

WHAT SUMMERS SAYS HE SAW

Bond in Governor's Office Bearing Name of John Fitzgerald.

IMPEACHING HOLCOMB'S TESTIMONY

Defense in the Bartley Bondsman Suit Continues Its Attack on the Governor's Statements Concerning the Bond.

A little additional progress was made yesterday by the bondsmen of ex-State Treasurer Bartley in impeaching the testimony of Governor Holcomb in the trial of the suit against them before Judge Powell. Two additional witnesses were called to support the impeaching evidence that has already been given. The greater portion of yesterday's session, however, was consumed in proving the special defense of Mary Fitzgerald, who alleges that she was insane at the time she signed the bond.

The first question of law to come prominently forward in the case was advanced in the afternoon when the defense endeavored to introduce a copy of the petition filed in the Lancaster county courts against the first term bondsmen of Bartley for an embezzlement of \$335,000, which Bartley is charged to have committed in May, 1894. The defending bondsmen say that this is included in the amount of the shortage for which suit is brought and should not be charged up against them as second-term bondsmen. Objection was made by the attorney general to the introduction of the document. The question is one of the most important ones in the case.

SUMMERS STILL ON STAND. W. S. Summers was recalled to the stand when court convened in the morning and the cross-examination by the state was resumed and was continued for an hour. The news that Governor Holcomb had been on the stand and figured in the trial attracted the biggest crowd that has yet been in attendance.

The witness said he did not think that the name of Mary Fitzgerald was discussed by him and Governor Holcomb in connection with the bond given by the witness in the governor's presence on the evening of January 3, 1895. The attorney general insisted on a positive answer and repeated his question three times. Finally the court instructed the witness to give the answer required and he stated that he was positive that the name was not on the bond or the signature of Ed J. Fitzgerald. Both these names appear on the bond on which suit is brought.

In the course of his direct testimony the witness had said that he suggested to Governor Holcomb that John Fitzgerald might have left a will. The attorney general asked what effect a will would have on Fitzgerald's liability in the bond. The witness hesitated for a long while before answering this question, although the attorney general pressed for an answer. Finally General Cowin urged him to reply and the court also insisted that he answer promptly. He said then that he did not believe that he had thought of that matter and was sure that if he had had a will it would have had a very material effect upon the responsibility of Mary Fitzgerald and Ed Fitzgerald, as embezzlers on a bond, as it would determine the amount of property they would inherit.

OBJECT OF THE TESTIMONY. The object of the later part of the examination was to discredit the testimony of the witness that the bond he saw contained the name of John Fitzgerald. The witness testified that Fitzgerald's will had come up in the conversation with the governor. As he said that the will could not have any effect on the liability of John Fitzgerald, the witness would have an effect on the responsibility of Mary and Ed Fitzgerald, the conclusion left that the conversation over the will was only preliminary to the question of the bond. The impression left, therefore, is that these names and not that of John Fitzgerald were on the bond the witness saw.

The witness said that he did not see that evening the bond sued on in this case, but could not say whether the governor had it. The final question put by the attorney general was whether the witness could give the name of the messenger who had notified him that Governor Holcomb wanted to see him on January 3. The witness answered in the negative.

MRS. FITZGERALD'S CASE. The defense had no more witnesses in its main case present and the special defense of Mrs. Kelly was taken up. The first witness was Mrs. Mary Kelly of Greenwood, a sister-in-law of the surety. She was present on the day of Fitzgerald's death and testified to the condition of Mrs. Fitzgerald. She said that on the day Mrs. Fitzgerald received a letter from Eddie, her son, from whom she had not heard for a year and over whose absence she had worried, but she neither opened nor read it. An effort was made to put this letter in evidence, as it made some mention of a predatory insanity in the Fitzgerald family, but it was not admitted. The witness related a number of instances in which Mrs. Fitzgerald figured and which convinced the witness that she was insane. The cross-examination of the witness consumed the remainder of the morning session, the state seeking to discover just what the witness' opinion of insanity was, and particularly on what her opinion of Mrs. Fitzgerald's insanity was based.

At the afternoon session almost an hour was spent in the further cross-examination of Mrs. Kelly. Her knowledge of insanity was shown, her experience having

IDENTIFYING LOTS OF JUNK

Accumulations of Articles that Figure in a Murder Trial.

BITS OF EVIDENCE IN THE KASTNER CASE

Judge's Room Piled High with Material on Which the Prosecution Rests Its Chain of Circumstances.

Contrary to expectations and with a large number of witnesses subpoenaed, the state called, the state rested yesterday afternoon and announced that it was through with the introduction of evidence in the case where August Kastner is on trial charged with the murder of Officer Dan Tiedeman and the wounding of Officer Al Glover on the morning of June 9 last. Immediately after this announcement was made, the defense began the introduction of its testimony, calling E. D. Pratt, Jr., to the stand. Pratt is a witness residing at a short distance from Nelson's saloon at Thirtieth and Spaulding streets and was one of the first persons upon the scene of the tragedy after it occurred.

Heretofore it has been the custom for the criminal and the law courts to make Saturday something of a holiday, but Judge Slough will violate this custom that is as old as the courts themselves and will go on with the case, beginning promptly at 9 o'clock this morning. However, he will not hold court all day, but instead, will adjourn at noon.

Up to this time only circumstantial evidence has been offered by the state. While the attorneys for the defense insist that this testimony is weak in some respects, they contend that it forms a chain that to a certain extent connects the defendant with the commission of the crime. On the other hand, the attorneys for the defendant maintain that the state has not offered any testimony that would throw a suspicion around the prisoner and his whereabouts on the night of June 8 last and the early hours of the following morning.

The case continues to draw a crowd filling all of the seats in the court room and occasionally overflowing into the space set aside for the attorneys and witnesses. The prisoner, August Kastner, maintains his composure, there being no friends or demonstrators that would aid in distinguishing him from one of the ordinary spectators. Women frequent the court room, but now, as in the past, most of the women are relatives of the officers, or of the prisoner. The exhibits continue to multiply and the judge's room, where the articles are kept, is being filled to overflowing. Some of the exhibits are a pocket watch, a key, a shop, as it is piled high with bed clothing, ropes, sacks, guns, second hand carpenter tools and a conglomerated mass of bottles, make and kitchen implements.

Mrs. Kastner, mother of the prisoner, has during the past day or two joined the throng that congregates in the court room and while not admitted in session she occupies a seat near her son and his attorneys.

HEARD SOME ONE IN THE ALLEY. Effe Gorman testified that last summer she resided at 3211 Pinkney street, about one block from where the Kastners lived on the night of June 8 last. The witness went to bed at about 9:30 o'clock. She awoke during the night she was awakened and remained awake two hours, or until about midnight. Soon after waking the witness heard footsteps going toward the alley between where she lived and the Kastner house. The sounds came from the north and she went to the door to see what was going on. She explained that three persons were running. Explaining further, witness said: "It sounded that there was one person running and then a minute later there were sounds as if another person passed by. It seemed as though another person ran past."

"You did not see anybody?" asked Attorney Baldridge. "I did not," answered the witness. "Witness did not hear the rain and did not know until the next morning that any rain had fallen during the night. The witness was certain that three persons passed down the alley."

Ben Roth testified that during the summer of 1896 he knew the Kastners and saw them have a gun he thought was a double barrel shot gun. Answering questions on cross-examination, he was sure that Kastner's gun was a double barrel, muzzle loading shot gun. Witness thought nothing more of the matter until he was called in police court last summer to testify at the preliminary hearing of the Kastners.

ALSO SOME POPCORN. Ezra H. Hemming on being recalled testified to having found a quantity of popcorn in the Kastner barn on the day of June 9, when he visited the place to search for evidence. The corn was in a sack and similar to the corn found tied in the corner of the grain sacks that were looted out of the Nelson saloon the morning after the murder.

THE LAST DAY

Saturday the Last Day of the Continental's Great Sale.

BARGAIN DAY WITHOUT A PARALLEL

Prices on All Broken Lots and Odd Suits Lower Than Ever in the Clothing History—Don't Fail to Come Saturday.

BOYS' LONG PANTS SUITS. 500 boys' long pants suits the best values we have offered at any time during this sale. Our spring stock is coming in every day and we are determined to close out and clean up all the boys' long pants suits. Prices, \$3.85, \$4.00, \$4.65 and \$5.50. We have sold a great many boys' suits during this sale—we mean short pants suits, but there seems to be just as many as ever—don't miss five or six hundred suits out of our stock.

Men's suits, \$3.85, \$4.75, \$5.00 and \$6.75, worth double. \$15.00 suits now \$5.50. \$20.00 suits now \$10.75. \$25.00 suits \$12.50. These are the prices which have made this sale a success. Saturday will be the last day of this sale—our advice to you is to buy.

CONTINENTAL CLOTHING CO. N. E. Cor. 15th and Douglas. Hayden's have an ad on Page 5 today that you ought to read.

THE O. & ST. L. AND WABASH R. R. For All Points East and South. Leaves Omaha daily at 4:35 p. m., arrives St. Louis 7:15 a. m., connecting in Union Station with all lines. For rates, sleeping car space and all information call at office No. 1415 Farnam street (Station Hotel Block) or write Harry E. Moore, Ticket Agent, Omaha Neb.

FEDERAL BUILDING NOTES. A civil service examination for assistant microscopist will be held February 23 in the United States court room. The applicants are all female and number about sixty-five. The smelter shipped sixty-five cars of lead yesterday.

Consumption Positively Cured. Mr. R. B. Greave, merchant, of Chilhowie, Va., certifies that he had consumption, was given up to die, sought all medical treatment, but failed to get any relief. He was cured by Dr. King's New Discovery. For past three years he has been attending to business and says Dr. King's New Discovery is the greatest remedy ever made.

Brotherhood Social. St. John's chapter of the Brotherhood of St. Andrew gave a pre-Lenten social in the guild hall at Twenty-sixth and Franklin streets last night. About sixty men were present and enjoyed the good things prepared by the hospitable entertainers.

Chamberlain's Cough Remedy is a medicine of great worth and merit. Try it when you have a cough or cold and you are certain to be pleased with the quick relief which it affords. It is pleasant to take and can always be depended upon.

Federal Court at Lincoln Adjourned. The United States court at Lincoln adjourned Thursday and Judge Munger and Clerk Hillis have returned to Omaha. A special term of the United States district court will be held here commencing March 11.

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Hat Sale tonight

This evening from 6:30 until closing time we will hold a special sale of men's hats. Our object is to advertise the new styles. Incidentally of course we want to make a few dimes. To commence with we will offer several hundred full stock hats in Derbies, Fedoras, and flat crown "Stetson" shapes at 75 cents each. You can go most anywhere in town and pay \$1.50 for the same hats. We will also offer an immense line at one dollar each in Blacks, Browns, Sepias, Nutrias, Silver and Pearl Gray and in eleven different shapes. This line at a dollar will do more to advertise the Hat Department of The Nebraska than a whole barrel of printers ink, for better hats have never been sold outside of here for less than \$1.50 and worse hats are selling today for two dollars—right here in town. The best way we know of to advertise our hats is to put them on peoples heads. Bring in your hat.

Nebraska Clothing Co OMAHA



Money Saved By buying a coat now—We have 25 satin lined coats in rough and smooth materials—that must be sold today. Your choice for— \$4.98. New Wrappers 68c, 98c

OKSCOFIELD CLOAK & SUIT CO. 1510 Douglas Street. Candy Samples

KLONDIKE. Outfit and start from VANCOUVER because— 1-VANCOUVER is the easiest place on earth to get to. 2-VANCOUVER is the nearest port to Alaska. 3-VANCOUVER goods are the cheapest and best. 4-VANCOUVER goods pay no customs duty. 5-VANCOUVER freight is not on board, and therefore is first disburdened. Practical men will take this point. 6-VANCOUVER runs the coast steamers, and all north-bound steams as well. Call at VANCOUVER. Maps and information free from W. GODFREY, Pres. Board of Trade, VANCOUVER, B. C.

Sherman & McConnell Drug Co. 1513 DODGE ST. MIDDLE OF BLOCK, OMAHA, NEB.

COUNTRY PEOPLE. Residents of towns and communities outside of Omaha who need a... Specialist's Treatment FOR... Catarrh, Deafness.

DR. McCREW IS THE ONLY SPECIALIST WHO TREATS ALL Private Diseases. 20 Years Experience. 10 Years in Omaha. Book Free. Consultation Free. Box 796, 14th and Farnam Sts. OMAHA, NEB.

Guarantee Clothing Co. 15th & CAPITOL AVE. OMAHA

Not quite through clearing winter goods. Nor is it reasonable that we should be, or any store for that matter. Some stores pack goods away earlier. A good scheme, too. Out of sight, soon forgotten. Next winter it will be re-named as the very latest of the nick of the moments. Nor is it reasonable to neglect a reasonable selection of goods at any stage of the season. As we remarked, there are a good many winter goods here. First, because we believe in serving the people with a selection at any stage of a season. Second, because we prefer to show and sell than to hide and make believe. The packing away of winter goods this year may be more profitable than any other because of the steady advance in merchandise. Next winter all goods will be higher. Perhaps we are foolish, after all, to force them away. Can't help it. The foundation of this store is to guarantee everything. Old, shopped-out stuff would cost us too much to replace. Can anyone name an instance when we refused to replace a guaranteed article? Our word is a bond.

Burlington Route \$90 to California and Back— Choice of three routes: 1. Go via Denver; return same way. 2. Go via Denver; return via Kansas City. 3. Go via Kansas City; return via Denver. Ticket Office, 1502 FARNAM ST., OMAHA. J. D. REYNOLDS, Passenger Agent.

Daylight Train to Chicago. Beginning Monday, February 7, the North-Western will give a service a daylight train to Chicago, leaving Omaha at Council Bluffs 7:35 a. m., and arriving Chicago 8:45 p. m., making connections with evening trains for all points east. Dining car served all meals. The afternoon limited trains at 4:45 and 6:45 p. m., arriving Chicago next morning at 7:45 and 9:30 a. m., respectively, still remain in service. City ticket office 1401 Farnam at G. F. WEST, C. P. and T. A. J. A. KUHN, General Agent.

DR. KING'S NEW DISCOVERY. A Pure Grape Cream of Tartar Powder. 40 YEARS THE STANDARD. Highest Honors—World's Fair, Gold Medal, Midwinter Fair.

BOYD'S PATENT & BURGESS, Managers, Tel. 1919. Today 2:30—Tonight 8:15. MR. JAMES O'NEILL. Saturday Evening Monte Cristo. Now nearing its 400th performance by Mr. O'Neill. Saturday popular price 10c. Mr. O'Neill's greatest triumph in tragedy. Tour directed by Wm. F. Connor. Matinee—Lower Floor—8c. Bal. 25c. BOYD'S PATENT & BURGESS, Managers, Tel. 1919. 4 NIGHTS COMMENCING SUNDAY, FEB. 20. Matinee Wednesday. Mr. Willie Collier. In Du Souche's Funniest Comedy. The Man From Mexico. Evening Prices—25c, 50c, 75c, \$1.00, \$1.50. Matinee Prices—25c, 50c. THE CREIGHTON PATENT & BURGESS, Managers, Tel. 1531. O. D. Woodward, Amusement Director. WOODWARD STOCK COMPANY Today 2:15—Tonight 8:00. BLACK FLAG. SUNDAY... MOTHER AND SON. Specialties—Jose Quintette and Ben HANBY. HOTELS. THE MILLARD 13th and Douglas Sts., Omaha. CENTRALLY LOCATED. —AMERICAN AND EUROPEAN PLAN.— J. E. MARKEL & SON, Props. —HOTEL BARKER— COR. 13TH AND JONES ST., OMAHA. RATES \$1.50 AND \$2.00 PER DAY. Bedric cars direct to exposition grounds. FRANK... SAM BAUMAN, Chief Clerk.

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