

BUSINESS AND FINANCIAL NEWS

Copper Tries to Make New Low Records.

LARGE SALES ARE REPORTED

MARKET GIVES WAY WHEN THE BANK STATEMENT APPEARS.

New York, Nov. 30.—Amalgamated Copper shares saw further vicissitudes today and maintained their influence over the general market. The raw copper markets abroad were reported quieter today after the enormous liquidation, and Amalgamated started up here, reaching a point above last night. This had a restraining effect in the long run, and upward movement began here and there. These were among the colliers, hard and soft, Louisville & Manhattan. Sugar was marked up over a point. Then Amalgamated Copper resumed its recent occupation of making new low records and touched 7 1/2 in the course of the morning.

Very circumstantial assertions were made that large sales of copper had been contracted for on behalf of the company at prices materially below the list price. No official admission of the assertions could be secured. Reports covered in the stock at the bottom and it closed at 7 1/2, a net decline of a point. Brooklyn Trust, it was another point of acute weakness, with a loss of nearly 4 points. Then Amalgamated's decrease in October net earnings and by the increase in operating expenses.

The whole market gave way, led by these two stocks, when the bank statement appeared. The increase in loans and the consequent increase in deposits resulted in reducing the surplus over \$1,000,000 by reason of expanded margin of required reserve. The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

The movement of prices during the week has been somewhat irregular and hesitating and the promise of a vigorous upward movement has not been realized. There have been some gains in the list and only a few stocks have suffered marked losses, but the market has shown the effect to some extent of a recrudescence of uneasiness over the possible developments in the money market. There has been realizing here and there on good news and some selling by disappointed holders over the failure of expected good news to materialize.

Table with columns for various commodities like Laclede Gas, Nat. Lead, etc. and their prices.

Condition of the Treasury. Washington, Nov. 30.—Today's statement of the Treasury balance shows available cash balance, \$167,841,164; gold, \$104,679,440.

Weekly Bank Statement. New York, Nov. 30.—The statement of the associated banks for the week ended today shows: Loans, \$718,165,200; increase, \$7,106,200. Deposits, \$940,668,500; increase, \$7,110,000.

New York, Nov. 30.—The Financier says: The cash in the banks will probably be augmented during the current week by the receipt from San Francisco of assay office checks representing Australian gold which arrived at that port last week. It is quite possible, however, that the consignees of the gold, which consists of sovereigns, may have ordered the transfer of a portion of the metal by its shipment to Europe by the steamers sailing early in the week. In such case the amount exported would not count as a loss to the banks, it practically being held in transit.

The comparatively small gain to the banks last week in stock which the amount of money does not scarcely imply that the return flow of currency has been materially checked, and it is believed still to be impending from the west, which may have to be too early to look for a movement in volume from the south and the fact that \$350,000 was transferred to New Orleans during the week would seem to indicate that money is in demand at that center for the cotton and perhaps for sugar.

The bank statement was more or less unchanged through the intervention of Thanksgiving holiday. It seems likely, therefore, that the return may have been affected upon rising averages for cash, affecting Friday's receipts from the interior. The statement as a whole tends to indicate fairly easy money rates at this center in the immediate future.

Metal Market. New York, Nov. 30.—While no further change occurred in tin at New York today, the market was very unsettled and decidedly in buyers' favor, helped along by private cables from London which indicated a further decline there on the curb. At the close here spot tin was quoted at 23.00@21.50.

Copper displayed little animation and closed quiet with a slight gain at 18.35@17.00 and casting at 18 1/2@16 1/2. Lead, dull at 4.37 1/2. Spelter, nominal and steady at 4.30. Iron ruled quite featureless, but had a steady undertone. Pig iron war-rants, 10.00@11.00; foundry, 15.00@16.00; No. 2 foundry, southern, 14.00@15.00; No. 1 foundry, southern, 14.50@15.50; No. 1 foundry, southern soft, 14.50@16.00.

Stocks at London. New York, Nov. 30.—The Commercial Advertiser's London financial cablegram: The stock market was quiet and steady. Rio Tinto opened at 4 1/2 and closed at 5 1/2, although at one time during the day they were higher. Anaconda dropped to 6 1/2-16. The metal exchange was closed today.

American stocks were nominally at par, although prices were modest. Aitchison was the firmest, with spot sales at 8 1/2. Silver relapsed to 25 1/2.

Loans, Exchange and Silver. New York, Nov. 30.—Close: Money on call nominal. Prime mercantile paper, 4 1/2% per cent. Sterling exchange, firm, with actual business in bankers' bills at 4 1/2%@4.88% for demand, and at 4.84%@4.84% for sixty days. Forward rates, 4.85 and 4.88%. Commercial bills, 4.83%@4.84%.

GRAIN AND PROVISIONS. Chicago, Nov. 30.—Wheat ruled moderately active and started out with some of the bull impetus left over from yesterday. December opened 1/4 higher at 73 1/2 on higher bidding. Profit-taking in view of December deliveries Monday, began at once. Selling was mostly on the part of locals, while commission houses took up all that was offered early in the day. The market reacted slightly. December closed easy 1/4 1/2 down, at 73 1/2@73 1/4.

Table with columns for Open, High, Low, Close for various grain and provision items.

Table with columns for Open, High, Low, Close for various stock items.

Table with columns for Open, High, Low, Close for various stock items.

Table with columns for Rec. Ship, Flour, Wheat, Corn, etc. and their prices.

Pacific Coast Grain Markets. San Francisco, Nov. 30.—Wheat, December, 1.00 1/2; May, 1.05 1/2; 1.00. Barley, inactive, December, 72 1/2. Corn, late yellow, 1.27 1/2@1.29 1/2.

LIVESTOCK MARKETS. Chicago, Nov. 30.—Cattle—Receipts today, 30. Steady. Good to prime, 4.00@4.40; stockers and feeders, 2.00@4.25; cows, 1.25@2.75; heifers, 1.50@5.50; Tex. as fed steers, 4.75; calves, 1.25@3.00; bulls, 2.00@4.75; calves, 2.00@5.00.

St. Joseph, Mo., Nov. 30.—Cattle—Receipts, 250. Market steady. Natives, 2.50@7.00; cows and heifers, 1.35@3.30; steers, 2.50@3.25; bulls and stags, 2.50@5.00; stockers and feeders, 1.75@4.20.

Denver, Colo., Nov. 30.—Cattle—Receipts, 300. Steady. Good to prime, 4.00@4.65; cows, 2.50@3.85; feeders, freight paid to river, 3.00@4.10; stockers, freight paid to river, 3.00@4.00; bulls, stags, etc., 1.50@3.00.

Omaha, Neb., Nov. 30.—Cattle—Receipts, 300. Market generally steady. Native beef steers, 3.50@7.25; western steers, 2.50@3.25; cows and heifers, 1.75@4.20; calves, 1.25@2.80; stockers and feeders, 2.00@4.40; calves, 3.00@6.50; bulls and stags, 2.00@4.00.

Kansas City, Nov. 30.—Cattle—Receipts, 1,000. Steady. Native beef steers, 4.75@6.25; Texas and Indian steers, 2.75@4.50; Texas cows, 1.75@3.40; native cows and heifers, 2.50@5.00; stockers and feeders, 2.50@4.50.

St. Louis, Nov. 30.—Wool—Steady. Territory and western medium, 14@16c; coarse, 14@15 1/2c.

London, Nov. 30.—The offerings at the wool auction sales today numbered 13,900 bales. The wool was of good quality and included a large supply of new clip. Prices were generally steady.

San Francisco, Nov. 12.—Wool—Spring, Humboldt and Modena, 15@16c; Nevada, 10@12c; eastern Oregon, 10@13c; valley Oregon, 11@15c; fall Humboldt and Modena, 10@12c; mountain, 8@9c; South Plains and S. J., 6@8c; lambs, 6@8c.

Dairy Products. Chicago, Nov. 30.—On the produce exchange today the butter market was firm. Creams, 14@24c; dairy, 13@20c. Cheese, steady, 9 1/2@10c. Eggs, firm, fresh 24c.

New York, Nov. 30.—Butter—Receipts, 4,407; firm. State dairy, 15@23 1/2c; creamery, 16@25 1/2c; June creamery, 18@22c; factory, 12 1/2@16c.

Coffee and Sugar. New York, Nov. 30.—Coffee—Spot Rio, steady; No. 7 invoice, 6 1/2; mild, quiet; Cordova, 7 1/2@11c. Coffee futures closed net unchanged to 10 points higher.

The Bishop and the Tartar. (From the American Diary of a Japanese Girl in Frank Leslie's Popular Monthly.) 12th.—A bishop visited and lunched with us.

After luncheon we strolled through the garden. I was glad he was not thin. Ho, ho, ho! He made me feel like myself. December 1st.—A young churchman is unnatural.

I picked a few stems of violets. I fitted them to his buttonhole. Such a little thing pleased him immensely. Dear, simple bishop!

Some people seem to think that the president is writing his message on the telegraph basis, and trying to get it all in ten words.

Sure Remedy. (Chicago News.) "Ah, dearest, sighed the very young man, 'my heart is burning with love for you.' " "It" exclaimed the practical maiden. "Wait a minute and I'll get you a little soda. Grandma says that's the best thing for heartburn."

Cases of Interest

Seat in New York Stock Exchange.—A seat in the New York stock exchange is not personal property within the laws of 1898, c. 108, defining personal property for the purpose of taxation. This point is decided in the case of people ex rel. Lemmon v. Weiner, 60 Northeastern Reporter, 265. The court further holds that it is not taxable to a non-resident under section 7, providing that personal property of a non-resident shall be taxed "to the extent" as if owned by a resident. It is also held that the fact that the money was invested in business, but is not taxable, as the taxing statute does not cover it.

Contributory Negligence.—Plaintiff's decedent, 11 years of age, was driving a wagon loaded with lumber. Plaintiff was driving a similar wagon immediately in advance. At a jog in the highway there was a culvert from the top of the roadbed. Decedent ran over and killed at this spot. No one saw the accident, and plaintiff filed suit for the value of the lumber. Plaintiff had noticed the defect on crossing the culvert a short time before, but forgot to warn the boy. The court held that the contributory negligence of the father did not render him guilty of such contributory negligence as would prevent a recovery of the value of the lumber. Plaintiff v. Miller v. Meade Tp., 87 Northwestern Reporter, 132.

Action for Debt.—The facts presented in the case of Jones v. Stewart, 87 Northwestern Reporter, 12, are most extraordinary. Defendant owned a house in which was a mortgage of \$2,000. He proposed to plaintiff to transfer to him the property, subject to the mortgage, provided plaintiff would sign, without reading them, two papers which defendant presented to him. Plaintiff signed the papers without reading them, and then discovered that the papers were nothing contained in the papers which would subject him to criminal liability, or draw upon him the public ignominy of disgrace, and then sought the judgment of the court to recover the money. The supreme court of Nebraska decided against the plaintiff, on the ground that, where persons dealing with each other on equal terms, and no confidential relations exist between them, one is not bound to disclose any superior information which he may have respecting the contents of the instrument to be signed. Plaintiff v. Stewart, 87 Northwestern Reporter, 12.

Examination of Books by Tax Officers.—The right of the county assessor to examine books and papers for the purpose of listing and assessing property for taxation is upheld in the case of Association v. State, 60 Northeastern Reporter, 148. This right is given by Burns' Rev. St. (Ind.) 1884, but it is contended that such provision is unconstitutional under the prohibition against unreasonable searches. The supreme court of Indiana overrules this point, however, and holds that mandamus lies to compel the building association to permit examination, and that the examination may properly extend back to the time of the enactment of the statute.

Pledge of Certificates by Administrator.—An administrator who received money in his individual capacity, giving as security therefor certain mortgages, and as additional security a certificate of deposit, was held liable for the money. The supreme court of California held that where a person receives money in his individual capacity, giving as security therefor certain mortgages, and as additional security a certificate of deposit, he is liable for the money. The supreme court of California held that where a person receives money in his individual capacity, giving as security therefor certain mortgages, and as additional security a certificate of deposit, he is liable for the money.

Department Store's Liability for Dental Malpractice.—The court of appeals held that a department store is liable for dental malpractice committed by a dentist who was employed by the store. The court of appeals held that a department store is liable for dental malpractice committed by a dentist who was employed by the store.

Police Power.—A city ordinance making it unlawful for any person to have in his possession a lottery ticket has been construed by the supreme court of California, in the case entitled ex parte McClain, 66 Pacific Reporter, 60, to be embraced within the constitutional authorization empowering cities and counties to make and enforce such local police and sanitary regulations as are not in conflict with general laws, and to be not an unreasonable exercise of such police power. It was contended that the law was unreasonable in that it made the mere possession an offense.

Contempt of Court.—Another phase of the controversy between Judge Noyes and the circuit court of appeals over the Alaskan gold mines appears in the case entitled in re Durbine, 103 Federal Reporter, 371, in which Mr. Durbine is sentenced to six months' imprisonment for contempt of court for counseling disobedience of an order of the circuit court of appeals. The court upholds the right of an attorney to advise his client as to the validity of an order of court, and his duty to the effect that such order is illegal, if given in good faith, will not render him liable for contempt, because

"Legal Representatives."—This phrase, as used in life insurance policies, has been construed by the supreme court of New York in the case of Leonard v. Hadley, 11 New York Supplement, 568. The testator bequeathed to his wife an insurance policy which, by its terms, is payable to his legal representatives or assigns. The court decides that the proceeds of the policy go to the wife, and not to the executor.

Testimony as to Transactions With Decedent.—An interesting decision has been made by the supreme court of Texas in the case of Sanders vs. Kellon, 63 Southwestern Reporter, 626, in regard to the competency of witnesses to testify as to transactions with decedent. The Revised Statutes prohibit either party in an action by or against an executor from testifying to any transaction with or statement of decedent, unless called by the opposite party. The question is whether a plaintiff to set aside her father's will, which she contended, was obtained through the undue influence of her brother J. Two other brothers, W. and S., refused to join the plaintiff in the suit, and were consequently made defendants. On the trial they offered to testify as to certain transactions with the decedent tending to show that the will was obtained by J. by undue influence. The supreme court holds that this evidence should have been admitted. The court holds that as W. and S. were beneficiaries under the will, they were necessary parties to the proceeding to invalidate it, and they were therefore necessary defendants; and whatever may have been their feelings, their relation to the issue was that of parties opposed to the appellant. The court says: "We do not speak of cases of collusion in which a party really a plaintiff in interest is made a defendant in order to evade the statute." It would seem, however, that the danger suggested by the court is a grave one, and the way is made easy for the perpetration of fraud by this device.

Right to Encourage Commission of Crime.—The supreme court of Georgia, in the case of Dalton v. State, 39 Southeastern Reporter, 488, holds that when one is informed that another intends to commit an offense against him, the law permits him to afford opportunities for its commission, and lay traps which may result in the detection of the offender. To this end he may employ another to act with the intending criminal and be present with him at the time the crime is to be committed. If the intending criminal does acts which would constitute the offense, he will not be protected from punishment by reason of the fact that at the time the act was performed, another, who was there with the knowledge, consent and approval of the victim, and even by his direct employment, aided him and encouraged the perpetration of the crime.

Misunderstood the Point. (Cleveland Plain Dealer.) "I see it is stated that Queen Wilhelmina made her mother pick up her handkerchief at a public function, and her mother weighs 300 pounds, you know. 'Oh, that wasn't it.' " "Was it? I supposed they were usually point feet."

peals of New York has recently decided, in the case of Hanson vs. Street-Copper company, 60 Northeastern Reporter, 597, that where the defendants in the case made representations to the plaintiff, on which she relied, that they were conducting a dentist business in their store, and she, because of these representations, hired the workmen in the store of the defendants with no knowledge that the business was conducted by another individual, the defendants were responsible for the acts of the dentist who treated the plaintiff, even though the third party was, as a matter of fact, the real owner of that department of the defendant's store. The court further says that the plaintiff had a right to rely not only on the presumption that the defendants would employ a skilled dentist as its servant, but also on the fact that if the servant, whether skilled or not, was guilty of any malpractice, she had a responsible party to answer therefor in damages.

Police Power.—A city ordinance making it unlawful for any person to have in his possession a lottery ticket has been construed by the supreme court of California, in the case entitled ex parte McClain, 66 Pacific Reporter, 60, to be embraced within the constitutional authorization empowering cities and counties to make and enforce such local police and sanitary regulations as are not in conflict with general laws, and to be not an unreasonable exercise of such police power. It was contended that the law was unreasonable in that it made the mere possession an offense.

Contempt of Court.—Another phase of the controversy between Judge Noyes and the circuit court of appeals over the Alaskan gold mines appears in the case entitled in re Durbine, 103 Federal Reporter, 371, in which Mr. Durbine is sentenced to six months' imprisonment for contempt of court for counseling disobedience of an order of the circuit court of appeals. The court upholds the right of an attorney to advise his client as to the validity of an order of court, and his duty to the effect that such order is illegal, if given in good faith, will not render him liable for contempt, because

"Legal Representatives."—This phrase, as used in life insurance policies, has been construed by the supreme court of New York in the case of Leonard v. Hadley, 11 New York Supplement, 568. The testator bequeathed to his wife an insurance policy which, by its terms, is payable to his legal representatives or assigns. The court decides that the proceeds of the policy go to the wife, and not to the executor.

Testimony as to Transactions With Decedent.—An interesting decision has been made by the supreme court of Texas in the case of Sanders vs. Kellon, 63 Southwestern Reporter, 626, in regard to the competency of witnesses to testify as to transactions with decedent. The Revised Statutes prohibit either party in an action by or against an executor from testifying to any transaction with or statement of decedent, unless called by the opposite party. The question is whether a plaintiff to set aside her father's will, which she contended, was obtained through the undue influence of her brother J. Two other brothers, W. and S., refused to join the plaintiff in the suit, and were consequently made defendants. On the trial they offered to testify as to certain transactions with the decedent tending to show that the will was obtained by J. by undue influence. The supreme court holds that this evidence should have been admitted. The court holds that as W. and S. were beneficiaries under the will, they were necessary parties to the proceeding to invalidate it, and they were therefore necessary defendants; and whatever may have been their feelings, their relation to the issue was that of parties opposed to the appellant. The court says: "We do not speak of cases of collusion in which a party really a plaintiff in interest is made a defendant in order to evade the statute." It would seem, however, that the danger suggested by the court is a grave one, and the way is made easy for the perpetration of fraud by this device.

Pledge of Certificates by Administrator.—An administrator who received money in his individual capacity, giving as security therefor certain mortgages, and as additional security a certificate of deposit, was held liable for the money. The supreme court of California held that where a person receives money in his individual capacity, giving as security therefor certain mortgages, and as additional security a certificate of deposit, he is liable for the money. The supreme court of California held that where a person receives money in his individual capacity, giving as security therefor certain mortgages, and as additional security a certificate of deposit, he is liable for the money.

Department Store's Liability for Dental Malpractice.—The court of appeals held that a department store is liable for dental malpractice committed by a dentist who was employed by the store. The court of appeals held that a department store is liable for dental malpractice committed by a dentist who was employed by the store.

Police Power.—A city ordinance making it unlawful for any person to have in his possession a lottery ticket has been construed by the supreme court of California, in the case entitled ex parte McClain, 66 Pacific Reporter, 60, to be embraced within the constitutional authorization empowering cities and counties to make and enforce such local police and sanitary regulations as are not in conflict with general laws, and to be not an unreasonable exercise of such police power. It was contended that the law was unreasonable in that it made the mere possession an offense.

Contempt of Court.—Another phase of the controversy between Judge Noyes and the circuit court of appeals over the Alaskan gold mines appears in the case entitled in re Durbine, 103 Federal Reporter, 371, in which Mr. Durbine is sentenced to six months' imprisonment for contempt of court for counseling disobedience of an order of the circuit court of appeals. The court upholds the right of an attorney to advise his client as to the validity of an order of court, and his duty to the effect that such order is illegal, if given in good faith, will not render him liable for contempt, because

"Legal Representatives."—This phrase, as used in life insurance policies, has been construed by the supreme court of New York in the case of Leonard v. Hadley, 11 New York Supplement, 568. The testator bequeathed to his wife an insurance policy which, by its terms, is payable to his legal representatives or assigns. The court decides that the proceeds of the policy go to the wife, and not to the executor.

Testimony as to Transactions With Decedent.—An interesting decision has been made by the supreme court of Texas in the case of Sanders vs. Kellon, 63 Southwestern Reporter, 626, in regard to the competency of witnesses to testify as to transactions with decedent. The Revised Statutes prohibit either party in an action by or against an executor from testifying to any transaction with or statement of decedent, unless called by the opposite party. The question is whether a plaintiff to set aside her father's will, which she contended, was obtained through the undue influence of her brother J. Two other brothers, W. and S., refused to join the plaintiff in the suit, and were consequently made defendants. On the trial they offered to testify as to certain transactions with the decedent tending to show that the will was obtained by J. by undue influence. The supreme court holds that this evidence should have been admitted. The court holds that as W. and S. were beneficiaries under the will, they were necessary parties to the proceeding to invalidate it, and they were therefore necessary defendants; and whatever may have been their feelings, their relation to the issue was that of parties opposed to the appellant. The court says: "We do not speak of cases of collusion in which a party really a plaintiff in interest is made a defendant in order to evade the statute." It would seem, however, that the danger suggested by the court is a grave one, and the way is made easy for the perpetration of fraud by this device.

Pledge of Certificates by Administrator.—An administrator who received money in his individual capacity, giving as security therefor certain mortgages, and as additional security a certificate of deposit, was held liable for the money. The supreme court of California held that where a person receives money in his individual capacity, giving as security therefor certain mortgages, and as additional security a certificate of deposit, he is liable for the money. The supreme court of California held that where a person receives money in his individual capacity, giving as security therefor certain mortgages, and as additional security a certificate of deposit, he is liable for the money.

Department Store's Liability for Dental Malpractice.—The court of appeals held that a department store is liable for dental malpractice committed by a dentist who was employed by the store. The court of appeals held that a department store is liable for dental malpractice committed by a dentist who was employed by the store.

Police Power.—A city ordinance making it unlawful for any person to have in his possession a lottery ticket has been construed by the supreme court of California, in the case entitled ex parte McClain, 66 Pacific Reporter, 60, to be embraced within the constitutional authorization empowering cities and counties to make and enforce such local police and sanitary regulations as are not in conflict with general laws, and to be not an unreasonable exercise of such police power. It was contended that the law was unreasonable in that it made the mere possession an offense.

Contempt of Court.—Another phase of the controversy between Judge Noyes and the circuit court of appeals over the Alaskan gold mines appears in the case entitled in re Durbine, 103 Federal Reporter, 371, in which Mr. Durbine is sentenced to six months' imprisonment for contempt of court for counseling disobedience of an order of the circuit court of appeals. The court upholds the right of an attorney to advise his client as to the validity of an order of court, and his duty to the effect that such order is illegal, if given in good faith, will not render him liable for contempt, because

"Legal Representatives."—This phrase, as used in life insurance policies, has been construed by the supreme court of New York in the case of Leonard v. Hadley, 11 New York Supplement, 568. The testator bequeathed to his wife an insurance policy which, by its terms, is payable to his legal representatives or assigns. The court decides that the proceeds of the policy go to the wife, and not to the executor.

Testimony as to Transactions With Decedent.—An interesting decision has been made by the supreme court of Texas in the case of Sanders vs. Kellon, 63 Southwestern Reporter, 626, in regard to the competency of witnesses to testify as to transactions with decedent. The Revised Statutes prohibit either party in an action by or against an executor from testifying to any transaction with or statement of decedent, unless called by the opposite party. The question is whether a plaintiff to set aside her father's will, which she contended, was obtained through the undue influence of her brother J. Two other brothers, W. and S., refused to join the plaintiff in the suit, and were consequently made defendants. On the trial they offered to testify as to certain transactions with the decedent tending to show that the will was obtained by J. by undue influence. The supreme court holds that this evidence should have been admitted. The court holds that as W. and S. were beneficiaries under the will, they were necessary parties to the proceeding to invalidate it, and they were therefore necessary defendants; and whatever may have been their feelings, their relation to the issue was that of parties opposed to the appellant. The court says: "We do not speak of cases of collusion in which a party really a plaintiff in interest is made a defendant in order to evade the statute." It would seem, however, that the danger suggested by the court is a grave one, and the way is made easy for the perpetration of fraud by this device.



W. S. HENDERSON, 267 and 269 South Main Street

FREE FOR WEAK MEN! Man Can Get! PROF. HUDSON'S PILLS FREE. This Free! PROF. HUDSON'S SUPPLEMENTARY FREE. This Free! PROF. HUDSON'S COMPOUND FREE. EVERY MAN WHO READS THIS NOTICE CAN GET A COMPLETE TRIAL FREE.

Such liberal terms were never before offered in this city, but the BORN STEEL RANGE CO., through us, their agents, desire to get at once into general use, an advertisement, a limited number of these New Improved Steel Ranges; hence this very easy payment plan. This FULLY WARRANTED Steel Range—all delivered and set up in your home—for only

SEVEN DOLLARS AND FIFTY CENTS.

See it in our window.

WE HAVE A BIG LINE OF HEATING STOVES. TERMS: Cash or Credit.

UTAH STOVE & HARDWARE COMPANY, 34-36 East First South Street. P. W. MADSEN, Manager.