

The Valentine Democrat

VALENTINE, NEB.

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GAMBLING IS OPEN

CLICK OF LITTLE IVORY BALL IS HEARD AT BONESTEEL, S. D.

Buildings Spring Up in a Day, and the Town is Preparing for Big Crowds—Bad Men Are Driven Out by Vigilance Committee.

At Bonesteel, S. D., on the edge of the famous Rosebud Indian reservation, the sound of the saw and the hammer is almost drowned by the click, click of the little ivory ball as it goes round and round, and by the monotonous calls of the faro dealers and their cappers as they reach for the chips on the painted cloths before them—and incidentally return a few of the chips to other players.

The widders of the saw and the hammer are around and at work before the sun rises; the players at the gaming tables remain long after the sun sets. In fact, Bonesteel at midnight is more lively than Bonesteel at midday. There are no electric lights, but the big gasoline torches make the streets light enough for the crowds already there.

But there are no holiday effects there; everything is cold business. A lot is leased in the morning; by noon lumber is delivered and by night the framework of a house is put together. On the second day the building is completed and before the last nail is driven the clink of the ice and of the glass on the bar is mixing with the calls of the capper, and another saloon and gambling resort is thrown open.

But all is not plain sailing with the gambling element. One man has the "privilege" and another wants it. For \$100 per day Stanton, the "king-pin" of the knights of the wheel, the dice and the cards, has purchased the exclusive rights to open air gambling in the city. Several gamblers from Chicago and Denver have determined to secure a footing, and declare that they will close up all of Stanton's devices and machines unless they are let in on the ground floor. Stanton is standing "pat" and trouble is brewing among the fraternity.

And there is an old time vigilance committee in Bonesteel. That fact is not advertised, but it gets in its work nevertheless. Within the past ten days some of the most notorious crooks and thieves of the entire country have been in Bonesteel. But they only stay a few hours, when they are invited to leave the city and are told the consequences if they refuse to do so. No fuss is made about the obnoxious individual. He is quietly invited by some member of the committee to a short conversation. In this he is told to leave on the first train, and in most cases it accompanied to the depot. These crooks are spotted by the "square" gamblers and the committee warned of their presence; and as every large city in the country is represented in the ranks of the "squares," a well known crook scarcely gets into the town before he is recognized.

SHOT BY BURGLAR.

A Minister is Fatally Wounded at Iowa Falls, Ia.

Burglars raided Iowa Falls, early Thursday morning. At the home of W. H. Courtney Rev. C. H. Mayne, a Methodist minister from Nevada, Ia., attending the state Sunday school convention, grappled with a burglar and was shot in the groin, the ball penetrating the intestines eight times. He was taken to the hospital, but the physicians have no hope of his recovery.

At other places visited watches, money and clothing were secured. The burglars escaped. One suspect was arrested. The authorities in all directions have been asked to arrest suspicious characters in the hopes of apprehending the gang.

Rev. Mr. Mayne had just entered the ministry and was in charge of several small parishes in Story County. He was married last fall.

NO PEACE OVERTURES.

Neither Russia Nor Japan Ready to Entertain Proposals.

While the officials at Washington, D. C., are satisfied that the recent visit of King Edward to Emperor William was not brought about by a purpose to initiate a movement toward the restoration of peace between Russia and Japan, there is reason to believe some very careful and discreet inquiries as to the opportunities of such overtures at this time have emanated from Washington.

It may be stated the result has been to disclose the fact that neither of the belligerent powers is yet in the humor to sue for peace or even entertain overtures from any third power on the subject.

Sioux City Stock Market.

Thursday's market quotations on the Sioux City stock market were as follows: Butcher steers, \$4.75@5.60; hogs, \$4.90@5.10.

Fatally Cut by Wife.

Temporarily insane and resisting an attempt to send her to an asylum, Mrs. Margaret Morris fatally cut her husband, Isaac F. Morris, a packing house employe at Kansas City, Mo., with a razor, Morris fought desperately with his wife for fifteen minutes.

Killed by Assassin.

Seymour T. Jarecki, a young physician of Denver, Colo., was shot and killed Thursday at his home. Apparently he was called to his door and assassinated.

ILLINOIS BANK SHORT.

The Cashier at Aurora is Under Arrest

Col. Jacob H. Plain, cashier of the German-American National Bank, of Aurora, Ill., has been arrested charged with the misappropriation of \$65,000 of the funds of the bank. The peculations have extended over a period of three years, during which time bank examiners have several times gone over the affairs of the bank and reported all correct. This shortage was finally discovered by a special bank examiner.

The cashier waived examination and was held to the grand jury under bonds of \$10,000.

Col. Plain has turned all of his private accounts over to the directors of the bank, and his father and brother have made good part of the deficiency.

The capital stock of the institution is said to be unimpaired, and the bank, it is claimed, is in excellent shape to withstand any run that may develop as a result of Plain's shortage.

GUNBOAT ORDERED TO HAYTI

Panther, Now at Newport News, Will Sail at Once.

The German gunboat Panther, now at Newport News, has received orders from Berlin to sail for Port au Prince, Hayti, immediately.

The state department at Washington has taken note of the press report of the dispatch of warships by France and Germany to Hayti to secure reparation for an attack upon the persons of the French and German ministers recently by Haytian soldiers at Port au Prince.

The department has not been formally advised of the intentions of France and Germany, but it is assumed these reports are perfectly correct. Following its invariable rule in such cases, the department will not intervene, unless some act is committed that appears to be beyond the bounds of strict justice.

TRACK HANDS HIT BY TRAIN.

Two Killed and Two Seriously Injured at Rochester, N. Y.

Two men were killed, a third is not expected to live, and another is seriously injured as the result of a Charlotte train on the New York Central Railroad running through a gang of track hands at Otis station in Rochester, N. Y., Wednesday.

The dead are: John Toal, 45 years old, and Joseph Otz, 46 years old.

The dead are: John Toal, 45 years old, Homeopathic hospital with a broken back. Patrick Flynn, 45 years old, is at the hospital, where his right leg was amputated. He will probably recover. All four men were residents of Rochester.

The men were engaged in loading material into the baggage car of a city-bound train when the train struck them.

GIVE LOOMIS UP FOR DEAD.

Wife of Missing Man Has Lost All Hope.

A Parkersburg, W. Va., dispatch says: the name of the brother of Assistant Secretary of State Loomis, whose mysterious disappearance has attracted much attention since the Kaiser Wilhelm II, landed in Europe over a week ago, is Frederick Kent Loomis, and not J. Kent Loomis, as reported in the cables.

Frederick Kent Loomis was manager of the Parkersburg Daily News. He was highly respected and in business here. His wife has a babe only 5 weeks old and is prostrated over her husband's disappearance. She has given him up as dead.

HUNDREDS HOMELESS.

Cloudburst Does Much Damage Near Pittsburg.

Over 500 homes, business houses and school houses, a short distance from Pittsburg, Pa., on the Pan Handle Railroad, were inundated in from two to ten feet of water in Robinson's Run hollow and Chartiers valley by a cloudburst.

Many buildings and bridges were washed away, horses and cattle drowned and at least one life lost. There were many narrow escapes. The damage will reach \$100,000.

Makes \$2,000,000 Gift.

Baron Alphonse de Rothschild, Baron Edmond de Rothschild and Baron Gustave de Rothschild, three of the chiefs of the Rothschild family, called upon M. Trouillot, the minister of commerce, at Paris, to inform him of their intention to give \$2,000,000 for the purpose of providing cheap and healthy dwellings for the Parisian working classes.

Vandals Cut Airship.

A St. Louis dispatch says: Some time during Monday night the gas bag of Santos-Dumont's airship was cut and slashed in such a manner as to preclude all possibility of its being repaired in time to allow an ascension on July 4. The work was apparently done with a jack-knife. It will take at least two weeks to repair the damage.

Turned on the Gas.

Despondency over financial matters is believed to have caused Lee Miner, a stock and grain dealer from Minier, Ill., to commit suicide at the Empire Hotel at Chicago. The coroner's jury, at the conclusion of the hearing, returned a verdict of death by asphyxiation, with suicidal intent.

A River Mystery.

The body of a stylishly dressed woman, aged 30 years, was found floating in the Mississippi River at St. Paul, Minn., with a silk handkerchief knotted tightly around the neck. The indications are that the woman was murdered.

Cannot Take Claims.

It is stated at the general land office at Washington that anyone who is the proprietor of more than 100 acres of land in any state or territory is barred from filing on the Rosebud lands.

NEBRASKA TORNADO.

Two Persons Are Killed Near Holmesville.

A tornado near Holmesville, Neb., Tuesday, killed two persons, fatally injured a third and caused severe injury to five others.

The dead are two children of R. J. Harris, 6 and 9 years old.

Mrs. R. J. Harris was fatally injured. The injured: R. J. Harris, badly bruised about the head and body; Mrs. Harris' mother, aged woman, leg broken, body mangled, contusion on head; may not recover; three children of Mr. and Mrs. Harris, severe but not serious.

The tornado followed a sultry afternoon and came in the shape of a funnel-shaped cloud. It struck and demolished several buildings before reaching the Harris home. At the latter place part of the family reached a cellar in safety but Mrs. Harris and her son Lewis and a 6-year-old daughter were unable to escape.

Great damage was done to crops and several farm houses were destroyed, but the occupants sought safety in cellars. At Holmesville several buildings were blown to pieces and others unroofed, but no casualties are reported.

The worst hail and wind storm in the history of Beatrice occurred late Tuesday. Thousands of windows were broken, and a number of roofs shattered. Crops suffered greatly. No one was killed.

A small tornado struck the farming district fourteen miles northeast of York Tuesday evening. Crops were destroyed in a limited area and some small buildings blown down, but no one was injured.

GREAT LAND RUSH.

Thousands of Persons Seek Claims in Nebraska.

Intense excitement exists throughout western and northwestern Nebraska.

Hundreds of homesteaders have invaded the domain of the cattlemen and began filing Tuesday on the 9,000,000 acres thrown open to settlement. Thousands of people were in line at the six land offices in Nebraska. The opening is under the provisions of the Kinkaid law, by which homesteaders may file on 640 acres. The bulk of the land is only suitable for stock raising.

From Broken Bow, Neb., come insistent demands for the militia to preserve order. Gov. Mickey ordered Company M, stationed at that place, placed at the disposal of the sheriff if the special police failed to preserve order.

MINERS MAKE APPEAL.

Ask the Union Men of United States for Assistance.

An appeal for aid has been issued by the officers of the United Mine Workers at Trinidad, Colo., and generally distributed throughout the city and county. It will also be sent to all the cities throughout the east and west.

The history of the struggle is reviewed in the document, which closes in an appeal to all organized labor and sympathizers to contribute their mite to the end "that organized labor may not be stranded in Colorado."

BIG FIRE AT ROME, N. Y.

Assistance is Asked from Utica—Loss Already \$200,000.

A fire at Rome, N. Y., Tuesday afternoon destroyed Sink's opera house and residence adjoining, and threatened to destroy other property.

One man is reported to have been buried under the falling walls. Two others were seriously injured. Assistance was summoned from Utica. The loss is already \$200,000.

Gambling House Robbed.

At Houston, Tex., thieves worked a successful scheme for the robbery of a gambling house. A piece of dynamite was exploded under a poker table and the crowd of 100 inmates immediately made a rush for the exit. During the excitement someone grabbed the bank roll at the faro table, getting between \$1,200 and \$1,500 out of the drawer.

To End Ocean Rate War.

Shipping circles in London confidently expect a settlement of the passenger rate war at the result of a conference to be held in London July 7. It is confirmed that this meeting is almost entirely due to the initiative of King Edward, whose suggestion Emperor William warmly supported.

Robbed on a Train.

Walter Scott, who says his home is in New York, reported to the police at Philadelphia that he had been robbed of \$12,000 in gold while on a Pullman car between Pittsburg and Harrisburg. Scott had been in Dawson City, Alaska, for several years, and acquired a fortune there by mining.

Fighting in Uruguay.

Dispatches from Bage, a Brazilian town near the Uruguayan frontier, says a courier arrived there with a report of a battle at Tuamoe, Uruguay. Fighting began on Wednesday of last week and continued the following day.

Girl Saves Babe from Fire.

A chowd which had gathered about a burning cottage in Philadelphia Friday afternoon, was thrilled when a young woman emerged, with hair and clothing aflame, and with a young child safe in her arms.

To Discharge 4,000 Men.

Four thousand more men will be discharged from the Baldwin locomotive works at Philadelphia, Pa., within the next few days. Six thousand have already been dropped from the company's service. This action is the result of a lack of orders.

Loomis' Body Not Found.

A report circulated by a London news agency that the body of Kent J. Loomis had been washed ashore near Cherbourg, France, is false.

STATE OF NEBRASKA

NEWS OF THE WEEK IN A CONDENSED FORM.

Robert Lewenberg of Omaha Fires Three Bullets at His Divorced Wife—Fourth is Sent into His Own Brain—Woman Uninjured.

After making three ineffectual attempts to kill his wife, Robert Lewenberg, of 911 North Eighteenth Street, Omaha, a teamster in the employ of the Pacific Express Company, shot himself in the head in the Drexel Hotel Sunday afternoon. He died within a few moments of the shooting. The woman came out uninjured.

Lewenberg and his wife were married about a year ago and last month were divorced, and ever since their separation Lewenberg has tried to bring about a reconciliation, but in vain. He wrote many letters to her pleading that they live together again, and as these were of no avail wrote some of rather a stormy nature, in which shooting is mentioned. Sunday afternoon he went to the Drexel Hotel, at which place his wife is employed as a waitress, and asked that he be shown to her room. He knocked on the door and asked that his wife come out as he had something of importance to tell her. As soon as she left her room he renewed his pleading, but the woman refused to listen to him.

"I was in the office," said James C. Pierce, the day clerk of the hotel, "and heard them talking. Soon after I heard three shots and the woman's screams as she ran down the stairs. Then I heard the fourth shot. I immediately ran to the scene of the shooting and found Lewenberg lying on the floor with a bullet in his left temple. He died a few moments after."

"He has been coming to the hotel for the purpose, I heard, of effecting a reconciliation with his wife, but his wife always refused to hear him out. Though Lewenberg did not hit his wife, he came very near it, one bullet striking the heel of her shoe, another singeing her hair, and the third knocking a button off her dress."

Mrs. Lewenberg came to Omaha from West Point two years ago and secured employment as a waitress at the Drexel Hotel. She married Lewenberg while serving in that capacity, and after her divorce returned to her former place. Lewenberg is an old resident of Omaha, both were 24 years old.

Coroner Brainerd took charge of the remains and will hold an inquest.

CROWD HOLDS UP TRAIN.

Northwestern Freight at Valentine is Captured by Land Seekers.

Freight train No. 82, eastbound, due to leave Valentine at 5 o'clock Tuesday afternoon, was held up by land seekers attempting to board it after having made their filings and desiring to leave town. The engine and box cars were packed inside and out by the strangers, some with and some without tickets. Trainmen attempted to put them off, but were unsuccessful, which resulted in the train being side tracked until near midnight.

Extra coaches were added to the passenger train Wednesday morning to accommodate the rush, and notwithstanding that fact the train was solidly packed. While another jam like this is not expected, the rush will not be over for a month or more, as there are more than 2,000,000 acres subject to entry in this district, enough for several thousand homesteads.

LOOKS FOR FAMILY.

Veteran Searches in Vain for Mother, Father, Brother and Sisters.

Fred L. Howe, a 19-year-old veteran of several wars, is at Omaha on what seems to be a vain search for his mother, father, three brothers and one sister, all of whom he left at the old home at Maysville, Ky., when he left for the Philippines as a mascot. Young Howe sustained several wounds during the siege of Peking and in the Philippine campaign. He cannot speak above a whisper and his hearing has been impaired from the result of a bullet wound. Howe claims to be the son of Frederick L. Howe, an ex-confederate general.

Harvest Hands Plentiful.

The movement of hands to the harvest fields of Kansas by the labor bureau at Lincoln has begun, and a right lively time it was for the office force, for about twenty-five sturdy sons of toil came in for identification cards that would permit of them traveling for 1 cent a mile. Each person sent out was registered and sent at the end of the season the office will be able to show how far it missed sending its quota of the 21,000 men wanted. Only a very small minority of those registering belonged to the schoolboy brigade, though they are expected later.

Cutting Alfalfa.

Alfalfa is being cut in great quantities about Chadron. The call for help is so great it seems impossible to keep the board of equalization together long enough for the people to do their kicking. There is so much work to do and everyone so prosperous it seems easier to work than complain. The year bids fair to yield the best crops of all kinds ever raised in the county.

Operator Commits Suicide.

Theodore Smart, a Burlington telegraph operator, committed suicide at the fair grounds at Wymore by shooting himself. He had been in poor health for some time. He was about 35 years of age and single.

Re-Elect School Board.

At the annual school meeting in Papillion the old board was re-elected and a levy of 25 mills was voted to meet the expenses of the current year.

Woman Seriously Injured.

A Blue Springs special says: The house and barn of Mr. Nast was smashed into kindlingwood by the storm which passed over this section, and Mrs. Nast was seriously injured. The damage to buildings and crops will be very great.

Crops Looking Fine.

A heavy rain fell at Greeley the other night and the small grain crop is looking good, with every prospect for a big crop. The corn is making rapid growth and farmers are feeling jubilant over present outlook.

TOO COOL IN NEBRASKA.

Weather Has Been Rather Unfavorable for the Crops.

The Nebraska weather and crop bureau's bulletin, issued at Lincoln, says: The past week has been cool, with heavy showers. The daily mean temperature has averaged 4 degrees below normal.

The rainfall has exceeded an inch except in a part of the northwestern portion of the state, and in a few small areas it has ranged from 2 to slightly more than 3 inches.

The continued cool, cloudy, wet weather has caused a rank growth of small grain and grass. Winter wheat is filling well, but is lodging some on the richer ground, and rust is appearing in many fields. While oats are growing well the crop is very uneven. Spring wheat is beginning to head and is in a very promising condition. Clover, timothy and other grass is making a rank growth and promises a large crop of hay.

While corn has grown fairly well, the week has been rather unfavorable for the crop. The continued wet condition of the soil has retarded cultivation, and many fields are weedy. At the same time low temperature prevented rapid growth of corn. Nearly all crops need warm, dry weather.

BUILDING COLLAPSED.

Once Prominent Structure at Norfolk is a Worthless Wreck.

One of the old landmarks along the line of commercial development in northern Nebraska has disappeared. The two-story frame structure which stood at the corner of Second Street and Norfolk Avenue, at Norfolk, and in which many years ago one of the first stores of Norfolk was conducted, has collapsed. For a long period in the pioneer days a building to which traders came for a hundred miles or more, it has now, beneath the weight of a carload of government cement, toppled over.

When the building went to pieces Mrs. Niland, who lived upstairs, was badly jarred and severely frightened. The windows broke, the roof cracked and suddenly the one-time structure of prominence became a worthless wreck.

MAN'S NECK BROKEN IN DIVING.

Takes Header from Bridge into Shallow Water.

August Wachter, of Fremont, met death in the Platte River about 7 o'clock Monday evening. In company with a number of clerks at Eddy Bros.' store, where he worked, he went down for a swim after supper. He dived from the top span of the bridge across the south channel and never came to the surface. The water at this point is only thirty inches deep and it is supposed that he struck the bottom. The body was found by Lep Moller about 8:30 at the end of Big Island.

Wachter was 20 years of age and had been clerking at Eddy Bros. for the past three years. His neck was broken and death was evidently instantaneous. He was an expert swimmer and familiar with the river.

LEGS CRUSHED.

Fatal Accident in Railroad Yards at North Platte.

Early Sunday morning a man giving his name and residence as John Dunkley, Mankato, Minn., was found lying east of the stock yards chutes at North Platte with both legs crushed between the knees and body. The accident probably occurred shortly before midnight. He was evidently trying to beat his way east. No one, so far as can be ascertained, knows anything about the occurrence. He died a few hours later, and the city marshal wired to a party by name of Bartholomew, a relative of the injured man, who will have the body taken to Mankato for interment.

WORST IN TWENTY YEARS.

Recent Storm in Nebraska Destroyed Much Property.

Reports from the farming districts between Indianola and McCook, and in fact all over the county, show that the recent storm was the worst for twenty years. Crops were destroyed, barns and sheds leveled and hardly a windmill left standing.

At Indianola the storm assumed the proportions of a tornado. Large trees were twisted off and buildings partly demolished. Telephone wires are down, but so far as known there have been no casualties.

Passed a Worthless Check.

A traveling man giving his name as F. W. Mueller was stopping at an Auburn hotel the other day and gave the landlady a check for \$30 on a bank outside of Auburn. After cashing it the hotel man found it worthless, the man being unknown to the bank. The fellow was arrested in Falls City, although he registered at a hotel at Klein. He was taken back to Auburn.

Fined for Seining.

Deputy Game Warden Kemmer was in Nebraska City and filed complaints against C. E. Ruess, D. M. Neels and Henry Kirschofer for violating the game laws. They were caught in the act of seining, having ten fish. The seine was destroyed and on their pleading guilty each drew a fine and costs of \$17.50.

Blair to Have a Carnival.

Contracts were signed at Blair by members of the Business Men's Club and officials of the city granting street and other concessions to the World's Fair Carnival and Circus Company for a carnival to be held in Blair for the week commencing July 4.

Cattle for Chicago.

Albert Cleal, a prominent farmer of Hamilton County, shipped from Giltner for the Chicago market 144 head of exceptionally fine cattle. Their average weight was 1,300 pounds.

Wanted for Iowa Robbery.

Detective McNutt, of Des Moines, went to Lincoln to secure a requisition for Ed McLain, charged with robbery. The request was honored by Gov. Mickey. The prisoner was arrested at Omaha.

"Pap" Quimby Dead.

"Pap" Quimby, the oldest member of the Soldiers' Home at Grand Island, passed away Tuesday night of an ailment from which he has been suffering for some months and of general infirmity.



Short Notes.

One-third of Osceola's school board are women.

Osceola started a trainload of nineteen cars of cattle for Chicago last week.

The Dodge County Sunday school convention was held at Hooper last week.

It is now an assured fact that the Burlington road will erect a new depot at Beatrice.

Mr. and Mrs. Benjamin C. Campbell celebrated the 5th anniversary of their marriage on Saturday evening at their home in South Osceola.

The Burlington shop men of Havlock with their wives and friends held a picnic at Seward, Wednesday, June 29. A special train carried them.

Bituminous coal rates from Iowa, Kansas and Missouri to Omaha and Lincoln are to be advanced to 15 cents a ton July 1. The railroads say it is a readjustment and not a general advance.

Congressman Burton L. French, Idaho's only representative in Congress, and the youngest congressman in the country, was married at noon Tuesday to Miss Winifred Hartley, a teacher at Norfolk, Fremont camp, Woodmen of the World, unveiled the monument of the late Harry D. Dodendorf, at Fremont, in the presence of a large throng of persons. The camps of Cedar Bluffs and Nickerson sent large delegations.

Frank Pickell, supposed to be from Omaha, is in jail at Papillion as a suspicious character. He is thought to be the man who stole a horse and buggy from a liveryman named Heacock at Springfield about three weeks ago.

The International Horse Shoers' Union convention at Omaha on Wednesday listened to reports of the president and secretary. The president's report was a review of the conditions and protest against sympathetic strikes and the boycott.

The Richardson County Sunday School Association, which just closed an interesting ninth annual session at the Christian church in Falls City, selected officers for the coming year and decided to hold the next annual convention in Humboldt.

Some of the farmers in and around Beatrice have resumed work in the fields, and with ten days of warm, dry weather may well finish cultivating their corn the second time. Oats and wheat look fine and will be ready to cut in a few days.

The annual school meeting at Leigh was held Tuesday. The report of the treasurer showed that there was almost enough money on hand to run the school a year. The district voted an 8-mill tax for the general fund and 2½ mills for the sinking fund. The assessed valuation of the district is \$92,000.

One of the biggest land deals made around Beatrice for some time was the sale of the H. H. Smith farm of 360 acres to W. Stuart McHugh, of Chester, for which he paid \$75 per acre, the total amount being \$12,000. The land is located four miles south of Beatrice and two years ago sold for \$50 per acre.

After a long and exciting session the electors of the school district in which Syracuse is situated voted to reduce the school levy from 12 to 8 mills. The valuation has been increased from approximately \$150,000 to \$250,000 and the voters favored the reduction in the levy on the strength of the increased valuation.

Charles Elbert, of Omaha, better known as "Dutch Charlie," has been fined \$100 and costs in police court, where he was arraigned on a charge of assault and battery on George Warren. It is alleged that Elbert broke Warren's jaw in a melee that is said to have occurred at Fifteenth and Chicago Streets about two weeks ago.

Extra 1864, with Hostler engineer and Kirch conductor, pulled out from North Platte, going east, at 4:30 Wednesday morning. A short distance east of the river bridge obstructions were discovered on the track