SHE TOOK HER LIFE NEW TRIAL OF BOND GASE

MRS. KELLY FELT HER DIS-GRAGE KEENLY.

Was l'inintiff in a Sensational Divorce Time Other Nebraska News.

Mrs. Seth Kelly, who figured as plaintiff in the late sensational Kelly divorce case tried at Tekamah in the district court, and out of which grew the indicting of her attorney by the grand jury upon three separate counts, took rough on rats the other day from the effects of which she died later. her divorce case, securing the divorce and \$5,000 alimony. She had been in Tekamah for several weeks, being one of the principal witnesses before the grand jury, and was also to appear as one of the state's principal witnesses in the cases against her late attorney. From remarks made to friends a few days previous to the suicide, it is supposed that the fact that she had to testify in these cases preyed upon her mind, and undoubtedly led her to take the fatal step she did.

THE NEBRASKA BUILDING

Where It will Stand-Mechanism More Substantial Than Other Rulldings.

On the east side of Sherman avenue an immense tract of ground has been leveled off, harrowed and seeded to grass. This is what is known as the bluff tract. It is on the east extremity of this tract, on the very edge of the bluff overlooking the Missouri river bottom and affording a splendid view way. The foundation is all completed and a temporary floor surmounts it. The work seems to be of a very subpurpose. There need be no apprehension that the building will not be permechanism seems to be much more substantial than that of any of the other big buildings in progress.

EDITOR AUSTIN GUILTLESS

Not tiuilty of the Charge of Criminally Libelling Rev. Hines.

Editor Austin of the Lincoln Call was taken to Geneva Monday afternoon to answer to the charge of criminal libel proferred by Rev. P. H. Hines, a Congregational minister of that place. Mr. Austin was arraigned before Justice Hamilton and Mr. Hines soon took the witness stand in his own behalf and was kept busy by Attorney Maule, the upper part of the bare. Mr. Brywho appeared for Mr. Austin, who ant carried an insurance of only \$1,000 wove about him from his own evidence a web that created general surprise total. among the large number present. At 8:30 p.m. the hearing was continued to Tuesday morning. At the conclusion of the evidence Tuesday morning Mr. Austin was discharged. The outcome of the trial was unexpected. Rev. Hines has stood well in Geneva and has an estimable family.

WITH HIS THROAT CUT

Man Found Lying on the Union Pacific Track Sear Mead.

About four o'clock Monday afternoon, October 25, a man was found by ing in the grass along the Union Pacific railroad about a mile east of Mead. His throat was cut and he was in an unconscious condition. He was taken to Mead by A. Swanson, the man who discovered him, and placed in the charge of the marshal, who took him to Wahoo and turned him over to the ecunty authorities. County Physician Way dressed his wound and he was taken to the poor farm. He says he was knocked down and robbed of \$50 that morning. He imagines Indians are after him, which would indicate that he is off mentally. He will remain at the poor farm and the matter will be look into by the authorities.

Founder of Donne College Dead.

Word has b en received in Lincoln of the death of Colonel Thomas Doane, an engineer of national reputation. who is particularly close to Nebraska people because he built the B. & M. railroad into this state and was one of the founders of Doane college at Crete. He died suddenly at West Townsend. Vt., Friday, October 22, Colonel Donne was reventy-six years old.

Discovered in Time.

Monson's opera house at Osceola had another close call Sunday night from destruction by fire. One of Monson's clerks had carelessly left open a box of matches and the mice did the rest. The timely discovery of the blaze prevented a hot time in the old town that night.

A New Banker at Panama.

John T. Marshall, cashier of the Bank of Panama. and his estimable wife, are rejoicing over the arrival of a boy who made his appearance at their home Monday morning last in all goods. Entrance was effected by cutthe glory of his ten and a half pounds.

Foreign Money Invested.

Over \$43,000 of outside capital is invested in sheep feeding in Itall county representing 23,321 head of sheep and over \$142,000 of foreign money is invested in cattle feeding, representing over 5,000 head of cattle.

Broke His Leg.

The five-year-old son of Martin Wernsman of Cedar Bluffs tried to climb into the wagon by using the hind wheel for a ladder. The team started and the little fellow's leg was broken before it could be stopped.

It Will Probably be Held Soon Before Judge Dickinson

It is intimated that the next trial of the case against Bartley and his bondsmen, if it comes during the current term, will be before Judge Dickinson, Suit Won Her Suit, but Preferred to and if it is, there can, it is asserted, Die Rather than to Testify a second hardly be any different conclusion Powell, for Judge Dickinson sat with Judge Howell during the argument of the very questions ruled upon by the latter, and in announcing his ruling Judge Powell distinctly stated that he had gone over the pleadings and authorities thoroughly with Judge Dickinson, an intimation that the latter agreed with him, although Judge Powell stated at that time that he did Lyons. Mrs. Kelly was successful in Not intend by that statement to saddle any responsibility for his ruling upon Judge Dickinson. So it is fair to presume that if the defense demurs to the petition of the state Judge Dickinson, if the matter is before him, unless he may have had new light on the questions involved before that time, will hold just as did Judge Powellthat there was a vacancy in the office which voided the bond, and that the statute requiring approval before the beginning of the Bartley term is man-

BURNED BY GASOLINE.

sentative, the governor.

latory. If it was mandatory, then ap-

proval of the bond could not be waived and the treasurer forfeited his office

by a provision that could not have

been waived by the state, or its repre-

Attempt to Smother Flames Ends to

Injuries. The fire department of Fremont was ast Saturday, October 23, called to the residence of J. W. Classau. The cause of the alarm was a blaze caused by a of the lown shore, that the Nebraska gasoline stove. Miss Dulin, a sister of building stands. It is also well under Mrs. Classan, had lit the stove to get breakfast and probably generated too much gasoline. The room was a mass of flames before the young lady could stantial character, not at all such as get away. She was badly burnadeabout one would expect to see put into a the hands and arms. Her cries aroused building to serve simply a temporary the family and an alarm wasturned in. Pending the arrival of the department, Mr. Classan attempted to put the fire fectly safe, as has been intimated. Its out but was badly blistered on his hands and feet.

HORSES PERISH IN FLAMES

Clay County's Biggest Barn Destroyed By Fire, With Cortents.

The large livery barn belonging to Barney Bryant at Fairfield, took fire Friday night last from some unknown cause and in a few hours was reduced to smouldering ruins. The barn was one of the largest, if not the largest in that part of the state, the lumber in it costing nearly \$3,000. Thirteen horses and a number of carriages were lost. The case of the fire is a mystery, but it appears to have originated in on the barn. The loss on stock will be

Trade With Farmers Heavy.

The past week has been one of activity among the farmers and business men in the vicinity of Milford. About twenty carloads of steers have been received for feeding and a number of carloads of sheep. Twelve wagons were sold in six days by one firm to corn pickers, and the lumber yard has been kept busy with a number of hands supplying the farmers with lumber for corn cribs and other improvements.

tuilty of Rape.

At Wilber, in district court, a verdict of guilty was returned against Whitney Stotts on the charge of statutory rape upon the person of Minnie J. Yant of Crete, of whose illegitimate child he is the said to be the father. Stotts is twenty-eight years old, and the girl vas only a little over fifteen when the offense was committed in October, 1896, He was brought from Kansas on a requisition to answer to the charge.

Rotten Bridge Gives Away.

An old rotten bridge over Super reek, in the southeastern part of lonnson county gave way the other day and precipitated a man and his daughter, strangers in the community, together with a team and wagon load of apples, down into the creek. They fell about ten feet, but escaped injury. The wagon was wrecked.

Henry Bound Over.

George B. Henry, alias W. B. Sweeney, the man who passed the bogus check on the First Natial bank at York, waived preliminary hearing and was held to the next term of court in a bond of

Don't Want It.

Omaha wheelmen have given up the attempt to secure the national L. A.W. bicycle meet for 1898. Internal dissensions among local wheelmen and a lack of funds is the cause

Miss Williams Reinstated. Miss Libbie Williams of Nebraska

City has been reinstated as a microscopist in the bureau of animal industry at South Omaha.

Sterling Store Robbed.

The clothing store of C. H. Catchpole at Sterling was burglarized Friday night of about fifty dollars worth of ting out a panel.

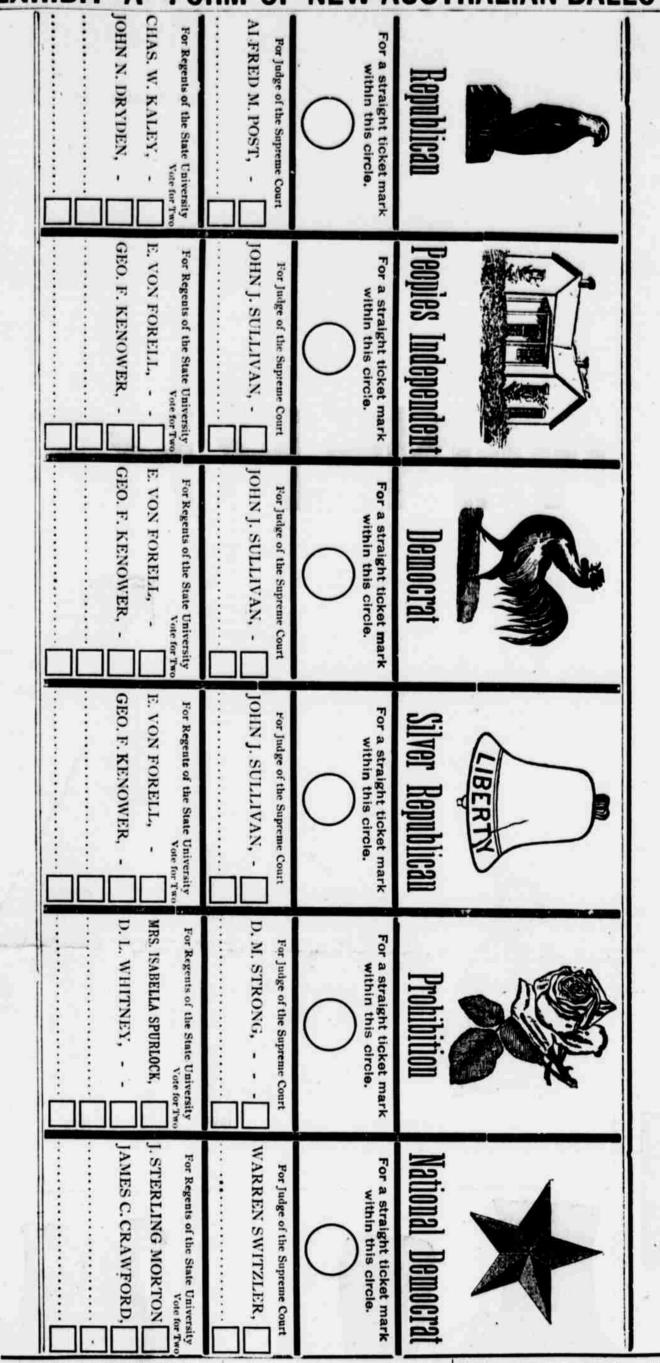
His Hand Mashed.

Lew Troutman, who lives northeast of Benedict, the other day met with quite a serious accident. While shelling corn he got his hand fast in the sheller and tried to draw it out by putting his other hand against the sheller to aid him in extracting his fastened hand, and got it fast. Some of his fingers had to be amputated.

Library Day Observed.

The Geneva public schools observed fibrary day, October 22, with programs and addresses. A number of donations of cash and books were received.

THE CASE DISMISSEU EXHIBIT "A" FORM OF NEW AUSTRALIAN BALLOT



READ CAREFULLY

The Following Instructions to Voters Taken from the Election Laws.

1. Persons desiring to vote must prosure their ballots from a judge of the election board.

2. They must then, without leaving the polling place, proceed to a com-

partment and prepare their ballots. 3. The ballots are prepared as follows: If you wish to vote a straight margin opposite the same ticket, make a cross mark in the circle at the top of the ticket, and your ballot will then be counted for every candidate on the ticket under the circle. If you wish to vote otherwise than the straight ticket, you place a cross with an indelible pencil in the square on the right margin of the ballot opposite the name of each person for whom you wish to vote; if you wish to vote a straight ticket with the exception of certain offices, place a cross in the circross opposite the names of the candidates you wish to vote for on other tickets, or when two or more candidates are grouped on the ticket for the same office, as two or more representatives, and the voter wishes to vote for one or more on another ticket or tickets in any group, the voter must make the cross mark after each candidate in the group on his own ticket that he wishes to vote for, and also after the name of each candidate on any other ticket or tickets grouped for the same office he wishes to vote for. Be careful that you do not mark the names of persons for whom you do not wish to vote. Do not make any mark on the ballot, save as above directed, or the ballot will not be counted. If you spoil a ballot return it to a judge of the election board and obtain from him a new ballot; you cannot get more than four in all; take this to a compartment and

mark it properly.

4. Having marked the ballot, fold it so as to conceal the names and marks.

on the back.

deposited in the box. 6. Immediately leave the railed in-

closure.

7. If you wish to vote for any person hose name does not appear upon the ballot, write or insert his full name in thorized and empowered, and it is the blank space on the ballot under hereby made his duty, to clear the the proper office you wish him to hold. and make a cross mark in the proper

8. Do not take any ballot from the polling place; you thereby forfeit the

right to vote. SEC. 27. No person shall falsely make, or make oath to, or fraudulently deface, or fraudulently destroy any certificate of nomination, or any part thereof; or file, or receive for flling, any certificate of nomination, knowing e same, or any part thereof, to be falsely made; or suppress any certificany person except the judge of eleccate of nomination which has been tion receive from any elector a ballot cle at the head of the ticket you wish duly filed, or any part thereof, or prepared for voting.

to vote in the main, and then piace a forge or falsely make the official endorsement on any ballot.

Every person violating any of provisions of this section shall be deemed guilty of a felony, and upon conviction thereof in any court of competent jurisdiction shall be punished by imprisonment in the penitentiary for a period of not less than one

year nor more than five years. SEC. 29. Every public officer upon whom any duty is imposed by this act, who shall wilfully do or perform any act or thing herein prohibited, or neglect, or omit to perform any duty as imposed upon him by the provisions of this act, shall, upon conviction there-of, forfeit his office, and shall be punished by imprisonment in the county jail for a term of not less than one month nor more that six months, or by a fine of not less than \$100.00 and not more than \$500.00, or both such fine and imprisonment.

SEC. 30. No officer of election shall No person whomseever shall do any of prosecution.

on the face, and to expose the names electioneering on election day within the back.

any polling place, or any building in
building in which an election is being held, or before leaving the inclosure and see it within 100 feet thereof, nor obstruct the doors or entries thereto, or prevent free ingress to or egress from said

building.

Any election officer, sheriff, constable or other peace officer is hereby aupassageways and prevent such obstruction, and to arrest any person so do-

No person shall remove any ballot from the poiling place before the clos-

ing of the polis. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his vote, nor shall any person solicit the elector to show the same; nor shall

any other person than one of the judges of election having charge of the ballots, nor shall any person other than such judges of election deliver a ballot to such elector.

No elector shall vote, or offer to vote, any ballot except such as he received from the judges of election hav-

ing charge of the ballots.

No elector shall place any mark upon his ballot by which it may afterwards be indetified as the one voted by him.

Every elector who does not vote the ballot delivered to him by the judges of election having charge of the bal-lots, shall, before leaving the polling place, return such ballot to such

judges.

Whoever shall violate any of the provisions of this section shall, upon conviction thereof in any court of comper nt jurisdiction, be fined in any su not less than \$25.00 nor more than do any electioneering on election day. \$100.00, and adjudged to pay the costs

BARTLEY'S BONDSMEN NOT

LIABLE.

Judge Powell so Rules and the Case is Dismissed Without Prejudice by Attorney-General -- New Case Filed Include-

Signers' Walver.

The case of the State of Nebraska vs. Bartley's bondsmen, which has been on trial several weeks at Omaha, came to a sudden termination Friday, Oct. 22, in Judge Powell's court. The case has been fought with determination by both sides. The defense has all along claimed that they were not liable because Bartley's bond was not properly approved. From the record it appears that Judge Powell, after having held that approval was immaterial, changed his decision in this respect after the state had submitted testimony tending to prove its allegations. The state had depended upon the ruling that approval was immaterial and had introduced no testimony on that point. When the judge held that approval was necessary, and that the state could not recover on the bond intro-duced, claiming that "the failure to approve the bond before January 3, 1895, was a very material failure and that by that failure the office of state treasurer became ipso facto vacant and remained vacant until January 7,1897. Attorney-General Smith dismissed the case without prejudice. Shortly after doing so he filed a new petition in which all the transactions are set out. showing the delay in the approval of the bond and the subsequent waive of objections by the defendants.

The attorney-general claims that ginning a new action will get the calto trial sooner than he would have been able to do if he had stood upon his amended petition and allowed the case to go over until the next term. It is understood that the defense will demur to the new petition on the ground that the vacancy claimed to have occured because of the failure to have the bond approved before Bartley's term began is a vacancy created by a statute that is mandatory, and the occurrenc of this vacancy could not therefore have been waived by the bondsmen and forfeiture of office could

not have been waived by the state.

If this demurrer is sustained, and
there is little reason to doubt that it will be if the case happens to be set down for hearing before Judge Powell. the case will at once go to the supreme

Judge Powell's decision that the office of the state treasurer was vacant during all of Bartley's term, raises the question as to whether or not Bartley will be compelled to undergo his sen-tence for embezzlement. The trend of comment among lawyers was based on the question. If Bartley was not state treasurer, can he be convicted of a shortage as state treasurer? convicted as state treasurer, and if the court holds he was not treasurer he has in law been wrongfully convicted

The result of the decision makes is extremely improbable that the state will ever recover the shortage. Brought Back for Trial

The man who passed a bogus chee on the First National bank of York last March and secured \$460 was arrested at his home in Hampton, Ill., and brought to York by A. Irle, a Pinkerton detective, and lod the county jail. The matter had been placed in the hands of the American bankers association, which, with the aid of the Pinkertons, succeeded in lo cating and causing the man's arrest. While at York he gave his name as W S. Sweeney, but his right name is George B. Henry. He bore an excellent reputation as a citizen where he resided and held the office of city clerk and justice of the peace of Hamptou at the time of his arrest.

Killed by a Train

August Zahoe was killed at Serbner Friday night, Oct. 22, by a special freight train on the Elkhorn road. He had been helping himself to an armful of wood at the company's wood pile near the road house and while crossing the track' with it stumbled on a rail just ahead of the special train and was cut up into little pieces. He was an old man, seventy-two years of age. and lived on the south side. At the coroner's inquest the railroad was exonerated from all blame.

Requisition Issued.

A requisition has been issues by the governor for Frank B. Gee, alias Edward C. Brown, who is under arrest a Topeka, Kan. Paul Charlton of Oma ha is the complainant. He says Frank B. Gee committed grand larceny by carrying off a Thistle edition of the works of Robert Louis Stevenson, va ued at \$105, the personal property of Charles Scribners' Sons.

Thurston Will Speak It was announced Friday evening

republican state headquarters that Senator John M. Thurston would de vote one week to campaigning in Nebraska. He will begin this week. Senator Thurston's itinerary has not been made out, but it will probably include York, Fairbury and Plattsmouth, among other towns.

Big Pears.

State Auditor Cornell had his roller top desk covered with fruit Friday. The display consisted of a large variety of apples and pears sent from a fruit show in the state of Washington. Some of the pears are as large as small squashes.

Fell in the Well.

The little four-year-old daughter of Simon Kelly of Lincoln fell into a well. recently and narrowly escaped drawning. She was playing around the top when the door gave way and she was precipitated into the water. A little boy saw ner fall and gave the alarm. Fortunately her clothes buoyed her up until she could be rescued. She frightened almost to death and had strangled from swallowing so much water, of which there was fifteen feet in the well. She recovered quickly, however, and is little the worse for her damp experience.