GRAIN AND PRODUCE MARKET

Crowd Takes Bull Side and Wheat is Strong.

SET-BACK AT CLOSE OF THE SESSION

Feeling Friendly for Last Few Days and Selling Less Aggressive-Corn Dull and Listless, Closing Lower.

OMAHA, March 24, 1906. OMAHA, March 24, 1906.
On the early break commission houses were the buyers and on this fact and on the relative strength in Minneapolis, the crowd took the bull side holding the market strong until the close, when realising caused a set-back. Unsettled weather provailed throughout the belt, with further precipitation predicted for the west and southwest tomorrow. The feeling for the last few days has been friendly and the selling less aggressive. ow days has been friendly and the selling oss aggressive.

Forn was dull and listless until the last all hour, when several Chicago professionals worked against the market after-timates of 24 cars for Monday were outed, fu the absence of trade their effects were successful. Country movement light, receipts moderate and domestic chand good.

The trade in outs was implied but the

derivand good.

The trade in oats was limited, but the market was steady, finally gasing somewhat in sympathy with wheat and corn. Export bids are improving and the domestic demand is good.

Primery wheat receipts were 20,000 but and shipments 131,000 but, against receipts, list year of 231,000 but, and shipments of 22,000 but, corn treeipts were 345,000 but and shipments of 22,000 but, against receipts list year of 69,000 but, against receipts list year of 69,000 but, and shipments of 22,000 but.

isst year of 699,000 bil. and shipments of 525,000 bil.

Clearances were 75,000 bil. wheat, 23,413 bills flour, 747,000 bil. corn and 69,000 bil. oats. Broomball estimates world's wheat shipments for Monday at 9,600,000 bil. against 7,728,000 bil. a week ago and 3,744,000 bil. last year. Australian wheat shipments this week were 738,000 bil., against 1,424,000 bil. last week and 1,184,000 bil. hast year. Liverpool closed unchanged to 35d higher on wheat and 35d lower on corn. From the Inter Ocean; "Oats are selling at Ormina at it higher than can be shipped to Chicago and at Kannas City and St. Louis they are bringing ligher prices than thicago. In the last three days Minnespolls millers have sold 189,000 burrels of flour, according to a report from there.

apolls millers have sold 189,000 burrels of flour, according to a report from there. The Washburn Crossby company is said to have ground 20,000 barrels of flour Wednesday and sold 4,000 barrels yesterday. A cereal company recently bought 600,000 bushels of choics white oats at Minneapolis and all of the 5,000,000 bushels held there some time ago have been sold and is being moved out. This removes competition from that quarter."

The local range of options:

Articles.		Open.	High.	Low.	Close.
Wheat May Corn-	 ***********************************	72A	12A	71% A	715 ₈ B
May July Oats	epironi.	2016 A 29% A	1916A 1954A	1016614 2016A	39% 39%A
May	**********	lanus I			29% B

Omaha Cash Sales. CORN-No. 3, 2 cars, 38thc. Omaha Cash Prices.

WHEAT-No. 2 hard, 72675c; No. 3 hard, 386714c; No. 4 hard, 606674c; No. 2 spring, 3974c; No. 4 spring, 72674c; No. 4 spring, CORN-No. 3, 354,03354c; No. 4, 3763514c; no grade, 36537c; No. 3 yellow, 284c; No. 3 white, 394c; No. 3 mixed, 294,6294c; No. 3 white, 294,675; No. 4 white, 294,675; No. 3, 875-No. 2, 53c; No. 2, 53c.

Carlot Receipts. hicago 530 11 ansas City Minneapolis Jinaha

CHICAGO GRAIN AND PROVISIONS Features of the Trading and Closing

Prices on Board of Trade. CHICAGO, March 34.-Profit-taking by discouraged holders imparted a weak tone to the local wheat market at the close today, final quiotations on the May delivery being off 1/2c. Corn was also down 1/2c. Oats showed a loss of 1/401/4c. Provisions were 1/601/4c lower.

were 10ftlic lower.

Trading In the wheat pit was very light itself during the greater part of the session sentiment was inclined to bearishness. Owing to the failure of the Laverpool wheat market to respond to the strength Sentiment was inclined to bearishness. Owing to the failure of the Liverpool wheat market to respond to the strength in the local wheat market yesterday there was a moderate decline at the start, the May option being off 150% to 78% 278% c. Toward the end of the first hour there was a slight raily, following a sharp advance at Minneapolls, the strength of the northwestern market being due to decreasing stocks and a lively demand for cash wheat. For the May delivery the highest point of the day was reached at 78% c. During the last hour there was moderate liquidation by local longs, and as a result the fishest became quite weak. The close was at the lowest point of the day, final quotations on May being at 78% c. July ranged between 77% and 78% c. Clearances of wheat and flour were equal to 154,000 bushels. Primary receipts were 280,000 bushels, compared with \$5,000 a year ago. Minneapolls, Duluth and Chicago reported receipts of 348 cars. sgainst 255 last week and 225 a year ago.

Selling by cash interests and commission houses caused weakness in the corn market, a heavy tone being manifested during the entire day. Lower cables and a decline in the price of cash corn were the main depressing influences. Offerings were taken largely by shorts. The market closed weak at the lowest point of the day. May opened 150% lower at 445,000% c. sold off to 48% cars, with 7 of contract grade.

Trading in oats was exceedingly dull and prices ranged within narrow limits. Sentiment in the pit was a trifle bearish in sympathy with other grain. May opened a shade to 160% lee over at 20% cars, with 7 of contract grade.

Trading in oats was exceedingly dull and prices ranged within narrow limits. Sentiment in the pit was a trifle bearish in sympathy with other grain. May opened a shade to 160% lee over at 20% considerable profit-taking in provisions, the seiling of fard being a feature. The market ruled weak throughout the session. At the close May pork were 129 cars, tops, \$6,000 head.

The leading futures ranged as follows:

The leading futures ranged as follows:

HAY-Steady (limothy, \$6.00@14.50; prairie, \$6.00@10.50.
IRON COTTONTIES-\$1.01.
BAGGING-84ge,
HEMP TWINE-74ge,
PROVISIONS — Pork: steady; jobbing, \$1.50.
Dry sail meats, steady; boxed extra shorts, \$8.75; clear ribs, \$8.87\frac{1}{2}; short clears, \$9.50.
Hacon, steady; boxed extra shorts, \$9.50; clear ribs, \$9.60\frac{1}{2}; short clears, \$9.50.
POULTRY — Quiet; chickens, 10\frac{1}{2}c; springs, 12\frac{1}{2}c; turkeys, 1\tilde{0}c; ducks, 1\tilde{0}c; springs, 12\frac{1}{2}c; turkeys, 1\tilde{0}c; ducks, 1\tilde{0}c; geese, 7\frac{1}{2}c. Articles. | Open. | High. | Low. | Close. | Yes'y *Wheat | 1 1 1

May July Sept. *Corn	75% 64%, 780) 78% 170)	78% 78% 78%	78% (8% 77% (8%	78% 77% 17%	7876 7854 78
May July Sept.	4414 6794 4454 6254 4474 6246	44% 44% 60%	4374 4415 147419 NR	4416 4416 4476@76	44% 07% 45%
May July Sept. Pork-	30% 65% 35% 65% 35% 653	30% 20% 28%/25	30% 19% tt % 28%	20% 20% 20% 20%	30% 01% 20% 01% 28%
May July Lard—	16 45 16 30	16 46 16 35	16 35 16 25	16 35 16 25	16 50 16 424
May July Sept. Ribs—	8 42% 8 52% 8 57%	8 52% 8 52% 8 60	S 20% S 40 S 50%	8 5514 8 4514 8 6214	8 42% 8 55 8 62%
May July Bont	8 70 8 70 8 70	8 70 8 70 8 7944	S 65. S 60.	8 67% 8 60 8 67%	8 17M 8 72%

Bopt. | 8 70 | 8 7246 | 8 6246 | 8 6744 | 8 73 *No. 2 Cash quotations were as follows:

FLOUR—Steady; winter patents, \$2.40g
3.50; winter straights, \$2.20g2.9; spring patents, \$2.20g2.9; spring patents, \$2.20g2.9c; bakers, \$2.20g2.9c.

WHEAT—No. 2 spring, Triffsie; No. 3, 74g9
sec; No. 2 red, \$34g8355c.
CORN—No. 2, 434c; No. 2 yellow, 434c.
OATS—No. 2, 2095c; No. 2 white, 324c; No. 3 white, 30493014c.
RYE—No. 2, 605004c.
RYE—No. 2, 605004c.
BARLEX—Good reeding, 3744088c; fair to choles malting, 41665c. Cash quotations were as follows:

No. 2 whitwood cases included, 42c; case count, Hc; cases returned, 14c off.

Wheat, bu. 25,000 25,000 Corn, bu. 18,000 25,000 Oats, bu. 5,000 12,000 BARLEY-Good reeding, 572,058c; fair to choice malting, 40,50c.

SEEDS-No. 1 flax, \$1.67; No. 1 northwestern, \$1.15. Timothy, prime, \$2.17%. Clover, contract grade, \$13.50.

PROVISIONS-Mess pork, per bol., \$15.25

Steady; No. 1 northern, 502,681c; No. 2 northern, 760 bc; May, 576c, asked.

Receipts and shipments of grain and flour.

Because a shipments of grain and flour. Receipts and shipments of grain and flour

follows:

DULUTH, March 24.—WHEAT-To arrive: No. 1 northern, 78c; No. 2 northern, 78c; No. 2 northern, 78c; No. 2 coRN-Spot, American maxed, new, firm. Duluth Grain Market.

ember, 18tec. OATS-To arrive and on track, 25te; May,

Condition of Trade and Quotations on

Staple and Fancy Produce. EGGS-receipts, liberal; fresh stock, case

ibs., net, \$6.
ONIONS-Home grown, reliow and red,
per bu. \$5c: Spanish, per crate, \$1.5; Colorado, red and rellow, per bu. \$1.
STRING BEANS-Per hamper of about 10

TURNIPS, BEETS AND CARROTS-

CARROTS - Louisiana, per dozen

unches, 75c.
HEAD LETTUCE-Louisiana per bbl.,
7, con 10 %; per doz. heads, \$1.00m; 25.
LEAF LETTUCE-Hothouse, per doz.

heads, &c. CUCUMBERS-Hothouse, per doz., \$1.75@ 2.25.

2.20. BEEF CUTS.

No. 1 ribs, 12c; No. 2 ribs, 114c; No. 2 ribs, 84c; No. 1 loins, 19c; No. 2 loins, 13c; No. 3 loins, 19c; No. 1 chucks, 54c; No. 2 chucks, 5c; No. 3 chucks, 44c; No. 1 round, 74c; No. 2 round, 74c; No. 3 round, 7c; No. 1 plate, 4c; No. 2 plate, 35c; No. 3 plate, 3c.

MISCELLANEOUS.

plate, 3c.

MISCELLANEOUS.

CIDER-Per keg, 43.75; per bbl., 46.75.

HONEY-New, per 24 ths., 83.50.

CHEESE-Swiss, new, 16c; Wisconsin brick, 15c; Wisconsin limberger, 15c; twins,

ST. LOUIS, March 24.—WHEAT-Lower; fo. 2 red, cash, elevator, 83@89c; track, 3@88c; May, 78%c; July, 74%c; No. 1

No. 2 red, cash, elevator, sagsic; track, sagsic; May, 784c; July, 74%c; No. 2 hard, 78988c.

CORN-Lower; No. 2 cash, 41%c; track, 43%c; May, 41%c; July, 42%642%c.

OATS-Steady; No. 2 cash, 31%c; track, 32c; May, 30%c; July, 29%c; No. 2 white, 32c; May, 30%c; July, 29%c; No. 2 white, 32c.

Sic. May, Steady; red winter patents, \$4.1564.25; extra fancy and straight, \$3.70\(\text{g}\) 1.00; clears, \$3.70\(\text{g}\) 2.50\(\text{g}\) 2.50\(\text{g}\)

springs 121/c; turkeys, 16c; ducks, 18c; geese, 71/c; BUTTER - Steady; creamery, 200/28c;

dairy, 18021c.
EGG8—Steady at 12c, case count.
Receipts, Shipments,
Flour, bbis , 60s , 60s
Wheat, bu 18,00s 54,00c
Corn, bu 28,00s 55,00c
Oats, bu 59,00s 7,00c

Kansas City Grain and Provisions.

Kansas City Grain and Provisions.

KANSAS CITY, March 24.—WHEAT—Unchanged: May, 73c; July, 705c; September, 705c. Cash: No. 2 hard, 75678c; No. 3, 725c

Grabe: No. 2 red, 916384c; No. 3, 806904c.

CORN-Steady; May 255c; July, 404c.

Cash: No. 3 mixed, 415c

Cash: No. 2 mixed, 415c

Cash: No. 2 mixed, 415c

Cash: No. 2 white, 425a35c

CATS—Higher: No. 2 white, 329335c

RYE—Steady, 575c

HAY—Steady choice timothy, 511.58911.50; choice prairie, 58.75692.0c

BUTTER—Firm: creamery, 25c; packing, 125c

EGGS-Steady; Missouri and Kansas, new

Liverpool Grain and Provisions

39,000

northern, No: May, 784c; July, 784c; Sep- 4s 36; American mixed, old, 4s 7d; Intures. OMAHA LIVE STOCK MARKET tember, 784c. NEW YORK GENERAL MARKET Quotations of the Day on Various OMAHA WHOLESALE MARKET,

Commodities.

NEW YORK, March 28.—FLOUR—Receipts 4.388 bols.; exports, 15,468; bols. Market firm with light inquiry; Minnesota 4.1564.25; Minnesota bakers, 35,4095.25; winter patents, 32,3094.25; winter straights, 35,7093.80; winter extras, \$1,7562.25, Rye flour, duil; fair to good, \$1,4092.20; choice to fancy, \$1,5094.20.

CORNMEAL—Firm, fine white and yellow, \$1,15; coarse, \$1,0001.05; kiln dried, \$2,5562.25. Commodities. LIVE POULTRY—Hens, louisly; old consters, 5%c; turkeys, l6c; ducks, 11c; coung roosters, 8%10c; geese, 8c.

DRESSED POULTRY—Turkeys, 18%15c; did toms, 15%15c; chickens, 10%15c; old roosters, 7c; ducks, 17%15c; geese, Pc.

BUTTER—Packing stock, 13c; chicke to ancy dairy 18%15c; charges; 21%214c;

CORNMEAL—Firm, fine white and yellow, St. 15; coarse, El.5301.65; kiln dried.

2.8502.75.

BARLEY-Duil; Yeeding, 40%c c. 1. f.

Buffalo; malling, 40%6c c. 1. f. Buffalo;
WHEAT-Receipts, 52,000 bu.; spot market steady; No. 2 red. 8c elevator; No. 2 red. nominal, f. o. b. afloat. Except right at the opening, when it temporarily weakened under disappointing cables, fine weather and heaviness in the northwest, wheat was firm all the foreoon, selling above the close. Its builtan influences were light Austrian shipments, timidity of shorts, commission house support and propects for rather small world's shipments on Monday. The closed at 84%c; September, St. 26. Corn. Arg., closed at 84%c; September, 87%c, closed at 82%c.

CORN—Receipts, 12.90 bu; exports, 25. 25. bu.; spot market steady; No. 2, 54c elevator, and 51%c f. o. b. afloat; No. 2 vellow, 52%c, No. 2 white, 52%c. Option market was quiet and a shade lower through pressure from longs, closing at \$46%c net decline. May, 395alc, closed at 50c.

OATS—Receipts, 66,000 bu.; exports, 25,500, spot market then; mixed oate, 5s to 25 pounds, 36c; natural white, 35 to 35 pounds, 36c; natural white, 35 to 35 pounds, 38c; natural white, 35 to 40 pounds, 38c; natural white, 35 to 35 pounds, 38c; natural white, 35 to 40 pounds, 48c; natural white, 48c; natural white, 48c; natural white, 48c; natural white, 48c; natural wh BUTTER-Packing stock, 12c; choice to sancy dairy, 186 19c; creamery, 219214c.

HAY-Prices quoted by Omaha Feed company: No. 1 upland, \$7; medium, \$6.56; course, \$0.0976,50. Ryc straw, \$6.50.

BRAN-Per ton, \$1.50.

TROPICAL FRUITS.

DATES-Per box of 20 1-lb, pags., \$5.00; Hallowe'en, in 10-lb, boxes, per th., \$6. Sayers, per ib., \$6; walnut stuffed, 1-lb, pags., \$2.00 per dox, \$8.1b, boxes, \$1.00.

ORANGES-California, extra fancy Red-land navels, all sizes, \$3.5c; rancy navels, \$10.50; choice, all sizes, \$3.5c.

49.35; choice, all sizes, 43.

LEMONS-Limoniers, extra fancy 140
size, 51.75; 300 to 350 size, 54.35.

PIGS-California, per 10-th, carton, 750
Sc; imported Smyrna, three-crown, fic; sixcrown, 13c.

BANANAS-Per medium sized bunch, 31.75
ff2.35; jumbos, \$2.3093.00.

TANGERINES-California, per box of
thout 135, \$1.00. bout 12, \$3.00. GHAPE FRUIT-Florida, per box, \$7.009 50; California, per box, \$4.0094.50. FRUITS

PEARS—Winter Nellis, \$2.50.

APPLES—California Newton, Pippins and
Baldwins, \$2 per bu, box; Ben Davis, \$2
per bu box; Winesaps, \$2.50 per bu, box;
other varieties, \$2.009235 per bu, New York
apples, Baldwins and Russets, \$5.00 per bil,
GRAPES—Imported Malagas, \$6.0097.50.

HAY—Steady shipping, \$69.50c; good to cholice, \$69.50c; leady \$10.50c; leady \$10. OLD VEGETARLES.
POTATOES—Home grown, per bu., \$6.09
South Dakota, per bu., \$5.00
NAVY BEANS—Per bu., \$5.00, No. 2, \$1.75.
LIMA BEANS—Per lb., \$7.00
CABBAGE—Caillornia, \$6.00
CARROTS, PARSNIPS AND TURNIPS—Per bu. \$6.00 Per bu., Sic.
CELERY—California, \$1 per dox.
SWEET POTATOES—Ulinots, per 11-pk.
bbl., \$4.50.
NEW VEGETABLES.
TOMATOES—Florida, per crate of 50 ibs. 31.50; packet, \$10.00010.50; extra india mess, \$15.00018.50. Cit meats, steady; pickled bellies, \$9.00010.25; pickled shoulders, \$7.00 37.50; pickled hams, \$10.25610.75. Land, barely steady; western steamed, \$8.4068.45, nonlinal; refined barely steady; continent, \$8.85; South America, \$9.55; compound, \$6.55, mess, \$16.75917.55. TALLOW—Steady; city, 5c; country, 56 et. 16.50. WAX BEANS-Per hamper of about 30

RICE-Steady: domestic, fair to extra, ths., net, 53.0024.00.
GREEN PEPPERS-Florida, per 6-basket 3.05c; Japan, nominal.
BUTTER-Unchanged; receipts, 3.514 PERSE Steady and unchanged; receipts, 5,555 boxes; weekly exports, 16,857 boxes.

EGGS Easier; receipts, 14,361 pkgs.; state. EGGS-Easier; receipts, 14,38 pages, 18,18 pennsylvania and nearby fancy, selected, white, 20c; state, choice, 17619c; state, mixed, extra, 17c; western firsts, 1514c; western seconds, 159154c; southerns, 149154c.

FOULTRY-Live, firm; western chickens, 16913c; dressed

11%c: fowls, 14%c: turkeys, 16@18c; dressed firm; western chickens, 10@13c; turkeys, 14 @19c; fowls, 11@14%c. Minneapolis Grain Market. (Superior Board of Trade quotations for Minneapolis and Chicago delivery). The range of prices, as furnished by F. D. Day & Co., 110-111 Board of Trade building, was: Articles. Open. | High. | Low. | Close. | Yes'y Wheat— May. 77% 97% 78% 77% 73% 73% July. 79% 80% 79% 73% Sept. 78% 78% 77% 77% 5044 7855 Minneapolis Cash Close-Wheat: No.

brick, 15c; Wisconsin limberger, 15c; twins, 134c; Young Americas, 15c.
NUTS-Walnuts, No. 1 soft shells, new crop, per 15., 154c; hard shells, per 15., 154c; hard shells, per 15., 12c. Peanuts, per 15., 64c; roasted, per 15., 8c. Chili walnuts, per 15., 12c;134c. Almonds, soft shells, per 15., 17c; hard shells, per 15., 15c. Cocoanuts, \$4 per sack of 196. Minneapolis Cash Close-Wheat: No. 1 hard, 78%: No. 1 northern, 78%: to arrive, 78%: No. 2 northern, 76%: to arrive, 76%: No. 3 74%: 75%: No. 1 Durum, 71c; No. 2 Durum, 8c. Corn. No. 3 yellow, 28%: No. 3 37%: Oats: No. 3 white, 29c; No. 3 27%: Cash, \$1.14%; May, \$1.16. Peoria Grain Market.

of 106.

FRESH FISH—Trout, lie; halibut, 10c; pickerel, dressed, 7c; white beas, 11c; sunnah, 8679c; perch, skinned and dressed, 8c; pike, 10c; redsnapper, 11c; salmon, 11c; crapples, 8679c; cels, 19c; black beas, 22c; whitensh, 12c; trog legs, per doz, 56c; lobsters, green, 33c; boiled lobsters, 37c; bluefish, 15c; herring, 4c; Spanish mackerel, 16c; haddeck, 10c; shrimp, \$1.0061.50 per gallon; smelts, 12c; cod, 12c.

RADISHES—Hothouse, per doz, bunches, 500675c. PEORIA, March 24.—CORN—Firm; No. 3 yellow, 4214c; No. 3, 4214c; No. 4, 4114c; no grade, 39640c.

OATS—Firm; No. 3 white, 394c; No. 4 white, 30c. WHISKY-On basis of \$1.28 for finished Toledo Seed Market.

5	haddock, 19c; shrimp, \$1.00@1.50 per gallon;	3 yellow, 4215c; No. 3, 4215c; No. 4, 415c; no
1	smelts, 12c; cod, 12c.	erade, 39649c. OATS-Firm; No. 3 white, 30%c; No. 4
15	RADISHES-Hothouse, per doz. bunches,	white, 30c.
5	MUSHROOMS-Hothquee, per lb., 50@60c.	WHISKY-On basis of \$1.28 for finished
8	OYSTERS-Fresh standard, \$1.40 per gal.;	goods.
	shell oysters, \$1.00@2.00 per 100; Little Neck	Boots.
œ:	clams, \$1.50 per 100.	Toledo Seed Market.
	SUGAR-Granulated cane, in bbls., \$5.06;	TOLEDO, March 24SEEDS-Clover, cash
J.	granulated cane, in sucks, \$5.01; granulated	and March, \$7.80; April, \$7.72; October, \$6.22
y	best, in sacks, \$4.91,	Timothy, \$1.50. Alsike, \$8.25.
Ф.	SYRUP-In barrels, Mc per gall in cases.	
e.	6 10-1b. cans, \$1.60; cases, 11 5-1b, cans, \$2.80;	London Closing Stocks.
	cases, 24 24-th. cans, \$1.90.	LONDON, March 24,-Closing quotations
ÚK.	COFFEE-Roasted; No. 35, 251/20 per lb.; No. 30, 201/20 per lb.; No. 25, 181/20 per lb.;	on stocks were:
-	No. 20, 15% per lb.; No. 21, 12% per lb.	Consols, money 90 3-16 N. Y. Central: 14732
ıt	PLOUR (wholesale)-Best high grade Ne-	do account 50 7-16 Norfolk & W 10%
n	braska, per cwt., \$1.90; best high grade pat-	Angeonda 13% Go pfd 94
8.	ent Minnesota, per cwt., \$2.30; straight pat-	Atchimon 30% Ontario & W BL%
10	ent Nebraska, per cwt., \$1.90; second pat-	do pfd 105 Pennsylvania 77-2 Bal & Ohlo 11514 Rand Mines 614
h	ent Nebraska, \$1.50.	Canadian Pacific 176% Reading
'e	CURED FISH-Family Whitehsh, per %	Ches. & Ohio:
le.	bbl., 100 lbs., \$4.50; Norway mackerel, per	Chicago Gt. W 215 do 2d -pfd 50
a-	bbl., 200 lbs., bloaters, \$40.00; No. 1, \$18.00; No. 2, \$26.00; No. 3, \$20.00; Irish, No. 2, \$16.00;	C M & St. P 1794 Southern Ballway 41%
Life I	Herring, in bbls., 100 lbs. cach, Norway, ik,	Delters 184 de pfd 1645 Denver & R. G. 445 So. Parific 694
it.	\$13.00; Norway, 3k, \$13.00; Holland, mixed,	do pfd 50 Union Pacificlalia
100	\$11.50; Holland herring, in kegs, milkers,	Erie 43% do pfd 99
)F	Ric: kers, miked, 70c.	do 1st pf0 79% U. S. Steel 41
ie	CANNED GOODS-Corn, standard west-	do 2d pfd (85) do pfd
st.	CANNED GOODS—Corn, standard west- ern, 55490c; Maine, 31.25. Tomatoes, 3-ib.	Himola Central
137	cans, \$1.25@1.50; 2-lb., 9742c@\$1.00. Pineapples,	M., K. & T
0.0	grated, 2-1b., \$2.05@2.30; sliced, \$1.90@2.20.	SILVER-Bar, firm, 30 3-16d per ounce.
ie.	Gallon apples, fancy, \$2.50; California apri- cots, \$1.4022.00; pears, \$1.7562.50; peaches,	MONEY-Many per cent.
n	fancy, \$1.7562.40; H. C. peaches, \$2.00@2.5a	The rate of discount in the open market
n	I display automore and \$1 15; winds the finance	for short bills is 3% per cent; for three
SE.	Chinook, F., \$2.10; fancy sockeye, F., \$1.55;	months' bills, 344939-16 per cent.
ir 0-	sardines, 14 oil, \$2.50; % mustards, \$2.500	
h	8.10. Sweet potatoes, \$1.10@1.25; sauerkraut,	Cotton Market.
id	\$1.00; pumpkins, 80c@\$1.00; wax beans, 2-lb.,	NEW YORK, March 24COTTON-Spot
a,	75@90c; lima beans, 2-lb., 75c@\$1.35; spinach,	closed quiet; middling uplands, 11.75c; mid-
50	\$1.35@2.00; cheap peas, 2-lb., 80c; extra, 75@ 90c; fancy, \$1.35@1.75	dling gulf, 12c; sales, 500 bales.
m		NEW ORLEANS, March 24.—COTTON— Spot closed firm; sales, 2,850 bales; ordi-
r-	\$2.40; No. 3 plain, \$3.25.	nary, 8%c; good ordinary, 911-16c; low mid-
ıg	HIDES, PELTS AND TALLOW-No. 1	dling, 10%; middling, 11%; good middling.
ne.	green hides, Sc: No. 2, Sc: No. 1 salted.	115c: middling fair, 12c nominal; receipts,
in	He; No. 2, 10c; bull hides, 7% @8%c; dry	4.570 bales; stock, 265,737 bales.
n	hides, 120,20c. Horse hides, large, \$3; small,	ST. LOUIS, March 24COTTON-Firm:
lk nd	I wise appropriate the free force of the control of	middling, 11%c; sales, none; receipts, 577
inc.	1, 4%c; No. 2, 3%c; rough, 1%c.	bales; shipments, 28 bales; stock, 43,122
30		bales.
-55	St. Louis General Market.	LIVERPOOL, March 24COTTON-Spot
id	ST. LOUIS, March 24WHEAT-Lower;	in fair demand; prices a points higher;

LIVERPOOL, March 24.-COTTON-Spot LIVERPOOL, March 2,—COTTON—Spot in fair demand; prices 5 points higher; American middling fair, 6.55d; good mid-dling, 6.25d; middling, 6.65d; low middling, 5.85d; good ordinary, 5.71d; ordinary, 5.65d. The sales of the day were 8,000 bales, of which 1,000 were for speculation and ex-port and included 7,100 American. Re-ceipts, 2,000 bales, all American.

Sugar and Molasses.

Sugar and Molasses,

NEW YORK, March 34.—SUGAR—Raw,
easy fair refining, 3 11-16c; centrifugal, 36
test, 3 17-325(3 5-16c) molasses sugar, 2 25-3269
2 Ul-16c. Refined, quiet; No. 6, 4, 26c; No. 7,
4 15c; No. 8, 4 30c; No. 10, 4c; No. 11, 2, 95c;
No. 12, 2, 90c; No. 14, 3, 85e; confectioners A,
4, 55e; mould A, 5, 65e; cutioaf, 5, 46c; crushed,
5, 49c; powdored, 4, 80c; granulated, 4, 70c.

MOLASSES—Firm; New Orleans open kettle, good to choice, 35c.

NEW ORLEANS, March 24.—SUGAR—Firm; open kettle, centrifugal white, 25, 674c; yellows, 35, 67
3 13-16c; saconds, 26, 25; 25c.

MOLASSES—Nominal; open kettle, 175
36c; centrifugal, 78, 39c.

BYRUP—Nominal, 25, 33c.

Clearing House Averages. NEW YORK, March 21.—The statement of the New York clearing house banks for this week shows that the banks hold \$6.333.—775 over the legal reserve requirements.

This is an increase of \$88.520 over last week. The statement follows: Loans \$1.028.31.000. increase \$3.501.200. deposits \$1.028.31.000. increase \$43.000. of reulation \$31.355.700. increase \$43.000 iegal tenders \$717.007.100. decrease \$1.000 iegal tenders \$717.007.100.000 iegal tenders \$717.007.1000 iegal tenders \$717.007.1000 iegal tenders \$717.0

Bank Clearings. OMAHA, March 24 -Bank clearings for today were \$1,570,561.03 and for the corre-sponding date last year \$1,304,992.67,
 sponding date last year \$1,204,927,67.

 Monday
 \$1,867,749,14
 \$1,514,297,46

 Tuesday
 1,553,984,67
 1,341,916,29

 Wednesday
 1,382,079,20
 1,387,385,39

 Thursday
 1,559,790,24
 1,387,863,02

 Friday
 1,825,931,74
 1,454,346,17

 Saturday
 1,570,381,63
 1,304,992,67

MILWAUKEE, March 24.—WHEAT—
Steady; No. 1 northern, 504-681c; No. 2
northern, 176-5c; May, bylac, asked.

RYE—Steady; No. 1, bylac, asked.

RYE—Steady; No. 1, 50-5c; sample, 174-682-1, color of specie at New York for the week ending today were valued at 13-57, 751. Imports of specie at New York for the week were \$51.00 silver and \$91,30 gold. Exports of specie were \$55,665 silver and no gold.

RYE—Steady; No. 2 cash, 424-6424c; and no gold.

Bank of America Dividend. CHICAGO, March R.-D. D. Healy, receiver for the Bank of America, announced today that he was ready to pay a further some cent dividend on account of deposits in the defunct bank, making a total payment of 70 per cent.

WASHINGTON, March 24.—Today's statement of the treasury balances in the general fund, exclusive of the \$150,00,000 gold reserve, shows: Available cash balance. \$155,845,977 gold coin and buillon, \$77,945,857; gold certificates, \$46,307,870.

Most Kinds of Cattle a Little Lower for the Week.

Receipts of Sheep and Lambs Consist Mostly of Through Stuff Consigned to Enstern

HOGS SOME HIGHER THAN A WEEK AGO

Feed Lots. SOUTH OMAHA, March 24, 1905, bts were: Cattle Hogs, Sheep, Monday. 4,097 2,038 15,395 Toesday 5,872 11,154 15,877 Wednesday 5,773 11,503 Receipts were Official Monday Official Toesday Official Wednesday Official Thursday Official Friday Official Saturday Totals this week. Z., 61,621 41,794 85,349 58,801 61,238 65,951 Last week
Two weeks ago
Three weeks ago
Four weeks ago
Same week last yeur 19,399 18,782 24,219 21,732 18,045

PRIDAY'S SHIPMENTS. The following shows the number of cars of stockers and feeders shipped to the country Friday and their points of destination. F. O. Nicklason, Annerson Ia.—R. I..... S. A. Pierce, Prescott, ia.—Q. J. Croniwell, Murdock.—R. I. J. Cronswell, Murdock—R. I.
S. H. Gassman, Persia, ia.—Mil.
J. B. Birgh, Brayton, Ia.—R. I.
Peterson & N., Osceola, ia.—I. P.
C. Crandall, Dow City, ia.—I. C.
A. Birkhopper, Dow City, ia.—I. C.
A. Birkhopper, Dow City, ia.—I. C.
Biffert Bran, West Side, ia.—N. W.
H. Hancock, Schupler—I. P.
Cary & K., Anita, Ia.—R. I.
J. W. Carison, Atlantic, ia.—R. I.
J. Duff, Desota, Ia.—H.
R. H. Woo, Bayard, Ia.—Mil.
R. H. Woo, Bayard, Ia.—Mil. H. Woo, Bayard, In Mil. The official number of curs of stock brought in today by each road was: Cattle, Hogs, She'p, H'r's

nion Pacific system, 2 & N. W., east & N. W., west Illinois Central Chicago G. W.....

Total receipts.... 9 101 29 3
The disposition of the day's receipts was as follows, each buyer purchasing the number of head indicated: Cattle, Hogs Sheep Other buyers Totals...... 189 8,911

RANGE OF PRICES. Omaha \$10095.85 \$4.1596.30 Chicago Kansas City Sioux City ... 1.0005.70 8.10008.20

The following will show the prices paid for the different kinds of cattle on the South Omaha market:

South Omaha markel:
Good to choice corn-fed steers... \$4.500.58
Fair to choice corn-fed steers... \$4.500.58
Common to choice corn-fed steers... 4.650.485
Good to choice cows and helfers. 3.7504.55
Good to choice feeders... 4.0054.40
Fair to good stockers and feeders. 3.5004.40
Common to fair stockers... 2.7502.50
Bulls, stags, etc... 2.5004.00
The following table shows the average price of hogs at South Omaha for the last several days, with comparisons:

Date. | 1906. | 1906. | 1906. | 1903. | 1902. | 1901. | 1900 Mch. 15. 6 6034 4 91 5 25 8 6 15 6 16 4 75 Mch. 16. 6 675 4 94 5 15 7 20 6 15 5 21 4 85 Mch. 17. 6 11 4 98 5 04 7 10 6 17 6 20 4 24 Mch. 18. 5 16 7 5 04 7 66 6 22 5 29 8 Mch. 19. 6 10 8 4 98 7 19 5 37 4 90 Mch. 20. 6 16 16 2 5 13 4 81 Mch. 21. 6 18 16 18 5 08 8 7 19 6 5 27 4 90 Mch. 21. 6 18 16 18 5 08 7 19 6 5 27 4 90 Mch. 22. 6 17 19 5 08 4 95 7 19 6 15 5 28 4 81 Mch. 22. 6 17 19 5 06 4 95 6 6 02 5 13 4 81 Mch. 22. 6 17 19 5 06 4 95 7 4 96 6 02 5 13 4 81 Mch. 22. 6 17 19 5 08 5 02 7 37 5 08 5 22 1 93

*Sunday.

CATTLE—Although the receipts yesterday were late in arriving, the yards were pretty well cleaned up before the close, very little stock being carried over. The fresh receipts this morning as usual on a Saturday were extremely light in consequence of which there was not enough of anything on sale today to be worth quoting. Heavy receipts have been a characteristic of this week's cattle trade. The total arrivals without exception are the heaviest for any week so far this year. As will be noted from the table of receipts published at the head of this column, there was a large gain over the previous week and a still larger gain over the corresponding week of a year ago.

Another feature of the week's trade is the large number of beef steers coming forward to market. While there are no figures from which to make comparisons, those who have been in the trade for many years claim that they cannot recall a season when the receipts were so largely made up of fair to good beef steers during the month of March as at the present time. In spite of this very large run the cattle market

of fair to good beef steers during the month of March as at the present time. In spite of this very large run the cattle market this week has been in fair condition, although there has been a lower tendency to values. A right choice bunch of prime beeves would probably sell very nearly as high as last week. Good landy-weight cattle are probably 10@15c lower for the week, while rough heavy beeves have decimed 160m5c.

HOGS—A few loads of hogs sold early this morning at prices very nearly sceady with yesterday, shippers and speculators being the buyers. Packers generally started out bidding lower, and the trade at first was very slow. Later on buyers and seliers got together on a basis of prices that were just about 1%c lower than yesterday's general market. The trade then became active and the receipts soon changed hands. The logs sold very largely at 80.21%68.25, as against \$2.21%68.27% yesterday. The top today was \$8.30, which was 2%c lower. A load was sold very late yesterday at \$6.21%, the high point of the year. Hogs have shown considerable improvement this week notwithstanding the fact that the receipts have been extremely heavy—that is, way in excess of previous weeks and very much larger than for the corresponding week of a year ago. Prices have gradually tended upward, the high point being reached on Friday, when the average of all the sales was \$6.25%, which made that the high day of the year. After allowing for the alightly lower prices prevailing today the market is suil 10912%c higher than it was at the close of fast week.

Hepresentative sales:

Representative sales:

SUPREME COURT SYLLABI

48 Neb., 682.

2. Such lands cannot be included within the limits of the proposed village for the sole purpose of obtaining a sufficient number of actual sesidents necessary to incorporate, without the consent of the owner, and such owner can maintain proceedings by quie warranto to determine the validity of the order of incorporation.

to eastern feed lots to be Inished for market, and were not offered for sale at this point. Two cars of shorn ewes which included all the fresh receipts on salo, brought \$1.00.

The receipts of sheep this week, as will be noted from the thole elsewhere, have been very large, being heavier than last week and far in excess of a year ago. During the first two days of the week the market showed a considerable decline, Hence with Wednesday there was a better feeling owing to a lotup in the receipts and while prices did not show any material advance any one day there was a gradual driming up. At the close of the week the best light lambs and the best sheep are not much different from a week ago, Heavy lambs and the general run of fair to good sheep are lower, about he off from last week's prices.

Quotations: Good to choice mative lambs, \$3.596.50; good to choice heavy tambs, \$1.00 from the to good to choice heavy tambs, \$1.00 from the good sheep good to choice heavy tambs, \$1.00 from the good to choice heavy types-lings, \$5.6506.50; good to choice heavy year-lings, \$5.6506.50; for to good to choice heavy year-lings, \$5.6506.50; good to choice heavy year-lings, \$5.6506.50; good to choice heavy year-lings, \$5.6506.50; for to good to choice heavy year-lings. appeal.

2. Where it would be proper for a court of law to grain a new trial, if the application had been made while that court had the power, it is equally proper for a court of equity to do so, if the application is made when the court of law has no means of granting, such a trial; but a court of equity will only grant such relief in case of newly discovered evidence, surprise or fraud, or where a party is deprived of the means of defense by circumstances beyond his control. Horn against Queen, 4 Neb., 168.

2. Where it is shown that the plaintiff has not used ordinary diligence in making or attempting to make his defense in the former action he will be denied a new trial.

4. In such a case the plaintiff must also

lambs, \$4.5695.50; good to choice heavy year-lings, \$5.6595.50; good to choice heavy year-lings, \$5.6595.50; fair to good treavy year-lings, \$5.4095.50 good to enoice weiters, \$5.5095.75; fair to good weiters, \$5.2095.65; good to choice owes, \$4.7595.10; fair to good ewes, \$4.2594.65; cull sheep and bucks, \$2.00 \$4.50. Hepresentative sales: SHEEP. 4. In such a case the plants a valid de-plead and prove that he has a valid de-fense to the action in which the judgment complained of was rendered.

5. Evidence examined and held sufficient to sustain the judgment of the district

CHICAGO LIVE STOCK MARKET Cattle and Sheep Weak-Hogs Weak

Cattle and Sheep Weak-Hogs Weak to Five Cents Lower.

CHICAGO, March 24.—CATTLE-Reccipts. 300 head; market weak; beeves, \$4.0095.30; cows and helfers, \$1.0095.20; stockers and feeders, \$2.8564.75.

HOGS-Reccipts, 15.000 head; market weak to 5c lower; mixed and butchers, \$2.856.00; god heavy, \$6.4094.50; rough heavy, \$6.2506.50; light, \$5.2566.50; pigs, \$6.0066.30; bulk of sales, \$6.4065.675; \$9.85.85, \$1.2566.50; lambs, \$5.0066.50; sheep, \$3.2566.60; lambs, \$5.0066.50. Kansas City Live Stock Market.

244 260

SHEEP-Receipts of sheep numbers twenty-nine ears this morning, of which twenty-seven were Colorados on their way to eastern feed lots to be finished for market, and were not offered for sale a

\$0.4

Kansas City Live Stock Market.

KANSAS CITY, March 24.—CATTLIS—Receipts, 200 head, including no southerns.

Market unchanged; choics export and dressed beef steers, \$5.50(£.50); fair to good, \$4.55(£.55); western fed steers, \$5.75(£.55); stockers and feeders, \$3.00(£.75); southern ricers, \$3.75(£.50); southern cows, \$2.25(£.40); native helters, \$3.50(£.50); native helters, \$3.50(£.50); helters, \$3.50(£.50); helters, \$3.50(£.50); helters, \$3.50(£.50); helters, \$3.50(£.50); helters, \$3.50(£.50); head, Market was 5c higher; top, \$5.37(£.50); head, Market was 5c higher; top, \$5.37(£.50); head, \$5.25(£.50); head, \$5.25

week, 48,700 head.
SHEEP AND LAMBS—Receipts, 500 head.
Market steady: native lambs, \$5.25@8.00;
western lambs, \$5.25@8.00; ewes and yearlings, \$4.55956.80; western fed yearlings, \$5.40
695.75; western fed sheep, \$4.25@5.75; stockers and feeders, \$2.7594.50. Receipts for the
week, 31,600 head.

St. Louis Live Stock Market.

ST. LOUIS. Mo., March 24.—CATTLE—Receipts, 200 head; no Texans; native slipping and export steers, \$4.356±00; dressed beef and butcher steers, \$2.750±5.00; steers under 1,000 lbs., \$3.250±60; stockers and feeders, \$2.409±40; cows and helfers, \$2.109
5.25; stockers and feeders, \$2.209±40; cows and helfers, \$2.1095.25; canners, \$1.7502.20; bulls, \$2.409±40; calves, \$2.5095.00; Texas and Indian steers, \$3.006/4.70; cows and helfers, \$2.209±25.

HOGS — Receipts, 4.000 head. Market steady; pigs and lights, \$5.509±45; packers, \$5.0095.45; butchers and best heavy, \$6.3506.550. St. Louis Live Stock Market.

St. Joseph Live Stock Market.

Sloux City Live Scock Market. SIOUX CITY, March 24.—(Special Telegram.)—CATTLE—Receipts, 400 head; market steady; beeves, 34.2662.70; cows. builts and mixed, \$3.0094.50; stockers and feeders, \$3.0094.50; calves and yearlings, \$3.0096.25.
HOGS—Receipts, 4.300 head; market steady; selling at \$6.1096.25; bulk of sales, \$6.1666.15%.

Stock in Sight. Receipts of live stock at the six principa | Receipts of live stock at the six principal western markets yesterday were na follows; | Cattle. Hogs. Sheep. South Omaha 200 7,000 7,400 Sloux City 460 4,200 3,500 500 Kansas City 200 3,500 500 St. Joseph 125 3,853 5,049 St. Louis 200 4,000 Chicago 200 15,000 3,500

Wool Market.

BOSTON. March 24.—WOOL—The Contmercial Bulletin today says of the wool market: London's steady advances have inoculated consumers with the germ of buying and consequently a large amount of wool has changed hands. Frices here are being strongly maintained. "he worsted mills are particularly active. cut woolen manufacturers are also doing a fair amount of buying. The principal movement is that of cross-bred stocks, with the honors divided between Australian, New Zealand and South American. Fully 2,000 bales of Australian and New Zealand have been taken at 43c for 50's grades and 43stile for 46's grade. Territory wools are selling as freely as limited stocks permit, on a basis of about 75c for fine staple, and \$550'0c for fine medium. Fine clothing is moving well at \$560'0c, while fine medium brings \$650'05c. Scoured X sells at \$5655c. No. 1 at \$456'0c, and No. 2 at 50'056c. No. 1 at \$456'0c, and No. 2 at 50'056c. Quarter-blood combings more call and B supers are being taken more actively, at \$20'056c. Quarter-blood combings have begun to sell at \$56'0c. Medium unwashed fleeces are being purchased. For quarter-blood. \$150'05c. While the purchased of all descriptions are well cleaned up. The shipments of wool from Boston to date from December 27. 1905, according to the same authority, are \$6,522.587 pounds, against \$7,485.185 pounds at the same time last year. The receipts to date are \$5,443.510 pounds, against \$6,527.587 pounds for the same period last year.

Olls and Bostn. NEW YORK, March 24.—OILS Cotton seed oil, firm; prime crude, 2014627c; yellow, 314628c; petroleum steady; refined New York, 55.00; Philadelphia and Baltimore,

1. The law authorizing the heorporation of ciliages does not contemplate including in the corporate limits remote territory, or purely agricultural lands, not accurally connected with the village and not adapted to municipal purposes. State against hote, 48. Neb., 681.

ceedings by one warrante to determine the talidity of the order of incorporation. State against Dimond, 44 Neb. 154.

4. Evidence examined and neld to show less than the required number of actual residents within the village hecessary to incorporate at the time the proceedings for that purpose were had. Hist Bankers Union of the World against Landis. Appeal from Seward. Aftirmed. Barnes, J.

4. Questions not raised by the pleadings in the court of original jurisdiction can not be considered by the suprems court on appeal.

appeal.

2. Where it would be proper for a court

In such a case the plaintiff must also

court.
1637. Several Tracts of Land (Yelser)
against State. Error from Douglas. Affirmed. Letton, J.
In a tax sulf under the scavenger act the
action of the district court in disregarding
a volunteer and unauthorized appearance of
an attorney purporting to answer for all
defendants in default and in rendering a
default decree against such defendants,
held to be proper.

defendants in default and in rendering a default decree against such defendants, held to be proper.

1438. Eccles against Walker. Appeal from Gage. Reversed and dismissed so far as judgment is sought against the company for the statutory penalty of 50. Duffe, C.; Letton, J., not sitting.

1. The surety on the official bond of an officer is not liable for the penalty of 350 imposed by section 34 chapter xxviii. of the Compiled Statutes, for exacting feest in excess of those prescribed by statute. Eccles v. U. S. Fidelity and Guaranty Co., 101 N. W., 1023, disapproved.

2. An appellate court, on a second appeal of a court, will not ordinarily re-examine questions of law presented by the first appeal remanded generally for a new trial and the same questions are presented on the second trial, the appellate court is not bound to follow opinions on questions of law presented on the first appeal and may re-examine and reverse its rulings on such questions, and should do so when the opinion first expressed is manifestly incorrect. 1439. State against Omaha Elevator Company. Original, Motion and demurrers overruled. Letton, J.

1. All statutes upon the same general subject are to be regarded as part of one system and later statutes are to be considered as supplementary or complementary to those proceding them upon the same subject.

2. Statutes in pari materia should be con-

Statutes in pari materia should be con-

2. Statutes in pari materia should be construed together.

3. Repeals by implication are not favored. Where the legislature has passed two statutes upon the same subject, the later covering the entire matter embraced in the first and also additional provisions, the later act supersedes the first and repeals the first by implication. But if the later statute does not cover the entire field of the first and falls to embrace within its terms a material portion of the first, it will not repeal so much of the first as is not included within its scope, but the two will be construed together so far as the first still stands.

4. Rule applied and held that the anti-trust act of 1897, known as the Gondring act, was repealed by implication by the anti-trust act of 1965, known as the Junkin act, except as to the first section thereof defining "trusts."

5. Unless it appears from its terms that an act applying to a certain class of persons is meant to cover all inhibitions and regulations affecting them, a later general act applying to all persons and prohibiting in general terms the acts specified in the former act, as well as a number of other

act applying to all persons and prohibiting in general terms the acts specified in the former act, as well as a number of other acts and purposes, defining new crimes and prescribing new penalties, and giving new civil remedies, will not be held to except the persons embraced in the former act from the operation of the latter.

6. Rule applied and held that the acts of 1887 and 1897 prohibiting combinations by grain dealers and others to fix the price of grain, etc., do not except such dealers from the operation of the latter general antitrust acts of 1897 and 1906, applying to all illegal combinations to fix prices, etc.

4. Upon prosecution for contempt in the district court, the judge before whom the cause is regularly to be heard may refuse to transfer the cause to another judge of the same court for hearing, unless it is made to appear by due proof that a fair and impartial trial can not be had before him, or that some other ground for change of venue prescribed by statute exists.

5. A prosecution for constructive contempt is the dealer as a fair and impartial trial can not be had before him, or that some other ground for change of venue prescribed by statute exists. in general terms the acts specified

5. A prosecution for constructive contempt is based upon an affidavit or information Totals 1,45 27,55 17,049

Totals 1,45 27,55 17,049

Wool Market.

BOSTON. March 24.—WOOL—The Consmercial Bulletin today says of the wool market: London's steady advances have inoculated consumers with the germ of buying and consequently a large amount of buying. The principal movement is that of cross-bred stocks, with the honors divided between Australian, New Zealand and South American. Fully 2,000 bales of Australian and New Zealand have been taken at 43c for 50's grades and 445413c for 48's grade. Territory wools are selling as freely as limited stocks permit, on a basis of about 76c for time staple.

of the court over such proceedings, that the order of adjournment was vacated and the court reconvened.

1479. State, ex rel. Cronin, against Cronin. Appeal from Holt. Judgment denying writ affirmed. Order tuxing costs against relator reversed and cause remanded with directions to tax costs of the proceeding to respondent. Albert. C. Division No. 2.

1. Section 7, article 2, chapter ixvvii, Compiled Statutes (Section 1962), Cobbey's Annotated Statutes (Porting of a petition in the district court, under what is known as the "scavenger act," and that "the county commissioners shall designate the newspaper in which said notice, and in which all notices of tax saies, made by the county treasurer," under said act, "shall be published; provided, the county pressurer shall designate such newspaper when the county commissioners fail to do so." Among other proceedings of the county board, its record shows the following: "On motion the printing of the scavenger delinquent taxlist was awarded to the O'Nelli Frontier." Held, that such record is sufficient to show a designation by the county board of a newspaper to publish the notice required by said section.

2. The writ of mandanus is properly desection.

2. The writ of mandamus is properly de-pled where it would be unavailing if al-

334686; petroleum stoady; refined New York, \$1.69; Philadelphia and Baltimore, \$1.55; in bulk \$4.55; turpentine, quiet, 714687 [Sc. OIL CITY March 24.—OIL—Credit baltances, \$6.55; shipments, \$9.768 bbls.; average, \$6.355 bbls.; runs, \$1.402 bbls.; average, \$1.505 bbls.; avera

NEW YORK, March 24.—METALS—The metal markets were generally quiet and unchanged in the observe of cables. Spottin is quoted at \$57.00037.29. Lake copper is held at \$53.0013.75; electrolytic, \$18.200 gainst Eager, Error from Lancaster, Reversed and remanded Duffle, C. Division, \$15.0013.85. Lead was unchanged at \$5.2550.45 and spelter at \$6.150 gainst Eager, Error from Lancaster, Reversed and remanded Duffle, C. Division, \$0.2.

1. Evidence examined and held not to support the verdict of the jury.

Foreign Financial.

LONDON, March 24.—Money was in good demand in the market today and rates were easier, resulting from Goold disburse ments. Discounts were also easier, Trading on the Stock exchangs was quiet and irrogalar.

I proporty benefited thereby, and convolving the settle and compromise suits involving the settle and compromise suits involved the compromise suits involved the compromise suits involved the compromise suits involved the constitution of a will.

2. Paroi evidence examined and held not to support the verdict of the jury.

Stocks, Grain, Provisions Stocks, Grain, Provisions Shelp, Appeal from Douglas, Affirmed Shelp, Appeal from Stocks, Prompt and careful attention given to outside accounts. Write for our daily Market Letter, mailed free Market Letter, mailed free Provi

a latent ambiguity in a will where such evidence is necessary to enable the court in ascertain the intention of the testagor.

14006. Parrett against Wolcott. Appeal from Buffalo. Affirmed. Letton, C. Divi-

1. Where a district judge by written order In vacation adjourned the October term of the district court, which was set for Oc-tober II, to November II, which order was entered upon the journal, but no other pro-ceedings had, the day to which the court was adjourned being the first day upon which the judge was present and the court ready to transact husbrass, was "the first which the Judge was present and the court ready to transact business, was "the first day of the term" as applicable to the Hen of judgments rendered during the term. 1953. State ex rel. Pond against Clark. Error from Holt. Reversed with directions. Barnes, J. 1925. Olsen against Collins. Error from Saunders. Affirmed. Jackson, C. Division No. 2.

No. 2.

In an action for damages on account of an alleged breach of contract evidence is admissible under a general deplat to show

that in fact no contract existed.

1117. Parratt against Hartsuff. Error from Douglas. Reversed and disnissed as to defendant Hendrix: reversed, and remanded as to defendant Cady; affirmed as to defendant Parratt. Oldham, C. Division No. 1.

to defendant Parratt. Oldham, C. Division No. 1.

L is a proceeding for a deficiency judgment under section \$47 of the code as it existed prior to the amendment of 1897, the usual and better practice is not to determine the liability of a defendant for such deficiency until after the report of the sale, when for the first time it can be definitely ascertained that a deficiency actually exists. Brown v. Johnson, 53 Neb., 22, followed and approved.

2. While the decree fluding personal labilities first rendered in a foreclosure proceeding is to a certain extent interlocutory, yet as to findings of fact made in such decree on issues properly pleaded it is not subject to review on objections to a deficiency judgment.

3. The contract of a married woman can

nciency judgment.

3. The contract of a married woman can only be enforced against the separate estate which she possesses at the date of the contract. Kocher v. Cornell, 33. Neb., 315, followed and approved.

4. Where there is personal service and default such default confesses every material allegation of the petition which is well nleaded.

rerial allegation of the petition which is well pleaded.

5. The cause of action for a deficiency independ does not accrue until the coming in of the report of the sale.

6. Application for a deficiency judgment may be leard on a motion after the coming in of the report of the sale.

14128. South Omaha National bank appliest Siewart. Error from Cherry. Reversed. Duffie. C. Division No. 2.

1. A defective or incorrect description of property covered by a chattel mortgage is immaterial, so far as the parties to the mortgage is concerned, when it is admitted by the mortgager as included therein is the identical property intended to be mortgaged.

therein is the identical property intended to be mortgaged.

2. A chattel mortgage giving a lien on the mortgaged property as against the mortgagor is, notwithstanding an imperect description of the property covered thereby, good as against a subsequent purchaser or mortgagee who fails to show that he purchased in good faith and without notice of the mortgage.

1402. Poggensee against Feddern, Error from Cedar. Affirmed. Albert, C. Division No. 2.

1. An assignment of causes for trial made at the opening of a term which does not

at the opening of a term which does not fix a day certain for the trial of each cause is generally provisional and subject to such changes as may be required to meet unforescen contingencies and attorneys and litigants are chargeable with notice of that

fact.

2. In the absence of special circumstances a party has no right to complain because his case is advanced on the assignment as a result of a continuance of a case preceding it.

2. Where neither the plaintiff nor his attorney are in attendance when the cause is reached for trial a judgment of dismissal should not be set aside in the absence of a showing of due diligence.

4. Evidence examined and held insuf-

4. Evidence examined and held insufficient to snow due diligence.

1467). Hawiey against VonLauken. Appeal from Washington. Affirmed. Jackson, C. Division No. 2.

1. Courts of equity have inherent powers to refuse relief after undus and inexcusable delay, independent of the statute of limitations.

2. In applying the doctrine of laches the true inquiry should be whether the adverse party has been prejudiced by the delay in bringing the action and whether a reasonable excuse is offered for the delay.

3. Where the laches of the plaintiff and the staleness of his claim are apparent from the petition objection may be taken by demurrer.

by demurrer.

1. Courts will take judicial notice of the clanged conditions during the past thirty-eight years as affecting the values of real estate and of the probability that during that time witnesses who were of mature years and discerning judgment in the year 1865 have either died or permitted the ordinary events of that period to pass from their memory.

nary events of that period to pass from their memory.

14093. Norton against Brink. Appeal from Buffalo. Reversed and remanded. Duffle, C. Division No. 2.

1. The law is well settled that a contract within the statute of frauds while executory is not objectionable to the statute, but will be enforced when completely executed.

2. While not determining whether a paroic contract for the formation of a partnership to deal in land is within the statute of frauds and enforceable to the extent of allowing one of the parties to assert an interest in the land which was purchased under the agreement and the title taken in the individual name of one of the partners it is held that when the agreement is fully performed by a sale of the land an action may be maintained against the partner who held title for an accounting for the profits realized.

realized.

3. The evidence of partnership in such case must be clear and satisfactory and of such character as to convince the court of the existence of the partnership.

1608. Our sgainst Hall. Appeal from Scott's Bluff. Affirmed. Ames. C. Division No. 1.

An oral contract for the sale of goods, chattels or things in action for An oral contract for the sale of goods, chattels or things in action for a price exceeding \$30 is void unless some of the goods, or evidences of some of the things, have been delivered to and accented by the buyer, unless he shall have paid the whole or some part of the purchase price. Section 9, chapter xxxii, Combiled Shattes.

1499. Price against Price. Appeal from Hamilton. Reversed and remanded, with instructions. Oldham, C. Division No. 1. t. It is the right and privilege of a husband to fix in good faith a domicile for himself and wife, and when he does so it is tie duty of the wife to follow her husband to such domicile and live with him there as

to such domicile and live with him there as his wife.

2. It is the daty of the husband to provide for the reasonable support and maintenance of his wife during the continuance of the marriage relation, and which the husband, without just cause, falls to provide for the support and maintenance of the wife she may maintain an action against him for reasonable maintenance, unless by her own act of abandonment of the husband's domicile, or some other act wholly inconsistent with her duty as his wife, she has forfeited her right to such maintenance,

2. To defeat a wife's claim for support and maintenance on the ground of voluntary abandonment of the husband's domicile, the fact of such abandonment must be established by cogent proof.

4. Evidence examined and held not sufficient to establish a voluntary abandonment of the husband by the wife.

1410. Pope against McEndree. Error from

ment of the husband by the wife.

1410. Pope against McEndree. Error from.
Merrick. Reversed and remanded. Ames.
C. Division No. 1.

1. An order by a county court made in a probate proceeding removing a special administrator for cause and appointing another to serve in his place and stend, is a final order and appealable within the terms of section 42, chapter xx. of the Compiled Statutes.

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