Sculptor Has Chosen Typical Attitude of Dead Pontiff.

GIVING BLESSING TO WORKMEN

All Achievements of His Career Have Been Put Anide and This Ras Been Selected to Represent Him.

ROME, Aug. 31.-(Special.)-There is something peculiarly appropriate in the circumstance of the statue of Pope Leo. XIII being placed above the left entrance te the sacristy in St. John Lateran in a responding position to the statue of innocent III, which is just above the right entrance to the sacristy. Leo-XI'I raised this monument to one of the very greatest of his predecessors in the papacy. Innocent III was buried in the cathedral of Perugia, where Leo XIII had forms in which Commendatore Tadolini been cardinal and archbishop for two and has represented the beloved likeness of the thirty years. When he became pope be dead pontiff-are his works. He spoke at had the remains of Innocent III removed length, and with complete mastery of his to the Lateran and the magnificent monument in that church erected to his mem-

On a Monday morning in the great Church of the Lateran and in the presonce of several cardinals and the chapter the great white cloth that hid from view the monument of Leo XIII was let down and the statue of that pontiff and his tomb were revealed to the public. At first sight the statue of the famous pontiff, the figures beside it and the richness of the setting and shine of the marbles dazzle and delight the eyes. The critical faculty will awaken later on, and, doubtless, faults will be found and unsuspected beauties discovered.

#### Life-Like Figure of Pope.

There is, however, one thing certain. The artist Tadolini has achieved a life-like figure of the late pope. One solltary but characteristic moment in the life of Leo XIII was all that could be actually represented in the stern, coloriess marble, but that was a most expressive moment, summing up in itself much of the character of the pontiff and of the personality of Leo XIII. The moment is that in which the multitudes which filled the vast spaces

of St. Peter's on occasion of the many great functions witnessed so frequentlythe moment when the aged and spirit-like pontiff rose to his feet in the Sedia Gestatoria and put forth his arm and trembling hand to bless the applauding thousands. No one who ever saw and remembers that characteristic and grand action but will acknowledge the faithfulness with which Tadolini has expressed it.

The statue is colossal. The tall figure of the pope, the great cope, which was made of the lightest materials, so as to lessen its weight for him; the great tiars, and the head slightly bent forward, recall his figure and features most accurately. Beneath his feet is the elegantly formed sarcophagus, in which his remains will be placed when there is a probability of a propitious time being found for their removal. At the right side of the monument a female figure seated in despondency, with a vell shading the upper part of the bent head, her right arm hanging droopingly over the sarcophagus, represents the sorrow of the church at the death of the pontiff-a sorrow, as the inscription tells, shared by the world

at large. On the other side a workman, who is also a pilgrim, kneels and looks up to the pope blessing. He holds up his hand with a rosary in it; in the other hand he carries his pligrim staff, in his wirdle is his hammer. Ho is the reprentative of labor.

The Workingman's Pope.

extended on the sepulchral urn, sorrowfully mourns the loss of such a pontiff. while it expresses a fact historically most exact, signifies likewise to what a high grade of osteem the great Leo has reached in the admiration of civilized nations, with his masterly teachings in his marvelous encyclicais, in which the most arduous

problems of our age are most luminously solved. "The pfigrim who, on the other side, venerates the vicar of Christ specially personliftes the devout gratitude the working classes owe to him, the protection of whom, within the limits of justice and charity, he assumed. In fine, the monu-

ment which you (turning to the sculptor, Tadolini), illustrious professor, consign to us today is a real compendium as well as a majestic synthesis of the great pontificate of Leo XIII in its most salient parts." Cardinal Satolli, archpriest of the Lateran, responding to Cardinal Vannutelli, said that the most solemn monument which will serve to perpetuate the memory of Leo XIII-more even than the admirable subject, on the principal encyclicals of the late pontiff, showing their profound wis-

dom and their great social significance. He recalled to mind how Leo XIII had desired that beside his own tomb should be that of the pontiff Innocent III, of whose works he was the admirer and continuator. Cardinal Satolli said that the Lateran chapter, proud of having in its basilica the venerable remains of the pontiff who was so devoted to its adornment, bows down in reverence before his tomb. The holy see is much pleased with the success of the Most Rev. William O'Connell's mission to Japan, where a grant of land was given by the authorities as a site for the Catholic cathedral which is to be built in the most conspicuous spot in

clared that the mission, which was a great triumph, was fulfilled with extraordinary prudence, wisdom and patience, and he assured the young prelate that by this mission he had done honor to the holy see and to America. The Rev. Dr. O'Connell

## is now condjutor archbishop in Boston. SUPREME COURT SYLLABI

14762. Oldfather against Effcsson. Appeal rom Lincoln. Affirmed. Ames. C., Division

No. 1. 1. On the trial of an action in ejectment the usual duplicate receipt of a receiver of a United States iand office in full force and unimpeached, is sufficient evidence of title except as against one having a patent

and unimpeached, is sufficient evidence of title except as against one having a patent to the same land or some persons or persons claiming under him. 2. A cautionary instruction set out in the opinion held not to have been, under the circumstances, prejudicial. 14798, City of Lincoln against McLaugh-lin. Appeal from Lancaster. Reversed and remanded. Jackson, C. Division No. 2. 1. The general scatter of limitations has no application to an action brought by a city, town or village for the recovery of the title of possession to a public road. 2. In order to constitute an equitable estoppel by silence or acquiescence it must be made to appear that the facts upon which it is sought to make the estoppel operate were known to the parties against whom the estoppel is urged. 14784. Simmons against Western Travel-ers' Accident Association. Appeal from Douglas. Affirmed. Oldham, C. Division No. 1.

No. 1. 1. A condition in the constitution of an accident insurance company provided for a limitation of inability "if any member of the association shall, after becoming such change his occupation to one classed in the security board as more hazardous that that stated in his original application. The insured, who was a traveling salesman, lost his position, and for a term of nearly two years lived upon his father so that was paid no salary or other com-

Strange to say, of all the great acts and successes of the twenty-five years of Leo's pontificate, his great achievements, such as the conquest of Bismarck, the impulse of change his occupation to that of "stock pontificate, his great achievements, such as the conquest of Bismarck, the impulse to learning given by him, the renewal of historical writing, the number of institutions and charities he established, the saints he canonised and the other innumerable grand works he accompliabled, there was nothing else chosen by art for commemoration mave the fact that he was "the Working-man's Pope," and it is by this title, so far as this monument can make it evident, that he will be known to the world which receives information by seeing rather than by reading. It is, perhaps, the title ho would choose to be known by to future ages. In consigning the monument to the cus-tion of Cardinals for its erection-it is erected at the expense of the cardinals whom the late pontiff created-Cardinals ersine Vannutell, on the part of the service at the late work of the cardinals whom the late pontiff created-Cardinals ersine vannutell, on the part of the conversing to the later and the pontiff created-Cardinals whom the late pontiff created-Cardinals whom the late pontiff created-Cardinals ersine vannutell, on the part of the conversing the work of the conversing to the later and the part of the sensing of Cardinals for its erection-it is erected at the expense of the cardinals whom the late pontiff created-Cardinals ersing the monument of the part of the conversing to the later and the part of the conversing to the later and the part of the conversing to the later pontiff created-Cardinals ersing the sensing the work of the conversing the sensing the work of the conversing the sensing th whom the late ponth created-Cardinal lancaster. Allirined, Dulle, C., Division Berafino Vannutelli, on the part of the commission, after lauding the work of the sculptor. Signor Tadolini, said: "The au-gust figure of the venerable pontiff in the act in which he blesses his children could not be better or more majestically represustain the relation of debtor and creditor and the grantse surrenders to the grantor the evidence of the indebtedness held against him to the full amount of the con-sideration for such conveyance, and such indebtedness is understood by the parties to be fully paid and satisfied thereby, the transaction will in the absence of fraud be regarded as an unconditional conveyance. 2. Evidence examined and held not suffi-cient to estop the defendant from asserting his absolute title to the property in con-troversy. 16784 Continental Trust company against Ling Appeal, Douglas, Affirmed, Old-ham, C., Division No. L 1. Where a board of county commissioners Where a board of county commissioners enters into a contract with a newspoper of general circulation for the publication of legal advertisements for a year and for succeeding years recognizes and deals with it as the official paper of the county, such paper is, for the purpose of publication of notices of tax sales, a paper "designated by the board of county commissioners," as required by section 10, article 1, chap-ter 7, compiled statutes of 1807.
 M78. Lusch against Huber Manufactur-ing company. Appeal, Saunders, Affirmed, Epperson, C. Division No. 1
 In an action by a mortgager to recover damages for the conversion of personal property by a mortgages who forcibly took possession of the property after default in the payment of the debt secured by the mortgage, the measure of damages is the difference between the value of the prop-erty and the amount due upon the indebted-ness secured by the mortgage.
 160. Racine-Sattley company against Meinen, Appeal, Thayer, Affirmed, Old-ham, C., Division No. 1.

NEW STATUE OF POPE LEO of his paternal heart in bleasting. Civilian- for nurture of all children born to them OMAHA LIVE STOCK MARKET tate. 2 Our statute of adoption, section 1755, obbey's annotated statutes, is based pri-narily on the consent of the parents, if iving and accessible, and an adoption with-sit such consent must come clearly within

such consent must come clearly within exceptions contained in the statute. the exceptions contained in the statute. I. To warrant an adoption under the sixth subdivision of this section against the ob-jection of a living parent of the child, it must be made clearly to appear that such parent had abandoned the child for a period of at least six months, and that the party consenting to such adoption has had the lawful custody during such period to the exclusion of all other control. 14.325 Lanham against Bowing.

the exclusion of all other control 14,725. Lanham against Bowlby. Appeal from Sailne. Reversed and remanded. Ep-person. C. Division No. L L. One who enters into the occupancy of real estate under contract cannot after-wards obtain title thereto by adverse possession without showing that his occu-pancy had assumed an adverse character and continued as such during the statutory period. period. 2. Evidence examined and held insufficient to sustain the material allegations of the mattitude.

petition. 14534. Showalter against Jensen. Appeal from Dodge. Affirmed. Duffle, C. Divis-ion No. 2. 1. The owners of adjoining fots made an agreement to establish an alley or driveway slong the division line from the road on which their lots fronted down to the point where their outbuildings were located, each giving six feet of their re-spective lots for the purpose. The alley was measured off and staked and the par-ties afterward graded and improved their ties afterward graded and improved their lots with reference thereto, and the owners, with others having occasion to do so, used the alley for more than ten years. Held,

a. While an easement in real property cannot be granted by the owner thereof so as to affect the rights of a prior mortsages, the party claiming the easement has the same rights as any other subse-quent encumbrancer. If the easement has attached by lapse of time he must be made a party to the foreclosure proceedings, and if not, the purchaser at foreclosure sale must take action, to dispute his claimed right before the statute has fully run.

14831. Agnew against City of Pawnee. Appeal from Pawnee. Affirmed. Epperson, C. Division No. 1. 1. An easement in real estate may be Tokio. In an audience which Plus X granted to the Most Rev. Dr. O'Connell on big actual from Japan, his holiness de-Len years.
 An easement in a city street could be

of ten years. 3. An easement in a city street could be acquired by open, notorious, uninterrupted, adverse possession for the statutory period of ten years prior to the statute of 1856. 5. The courts will take judicial notice of the fact that a city is an incorporated, efty, of the time when it was incorporated, cuty, of the time when it was incorporated.

and history. and history. 4. An easement will pass by a deed or grant of conveyance, even if the word "appurtenances," or a similar expression, is not used in the instrument, if it is ap-parent to an ordinary observer and natur-ally and necessarily belonged to the prem-

and necessarily belonged to the premises.
Non-user of an easement for a less period than the statutory period of ten years will not of itself work an abandonment of the right.
The burden of proof is on the party sileging it to show abandonment and such abandonment must be pleaded.

Lobman & Co. McCreary & Carey. W. I. Stephen Hill & Son. F. P. Lewis. Huston & Co. Hamfilton & Rothschild. L. F. Husa. Wolf J. H. Spills

alleging it to show abandonment and such abandonment must be pleaded. 7. Injunction will lie to protect the owner of an easement in its enjoyment. 8. The failure to allege in the petition that the plaintiff had been in the exclusive adverse possession of the premises for ten years, and of the court to find that fact in the decree, is not material after judgment, where the proof admitted without objection shows the possession to have been of that H. Bulta. Mike Haggerty Sol Degan Sheridan Meat Co... B. Root & Co... McConnaughey... shows the possession to have been of that builtvan Bros. Lehmer Bros. H. K. Arnold. Hoffman Packing Co... Nels Morris. character. 14773. The Nebraska Chicory Company of Schuyler, Nebraska gainst Lednicky. Ap-peal from Cuming. Reversed and Re-manded. Epperson, C. Division No. 1. 1. An agreement by which a person shows an intention to become a stockholder in a corporation is sufficient as a contract of subscription, as against both himself and the corporation Other buyers ...

shows an intention to become a stockholder in a corporation is sufficient as a contract of subscription by a number® of per-sons to the stock of a corporation, to be thereafter formed by them, constitutes a contract between the subscribers them-selves to become stockholders when the corporation is formed, upon the conditions expressed in the agreement, and as such it is binding and irrevotable from the date of the subscription. It is in the nature of a continuing offer to the proposed cor-poration, which, upon acceptance by it, becomes as to each subscriber a contract between him and the corporation.

# OMAHA LIVE STOCK MARKET Beceipts of Cattle Large, with Trade Dull and Lower.

HOGS CONTINUE ON DOWN GRADE

Large Receipts of Sheep and Lambs, with Demand Reasonably Good and Prices Showing Very

Little Change.

Date. | 1907. |1806. |1906. |1908. |1908. |1908. |1908.

RANGE OF PRICES.

.....

\*\*\*\*

83

....

34

6.956 3.735 12.431

.....

7,448

55

Bunday.

maha

licago

Kansas City

Swift, from country.

Wertheimer

Totals.

Vansant & Co.... Carey & Benton.

C., M. & St. P ...



on the

## Omaha to Saratoga Springs, N. Y., and return. Tickets on sale September 5, 6 and 7. Liberal return limits and stopovers at New York City on return

trip may be arranged.

Side trips to hundreds of interesting points in the East are offered at low rates,

On tickets reading via Cleveland and Buffalo, or via Detroit and Buffalo. the passenger may use the boat line if he prefers.

Saratoga Springs has made unusually elaborate arrangements to entertain the members of the G. A. R. and their friends at this encampment.

Three daily trains from Union Station, Omaha, to Union Station, Chicago.

Rates, routes and complete information free on request

### F. A. NASH, General Western Agent 1524 FARNAM ST., OMAHA.

Contraction of the second state of the second	the state of the s
ewes, \$6.00656.50; aged breeding ewes, \$5.00	'owis, 5c; new stuffed wainut dates, 9-1b.
	SOL \$1.00.
	BANANAS-Per medium sized bunch,
Utah ewes 116 5 40	\$2.00072.25; Jumbos, \$2.00038.50.
tah wethers 120 5 30	ORANGES-Valencias. 10 and 96 sizes,
tah feeder ewes	\$4.50694.75; 126, 150, 176, 200 and 216 sizes, \$5.35
tah feeder ewes	Q'6.00.
tah wethers 119 5 35	MISCELLANEOUS.
tah wethers 116 5 25	COFFEE-Roasted, No. 35, 26c per lb.;
tah ewes 115 5 00	No. 10, 14 Mc per lb.; No. 25, 19c per lb.;
daho yearlings 88 \$ 75	No. 20, 14% c per lb.; No. 25, 19c per lb.; No. 21, 12% c per lb.
SELIO YORTHINGS CONTRACTOR 00 0 10	CALIFORNIA DRIED FRUITS -
	Prunes are somewhat unsettled Ly free,
INSAS CITY, Sept. 2 CATTLE-Re-	
s, 25,000 head, including \$,000 south-	offerings from second hands, who seem
; market steady to loc lower; native	desirous of moving supplies of immediate
rs. \$5.250 1.00; southern steers, \$2.65()4.80;	grades. Quotations range from 6c to 90
thern cows, \$1.36(3.50; native cows and	for California fruit and from 5 the 10 80
ers. \$2.25@5.75; stockers and feeders.	for Oregon. Peaches are slightly easier,
35.60; bulls, \$1.25635.75; calves, \$4.000	with fancy yellows quoted at 13 42.
Wastern sterrs to Sold to	Raisins are firm; three-crown loose Mus-
western steers, \$4.5086.55; western, s, \$2.5084.00.	catels are quoted at \$c: four-crown, 190;
N, BZ DOD'N DO.	seeded relates \$14 millo
WB-Receipts, 5,000 head; market 5c	seeded raisins, 5% @11c. FISH-Hallbut, 11c; trout, 12c; pickerel.
er; bulk of sales, \$5.9006.10; heavy, \$5.70	The sike the sike front, rec, preserve
packers, \$5.90%6.10; pigs and light, \$6.00	10c; pike, 14c; pike, fresh frozen, 12c; whitensh, 14@16c; buffalo, Sc; bullheads,
	whitenan, 140 190; buffalo, sc; bullheads,
EEP AND LAMBS Receipts, 6,000	skinned and dressed, 13c; catfish, dressed,
: market steady: muttons \$5 0095 75	17c; white perch, 7c; white bass, 15c;
bs, \$6.5067.25; range wethers, \$5.00676.75;	black bass, 25c; sunfish, 6@9c; crappies,
ewes. \$4.2563.50.	609c; large crapples, 15c; herring, fresh
enes, eraden.	frosen, 6c; whitefish, frozen. 13@15c;
ICAGO LIVE STOCK MARKET	pickerel, fresh frozen, 9c; Spanish
CAGO LIVE STOCK MARKET	mackerel, 16c; native mackerel, 18@85c
	per fish; codfish, fresh frozen, 12c; red
vy Receipts With Fair Markets	shapper 120; Soundars front from 120;
	anapper, 12c; flounders, fresh frozen, 12c;
for Cattle and Sheep.	haddock, fresh frosen, 11c; smelts, 13c; shad roe, 45c per lb.; frog legs, 35c per
HCAGO, Sept. 1-CATTLE-Receipts,	that roe, soc per in.; trog legs, soc per
at 24,000 head: market steady to strong;	dos ; green sea turtle meat, 25c per 1b.
	CANNED GOODS-Corn, standard, west-
amon to prime steers, \$4.0057.40; cows,	ern, 65c. Tomatoes, lancy, 3-pound cans,
005.50; heifers, \$3.0006.75; bulls, \$2.400	\$1.45; standard, 8-pound cans, \$1.25. Pine-
calves, \$3.0007.75; stockers and feeders,	apples, grated, 2-pound, \$2.20@2.30;
0@6.00.	alloed, \$1.75@2.35. Gallon apples, \$3 25.
IOGS-Receipts, about \$6,000 head; mar-	apples, grated, 2-pound, \$2.20@2.30; alcod, \$1.75@2.35. Gallon apples, \$3.25. California apricots, \$2.00. Pears, \$1.75@ 2.50. Peaches, \$1.75@2.40; L. C. peaches,
billoc lower; choice heavy shipping,	1.50. Peaches, \$1.75 @ 2.40: L. C. peaches
066.10; light butchers, \$6.1066.35; light	\$2.00@2.50. Alaska salmon, red, \$1.10;
066.10; light butchers, \$6.1066.25; light xed, \$6.1066.20; choice light, \$6.3066.50;	
cking, \$5.4006.95; pigs, \$5.500%.25; bulk of	fancy Chinook, flat, \$2.10; fancy sockeye,
es, \$5.80(6.00.	flat, \$1.95. Bardines, quarter oll. \$3.25;
UPPD ANT LANDS Decelois about	three-quarters mustard, \$3.10. Sweet
HEEP AND LAMBS-Receipts, about	potatoes, \$1.25 @1.35. Sauer kraut, 90c.
00 head; market strong to 10c higher;	Pumpking, \$0c@\$1.00, Lima beans, 2-lb.
ep. \$3.8066.35; yearlings, \$5.75696.75; lambs,	75c@\$1.25. Soaked peas, 3-lb., 60c; fancy,
087.50.	\$1.25 @ 1.45.
the second se	HIDES AND TALLOW Green salted
New York Live Stock Market.	No 1 Bler No 9 The bull bides for
	Frem bland, No. 1, 1920, Dull Black, SC;
EW YORK, Sept. 1-BEEVES-Re-	No. 1, \$45c; No. 2, 74c; bull hides, \$c; green hides, No. 1, 7c; No. 2, \$c; horse, \$1.50@3.50; sheep pelts, 500@\$1.25. Tal- low, No. 1, 44c; No. 2, \$46c. Wool, 15
s, 3.337 head; seventy-seven cars on	Tal-
; steers, strong; bulls, firm to 10c	100, NO. 1, 435C; NO. 1, 336C. WOOL 15
her; cows, steady to firm, closing dull;	@ 120.
rs. \$4.2526.80; bulls, \$2.5084.50; cows, \$1.50	And the second sec
40. Exports tomorrow, 800 head of cat-	WEATHER IN THE GRAIN BELT
and 2,800 guarters of beef to Liverpool.	A REAL PROPERTY OF A REAL PROPER

Railway

Rain. Inches Light showers occurred within the last twenty-four hours in all except the south-west portion of the corn and whest region. Slightly warmer weather prevails through-out the corn belt. Foreign Financial.

Foreign Financial. LONDON, Sept. 1.—The supplies consid-erably exceeded the demand in the money market today. Discounts were firm. Prices on the Stock exchange were firm, but busi-ness was quiet. Investors purchased in-dustrials and a few first-class securities, but the speculative business was narrow. The consols settlement was concluded sat-isfactorily, though the price in the after-neon to the Bank of England taking half of the 31.500.000 in gold at 1%d advance, the rest going to the continent. The Paris ad-vices had a beneficial influence upon for-elemers, especially Russians, which were rest going to the continent. The Paris ad-vices had a beneficial influence upon for-eigners, especially Russians, which were bought on the signing of the Anglo-Russian agreement. There was little doing in Americans. Dealers marked up prices fractionally above Saturday's closing quo-tations, and Canadian Pacific hardened further, otherwise the changes were slight and prices closed quietly firm. Copper shares were easy in sympathy with the price of the metal. Kaffirs were firm. Japanese imperial 6s of 1906 closed at 100% Consols for money, ex-dividend, 81 9-16. Dealers on the Bourse today were firmer on the reports from western bourses. Americans improved. Ex-change on London. 20 marks, 40% pfenning for checks. Discount rates, short bills, 4 per cent; three months bills, 4% per cent. PARIS Sept. 2.-Prices on the Bourse to-day opened firm and closed steady. Trad-ing was quiet. Russian imperial is were not quoted. Russian bonds of 1904 closed at 50. The private rate of discount was 3 7-36 per cent, 11-16 per cent lower.

## THE OMAHA DAILY BEE: TUESDAY, SEPTEMBER 3, 1907.

not be better or more majestically represeated, nor express better the effusion



It is reliably good, deliciously full of "Blatz" character and as clean and pure as honest meth: s must always mean. The p st exacting methods and unto-date facilities have ever been a feature at this plant. Try any of these brands whether on draught or in borting wherever you can

17



Meinen Anpeal, Thayer Affirmed Old-ham, C. Division No. 1. I. Polition in replevin examined and held: Insufficient to state a cause of action under the rule announced in J. I. Case Threshing Machine company against Resso, Neb., 119 N. W., 666.

Threshing Machine company against Resso, Neb., 115 N. W., 685 14.726. Nebraska Central Building and Loan association against Roard of Equali-sation of Lancaster county. Appeal from Lancaster. On motion for rehearing, mo-tion overruled. Bedgwick, C. J. 14741. Glenn against Glenn. Appeal from Richardson. Reversed. with directions Jackson, C., Division No. 2 1. A judgment creditor who fails to have execution lasued and levied before the ax-piration of five years text after the randi-tion of the judgment, loses the priority of his lien as against other bona fide judg-ment creditors or purchasers. 1. A mortgages of real satate is a pur-chaser within the meaning of the pro-visions of section 500 of the Code of Civil Procedure. 1476. Howard against McCabe. Appeal

roendure. 14748 Howard avainst McCabe. Appeal rom Thayer. Affirmed. Epperson, C., Di-

loon of one who inflicted an injury upon the plaintiff.
In an action for personal injuries the Carlisle Tables of Expectancy may be given in evidence after the infroduction of cred-thile evidence tending to show the permanent character of the injury.
B One who has been engaged in ordinary mercantile business for a considerable time may testify as to the value of his services and sitention to such business.
The giving and refusal of instructions smantaed and held without prejudicial error.

between him and the corporation. 3. Such contract is based upon a sufficient consideration. There is mutuality of prom-ise in the act of the particular subscriber in subscribing with others which obliges him to make good his promise to the cor poration after it comes into existence.

4. A subscription to corporate shares made before the corporation comes into existence, but accepted by the corporation after coming into existence, either expressly by issuing the share certificates, or impliedly by recognizing the subscriber as a shareholder, makes him a shareholder, and the corporation may maintain an ac-tion upon the subscription against the

signers. 5. Section 1973, Compiled Statutes, 1965, authorizing the opening of books for stock subscriptions, does not limit the right of individuals to subscribe for stock by spe-

cial agreement for that purpose made either before or after the filing of the articles of incorporation. 1406 Nixon against Omaha & Council Bluffs Street Railway Company. Appeal 27. ..

Bluffs Street Rallway Company. Appeal from Douglas. Reversed and remanded. Duffe. C. Division No. 1. 1. Plaintiff. in an action for damages for being thrown from a street car while at-tempting to board the same, testified that after re-entering the car the conductor aked her if she was hurt, and she replied that she was. Held, that the court did not err in refusing to strike this testimony from the record. 3. In an action to recover for a personal ingury suffered on account of the alleged megligence of the defendant, the instruc-tions should limit the recovery for future pain and suffering to such as are reason-ahir certain to result from the injury. 14815 Williams semint Riley. Appeal

1. Evidence examined in this, a condition's

Extension assumined in this, a condition is a presumption of fraud, which the law raises is assimil the debies and his grantee.
 The rule of is rendens cannot be so.
 The rule of is rendens cannot be so.
 as new and independent cause of action is

at in subsection to this period is nendens (5). 2. By the fling of a notice of its nendens (5). as resulted by metion 166. Cobber's Ann (5). as resulted by metion 166.

as resulted by metion 166. Cobbev's Ann St. 1993, a creditor cannot impound the property of his debtor for the navment is of a debt which is neither a general or sneedic lien upon the momenty. 14825. Blate of Nebraska arainst Several B. Parcels of Land. Apneal from Deuglas. Reversed and remanded. Jackson, C. Di-vision No. 1. 1. Where the amount of existence of a tax involved in a sevenese with the set of the Sevenese and Sevenese and the sevenese set of the sevenese sevenese set of the sevenese seve

Gare

were decidedly lower than last week, ex-cepting possibly on something that was very good and that buyers just happened to want. The fact that some of the pack-ing houses were closed on account of its heing Labor day made buyers less anxious for supplies. A further cause of weakness was the low market and large receipts at other selling points. Quotations on cattle: Good to choice corn-fed steers 26.0027.00, fair to good corn-fed

other selling points. Quotations on cattle: Good to choice corn-fed siteers. 50.6067.00; fair to good corn-fed cattle. 55.5066.40; common to fair corn-fed steers. 55.0066.40; common to fair corn-fed steers. 55.0066.40; common to fair range steers. 55.5066.00; common to fair range steers. 55.5064.50; good to choice corn-fed cows and heifers. 51.0066.55; fair to good corn-fed cows and heifers. 51.5064.55; common to fair corn-fed cows and heifers. 52.0063.55; food to choice stockers and feeders. 54.5065.55; fair to good stockers and feeders. 54.506 4.50; common to fair stockers and feeders. 51.55694.20. BEEF STEERS.

BEEF STEERS. No. AV. Pr. Av. Pr. STOCKERS AND FEEDERS.

1 50 TERNS-NEBASKA WEST

156500 4 heifers. 580 3 65 51 feeders. 1041 4 35 3 feeders. 819 3 00 25 feeders. 636 4 00 1 buil. 1170 4 40 4 cows. 1067 2 75 8 cows. 1154 3 30 6 cows. 156 5 35 9 feeders. 562 3 75

abir certain to result from the injury. 14816. Williams arainet Riler. Appeal from Custer. Affirmed. Duffle, C. Di-vision No. 1. 1. Overseers of highway being lights in their district in good condition. may when a road is obstructed and the con-tinuance of such obstructed and the con-tinuance of such obstructed and the con-time of such obstructed aleast rest in gromers until the compliant that a The weneral rule that a court of sufficient in gromers until the compliant that at law, is subject to the exception threatened when a read is obstructed aleast right is this title or right has a court of sufficient to the exception threatened that did not look very much different from maintain injunction proceedings against the commuty will not interfere to protect a least right has been eniored by the commisting the subject to the exception the stabilighed his title or right does to steady prices. Some of them an-at law, is subject to the exception the commisting that a long meriod of vages the right has been eniored by the commisting the stabilished at law. 1657. Hulen established at law.

quoted fully 19c lower. Representative sales: Sh. 160

L. Where the amount of existence of a tax involved in a seavenger suit is not runt in insue of determined as a controvariat ordestion prior to the entry of decree the proportion of the arrivals consisting of feeders. As usual on a Monday morning matter for the purness of correcting mile attendance of country buyers was not overly large, a good many of them not arriving until later in the day. Nevertheless time was a very fair feeder demand and takes and preventing injustice until the compton of the sale. State against Barks. Error from Gare. State's exceptions sustained. L In prosecutions for obtaining monor L

1878 Howard assist McCabe. Appeal from Thayer. Affirmed. Epperson, C. Di. In prosecutions for obtaining money is proven the information in defendant's as to the who inflicted an injury upon the plane, of the value of his services and intent is not required.
1. In an action for personal injuries the Carlisle Tables of Expectancy may be given the section to such business.
8. One who has been engaged in ordinary money are testive as to the value of his services and sade held without prejudicial received to the section to such business.
8. The stiving to such business.
9. The stiving to such business.
1. The stiving to such business.
1. When, however, the transaction on good to choice killers in a similar mancet as to require other of further testing are guardians by nature and to the defendant s guilty knowledge and the proceeding the proceeding to the defendant s. Stiving the defendant s. Stiving the defendant s. Stiving the testing to such business.
1. Parentis are guardians by nature and the proceeding to that p.

New York Live Stock Market. NEW YORK, Sept. 1.-BEEVES-Re-celpts, 337 head: seventy-seven cars on sale; steers, strong; bulls, firm to 30c higher; cows, steady to firm, closing dull; steers, 84.536.80; bulls, 81.506.450; cows, 81.50 64.40. Exports tomorrow, 800 head of cat-tle and 2.800 quarters of beef to Liverpool. CALVES-Receipts, 3675 head; veals, firm to 25c higher; grassers and buttermilks. 25c lower; good westerns, strong, 32.00; grassers unacid; veals, 54.5065.55; selected veals, 59.375409.50; culls, 54.5065.50; grassers and buttermilks, 83.0063.75; a few to feed-ers, 54.00.

and buttermines, scores, a rev or reverse 54.00. HOGS-Receipts, 9.215 head: 600 head on sale: market easier at \$5.55(7.00; choice light \$7.10. SHEEP AND LAMBS-Receipts, 12.230 head; sheep, steady; choice lambs would sell firm and higher; sood to prime, steady; others, slow; sheep, \$5.50(5.50; culls, \$2.00g) \$.00; lambs, \$5.75(5.12%; culls, \$5.00g)5.50.

St. Joseph Live Stock Market. ST. JOSEPH LIVE STOCK Market. ST. JOSEPH, Sept 2.-CATTLE-Receipts, 1.455 head: market steady: natives, 34.509 7.00; cows and helfers, 31.7565.00; stockers and feeders, 32.5094.75. HOOS-Receipts, 6.545 head: market 5c lewer; top, 54.17%; bulk of sales, 5.55656.00; SHEEP AND LAMBS-Receipts, 5.591 head; strong to 10c higher: lambs, 55.3565.00; ewes, 34.7565.25. 

Deficiency in precipitation since March 1, L15 inches. Deficiency corresponding period in 1906, 4.56 inches. Deficiency corresponding period in 1906 L. A. WELSH, Local Forecaster.

Bloux City Live Stock Market. SIOUX CITY. Is. Sept. 2.—(Special Telegram.)—CATTLE—Receipts, 2,400 head: market strong: stockers, 10@10c higher: beeves, 34.75@6.75; cows and heifers, \$1.75@6.85; calves and yearlings, \$2.50@3.55.

OMAHA WHOLESALE MARKET.

Condition of Trade and Quotations on Staple and Fancy Produce.

Staple and Fancy Produce. EGGS-Per dos. 17c. BUTTER-Packing stock. 18c: choice to fancy dairy. 2002ic; creamery. 23c. LIVE POULTRY-Spring chickens. 136 14c: hens. 16c: rocaters. 6c: turkeys. 136; ducks. SSc: geese. 6c. HAY-Choice No. 1 upland. \$10.00; me-dium. 18.00; No. 1 bottom. 18.00; off grades from \$5.50 to \$5.50; rye straw. \$7.00; No. 1 alfalfs. \$11.00. FRUITS AND MELONS. APPLES-Duchess and Wealthy. for cooking. \$1.2561.50 per bu: eating varieties. 51.50 per bushel basket.

bushel basket. BLACKBERRIES-Cass, 24 quarts, 32.50. TEXAS WATERMELONS-Each, 25940c; CALIFORNIA PLUMS-Per crate, 2000

FEARS-Colorado Bariletts, \$3.50 per box; Flemish Beauties, \$3.55 per box; California hariistis, \$3.75 per box. GRAPES-Home grown, 8-1b. basket, 40x.

VIGETABLES. NAVY BEANS-Per Du. No. 1, 22000 10: No. 2, 2100; Lina, 54c per lb. POTATOES-Per Du., new 50655c. BEANS-New wax and string, 40656c per

narket basket. BEETS, TURNIPS AND CARROTS-Per market basket, MSGAC. RADISHES-Per don bunches, home

TOMATORS-Home grown, market bas-

TOMATORS-Home grown, market bas-ket crate. 40550c. CUCUMBERS-Per basket. 60550c. LETTUCE-Per doz. 25c. CELENY-Kalamatoo. 30535c. ONIONS-Tellow, ic per lb.; red. 2c per EEEF CUTS No. 1 rlb. 15c; No. 3 roll. 144c; No. 3 loin, 15c; No. 1 rlb. 15c; No. 3 rlb. 7c; No. 1 loin. 16c; No. 3 loin. 144c; No. 3 loin, 15c; No. 1 rlb. 15c; No. 3 chuck. 6c; No. 3 chuck. 4%c; No. 1 chuck. 6c; No. 3 chuck. 4%c; No. 3 chuck. 15 round. 5%c; No. 3 round. 7%c; No. 1 plate. 2c; No. 2 plate. 2%c. No. 3 plate. 2%c. TROPICAL FRUITS. LEMONS-Limetiers. 30 fize. 7.50; 300 size. 550; other branks. 5005100 less. 1b. 8 panish, per crate. 81.5%

b.; Spanish, per crate, E.M. NEW PEPPERS-Per market basket,

SWEET POTATOES - Market basket.

DATES-Kadaway, Fac; Sayers, Sc; Hal-

WEATHER IN THE GRAIN BELT

"air and Slightly Cooler is the Joyful News.

Corn and Wheat Regton Bulletin.

For the twenty-four hours ending at i a. m. 76th meridian time, Saturday, August 21, 2907:

OMAHA DISTRICT.

Stations.

Florence, Dundee and Benson.

For further information, address

Sky. Clear Clear

OMAHA. Aug. 21, 1907. Light showers occurred in the upper Mis-sissippi and Ohio valleys and upper lake region during Friday, and high rains fell in the extreme southwest and extreme northwest last night. Generally clear weather prevails east of the Rocky moun-tains this morning. An area of higher pres-sure is moving down from the northwest, and will extend over the central valleys within the next twenty-four hours, causing alightly cooler in this vicinity Sunday. With continued fair tonight and Sunday. Omaha record of temperature and pre-cipitation, compared with the correspond-ing day of the last three years: 100 100 100 100 100 100 100 100 100 Minimum temperature 17 61 67 64 Precipitation 07 70 00 Normal temperature for today. 71 de-OMAHA. Aug. \$1, 1907. LIVERPOOL, Sept. 2.-Following are the stocks of breadstuffs and provisions here: Flour, 51.000 sacks; wheat, 2.853.000 centals; corn, 555.000 centals; bacon, 16.690 boxes; hams, 9.900 boxes; shoulders, 7.800 boxes; butter, 5.300 cwts; cheese, 59.300 boxes; lard, 5.600 tierces of prime western steamer, and 1,880 tons of other kinds. Liverpool Grain Market.

LIVERPOOL. Sept. 2.-WHEAT-Spot. nominal: futures. steady; September, 7s 74d: December, 7s 10d; March. 7s 11d. HOPS-In London (Pacific coast), steady; £2 SACALS SH.

Chicago Provision Market.

Stocks on Hand.

CHICAGO, Sept. 2-CHEESE-Steady; daisies, 134c; twins, 12c; young Americas.

134c. POULTRY-Live, stendy; turkeys, 12c; chickens, 114c; springs, 144c.

Count of Cotton Stocks.

LIVERPOOL, Sept. 2.-The half yearly ount of cotton stocks here shows a total of 755,000 bales, including 665,000 American.

#### Mrs. Tirsah Hamlin Chapman.

NEW YORK. Sept. 2 .- Mrs. Tirsah Hamlin Chapman, wife of R. Livingston Chapman, and a well known orator and sinder. died Sunday in a hospital in Brooklyn. The cause of her death was blood poisoning ...

#### Virginia Harned Sees.

NEW YORK, Sept. 2.—Virginia Harned, the actress, who appeared stricken with blindness in New Haven a few days ago because of the strain of having many fashlight pictures taken of the scenes in the play "Anna Karenina," in which she is to appear, has fully recovered her sight



STREET RAILWAY COMPAN

Yielding the investor 5 per cent. Operating the Street

Railway Systems of Omaha, South Omaha, Council Bluffs,

SAMUEL BURNS, JR.

614 NEW YORK LIFE BUILDING. :. :. : OMAHA.