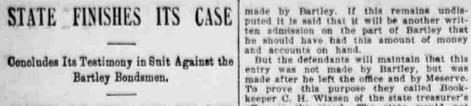
THE OMAHA DAILY BEE: THURSDAY, OCTOBER 7, 1897.



OCCUPIES BUT LITTLE OVER TWO DAYS

Attorney General Smyth Makes the Points Upon Which He Expects a Verdict for Half a Million Dollars.

In the middle of yesterday afternoon At-torney General Emyth announced to Judge and after another objection on the part of Powell that the state had introduced all of the testimony by which it expected to secure from the twelve jurors who have been listening to it a verdict and judgment of over half the heart of his testimony. "As shown by a million dollars against the bondsmen of the books and records of the office of state a million dollars against the bondsmen of ex-State Treasurer Bartley, to compensate the state of Nebraska for the shortage in the State treasury when Bartley turned it over to State Treasurer Meserve on January 7 of this "Cne million five hundred and thirty-six State Treasurer Meserve on January 7 of this

Little more than two full days have been employed to convey the testimony to the jury. The introduction of the evidence was commenced at 2 o'clock on Friday afternoon last. That afternoon, the whole of Monday and all of yesterday up to almost 3:30 o'clock were the entire time occupied by the state. In view of the expedition that has so far been employed the trial will take considerably less time than was at first anticipated. The fact of the shortage has been estab-

The fact of the shortage has been estab-lighed as far as the state is concerned and it now remains for the defending bondsmen to break this down. In the first place it has been shown that when State Treasurer Me-serve took the office there were turned over to him from Bartley's hands money and de-posits and securities amounting in value to 1200.425.52. According to the figures of the 1200.425.52. According to the figures of the showed that there was \$1,045,615.89 on de-

expert who has spent months in going over the records of the office there should have been on hand \$1,536,304.10. The latter figoren on hand \$1,355,304.10. The latter hg-ures are substantiated by two statements. One of these is a statement made by Auditor Moore as to the condition of the treasury, which statement the auditor handed to Bart-ley when the latter was turning over his of-fice to Meserve and which Bartley gave to Meserve with an alleged tacit admission that It was correct. The other statement is Bartley's own monthly report for the period end-ing January 7, 1897, the close of his term of According to this statement he should

have had on hand \$1,536,304.10.

SHORTAGE IN SCHOOL FUNDS. The difference between the amount recelved by Meserve and the amount re-being of \$324,062,45 was in it. There was pert figures should have been in the treas-ury, or \$35,877.88, is a portion of the short-age. This defalcation has been shown to age. This defaication has been shown to have occurred in the permanent school funds in the following manner: Of the \$1,200,-426.22 received by Meserve, \$1,046.516.89 was in depository state banks and \$153,809.33 in depository state banks and \$153,809.33 ''No, sir.'' ''Has he accoun was in cash. Of all the state moneys those in the permanent school funds cannot be put on deposit. Therefore the cash turned over represented the amount in the permanent school fund. From this point the expert helped out. He showed that at the conclu-sion of Bartley's first term he should have had in this fund \$412,145.61. During his second term he received \$392,552.33 into the fund and \$414,751.93 was withdrawn. There-fore a balance of \$389,956.01 should have also to have had \$19,775.19 in the permanent university fund, \$61,955.15 in the agricul-tural college endowment fund and \$18,000.12, in the normal endowment fund all had been anticipated. had being parts of the permanent school According to the expert Bartley had on hand at the end of his first term \$956,068.75. fund should have been \$459,637.21. The dif-fund should have been \$459,637.21. The difference again between this amount and the actual cash Bartley turned over, \$153,809.33, was the shortage in the fund. This is \$335,-877.88, or the discrepancy shown before.

In addition to this shortage there was another shown in the general fund. This was the \$201,884.05, for the embezzlement of thing of.

and accounts on hand. But the defendants will maintain that this entry was not made by Bartley, but was made after he left the office and by Meserve.

To prove this purpose they called Book-keeper C. H. Wixsen of the state treasurer's office to the stand. The state would not allow him to be cross-examined on the point because the witness had never been called by the state to identify the entry. General Cowin then tried to use Wixsen as his own

witness, but the state would not allow this and was sustined by the court. The entry therefore went to the jury as a statement of Bartley's by implication at least CONDITION OF TREASURY.

ten cents.

tional bank?"

'Yes, sir.

the defendants against the competency of ex-pert testimony was allowed to tell of the condition of the treasury when Bartley left it. The attorney general went directly to treasurer at the close of his term at the close of business on January 7, 1897, what was the amount of money Bartley had on 7, 1897.

thousand three hundred and four dollars and "In this statement is he credited with the check for \$201.884.05 paid the Omaha Na-

These figures correspond with those given in the statement of ex-State Auditor Moore

The expert also testified that the books showed that there was \$1,046,616.89 on de-posit in the depository banks, including the over-deposits in the First National bank of Alma and the First National bank of Orleans. This corresponds with the figures of Bartley's and Moore's statements again and therefore the shortage in the treasury cannot be found in these deposits. The loss of the warrant of \$180,000 with

Interest, emounting to \$201,884.05, was also brought out through the expert. This amount was to have been deposited in the sinking fund. The expert showed that on April 1 1895, there had been \$253,926,60 in the fund.

that between that time and January 1, 1897, \$142.058.60 had been paid into it, that in the same time \$71.882.76 had been drawn out and that on January 1, 1897, the proper bulance of \$324,062.45 was in it. There was

"Did Bartley pay into the sinking fund the warrant and interest, \$201,884.05?' the

"No, sir." "Has he accounted for that sum in any other way?"

"No. sir." The expert also testified that he found

the condition of the other funds to be such as is shown by the reports of Bartley and Moore, thus showing that the shortage could be accounted for by any discrepancy in the figures.

HELBIG CROSS-EXAMINED. When court convened in the afternoon

Expert Helbig was on the stand and the cross-examination on his morning's testimony was begun by the defending counsel. The examination was not as strenuous as

paid \$\$1,000 of relief funding bonds, \$71,882,76 of coupons on state bonds and \$9,380 of interest coupons. It developed that none of these bonds were in court for the examination of the attorneys for the defendants,

the \$414,751.93 outstanding school

When Expert Helbig was excused from

on the grounds that it had not been prop-

OVERDEPOSITS NOT YET PAID.

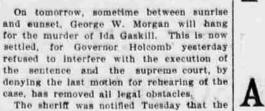
The state proceeded then to prove by State

the selection of station of the seneral fund to reimburse the seneral fund to reimburse to the seneral fund to reimburse to the beginning of Bartley's solution and the seneral fund to reimburse to the beginning of Bartley's to the seneral fund to reimburse to the beginning of Bartley's to the seneral fund to reimburse to the beginning of Bartley's to the seneral fund to reimburse to the beginning of Bartley's to the seneral fund to reimburse to the beginning of Bartley's to the seneral fund to reimburse to the beginning of Bartley's to the seneral fund to reimburse to the beginning of Bartley's to the seneral fund to reimburse to the beginning of Bartley's to the seneral fund to reimburse to the seneral fund to reimb second term there was in this fund \$412,-145.61. During the term \$392,562.33 had not remember leaving home. I was aroused to the fact that I was away from home the day I wrote the letter last week." received into the fund and \$414,751.93 hid been invested. According to the rec-ords, therefore, there should have been in "Do you remember going from place place and working during your absence?" the fund at the time Bartley turned over the office \$389,956.01. There should have been in the fund other school moneys sufficient to bring the fund to \$489,687.21. "I have a dim recollection of going from o bring the fund to \$489.687.21. Upon redirect examination the state tried work and was not out of work much of the Upon redirect examination the state tree time. I was at work when my brother take to take the wind out of whatever contention the defendants might make out of the still, except that one idea crowded everything else except that one idea crowded everything else showed by the witness that a record of the cancellation of the first bonds was in court, about me and wish to thank your paper for and he agreed, moreover, to produce the getting matters correct." cancelled bonds in court this morning. Gen-eral Cowin said he did not care to call into

MORGAN'S DAYS NUMBERED Less Than Two Days Now Remain Between

H.m and Eternity. EXECUTION TO TAKE PLACE TOMORROW

Governor Holcomb Refuses to Interfere in the Case Where Alleged Murderer of Ida Gaskill is Sentenced to Hang.



motion for a rehearing had been denied. Yesterday he received by mail all additional documents that were needed to make the execution legal. The death warrant has been in his hands for several weeks. Morgan was informed yesterday that all hope was gone and he is apparently prepared for his

fate. He is breaking down gradualty. He is continually brooding over his coming fate or

"dreaming," as his death watch puts it. Yesterday afternoon the scaffold t which the convicted murderer will be hanged which the convicted murderer will be hanged was put in place. It is the same upon which Hooyer was hanged last year, with the ex-ception that a new beam has been put in to rep'ace one that was broken. It is being given a new coat of black paint. The ma-chine has been raised about a foot and a half higher than it was when Hoover occupied it, as Morgan is considerably taller. The machine was tested in the afternoon. Sheriff McDonald has been the recipient of many requests for tickets of admission to the execution, but he is refusing to issue any except to such people as are entitled to them by law. Every physician in the city

cers, the necessary attendants, and report ers. Sheriff McDonald refuses to say when the execution will take place, but it will probably occur about noon.

MOTHERS MAY BUY

\$2.95 for the next few days in this store. Sults made to sell at \$2.00 to \$6.50; beauties; over sixty different styles; the opportunity is Also youths' and boys' long trouser suits

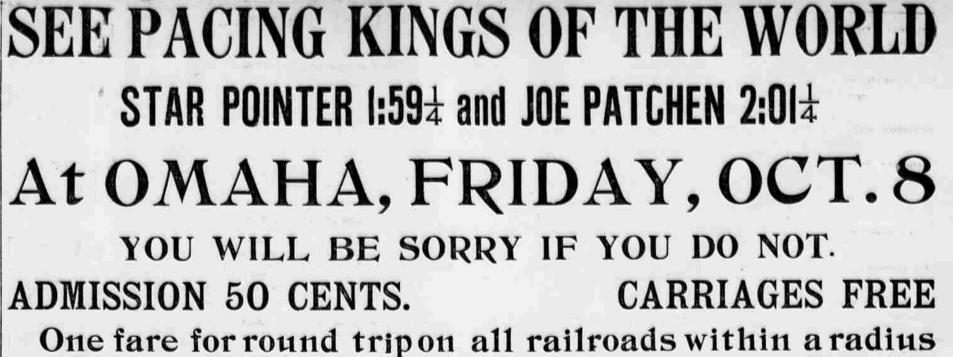
Take a look in our show windows for

RETURN OF GEORGE H. ROBINSON

Does Not Remember Much of His Fou Months' Wandering. George H. Robinson, the young man en

ployed in the department of the auditor of passenger acounts. Union Pacific head quarters, returned from Michigan vesterday accompanied by his brother, Frank Robinson, who went to bring the wanderer home Robinson appeared well yesterday after his extended, though etrange, trip. His face and hands are tanned a dark brown, showing that he has been out of doors much of the time during his absence. His hands also show the effect of hard and rough work. Hieyes are as sharp as ever and in his new suit of clothes he did not look at all like s man whose mind had been a perfect blank

1510 DOUGLAS STREET.



of 60 miles of Omaha. Good returning on the 9th.



Hayden Bros. CHILDREN'S SUITS. Two-piece reefers or vestee-95c, \$1.95 and

sizes 12 to 19, in all the new and popular weaves. Now is the wearing time for a weaves. Now is the wearing time for a handsome outfit at a minimum price. Suits at \$2.75, \$3.95 and \$5.00. Every one of these suits are carefully selected and many of them would be fairly priced at \$8.50 or \$10.00. Take a look in our chemical sectors.

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the sinking fund for the loss sustained by the failure of the Capital National bank. The warrant was placed on deposit in the Omaha National bank of this city. It was then shown that on January 2 of this year Bartley had paid this warrant with interest by a check for \$201,884.05 on the general The expert testified that the showed that this sum had never been turned into the sinking fund, and in fact had never been turned over to the state in any way.

In addition to these two shortages the bondamen are held liable for an overdeof Orleans and the First National bank of Orleans and the First National bank of Alma. This amount was that much more than the banks could legally have on deposit proportion to their depository bonds. As the banks failed at about the same time Bartley left his office the bondsmen are conidered liable for the overdeposits. The amount of these overdeposits, the amount of the stand, General Cowin asked that all his testimony be stricken from the records the shortage in the permanent school fund, and the amount of the shortage in the general fund, make up the total the state is suing for-\$555,790.66.

a11 When the court convened yesterday morn-ing Judge Powell disposed of several notions that he had had under adhis investigation, and for other technical reasons. The motion was overruled. ing visement since Monday afternoon. The most important of these was one ask-The Treasurer Meserve that the overdeposits in ing leave to file an amended answer, which disclosed a new line of defense. This grew out of the affidavit silowed to be filed in the First National banks of Alma and Or-leans, amounting to \$18,028.05, had not yet behalf of Mary Fitzgerald, which set out that the women was not to be held liable on her signature because it was secured within an hour after the funeral of her husband and that she was consequently overcome by grief, that her mind was un-balanced and she did not know what instrument she was signing, the contention being that she never intended to sign the

ALLOWS AUDITOR'S STATEMENT.

Judge Powell ruled that the auditor's stateshould be received only as against Bartley and not as against his surveiles. The written statement of the auditor showed that there should have been \$1,536.-intervention of the state had concluded its case. Gen-

804:10 in the treasury.

This evidence is considered important to the state, particularly in connection with the contention that Bartley practically admitted it was correct by implication to Meserve, since, as a matter of fact, there was something like \$335,000 less in the treasury.

the state treasurer on his evidence on Mon-day, in which he stated that the amount of money in depository banks to the credit of the state was \$1.046,616.89. General Cowin tried to induce the witness to say that these depository banks to the credit of the should have had on hand was the sum contended by the state. \$1.536,304.10. This depository accounts had been accepted in a alleged admission was in the shape of an entry to the effect that the total balances at the close of the term was that amount.

Another warm discussion arose between the opposing counsel over the introduction of an entry in a ledger of the treasurer's office, which showed that at the close of books were closed. He denied positively that business on January 7, 1897, Bartley's last day in office, the total balance in all funds tion of Bartley. amounted to \$1.536,394.19.

The state contended that this entry was



Pointer-Patchen Races.

speed association for the grand racing meet at the fair grounds Friday for one fare for the round trip for all points within a radius of sixty miles, tickets good to return on the 9th. As the greatest light harness horses erly shown that the expert had gone over the records of the treasurer's office in in the world. Star Pointer and Joe Patchen, meet in a race that day the management is arranging for the accommodation of a tremendous crowd. There will be two mixed races for trotters and pacers, \$250 purse fo each, in addition to a trial at the state record by W. A. Paxton, jr.'s, peerless colt, The Merchant. There will be a perfect carnival of sport and the prospects are good been returned to the state. These overle-posits were in excess of the amount that should have been legally deposited in the banks allowable with the depository bonds they gave. As a consequence the overdeposits Half Raves.

included in the amount that the state is seeking to recover from Bartley's The Missouri P. cific rallway wil sell round trip tickets to Kansas City. Mo., at one fare from October 3 to 9, inclusive. Also to St. Louis, Mo., October 3 to 8, inclusive. For men in the present case. It was further shown through the state treesurer that the banks had failed at the time that Bartley retired from office. They cannot be sued for the overdcoosit on their depository bonds. Louis, Mo., October 3 to 8, inclusive. For further information call at company's offices, E. corner 13th and Farnam, or depot. and therefore the state falls back on Bart-ley and his bondsmen for recovery. When State Treasurer Meserve left the J. O. PHILLIPPI, THOS. A. GODFREY,

A. G. P. & F. A. Marriage Licenses.

Licenses to wed have been issued by the eral Cowin-stated that the defendants would unty judge to the following parties: Name and Residence. H. Ned Nerness, Omaha Carrie Anderson, Omaha William H. Illian, Humphrey, Neb Adda A. Fox, Omaha ing like \$335,000 less in the treasury. mony was required by the defendants to re-The defendants' attorneys cross-examined fute an intimation made earlier in the day

Lew McMurry Andersen, Omaha Emily Victoria Frost, Omaha William E. Cardwell, Omaha Hattle M. Lundeen, Omaha Clyde Dunn, Omaha Margaret Grady, Omaha high Art

NOW ON EXHIBITION AT THE PUBLIC LIBRARY-

that even if the entry, made in ink, had not been made under orders of Bartley, yet it 19th and Harney streets, from 10 a. m, until 10 p. m. The-

had been copied from penciled totals that had been made by Bartley or his employee. The defendants objected to this and were sustained by the court. Attorney Smyth made several attempts to succeed in his maneuver, but finally gave up in indigna-

from the easels of the most distinguish On the strength of Wixson's testimony General Cowin asked that the entry, which had been introduced in evidence be stricken ed masters of the present day-comprising Figures, Landscapes, Marine Views, Flowers, from the records. Judge Powell took the Fiuits, etc.

point under advisement until the more than when Wixson left the stand an adjournment was taken to this morning. Under the auspices of the Western Art

Association. Look out for cheap substitutes! Beware of new remedies. Dr. Bull's Cough Sytup has stood the test for nearly fifty years.

Attorney General Smyth attempted to show

of new remedies. Dr. Bull's Cough Syuo, has stoed the test for nearly fifty years.
India Pacific.
The Overland Limited."
The overland Limited."
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The most SUPERBLY EQUIPPED train west of Missouri River.
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\$5.80 to Kansas City and Return October 3 to 9. Trains leave Onaha 9:05 and dining cars. Get tickets at 1502 Farnam st.