## THE OMAHA DAILY BEE.

### ESTABLISHED JUNE 19, 1871.

OMAHA, WEDNESDAY MORNING, MAY 25, 1898.

### SINGLE COPY FIVE CENTS.

**PROGRESS OF KASTNER TRIAL** contends that the plaintiff is too late in filing its objections and therefore has lost any rights that it might formerly have

ublic Evinces Little Interest in the Proceedings in Court.

CASE BEING HURRIED TO ITS CLOSE

Attorneys for Roth Sides Anxious to Bring the Matter to an End as Early as Possible-Evidence Going In.

At the last term of court, during the trial of August Kastner, who was convicted of the murder of Officer Dan Tiedeman and the wounding of Officer Al Glover, the big court room was filled to overflowing every Kastner are charged with the commission their business

of the same crime, jointly with August Kastner, is just the reverse. Aside from the witnesses and the jurors, there are not a dozen spectators listening to the evidence.

The indications now seem to point to an carly disposition of the case against the two Kastners. The trial of August Kastner consumed almost four weeks, but the present trial is being pushed along very rapidly, both sides being anxious to finish. The most of the evidence of the state is in and if the statements of the attorneys are correct, the case will undoubtedly go to the jury not latter than the beginning of next week, with a bare possibility that it may be submitted Friday afternoon of the present week. The material testimony is subtantially the same as that adduced at the trial of August Kastner, though it is being cut short in many respects. The attorneys know just what the witnesses will testify to and when this evidence has been brought,

they stop. With the reconvening of court ex-Detective Hemming was called on cross-examination and was questioned concerning the clothing found in the Kastner barn a few hours after the murder. He reiterated his statement that garments found hanging upon hooks were wet, while other articles

of clothing hanging over them were dry. Joseph Polcar, a newspaper reporter, detailed his visit to the Kastner barn on the the condition of the clothing found in the

Detectives Dunn and Dempsey of the police told of their work upon the case and detailed their search of the Kastner premises, describing what they saw and found. They both testified to the condition of the of the garments were wet, though they were He left Chicago on Monday evening at thm were perfectly dry.

ner premises the defendants were not at citizens of Omaha presented themselves a arrest

that it was very dark and that he could not sistant Superintendent Sutherland of distinguish objects a few feet away. His Union Pacific accompanied the train to

Caused by Change of Grade. Fred Bartsch has sued the Chicago, Burington & Quincy railroad company in an action to recover the sum of \$1,500, alleged

damages. The plaintiff avers that he is the owner of property at a point where the tracks of the defendant cross Poppleton avenue. Without his consent he says that the railroad people changed their grade, destroying his view, his garden and otherwise reducing the value of his lot.

Abolishing a Fruit Stand.

J. A. Fuller & Co. have applied to the court and have secured a temporary order restraining John Surro from maintaining fruit stand on the east side of their store at Fourteenth and Douglas streets. Now day, from morning to night. So far as they ask that the injunction be made perpublic interest is concerned, the case now | manent. They allege that the fruit stand on trial before Judge Slabaugh, wherein in question occupies a portion of the sidethe other defendants, Joseph and Louis walk and that its location is injurious to

> Notice of O'Brien's Death. At the afternoon session of court the fact of the death of Attorney George M. O'Brien was called to the attention of Judge Sla-baugh, whereupon he appointed W. F. Gurley, C. H. Marple, T. J. Mahoney, J. B. Sheean and H. H. Baldrige as a committee to prepare suitable resolutions, which will be reported at a bar meeting to be held in the criminal court room one week from next Saturday.

Notes of the Court. In the divorce case of Anna Harmer against Harvey D. Harmer a decree has been granted on the grounds of desertion. The hearing in the case wherein the Streets of Cairo people seeek an injunction to prevent the Streets of All Nations people from exhibiting camels and donkeys in their Wednesday morning.

### **GENERAL MERRITT GOES WEST**

Man Who is to Co-Operate with Dewey in the Philippines Pushing Forward.

General Wesley A. Merritt, U. S. passed through Omaha yesterday at 8:50 a. m. He was greeted by a number of prominent citizens. He declined to be interviewed, but to his friends he confided morning of June 9, a short time after Of- that he was feeling in the best of health, ficer Tiedeman had been shot. He cor-rorborated the evidence of Hemming as to was supremely happy over his engagement, which has recently been announced, and expected the most successful issues resultng from the expedition to the Philippine

islands under his command. General Merritt occupied the private car of President Burt of the Union Pacific, car No. 010, which was attached to the westbound "Overland Limited" train of the clothing in the barn, saying that several Northwestern and Union Pacific railroads. hanging in places where other articles about b'clock, and came directly through to Omaha. He slept late on Tuesday morning When the officers first visited the Kast- and did not arise until several distinguished

home, but instead were out gathering rags. his car, ten minutes before 9 o'clock. Upon their return they were placed under He hastily slipped on his trousers over his robe de nuit and received General

the train before it left.

headquarters.

At the afternoon session of court the state Manager Dickinson of the Union Pacific and rested and the defense called its first wit-ness, Colonel E. D. Pratt, who resided in one of the houses a few feet from the Nel-er relation between the set with the distinguished general who son saloon. Pratt was one of the first men to reach Glover after he was shot. In de-scribing the condition of the night, he said train pulled out for San Francisco. Asthe

Cost \$10,000.

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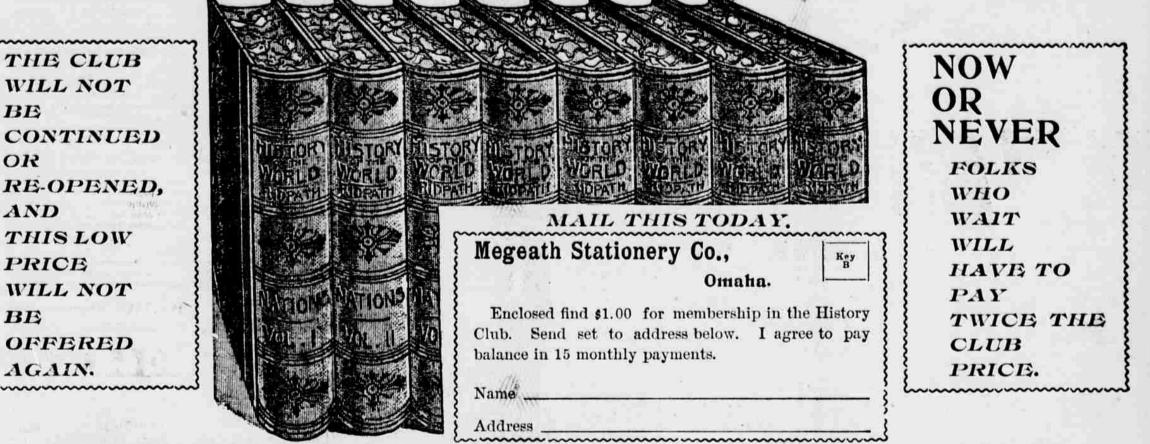
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the Club.

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testimony was substantially the same as that everything was all right, and Superingiven at the trial of August Kastner. tive power and machinery took a look over

AGAINST SOUTH OMAHA GAMBLERS.

Hearing of the Cases Resumed Before

County Judge Baxter, preliminary hearings in the cases S. A., that the second hegiment of The against South Omaha parties charged with the Iowa volunteers would start from Camp keeping gambling rooms and setting up William McKinley, Des Moines, on Saturgambling devices are on before County Judge day for Chickamauga Park, Ga. Orders The case against George Guthardt | have been issued for the immediate preparawas the first one called, and the entire tion and equipment of this regiment for morning was taken up by the state in introducing its testimony to show that in the | haul the regiment are as follows: Burlingrooms which the defendant occupied gam- ton, Des Moines to Chicago, one battalion; bling appliances were kept and were in operation

There are several cases, all of which come to Chicago, one battalion and regimental from South Omaha, and in each gambling charges are filed against the defendants. In some of the cases the defendants are charged with keeping gambling fixtures and returned to Omaha and is now at the headin others there are charges of setting up the gaming fixtures. After the disposition of the case on trial, the one against Swanson & Papez will be called.

pedition. During the afternoon the introduction of testimony was concluded, but the arguments were postponed until this morning. After the completion of the arguments, County Judge Baxter will hand down his decision instead of taking the case under advisement.

Expressmen Get an Injunction. John Berkins and W. A. Gordon have secured a temporary restraining order in a case wherein the Transmississippi and International Exposition association, the Merchants' Express company, Johnson Brothers' Transfer company and Walter S. Jardine are the defendants. Arguments on the application to make the order permanent will be heard before Judge Scott Wednesday

morning. In the petition filed by Berkins and Gordon in their injunction case against the exposition and others they allege an unjust and unfair discrimination, saying that they are prevented from hauling freight from the cars to the exposition grounds, though they are regularly licensed carriers within the city limits.

Will Save University Park. Frank Crawford and other members of space, there will be sterilizing and dressing the University club propose to prevent the city from removing the high board fence that surrounds a plat of ground in the vicinity of Twentieth and Miami streets, and the second floor will be used for private opwith this end in view they have secured a erating rooms and those suited for other temporary restraining order from Judge Scott. A hearing will be had on the issues involved on Thursday, at which time the walls of the whole building will be in tile. plaintiffs will ask that the order be made permanent. The plaintiffs allege that the grounds are used for legitimate purposes and that this place is the only spot in the city where foot ball games can be successfully played during the coming fall.

Sheriff Boyd's Boudsmen Win. In the case of William Kinsella against C. Sharp, executor of the estate of J. F. Boyd, deceased and his bondsmen, the jury in Judge Keysor's court has returned verdict, finding for the defendants. When John F. Boyd was sheriff of Douglas county he levied on a brick yard owned by the plaintiff, and in the due course of time the property was sold in satisfaction of the Later on Kinsella sued for the sum of \$10,000, alleging damages in this amount.

Concerning Creighton Theater. the case of the Penn Mutual In Life Insurance company against the Creighton Theater Building company, the plaintiff has filed an objection to the answer of Just how much money they got is not the defendant, requesting a postponment of known. Then the robbers escaped on the sale of the theater building, which is horses that were in waiting. So far as is ordered to be sold on June 7, to satisfy known none of the passengers were molested. claims aggregating something like \$75,000. The railroad company notified the sheriff at In its answer the defendant objected to the Las Lunas, who, with a large posse, started report of the appraisers. Now the plaintiff in pursuit.

interestingly, with no important fact omitted, with no unnecessary crowding of unimportant details. tendent McConnell of the department of mo-

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Fred Hutkerford Goes to St. Paul.

The passenger men of the Omaha termina lines have learned with regret that Frederick P. Rutherford, city passenger and ticket agent of the Chicago, Rock Island & Pacific at Lincoln. Neb., is going to leave this territory on June 1 to accept the position of city passenger and ticket agent of the Minneapolis & St. Louis at St. Paul, miral Cervera, which arrived recently at Minn. He is one of the best known and most favorably known passenger men in this territory, and while all the passenger

in attendance.

ger agent of the Rock Island system, is in the city from Topeka, Kan. He reports bus-iness along the lines of that system east of the Minered States of the system of the Minered States of the system of the syste he Missouri river as decidedly good.

ST. LOUIS, May 24 .- A telephone mes-There will be a meeting of the Western Passenger association in Chicago on Wednesday to discuss excursion raises to summer meetings. General Passenger Agent Buchanan of the Elkhorn railroad will be the American Steel foundry blew up, burn-

in attendance. Thomas W. Lee, who will act as joint agent for all the Omaha terminal lines during the Transmississippi Exposition, has arrived here, and opened headquarters at 1319 Farnam street. In order that the stamping of stopover tickets may be exper-ditiously carried on, Joint Agent Lee has had built a long counter, capable of allowing the American Steel foundry blew up, burn-ing the american Steel foundry blew up, burn-Mrs. Leslie Carter Injured. NEW YORK, May 24.-Goodfriend, David Belasco's representative in this country, to-day received a message from London say-ing Mrs. Leslie Carter was severely in-jured last evening while playing at the Adelphi theater.

repute in this city. She went to Omaha eighteen months ago. Her parents are living here in poor circumstances, but are accounted respectable people. She has a grown sister and a brother younger than

herself.

HOLD UP A SANTA FE TRAIN Through Express Safe Blown Open with Dynamite and Its Contents Taken.

spondent telegraphs to the Evening World bandits who boarded the train at Belen and that he has information from an unimpeachcompelled the engineer to bring it to a able authority that the Spanish fleet is still stop about five miles south of that station.

at Santiago. They gained entrance to the express car and MADRID, May 24 .- It is officially anthrew the through safe out into a ditch, nounced that the squadron of Admiral where, with the aid of dynamite, they Cervera was still at Santiago de Cuba yesblew it open and pocketed the contents. terday. (Copyright, 1898, by Associated Press.) PORT AU PRINCE, Hayti, May 24.-Ac-

cording to current rumor here the Spanish Cape Verde squadron, commanded by Ad-Santiago de Cuba, subsequently sailed from that port, destination unknown.