. 30. 5 09 7 22 6 66 5 00 5 08 8 3 67 Mar. 30. 5 09 7 22 6 66 5 00 5 08 8 3 67 Mar. 30 5 09 7 22 6 66 5 00 5 08 8 3 67 Mar. 30 5 09 7 22 6 66 5 00 5 08 8 3 67 Mar. 30 5 09 7 22 6 66 5 00 5 08 8 3 67 Mar. 30 5 09 7 22 6 66 5 00 5 08 8 3 67 Mar. 30 5 09 7 22 6 66 5 00 5 08 8 3 67 Mar. 30 5 09 7 22 6 66 5 00 5 08 8 3 67 Mar. 30 5 09 7 20 6 66 5 00 5 08 8 3 67 Mar. 30 5 09 7 20 6 66 5 00 5 08 8 3 67 Mar. 30 6 09 7 20 6 66 5 00 5 08 8 3 67 Mar. 30 6 09 7 20 6 66 5 00 5 08 8 3 67 Mar. 30 6 09 7 20 6 66 5 00 5 08 8 3 67 Mar. 30 8 0 9 7 20 6 66 5 00 5 08 8 3 67 Mar. 30 8 0 9 7 20 6 66 7 5 7 8 3 64 3 65 April 1. 5 03 4 7 29 6 66 6 00 5 08 8 3 67 Mar. 30 8 0 9 7 20 6 66 7 5 7 8 3 64 3 65 April 2. 5 09 7 20 6 66 6 00 5 08 8 3 67 Mar Tair and receipts light. VEGETABLES. POTATOES-Colorado, \$1.20; Dakota, per bu., \$1.10; natives, \$1.00. NAVY BEANS-Per bu., \$2.2562.25. CELERY-Large California, 60c, 75c, and Dry Goods Market. must be conserved an dobeyed that the sp peak has been disposed of. 4. Evidence examined and held to war-rant the finding of the trial court that an appeal taken by the defendant had not been determined or disposed of. SHEEP AND LAMBS-Receipts. 765 head; sheep, nominally steady: lambs, more active and 5619c higher; good to choice lambs, 36,12%,65.25. Dressed mutton, steady, 35,0025.00; dressed lambs, more active, 38,50 619.00. Exports, 10 head. ONIONS-Spanish, per crate, \$1.99; Colo-Mistook the Man. ONIONS-Spanish, per crate, \$1.00; Colo-"ado red. per Ib., 3%c. CABBAGE-Wisconsin Holland, 4c. TURNIPS-White, per bu., 60c; rutabagas, per Ib., 1%c. CARROTS-Per bu., \$1.00. PARSNIPS-Per bu., 60c. BEETS-Per bu., 50c. CUCUMBERS-Per doz., \$1.0061.76. TOMATOES-Florida, per 8-basket crate, 8.0093.50. An artist painted a portrait of Mark Twain. Some time afterward Twain was confronted with the picture in an art gal-St. Louis Live Stock Market. lery. After gasing at it for some minutes

Chicago sold 30,000 No. 1 northern Thurs-

uth, 9 and 1 and 11 The	figure The: E Cansas LOS or range delive	at M St. Lo City \$1.07 of pr ery ar	for No	olis w 0%; 7 for 0, 2 r Com close	of The	1: I 1.01 ha	for lay	TOMATOES-Florida, per 8-basket crate, \$2.0023.50 RADISHES-Per doz. bunches, 35650c. LETTUCE HEADS-Per doz. bunches, 900 \$31.00, top lettuce, per doz., 45650c. TURNIPS-Southern, per doz., 45c. HEETS-Southern, per doz., 75c. CARROTS-Southern, per doz., 75c.
Wheat		Open.	High.	Low.	Today.	Th	ur.	PARSLEY-Southern, per doz., 30246c. SHALLOTS-Per doz., 75c.
May July Corn-				****	89% 84%	891	ÉB.	ONION SETS-Per bu, of 32 lbs., yellow, \$2.09; red, \$2.25; white, \$2.50. SPINACH-Per bu., \$1.0061.25.
May July Oats	2	49% 48%	51 48%	4944 48%	51 B 48%	49 47	B	
May					40%	40	в	

Local Cash Grain Market.

Locan Casa Grain Market. Corn and rye were the grains which occu-pled the spot talent today. More corn went at the highest prices of the crop than for several weeks. No. 3 corn sold at 50 cents early in the session and if any could have been got at the close it would have brought blye. No. 4 sold early for 4750° and late arrivals brought 60% Wheat was up 11% from Thursday's market and corn from 16 to 2% c. Receipts of wheat were 8 cars in and 7 cars out, one week ago, 4 and 19 cars. Receipts of corn were 11 cars in and 7 cars out, one week ago, 35 and 4 cars. nrs. Receipts of corn were 11 cars in and cars out; one week ago, 25 and 4 cars. Dat receipts were 2 cars in and 1 car out; one week ago, 1 and 3 cars. No. 3 corn old for 514;6561c on track. Two cars of No. 4 brought 474c and 2 of no grade 44c. Fwo cars of No. 4 white oats on track sold for 3%c and 2 cars of No. 2 rys to the Mis-desippi went for 60c. WH26AT-No. 2 hard, 556789c; No. 3 hard, 35766c; No. 4 hard, 736779c; No. 2 spring, 55769c; No. 3 spring, S26857c; No. 4 spring, 55769c; No. 3 spring, S26857c; No. 4 spring,

000. ORN-No. 2, 51c; No. 2, 50051c; No. 4, 750c; No. 2 yellow, 514c; No. 3 yellow, 504c; No. 2 white, 51c; No. 3 white, 484

TOOL OATS-No. 2, 402941c; No. 3, 392910c; No. 4, \$7390c; No. 2 white, 422943c; No. 3 white, 02241c; standard, 4134294234c.

Notes from the Exchange Offices.

Omaha inspections of grain were 51 cars; of corn, 12 cars graded No. 2, 11 cars No. 3, 8 cars No. 4, 1 car No. 4 white and 1 car no grade; of oats, 8 cars graded No. 3 white, 6 cars No. 4 white and 1 car No. 4; of wheat, 2 cars graded No. 4 hard winter; of rye, 1 car No. 3.

Dry Goods Market. NEW YORK, April 2.-DRY GOODS-The week in dry goods closes with most indif-ferent buying and the outlook for any change from this condition does not ap-pear very bright. Buyers, who are hero, are not interested in price concessions and the prospect of further weakness is also generally considered bright. Curtaliment will not be as great as was expected in a good and general merchandise at the port of New York for the week ending today were valued at \$11,289,774. Exports of specie from New York for the week were \$911,750 silver and \$15,505 gold. Imports of specie at New York during the week were \$25,665 gold and \$5,755 silver.

Evaporated Apples and Dried Fruits.

 St. Louis Live Stock Market.
 ST. LOUIS. April 2.-CATTLE-Receipts. 500 head: no Texans: market steady: native shipping and export steers. \$1,15%5.2%; dressed beef and butcher steers. \$1,05%5.2%; dressed beef and butcher steers. \$3,05%5.2%; dressed beef and butcher steers. \$3,05%5.2%; dressed beef and butcher steers. \$3,35% 4.3%; cows and helfers. \$2,10%2.10.
 HOGS-Receipts. 2,000 head: market 5c hisher: pigs and lights. \$4,65%4.3%; packers. \$4,99%5.2%; butchers and best heavy. \$5,2% (5.6%).
 SHEEP AND LAMBS-Receipts. 1,200 head; market steady: native mutions. \$4,50 (35,10) lambs. \$4,60%5.6%; cuils and bucks. \$3,50%4.2%; stockers. \$2,00%3.00. Evaporated Apples and Dried Fruits. NEW YORK, April 2.-EVAPORATED APPLES-The market is quiet. Common are quoted at 405%c: prime at 55%6%c; choice at 6%66%c, and fancy at 767%c. CALIFORNIA DRIED FRUIT-Prunes continue quiet and the market shows a steady undertone with prices ranging from 5%66%c, according to grads. Peaches and apricous are well cleaned up and the mar-Ret is more or less nominal. Choice apricots are quoted at 9%60%c; extra choice at 10% 600%c, and fancy at 11605; peaches are quoted at 7%67%c for choice; 7%68c for extra choice, and 9%610c for fancy. SIOUX CITY, Ia., April 2.-(Special Tele-fram.)-CATTLE-Receipts, 100 head; mar-ket unchanged; beeves, \$3,5063.50; stockers and bulls and mixed, \$2,0063.50; stockers and feeders, \$3,0063.50; calves and yearlings, \$2,75673.70. HOGS-Receipts, 1.200 head; market 10c higher, selling at \$5.05655.20; bulk, \$5.10

Metal Market.

NEW YORK, April 2.-METALS-There were few buyers today. Holders were firm in their views and prices were nominally unchanged except conper, which was quoted at \$13.00@13.32. Electrolytic, \$12.7579 13.00: casting, \$12.6246912.75. Tin \$28.00026.25. Spelter, \$5.1526.25. Lead, \$4.60024.65. Iron, steady and nominally unchanged,

Sugar and Molasses.

NEW YORK, April 2.-SUGAR-Holiday MOLASSES-Firm; New Orleans, open kettle, good to choice, 31937c.

Sheer SUPREME COURT SYLLABI.

2,009 500 1,200 12399. Coulson against Saltman, Appea rom Lancaster, Affirmed, Kirkpatrick

12399. Coulson against Baltman. Appeal from Lancaster. Affirmed. Kirkpatrick, C. Division No. 1. 1. The lien acquired by attachment or garnishment is not lost by taking a gen-eral money judgment against the defendant without an order for the sale of the prop-erty attached, where the creditor has used due dilligence in the prosecution of a cred-itor's bill. 3,700

due difficience in the prosecution of a cred-itor's bill. 2. A creditor, by the levy of attachment upon land, acquires a specific lien sufficient to support a suit in the nature of a cred-itor's bill removing obstructions from the title calculated to make a sale unprofitable, and in such case the issuance of an execu-tion and return nulla bona is not a pre-liminary prerequisite. 3. Where a creditor has acquired a spe-cific lien by the levy of an attachment he is entitled to maintain a creditor's bill to remove obstructions to a sale of the premises, without reference to whether the judgment at law has, during the pendency

No. 1. allowing salaries fixed by statute 1 of county commissioners act miu-

from Otoe Reversed. Oldham, C. Division No. 1.
1. In allowing salaries fixed by statute a board of county commissioners act miusterially.
2. There is no warrant of law for an allowance of extra salary to the chairman of a board of county commissioners.
3. Where, by the action of the Board of County Commissioners, a warrant is drawn upon the county treasurer without any legal authority is to do, each member of the board voting for such illegal claim is jointly and severally liable to the county for the amount of money so disbursed.
1. Where upon appeal of a suit in equity the decrees of the locard in the county in the count in favor of the plaintiff is reversed and the ccuse remanded for further proceedings upon amended for further proceedings upon amended for further proceedings upon the count in favor of the plaintiff is reversed and the ccuse remanded for further proceedings upon amended for further proceedings upon the trial court, except that the pleadings and evidence on the first appeal did not authorize the decree.
2. The ruling made on the former appeal that "Where a mill is erected and a water power obtained by the aid and co-operation of adjoining landowners, any right of flowage, over their premises, of water for the mill, arranged for and contemplated by the owners, as subscribers toward its construction, become appurtenant to the mill'reannounced.
3. If one owning land traversed by a stream, gelia a portion there for another "Why." said Twain, "Isn't that Richard Wagner ""-Atlanta Constitution. RAILWAY TIME CARD. UNION STATION-10TH AND MARCY. Chicago, Rock Island & Pacific,

Mail Local Eloux City-..... Daylight St. Faul.... Daylight Chicago Limited Chicago Fast Chicago Local Chicago Past St. Faul. St. Paul. Foreas a basis of the same time gives such other mail.
b basis of the same time gives such other mails.
c b basis of the same time gives such other remainder of the land by erecting a dam for the bare daw for the purchaser render the purchaser render the fore set of the grant out of the statute of frauds. Newcomb against Royce, the statute of frauds. Newcomb against Royce, the mill site is conveyed in consideration is paid therefore, and where the mill site is conveyed in consideration is paid therefore, and where the privileges given consist of other beneficial rights necessary to the use of the mill.
b. Where a sheriff a deed, made as the united.

Chicago, Sinneapolis & Bt. Paul Limited. Minneapolis and St. Paul Ex., b 7.50 pm a \$205 am Minneapolis and St. Paul Ex., b 7.50 am b10.55 pm Union Pacific.

seemed to be oppressed by a feeling of

"Wagner?" interrupted the artist, "why

EAST.

WEST.

61. Louis "Cannen Ball" Ex.... 6 30 pm a \$130 az St. Louis Local (Co. Fluffs)...a \$15 am al0/30 pt

2:40 am a 7:55 am

s. 3 40 arm a 7 55 am all 20 am a 8 10 pm a 8 56 pm a 7 56 am all 20 pm a 7 56 am all 10 pm a 8 50 am all 10 pm a 8 55 pm a 8 15 am a 5 55 pm a 8 45 pm a 4 125 pm a 8 15 am a 7 16 am a 5 25 pm a 8 16 am a 8 50 pm a 8 45 pm a 8

n 9:55 am 5 2:46 pm a 2:46 pm a 5:05 am b10:35 am b 8:05 am b10:35 am

Chicago & Northwestern.

andness and exclaimed:

"Poor-poor Wagner?"

what do you mean?"

Wabash.

ST. JOSEPH. Mo., April 2.—CATTLE-Re-celpts, 104 head; market unchanged. HOGS-Receipts, 2,053 head; market 5c higher; lights, 55,10655,17%; medium and heavy, \$5,1214:055,17%; medium and hEEP-Receipts, none. 505 Following are the receipts of live stock for the six principal western cities yester-day: 4.148 South Omaha. Totals 867

C. M. & St. P. ... 1 Wabash Union Pacific System ... F. E. & M. V. ... C. St. P. M. & O... 1 B. & M. C. R. I & P. east... Illinois Central.... Chi. Gt. Western.... per bu. box, \$4.00 FRUITS. APPLES-California Bellflowers, per box, \$1.75; Oregon fancy reds, per box, \$1.90; New York export Greenings, Russets and Ealdwins, \$4.00, CRANEERRIES-Jersey, per bbl., \$7; per box, \$2.50. Total receipts...... 3 box, \$2.50. STRAWBERRIES-Texas, per 24-qt. case, \$4.06; Louisiana, per 24-pt. case, \$2.00. TROPICAL FRUITS. The disposition of the day's receipts was as follows, each buyer purchasing the num-ber of head indicated: TROPICAL FRUITS. ORANGES-Navels, choice, all sizes, \$2.25; fancy navels, all sizes, \$2.50. LEMONS-California, fancy, 300 to 360. \$2.50; choice, 240 to 270 sizes, \$3.0053.25. FiGS-California, per 10-1b. cartons, 35c; imported Sinyrna, 3-crown, 14c; 5-crown, 16c; 5-crown, 16c imported Binfrin, bedium sized bunch, 16c, 7-crown, 16c. BANANAS-Per medium sized bunch, 12.0002.50; Jumbos, 12.7563.25. DATES-Persian, per box of 30 pkgs., 12; per bb. in 60-lb boxes, 5c; Oriental stuffed dates, per box, \$2.40. COCOANUTS-Per sack, \$4.00; per doz., Total MISCELLANEOUS. CHEESE-Wisconsin iwins, full cream, 2c; Wisconsin Young Americas, 13c; block wiss, 16c; Wisconsin brick, 15c; Wisconsin

* Indicates Sunday.

M. '& St. P. 1

The official number of cars of stock srought in today by each road was: Cattle Hogs.Shcep.H'ses.

mburger, 13c. CIDER-Per bbl., \$5.50; per ½-bbl., \$3.25. HONEY-Nebraska, per 24 frames, \$3.00; tah and Colorado, per 24 frames, \$3.00. HORSERADISH-Per case of 2 doz., solved So

Bo: No. 2 white, 42042(c): No. 3 white, le: standard, 41%042%c.
Botes from the Exchange Offices.
Inchain inspections of grain were 51 cars; room 12 cars graded No. 2. Il cars No. 4 white and 1 no grade; of oats, 8 cars graded No. 3. (ars No. 4. 1) car No. 4. (ars No. 4) white and 1 no grade; of oats, 8 cars graded No. 3. (b, 6 cars No. 4) white and 1 aro grade; of oats, 8 cars graded No. 3. (b, 6 cars No. 4) white and 1 aro grade; of oats, 8 cars graded No. 3. (b, 6 cars No. 4) white and 1 aro No. 4. (b, 6 cars No. 4) white and 1 aro grade; of oats, 8 cars graded No. 3. (b, 6 cars No. 4) white and 1 aro grade; of oats, 8 cars graded No. 3. (b, 6 cars No. 4) white and 1 aro No. 4. (b, 6 cars No. 4) white and 1 aro No. 4. (c) hard shell, per Ib., 1509250. (c) hard shell, per Ib., 12 (c) hard shell, per Ib.

675 1,267 635

Cattle, Hogs. Sheep.

10000	CHICAGO.		
	and the second second	C'lot	bas
Wheat	-	Today, 7	Fhur's 95%
			87%
May July		. 67 A	56% 53%
1000	KANBAS CITY		
Wheat	-		
May July		·· 87%	87%
Corn-May		1004.5	
July	ST. LOUIS.	46%	47 46
Wheat	BI. LOUIS.		
May		96%	9614 8972
Corn			100.00
May July		40%	47%
	MINNEAPOLI	В,	A
Wheat	be a contract of the	Section 1	
July	DULUTH	. 97%A	97% 97%
Whent			
May		96%A	9754
	NEW YORK		0178
Wheat			
July		98%A	98% 93%
CHI	CAGO GRAIN AND P	ROVISI	ONS.
Featu	res of the Trading	and C	losis

Prices on Board of Trade.

Prices on Board of Trade. Prices on Board of Trade. CHCAGO, April 2.-A large decrease in world's shipments helped firmness in wheat today, the close showing a net advance of the Gorn made a gain of 143%c. Oats are up be and provisions 246116c. The advance of the decreased movement, a firm tone prevailed in wheat at the opening. July being up 467%c at figures. A reaction had occurred and July declined to Size. The market ralled again just before the close, a firm tone being manifested. Final figures on July were at SizeSize. May sold between 864 Generation and four for the week, as shown by Bradstreets, were 562,000 bushels. Min-neapolis, Duluth and Chicago reported re-ceipts of 470 cars, against 250 cars last week and 559 a year ago. Sentiment in the corn pit was buillah. July opened 45%c higher at 55%c. Local receipts were SH cars. The feature in trading in oats was cov-clastic were sitters of an active de-

CB.T#.

Provisions at as ac. Local receipts were 197 Cars. Provisions were strong on an active de-mand for all products. The interest of trading centored in pork, there being heavy buying. The market closed strong, with July pork up 17% at \$11.5%. July lard closed 3% higher at \$7.17% \$97.50. Ribs were up 2% at \$7.10. The board will be closed Tuesday, election day. The leading futures ranged as follows:

Articles. | Open. | High. | Low. | Close. | Yes'y.

"Wheat May a July b July a Sept. b Sept.	96 894,074 874,638 874,638 874,638 874,638	22222	96% 81% (25) 81% 81% 81%	12023 12025 1205 120	1014 1014 1014 1014 1014 1014 1014 1014	.au 86 153
*Corn- May July Sept.	56% 016 55% 53% 0%	8746 54 53%	53% 84%	67 63% 62%	53% 85%	4
May July Sept.	41% 39%	42% 40 33%	unal and a second	41% 39% 32%	113694 39%	10
Pork- May July	13 10	18 47% 18 70	15 30 13 40	18 30 13 62%	18 15 13 35	8
Lard- May July	7 00%	7 25	7 00	7 00%	6 97% 7 15	ľ
Ribs- May July	6 93%	7 00 7 15	6 503% 7 07%	6 95 7 10	8 90 7 07%	C HER
* No.	2 a old	. b ne	w.			C

No. 2 & 0.03. b new.
Cash quotations were as follows: FLOUR-Market was quiet and steady; winter patents, \$4.5005.00; straights, \$4.5009 1.00; apring patents, \$4.6009.70; straights, \$4.0001.00; bacers, \$2.00.
WHEAT-No. 2 spring, Scotti.00; No. 3, Stoffil.00; No. 2 red, Scotti.025; CORN-No. 2, 6556656; No. 2 yellow, \$5,057c.
OATS-No. 2, \$15,05415c; No. 3 white, Stoffile.

RTE-No. 5. Te. BARLEY-Good freding. 38640c; fair to

HDS-No. 1 flax, \$1.09; No. 1 north-

small, per ib., 16c; peanuts, per ib., 6c; roasted peanuts, per ib., 8c; Chill wainuts, 120134c; large hickory nuts, per bu., \$1.50; shellbarks, per bu., \$2.00; black wainuts, per bu., \$1.25.

NEW YORK GENERAL MARKET. <text> Quotations of the Day on Various Commodities.

factory, 1201442c; imitation creamery, 146 170. CHEESE-Steady: state full creamery, 147 fancy colored, September, 12c; late made, 10%c; large colored, September, 12c; late made, 10%c; large colored, September, 12c; late made, 10%c; large white, September, 12c; late made, 10%c; large white, September, 12; late made, 10%c; late made, 10%c;

St. Louis Grain and Provisions. ST. LOUIS. April 2.-WHEAT-Firm; No. 2 red cash. elevator track, \$1.0021.05; May, 954c; July, Säige; No. 5 hard, 25285c. CORN-Higher; No. 2 cash. 50c; track. 516514c; May, 49c; July, 50c. OATS-Higher; No. 2 cash. 45c; track. 44c; May, 49c; No. 2 white, 663c. FLOUR-Dull and unchanged; red win-ter patents. \$4.9025.00; special brand, 2009 55 higher; extra fancy and straight, \$4.00 94.55; clear, 84.0024.25. SEED-Timothy, steady, \$2.4052.00. CORNMEAL-Steady; \$2.40. BRAN-Steady; macked, east track, 7869 50. St. Louis Grain and Provisions. HAY-Steady; timothy, \$9.00@14.00; prairie, HAY-Steady; timolity, boundary, and IRON COTTON TIES-520. BAGGING-54c. HEMP TWINE-6c. PROVISIONS - Fork. higher; jobbing. 1240. Lard. higher; prime steamed. 56 f. Bacon. steady; boxed. extra shorts \$7.75; dear ribe \$7.75; short clear, \$8.00. POUL/IRY-Easy; chickens, 10%; springs. \$1.0092.50 per doz.iturkeys, 12%; file; ducks. 15c; geees, 697C. BUTTER-Elow; creamery, 500554c; dairy, 16619c. 14,000 258,000 161,000 54,000

Good to choice steers are quotable from 84.60 to 55, with something strictly fancy a little above that. Fair to good grades sell from 34.15 to 34.50 and the warmed-up and short-fed cattle largely from 35.50 to 34. The cow market was also affected to some extent by the liberal supples early in the week and heavy cows show a loss for the week and heavy cows show a loss for the week and heavy cows show a loss for the week and heavy cows show a loss for the week and heavy cows show a loss for the week and heavy cows show a loss for the week and heavy cows show a loss for the week and heavy cows show a loss for the week and heavy cows show a loss for the week and heavy cows show a loss for the week and heavy cows show a loss for the weight cows and heifers, however, are just about steady, as the demand for that class has been fully equal to the supply and each day's offerings were picked up in a hurry. Canners have been in limited supply and are selling in practically the same notches they have for some time past. Good to choice cows and heifers are quotable from \$3.25 to \$4, fair to good from \$2.50 to \$3.15 and canners and cutters from \$2 to \$2.40. Buils have been slow sale all the week, the same as they were hast, and but little change in ruling prices have taken place. The choice fat buils are selling largely from \$2.96 to \$2.55, with an occasional sale above that. Most of the buils that bring much over \$3.25, though, were sold in with a load of steers. Bologna grades go largely from \$2.35 to \$2.85. Veal caives continue in active demand at firm prices, best grades selling as high as \$5.75. The supply of stockers and feeders was vather limited this week and prices held from \$2.60 to \$4.10, fair to good \$3.60 to \$3.60, and the commoner kinds from \$3.60 down. BEEF STEERS. No. Ar. Fr. No. Ar. Fr. Mo. Ar. Fr. No. Ar. Fr. Mo.

· Peoria Grain Market. PEORIA Anril 1-CORN-Higher; No. 1. 1916; No. 4 19160 19c; low medium, 19330c. Montana-Fine choice, 18619c; fine medium choice, 18619c; average, 18619c; staple, 19630c; medium to

18,595

LONDON, April 2.—WOOL—The market was firm, but quiet during the week. The arrivals for the next series amount to 151,157 bales, including 70,000 forwarded di-rect. Imports for the week: New South Wales, 1.266 bales; Queensland, 1.644 bales; Victoria, 2,066 bales; South Australia, 861 bales; West Australia, 48 bales; Cape of Good Hope and Natal, 2,387 bales; Buenos Ayres, 869 bales; Punta Arenas, 4,137 bales; sundries, 860 bales. ST. LOUIS, April 2.—WOOL—Steady; medium grades, combing and clothing, 1869 22c; light fine, 156077%c; heavy fine, 1269144c; tub washed, 206000.

Stoux City Live Stock Market.

St. Joseph Live Stock Market.

Stock in Sight.

Wool Market.

Kansas City Grain and Provisions.

Kansas City Grain and Provisions. KANSAS CITY, April 2.–WHEAT–May, 87%: July, 78%: September, 72%: cash, No. 2 hard, 9%: No. 8, 889910; No. 2 red, 106%: No. 8, 51.0221.04; receipts, 28 cars, CORN-May, 47%247%: July, 46%69%c; cash, No. 2 mixed, 46246%c; No. 3, 452486; No. 2 white, 46c; No. 8, 45245%c, OATS-Steady; No. 2 white, 41c; No. 2 mixed, 39240c.

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such creditor's bill proceedings become 4 Under the decedents law of this state

Noginet ar flaw has, during the pendency of such creditors bill proceedings become dormant.
4. Under the decedents law of this state a nonresident who claims a life interest in lands located in this state by virtue of a will which has never been probated in the courts of this state, is not a nocessary party to a suit against the heirs at law of the decedent seeking to subject the land to payment of the claims of creditors.
5. Evidence examined, and found sufficient to sustain the finding and decree of the find court.
13000. L. W. Pomerine Co. against White. Error from Lancaster. Remittitur. Oldham, C. Division No. 1.
1. In an action for personal injuries by a marked woman, she is not entitled to recover the value of medical services, or that she is the owner of a separate estate which might become liable therefore.
13129. Helst against Jacoby. Error from Hamilton. Affirmed. Hastings, C. Division No. 1.
1. Act of February 35, 1875, entitled "An act to restrain sheep and swine from running at large in the state of Nebraska." held to have no reliation to the protection of young hogs of 50 to 100 pounds weight to go at large upon his own premises so that they wander across the highway to a neishbor's cornfield, and in running back frightens a passer's horse, held, not has a passer's horse. Held district court reversed; judgment of justice affirmed bill of the peace decides an objection to his jurisfiction over the passer's equipage and person produced by such fright.
13311. Zeigler against isomer. Error from Dodge. Judgment of subtract district court is a neishbor's cornfield, and in running back frightens a passer's horse, held, not has the institue of the the peace decides an objection to his jurisfiction over the peace decides an objection to his interestion of the peace decides an objection to his interestion of the peace decides an objection to his jurisfiction over the proteced by such fright.
13311. Zeigler against Objec Court,

terfere with the enjoyment of the enso-ment. 13470. State against Insurance Company of North America. Original. Demurrer overruled. Action dismissed. Holcomb, C. J. 1. The state may impose on a foreign corporation as a condition of coming into and doing business within its territory any terms, conditions and restrictions it may think proper, not repugnant to fundamental laws.

terms, conditions and restrictions it may think proper, not repugnant to fundamental, laws. 2. The provisions of section 33, chapter xilli Compiled Statutes, entitled "An act regu-lating insurance companies." passed in 1873, declaring that whenever the laws of an-other state shall require of insurance com-panies incorporated in this state the pay-ment of taxes and Reense fees or other-wise greater than the amount required for such purposes from similar companies of this state, then all insurance companies of this state, then all insurance companies of such states by the then existing laws of this state, then all insurance companies of such states from similar companies of such states for the required to pay for taxes and license fees an amount equal to the amount of such charges and payments imposed upon or required by the laws of such state of the companies of this state, is a valid exercise of legislative power in no way inhibited by the fundamental law of the state nor of the reciprocal tax and license fees provided by said section 33 is a privilege or license tax imposed as one of the conditions upon which a company subject to such tax or imposition is ad-nitited into this state to engage in business therein. 4. The fact that the exaction may not be

the privileges given consist of other bener-ficial rights necessary to the use of the Sale of the whether the sole of the whether the pendency lings become of this state fo interest in virtue of a bated in the sole of a the time of the foreclosure of a moriging of mill property ings become of this state fo interest in virtue of a bated in the sole of a the time of the foreclosure, or a moriging of the seasements appur-terant to the mill property and necessary to its use and enjoyment, owned and used by the morigagor in connection therewith at the time of the foreclosure, or as size priv-purtanances to the mill property. 6. Where, after conveyance of such prop-purtanances to the mill property. 6. Where, after conveyance of such prop-purtanances to the mill property. 6. Where, after conveyance of such prop-purtanances, derived by third par-sons from the tenant, will not stop the favor of the lessor's tile. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the decree except as modified herein. 7. Record examined and held to authorize the free with the enjoyment of the ease-therefore. 7. State against Insurance Company

California Express. a 4 20 pm Ailantic Specia. a 2 20 pm Atlantic Special. a 2 20 pm a 7 20 am Colorado Special. a 2 30 pm b 7 20 am Chicago Special. a 2 45 pm Chicago Special. a 2 46 am oin. Bestrice and Silons-rg Express. b 4 00 pm b 2 45 pm mbus Lecal. b 6 00 pm b 3 25 and

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