

## BONDSEN LOST A POINT

Insist that Thousands of Documents and Books Should Be Identified Separately.

## JUDGE POWELL OVERRULES THE POSITION

**Had the Contentions of the Defense Been Sustained the Trial Would Have Been Prolonged Indefinitely.**

JUDGE POWELL OVERRULES.

There was a prospect for a time yesterday that the trial of the suit instituted by the state against ex-Treasurer Bartley's bondsmen to recover the amount of Bartley's defalcation would be of indefinite duration. This possibility was the only feature of yesterday's proceedings, which were otherwise uneventful and rather monotonous.

Considerable headway, however, was made by the state in the introduction of its testimony. Little more now remains but the testimony of the experts who have worked for some months on Bartley's books to discover the shortage.

The attempt was made by the defendants to compel the state to introduce separately and identify one by one the 50,000 papers, books and documents, the records in the office of ex-State Treasurer Bartley which had been turned over to him after his removal from office, from which the amount of Bartley's shortage must be computed. Judge Powell, however, ruled that it would not be required. It is stated that if the position of the defendants had been sustained by the court it would have opened a way to them to insist that no expert's testimony of the amount of Bartley's shortage should be allowed, but that the whole lot of documents, regarding the amount of money that should have been in the state treasurer's hands. The two statements are the same. State Treasurer Meserve was asked also whether he had received the statement of the two state treasurers, the object being to show that at the time Bartley admitted to Meserve that the statements were correct and that he should have had in his hands the amount of money they showed.

The introduction of the statements is of considerable moment to the state, as the latter intends to follow them up with the testimony of the experts to show that there was really on hand in Bartley's possession \$50,000 less than the statements under consideration.

The defendants objected to the introduction of the written or verbal statement of the experts to the trial, as they did not believe it to be admissible.

The record shows that Bartley's bond was introduced to show the record of the filing of Bartley's bond. Last Friday the defense objected to the introduction of the record and Judge Powell reserved his ruling until yesterday, when he decided to allow the record to be introduced.

The record was introduced partially to prove that Bartley's bond had been deposited and partially to combat the sensational statement of the defense last week that the bond had not been filed until January 3, 1897, and that this date had been erased.

The record shows that the bond had been filed and received on January 3. The defense later recalled Assistant Secretary of State Weeser to discover whether he had heard of any such change.

State Treasurer Meserve identified the registered warrant for \$180,102.75, on which Bartley was convicted of having embezzled. This had been drawn to reimburse the sinking fund from the general fund and were not therefore admissible. The state produced authorities to support its stand that the statements could be introduced. Judge Powell took the point under advisement.

John C. Helleis was once more recalled to the stand, but was unable to give any testimony because he did not have all the records in the court room. He was therefore excused. He will be required to indicate the different papers and books from which he made his conclusions he gives in his testimony.

Cashier William Wallace of the Omaha National bank was placed on the stand to give positive evidence that the \$201,884.05 check in payment of the embezzled warrant was drawn in favor of J. H. Millard, president of the First National bank for \$15,366.53 in state money and property on February 25, 1897. He testified that since that time Hartley has turned over \$153,809.23 in money and accounted for \$104,516.89 in depositary banks. In addition State Treasurer Meserve testified that he had found an account of \$10,000 in the First National bank of Orteles.

Hartley should have had on hand \$1,536,394.10 according to the statements of Auditor of Public Accounts Cornell, and he had retired. According to Meserve he had turned over and accounted for only \$1,290,426.22. The difference, \$335,577.88, constitutes a portion of the shortage. To this, however, must be added the amount of the over deposit in the First National bank of Orteles, \$201,884.05 paid for the registered state warrant, the total being the entire defalcation.

It was 5 o'clock when the state had proceeded this far and an adjournment was taken. As General Cowin must be before the supreme court all day today, the trial will be resumed on Wednesday morning.

The prudent always have Dr. Bull's Cough Syrup on hand. It is Dr. Bull's Cough Syrup.

Tour Through Norway.

Frank R. Robinson was greeted with a fair audience at St. Mary's Avenue Congregational church last evening when he delivered his lecture on "A Tour Through Norway."

The lecture was illustrated with a number of excellent views by means of first-class stereopticons and furnished a very entertaining feature of the evening. The enterprising started at Los Angeles, Cal., took the Pacific coast route and up the Atlantic coast to Bar Harbor. From there the ocean was crossed to the Northland, and the audience shown its beauties. Types of people, its scenery, towns, churches, etc., were shown and explained in an interesting manner.

The lecturer also recounted some of his personal experiences while touring that land, and spoke briefly of the characteristics of the people.

Homeseekers' Excursions.

On October 5, the Missouri Pacific railroad has arranged a trip tickets at very low rates to points in the southeast and southwest. Stopovers allowed on the going journey. For full information, land folders, etc., call or address company's offices, 13th and Farnam, or depot, 15th and Webster streets, Omaha, Neb.

J. A. PHILLIPS, THOS. F. GODFREY, A. G. P. & T. A.

Passengers Get the Benefit.

The Lower Farms from Chicago to New York over the Penobscot Route, average \$1.00 per passenger. Tickets cost less than they did before this Pennsylvania Line was awarded differential fares. Ticket agents of connecting lines will explain if you ask for a prompt response.

"Well I want to be heard on that matter," interposed the lawyer general.

"I want to hear you. If there is any chance of cutting off some two months in this trial," answered Judge Powell.

The state was somewhat unprepared, but argued against the objection. It was insisted

Awarded Highest Honors—World's Fair, Gold Medal, Midwinter Fair.

DR.

**PRICE'S CREAM BAKING POWDER**  
A Pure Grape Cream of Tartar Powder.  
40 YEARS THE STANDARD.

DIED.

HAYES—Francis T., aged 24 years, 10 months, October 3, 1897. Funeral Tuesday morning, October 5th at 9 a. m., from residence, 418 North Eleventh street, to St. Philomena's church, Ninth and Harvey streets. Interment at Holy Sepulcher cemetery.

KINSEY—Fred W., October 3rd, 1897, aged 23 years, 10 months, son of Mr. and Mrs. William Kinsey, 1955 Cassling street, after a long illness. Funeral from residence, St. Andrews' church, Forty-first and Charles street, Services at 2 p. m. Tuesday, October 5. Interment Forest Lawn cemetery.

WIG—Oscar, October 4, 1897, son of Gus and Alfred Wig, aged 6 years. Funeral Tuesday, October 5, from residence, Forty-second and Mason street. Interment Forest Park Hill. Friends invited.

NOT GUILTY OF ASSAULT.

Mary and John Oester, who were charged with assaulting officers of Valley with intent to kill with a shotgun, on attempt on the part of the officers to confiscate a part of the Oester home for street purposes, were declared not guilty by the criminal court. The prosecuting attorney asked only for a conviction on the charge of assault.

Dr. Davis' Anti-Headache is superior in every way to all remedies for headache.

## LOCATING THE UMBRELLA

Agreement is Reached Between the Managers and Executive Committee.

## AMUSEMENT FEATURE OF THE EXPOSITION

Mechanical Device and Engineering Novelty Will Be Placed Upon the Old Fair Ground Tract—Work to Begin Soon.

The preliminary details between the management of the Trans-Mississippi Exposition and the company which is to erect on the exposition grounds the engineering novelty known as Sherman's umbrella have been completed and the work of erecting the giant wheel is to be put in the possession of the counsel for the manufacturers for examination. The records were brought into the court room. They were 2½ feet in diameter.

The plan for the mechanical device which is to be the Trans-Mississippi Exposition is that the Ferris wheel was to be the World's fair and the Eiffel tower to the Paris Exposition have been examined by engineering experts and pronounced perfectly feasible and safe. Before snow flies the huge skeleton framework of the tower will rear its lofty head above the exposition grounds and will form a landmark which may be seen for miles in any direction from the city.

The location selected for the umbrella is on the west side of Sherman avenue, about 300 feet north of the south line of the old fair ground tract. There is a space 250 feet square which has been set aside for the work of construction which will soon be commenced. A hole thirty feet deep and about 100 feet in diameter will be excavated and the framework of the tall shaft will be firmly placed in the center. The trunk of the umbrella will be built of steel framework of steel beams, cleaned and braced in all directions after the manner of a steel bridge. The immense ribs of the tower will be bent out from the center at the bottom like the roots of a tree and these will be firmly imbedded in the earth at the bottom of the hole and then the whole structure will be raised to the top with concrete, making the entire perfectly rigid. The framework construction will be carried to a height of 350 feet above the ground, having a diameter of fifty feet at each end. It is said by competent engineers that this kind of construction will give a tower that will be perfectly rigid and capable of bearing all the strain which could be put upon it.

The long ribs of the umbrella will be attached at their upper ends to a sliding collar which will be raised to the top of the tower, while the ribs themselves carrying the carriages, will be raised to a horizontal position at the same time. When the top of the tower is reached the ribs will be bent extending forming a circle 250 feet in diameter after which the carriage will be slowly turned about in a circular motion again to the ground. When lowered the carriages will rest upon a platform twenty feet above the ground, which may be reached by means of steps. Each of the ten carriages will hold forty people, making a load of 400 people at each turn.

The exposition management in general and the Department of Concessions in particular feel considerably elated over the fact that the arrangements for securing this development are progressing well and the committee is to be congratulated on the success of the exposition.

The day book and the ledger were further introduced to show that the check had had a proper course through the treasurer's office.

State Treasurer Meserve identified a copy of the warrant issued to him for \$15,366.53 in state money and property on February 25, 1897. He testified that since that time Hartley has turned over \$153,809.23 in money and accounted for \$104,516.89 in depositary banks. In addition State Treasurer Meserve identified a copy of the warrant issued to him for \$15,366.53 in state money and property on February 25, 1897. He testified that since that time Hartley has turned over \$153,809.23 in money and accounted for \$104,516.89 in depositary banks. In addition State Treasurer Meserve identified a copy of the warrant issued to him for \$15,366.53 in state money and property on February 25, 1897. He testified that since that time Hartley has turned over \$153,809.23 in money and accounted for \$104,516.89 in depositary banks. In addition State Treasurer Meserve identified a copy of the warrant issued to him for \$15,366.53 in state money and property on February 25, 1897. 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