

BARTLEY BONDSMEN CALLED

Beginning of the Suit Involving Over a Half Million Dollars.

WORK OF SECURING THE JURY BEGINS

Trial of Suit Wherein State Would Recover from Men Who Guaranteed that Ex-State Treasurer Would Account for Public Funds.

The bondsmen of defaulting ex-state Treasurer Joseph S. Bartley and the sovereign state of Nebraska are now fairly pitted against each other in the legal arena of the district court for the big stake of over half a million dollars, the amount of Bartley's default, for the embezzlement of a portion of which the latter is now under sentence to serve twenty years in the state penitentiary and to pay a fine of \$303,785.

The trial of this big and well-known civil suit was begun before Judge Powell yesterday. It was instituted at the last term of the district court by the state against Bartley's bondsmen to recover the amount of the latter's default, which in exact figures is placed at \$1,750,000, together with interest from January 7, 1897, the date on which Bartley should have accounted for the money.

There is an expectancy that the trial will be a long one. There is no doubt that every legal point on which either side can expect to gain an advantage will be closely fought. Time will probably cut little figure. An indication was given of this at yesterday's session, when the state created examining the jurymen who were called into the box. Two hours were spent in going into past history and probing into the intelligence and prejudices of the various jurors.

No one listened to the proceedings except a few attorneys and some state officers. The latter included State Auditor John P. Cornell, State Treasurer Messervy and Deputy Secretary of State Wesener, who will be witnesses.

ATTORNEYS IN THIS CASE.

The legal conflict is to be fought out by quite an array of talent. The state's interests will be looked after by Attorney General Smyth and Deputy Smith. A half dozen lawyers are conducting the defense. General Cowin is leading counsel. John H. Ames of Lincoln is looking after his own interests; Mary Fitzgerald and Ed Fitzgerald of Lincoln are represented by James Mahan of Omaha. A. Faxon represents the state, examined and represented by E. M. Bartlett; E. E. Brown of Lincoln is representing himself; William A. Faxon represents Frank Hanson, Thomas Shobe, C. E. Taylor and Nathan Harwood, the other bondsmen, apparently have no special counsel. Of these three Taylor was in court.

Before the jury was called into the courtroom Attorney General Smyth requested that the jury be kept in the custody of a bailiff during the entire trial. Judge Powell would not agree to this until the trial had made some headway, at least, particularly as the defense announced that it would desire that the trial would be delayed over Saturday and one day next week on account of other business. Several other preliminaries to the trial, but of no great importance, were disposed of before the available fifty-eight jurors were called into court.

SECURING THE JURY.

The first twelve men called into the box and sworn were: James S. O'Neil; William D. Grant, Thirtieth street and Lincoln avenue; J. T. Patch, Twenty-second and Manderson streets; Gus Falk, Twenty-eighth and Manderson streets; Frank Hanson, 817 North Eighth street; James H. Pierce, Drexel hotel; David Bennett, 953 North Twenty-sixth street; Otto Sandberg, Thirty-first and Cass streets; and Charles Barrick, Fourth and Bancroft streets.

The jurymen were closely and rigidly examined by Attorney General Smyth, who carefully questioned them regarding any acquaintanceship they might have with the ex-state treasurer, the bondsmen or the counsel in attendance. Almost every one of the jurymen had read accounts of the case in the newspapers, but, according to their answers, none of them considered themselves incapable of sitting on the jury because of any opinions they had formed.

By noon two of the twelve men first called were excused for cause. One of these was David Bennett, who was dismissed on account of his age—64 years. The other was J. T. Patch, a lawyer, who said that if the jury were called on his instructions given by the court on law points and his own conception regarding them he would probably be guided by his own conceptions, and he was discharged over the objection of the defense.

In the places of these two men George C. Bonner and Hans Starkham of Clontarf precinct were called into court. They completed their examination of them the noon adjournment was taken.

DEFENSE EXAMINES JURORS.

The afternoon session of the jury trial called, George C. Bonner, was excused on the grounds of ill health. Hans Leber, a farmer of Jefferson precinct, passed the examination of the state satisfactorily. The jury box was then filled.

General Cowin questioned the jurymen particularly on the point whether the fact of Bartley's conviction would in any way convince them that his bondsmen were liable for the amount of the shortage. A favorable opinion also was expressed by the jurymen on the point whether the fact that Bartley was introduced in the face of Bartley's conviction. The object was to find if the jurymen concluded from the fact that Bartley was convicted the knowledge being obtained through reports in the newspapers and conversations, that his bondsmen should be called on to make good the shortage.

Hiram H. Bates might have formed an opinion from newspapers, but he was contented that this would not affect his verdict.

John W. Fox was strong in his belief that the bondsmen should pay over the amount of the default and he was therefore excused for cause.

James C. Pierce had also formed an opinion from newspaper accounts of the case, but as it was dependent upon the truth or falsity of the reports, he believed that he would be able to render a fair verdict.

THE STATE'S POSITION. H. H. Ames stated that he had expressed an opinion that the bondsmen should pay the default, which opinion was based on the reports in the newspapers. The defense insisted that this statement was sufficient to excuse the juror for cause. In answer to questions from the state, however, the juror stated that he could render a verdict on the evidence in the face of this opinion. The defense contended that the juror would be influenced by the opinion even if he tried to do otherwise. The state insisted that no man's mind could remain free from opinion

ANOTHER BRANCH GOES OUT

Probably the Last Break to Be Made Before the Foreclosure is Made.

NO LONGER UNDER UNION PACIFIC CONTROL

Hereafter the Kansas City Line of the "Overland" System Will Be Operated as an Independent Road.

The segregation of the last branch of the Union Pacific from the parent road will occur today, October 1, after which date the stretch of railroad running through the northeastern part of Kansas in an east and west direction for a distance of 166 miles, which has been known as the Kansas Central branch of the Union Pacific since its construction and which has always been operated by the headquarters of the Union Pacific railway in this city, will be known as the Leavenworth, Kansas & Western railroad. The headquarters of the independent railroad will be located at Leavenworth.

It is believed that A. L. Williams, ex-officio chief clerk of the Union Pacific, for a number of years he has been a prominent lawyer in the capital city of Kansas and has been closely identified with the Leavenworth branch. At Union Pacific headquarters it is regarded as reasonably certain that J. O. Brinkerhoff, now general superintendent of the Union Pacific's Kansas division, will be appointed manager of the line after its segregation. He is at present located at Kansas City, but will remove his offices to Leavenworth. W. S. Basinger, of Kansas City, will be appointed freight agent of the line. A letter was received from him in Omaha yesterday, announcing his appointment. At present he is in charge of the freight department in Kansas City and has held that position with credit for a number of years. The auditor of the new road will be Robert R. Strong of Fort Scott, and Lake streets, but he also was excused for the same reason. Roy Garvin, west juror, proved to be without opinion and therefore was excused.

It being 5 o'clock, adjournment was taken to 9:30 o'clock this morning. The jury was called in to the courtroom for the trial. The result of the day's work is that eight of the twelve men who will try the case have been selected. Only four of the jurors now on the jury can be removed by the court. To secure the jury twenty-five men have been called and examined. It is certain that the jury will be completed before noon today.

Notes of the Courts. Annie McMahon is suing in the district court for a divorce from Patrick J. McMahon on the grounds of non-support and drunkenness.

The Brick Manufacturing and Building association and Mark Hansen have filed with the county clerk a bill of sale of all their manufacturing machinery to the Omaha Brick company, the consideration being \$6,000.

Ella E. Forbes alleges that she was married on January 1, 1874, to John E. Forbes at Lincoln in the district court for a divorce from her neglected husband. Judge Slauch Wednesday awarded E. R. Overall \$100. The defendant in the suit was Alexander M. McCargar. Overall alleged that McCargar had written the Washington authorities some false and damaging statements about him, Overall, in 1893. Yesterday a jury was waived and Judge Slauch was allowed to decide the case.

Although many remedies are pushed into the market by spicy advertisements, Dr. Bull's Cough Syrup still takes the lead.

TO BEGIN ERECTION OF SCAFFOLD.

Preparations for the Execution of George Morgan. Sheriff McDonald will early next week begin the erection of the scaffold upon which George Morgan is sentenced to hang on Friday, October 3. The structure will be built in the shadow of the county jail in the southeast corner.

The work will be commenced as a result of a visit the sheriff paid Governor Holcomb, Wednesday, from which he returned yesterday. The sheriff went for the purpose of making a report on the execution of gubernatorial intervention, in order that the county might not be put to unnecessary expense to the extent of the cost of the scaffold. The governor has approved the report of Governor Holcomb would not give any intimation of what he intended to do, but Sheriff McDonald does not apparently believe that the execution will be interfered with as he has arranged to commence work on the scaffold.

The death warrant, ordering the execution of the convicted murderer, is now in the hands of the sheriff.

There are others—but none "just as good" as Dr. Davis' Anti-Headache.

M. E. Smith & Co. Reorganized. The wholesale dry goods firm of M. E. Smith & Co. is being reorganized as a result of the recent death of the senior member, M. E. Smith, but apparently only so far as to drop his name from the list of stockholders. Articles of incorporation of the company, filed with the county clerk yesterday, show that the firm will retain its old name. It is capitalized for \$500,000 and is intended to exist for fifty years. The incorporators are, George C. Smith, Andrew J. Smith, Frank Smith, Walter D. Smith, Ward M. Burgess, Harry M. Tibbs and Arthur C. Smith.

In the county court yesterday the receipt of the heirs under the estate was filed, showing that they had received their fifth interest from the administratrix. The heirs are: Charles C. Albert, J. Floyd M. Walter, D. and Arthur C. Smith.

The "Bicycle's Bee Front" is a familiar name to Dr. Witt's Witch Hazel Salve, always ready for emergencies. While a specific for piles, it also instantly relieves and cures cuts, bruises, salt rheum, eczema and all affections of the skin. It never fails.

Death of a Traveling Man. H. F. Johnson, well known and popular traveling man, died at the Murray hotel Wednesday afternoon after a week's illness from heart trouble. He was the state agent for the Louisville Tobacco company and had made this city his headquarters for ten years. He was 38 years old at the time of his death. He leaves a wife and one brother, John Johnson, residing in St. Louis, Mo. He was accompanied by Mrs. Johnson, F. H. Johnson and Miss Agnes Kelly.

Drunk and Fell Off His Wagon. Yesterday Haza Dowling was picked up on Center, just west of Forty-third street. He was drunk and had fallen from his wagon. His son was with him and had driven on to South Omaha and delivered the load to a commission merchant. Dowling had a few cuts and bruises, where he had come in contact with the pavement, but was otherwise uninjured. He was charged with being drunk.

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IRISHMEN IN PICTURES.

A Panorama of Views Taken in All Parts of the Emerald Isle.

PUSHING EXPOSITION WORK

Display of Activity Which is Encouraging to the Public.

HUNDREDS OF MEN ARE BEING EMPLOYED

Lagoon Being Filled with Water—Administration Building Under Roof and Staff Workers Follow the Carpenters.

People who visit the exposition grounds during working hours now-a-days see a display of activity which removes any lingering suspicion that the work is not being pushed along. The Mines and Mining building presents the busiest scene of any place on the grounds. About sixty carpenters and about half as many laborers are employed on this building and every man is working as hard as he can depend on the amount of work he did. As a result, a good showing has been made. All of the joists have been put in place and about two-thirds of the flooring has been laid at noon today. The flooring is two-inch material, four inches wide and tongued and grooved. It is being laid in a workmanlike manner and at a rapid rate. The work of rearing the superstructure will be commenced as soon as the floor is completed, the masts being all at hand. As the work advances more men will be employed until nearly 300 men will be engaged on this one building.

The frame of the Manufactures building has been reared completely and the framework of the building is being rapidly put up. A gang of men are at work laying the floor and having the branch of the work well advanced. The floor joists are nearly all in place and the flooring is being laid. This flooring is the same as that in the Mines and Mining building. The work of the carpenters will be greatly expedited by the failure of some of his big timbers to arrive, but he is working on the other portions of the building where these timbers are not required.

The piles for the Machinery building are being driven in consequence. The piles are being driven as fast as received. Considerable difficulty is being experienced in driving a good number of piles. Such a large number of these are required that the available supply near the city has been exhausted and the work of driving the canal will be commenced at a rapid rate. This fact threatens to interfere seriously with the building for which the piles have already been secured, including the Machinery, Agriculture, Liberal Arts and Fine Arts.

FILLING THE LAAGOON. The lagoon is rapidly assuming the appearance of a genuine lake. The bottom is completely covered from the extreme west end to a point where the piles have been driven a little over half of the whole lagoon. Little rivulets extend to the extreme east end of the lagoon, and it will be but a few days when the entire bottom of the canal will be covered with water. The sparkling fluid is flowing into the lake from three pipes located at different points and the steady flow from these comparatively small pipes is having a very perceptible effect. The ditch for the water main on the grounds has been completed along the south side of the main court from Twenty-fourth to Twenty-sixth street and a good start has been made all along the line from Twenty-sixth to Sixteenth street. The ditch will be completed by tomorrow noon and the work of laying the pipe will be commenced at once. When this is done water will be turned into the lagoon from a larger pipe and a few days will see a marked change in the appearance of the big basin.

The railway crossing on Sherman avenue has been completed at the south side of the main court and men are extending the track to the western end of the main court. This work will be completed in a few days and the water pipe will be switched onto this track and unloaded alongside the ditch prepared to receive it.

The construction of Sherman avenue at the north line of the main court is all ready to put in place and the work of putting it in was commenced yesterday. As soon as the track is completed the water pipe will be transferred to the north side and this track will be completed by the last of the present week. The work of putting in the main court the gang of track layers will be transferred to the north side and this track will be completed by the last of the present week. The work of putting in the main court the gang of track layers will be transferred to the north side and this track will be completed by the last of the present week.

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BRIGHAM CALLED TO WASHINGTON. Joseph H. Brigham, assistant secretary of agriculture and chairman of the Board of Control of the Government building at the Transmississippi Exposition, passed through Omaha on the Rock Island fast train yesterday afternoon. Mr. Brigham had been in Lincoln attending the irrigation convention and had intended to stop in Omaha on his way east and spend several days in consultation with the officials of the exposition regarding the government exhibit. He confessed to have intended going direct to Nashville to confer with his colleagues on the Board of Control. A telegram summoning him to Washington on important business, however, put an end to these plans and accounted for the fact that the assistant secretary stopped in Omaha less than an hour, all of which was spent at the depot.

While waiting for his train to resume its flight westward Mr. Brigham talked freely about the Transmississippi exposition and his connection with it. He frankly admitted that his experience with exposition work had been decidedly limited, but he had very firm convictions on several points in regard to the construction of the government exhibit. Leading among these convictions was the thought that the government's exhibit must be made interesting. He confessed to great interest in the coming show and said he intended doing everything in his power to aid it in every way possible. Among other things regarding the details of the exhibit Mr. Brigham said he believed an effort should be made to make the government's exhibit as new and interesting as possible. He said he had noticed a great deal of sameness about the display made by the government at former expositions and expressed the opinion that this might be remedied by the government's exhibit. The identical objects were displayed at each exposition.

Mr. Brigham stated that the meeting of the Board of Control which had been arranged for at Nashville about October 4 had been canceled, but he gave no indication of when a meeting of the board would be called. He expressed a strong desire, however, to have a conference with the exposition officials, but he did not hint at any particular time when this might be done. He said that he would be in Nashville October 5, and when informed that October 8 had been designated as the date for the meeting of the board, he probably will be in Nashville at that time. He remarked that a meeting might be had then.

IOWA COMMISSIONERS ASSIGNED. The several departments of the Iowa state exhibit at the Transmississippi and International Exposition have been assigned to the members of the Iowa Transmississippi and International Exposition commission as follows: Live stock, S. B. Packard, Mar-

WOODWORTH GETS HIS REWARD. The appointment of James G. Woodworth as general freight agent of the Oregon Railway & Navigation company has just been announced, and is received with considerable pleasure by the appointee's numerous friends in Omaha, where he was formerly stationed. When the Oregon Railway & Navigation company was part of the Union Pacific system Woodworth was stationed at Portland as an assistant general freight agent. Later he was at the Union Pacific headquarters here in a higher capacity. The Edwin McNeil went with the Iowa Central railroad and took Woodworth along with him. Later McNeil was made receiver of the Oregon Railway & Navigation company, and he appointed Woodworth secretary to the receiver. Woodworth remained at Portland and worked hard, never straying from his post. He is now being rewarded by the new régime in control of the Oregon Railway & Navigation company by the appointment of general freight agent.

Editor Beckman Suggests a Washington Exhibit. A novel suggestion in connection with the Forestry exhibit at the exposition has been made by Editor Beckman of the Pacific Lumber Trade Journal, published at Seattle. He suggests that in order to make a proper display of Washington's timber resources a log containing the timber should be shipped to Omaha and be left on board the car in the grounds for some time during the exposition. On a certain day he would have the log cut and the sawdust be switched into a house. For this purpose it would be necessary to secure the co-operation of some of the numerous exhibitors of saw mills in Washington. The log could be converted into shingles and the sawdust, studding, siding, flooring and finishing mill, and other products of the mill, could be sawed from the log, and the shingles converted into paper by some of the pulp mills on exhibition and made into wall paper for the house. He further suggests that the log could be converted into lumber, which would contribute toward the furnishing of the house, and a practical demonstration be thus made of the resources of the state.

JOHNSTON GETS AN INJUNCTION. Edward Johnston has secured a temporary injunction from the district court restraining Mayor Essor and the city council of Omaha from having the claim of Frank Pivovka for \$1,800 as rental for offices in the Pivovka block from February 1, 1896, to date.

In his application for the injunction Johnston sets out that the claim was presented about two weeks ago and is about to be allowed by the mayor and city council, which is a matter of fact, the city has never occupied the offices. It is stated that the city of South Omaha entered into a lease for the rental of the Pivovka block from February 1, 1896, which expired, however, on December 1, 1895. Difficulty over the settlement of the rent brought the matter into court, and Johnston claims that the city of South Omaha paid in full to February 1, 1896.

Johnston maintains that since the latter date the city has never occupied the offices by the city and that the city has not leased them. He therefore charges that if the claim is allowed the money will be unlawfully taken from the public funds and will form a donation, as no equivalent has been received for it.

TO CURE A COLD IN ONE DAY. Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure you.

HITCHCOCK RECEIVES SOME MONEY. Sells the Old Homestead to A. J. Hunscom.

The residence property of G. M. Hitchcock at Overland Park, part of the original Hitchcock homestead, has been transferred to Andrew J. Hunscom, the consideration being \$4,000. The transaction was recorded in the office of the register of deeds Wednesday. Employees of the register's office say the money was paid over in cash there. It is the first time that such a sum of money has been transferred in cash there in such transactions for some time.

If you have ever been a little child in a paroxysm of coughing, and if you have ever annoyed by a constant tickling in the throat, you can appreciate the value of One Minute Cough Cure, which gives quick relief.

Burlington Route—California Excursion. Leave Omaha—via Burlington Route—on Thursday afternoon at 4:35—in a comfortable tourist sleeper—and you reach San Francisco Sunday evening. Los Angeles Monday noon. San Francisco Tuesday morning. Return via Pullman porter and experienced excursion conductor relieves you of all bother. EVERYTHING provided. Tickets, 100 cents, including meals, and call at ticket office, 1502 Farnam St., and get full information. J. B. Reynolds, City Passenger Agent.

Union Pacific. The Overland Limited. The most SUPERBLY EQUIPPED train west of Missouri River. Twelve hours quicker than any other train to Pacific Coast. 3202 Farnam St. Call at Ticket Office.

DIED. KANE—Mrs. Margaret, aged 39, September 30, at St. Joseph's hospital. Funeral from residence of her sister, Mrs. Carlow, 1511 Central avenue, on Saturday morning, October 2, at 10 o'clock. Interment Holy Sepulcher.

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BRIGHAM CALLED TO WASHINGTON. Joseph H. Brigham, assistant secretary of agriculture and chairman of the Board of Control of the Government building at the Transmississippi Exposition, passed through Omaha on the Rock Island fast train yesterday afternoon. Mr. Brigham had been in Lincoln attending the irrigation convention and had intended to stop in Omaha on his way east and spend several days in consultation with the officials of the exposition regarding the government exhibit. He confessed to have intended going direct to Nashville to confer with his colleagues on the Board of Control. A telegram summoning him to Washington on important business, however, put an end to these plans and accounted for the fact that the assistant secretary stopped in Omaha less than an hour, all of which was spent at the depot.

While waiting for his train to resume its flight westward Mr. Brigham talked freely about the Transmississippi exposition and his connection with it. He frankly admitted that his experience with exposition work had been decidedly limited, but he had very firm convictions on several points in regard to the construction of the government exhibit. Leading among these convictions was the thought that the government's exhibit must be made interesting. He confessed to great interest in the coming show and said he intended doing everything in his power to aid it in every way possible. Among other things regarding the details of the exhibit Mr. Brigham said he believed an effort should be made to make the government's exhibit as new and interesting as possible. He said he had noticed a great deal of sameness about the display made by the government at former expositions and expressed the opinion that this might be remedied by the government's exhibit. The identical objects were displayed at each exposition.

Mr. Brigham stated that the meeting of the Board of Control which had been arranged for at Nashville about October 4 had been canceled, but he gave no indication of when a meeting of the board would be called. He expressed a strong desire, however, to have a conference with the exposition officials, but he did not hint at any particular time when this might be done. He said that he would be in Nashville October 5, and when informed that October 8 had been designated as the date for the meeting of the board, he probably will be in Nashville at that time. He remarked that a meeting might be had then.

IOWA COMMISSIONERS ASSIGNED. The several departments of the Iowa state exhibit at the Transmississippi and International Exposition have been assigned to the members of the Iowa Transmississippi and International Exposition commission as follows: Live stock, S. B. Packard, Mar-

IRISHMEN IN PICTURES.

A Panorama of Views Taken in All Parts of the Emerald Isle.

PUSHING EXPOSITION WORK

Display of Activity Which is Encouraging to the Public.

HUNDREDS OF MEN ARE BEING EMPLOYED

Lagoon Being Filled with Water—Administration Building Under Roof and Staff Workers Follow the Carpenters.

People who visit the exposition grounds during working hours now-a-days see a display of activity which removes any lingering suspicion that the work is not being pushed along. The Mines and Mining building presents the busiest scene of any place on the grounds. About sixty carpenters and about half as many laborers are employed on this building and every man is working as hard as he can depend on the amount of work he did. As a result, a good showing has been made. All of the joists have been put in place and about two-thirds of the flooring has been laid at noon today. The flooring is two-inch material, four inches wide and tongued and grooved. It is being laid in a workmanlike manner and at a rapid rate. The work of rearing the superstructure will be commenced as soon as the floor is completed, the masts being all at hand. As the work advances more men will be employed until nearly 300 men will be engaged on this one building.

The frame of the Manufactures building has been reared completely and the framework of the building is being rapidly put up. A gang of men are at work laying the floor and having the branch of the work well advanced. The floor joists are nearly all in place and the flooring is being laid. This flooring is the same as that in the Mines and Mining building. The work of the carpenters will be greatly expedited by the failure of some of his big timbers to arrive, but he is working on the other portions of the building where these timbers are not required.

The piles for the Machinery building are being driven in consequence. The piles are being driven as fast as received. Considerable difficulty is being experienced in driving a good number of piles. Such a large number of these are required that the available supply near the city has been exhausted and the work of driving the canal will be commenced at a rapid rate. This fact threatens to interfere