

SURPRISE FOR THE STATE

Defense Springs a Point Which May Reopen Suit Against Bartley's Sureties.

WAIVER OF ORIGINAL BONDMEN WITHHELD

They Now Seek to Plead that They Are Not Liable Because the Bond They Signed Was Rejected.

Attorney General Smyth has been outmaneuvered by the counsel for the bondsmen of ex-State Treasurer Bartley in the suit he brought to recover from them the half a million dollar default in the state treasury when Bartley left it. As a consequence of this there is a probability that a new trial will be required.

When the trial was commenced the defending counsel insisted that the action was based on two different bonds—the statutory bond set up in the petition and a common law bond in the reply. They were two entirely separate contracts.

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less remained on the bond. Judge Powell said that this was not proper rebuttal testimony. It is in his discretion, however, to allow these answers to be introduced as a part of your case in chief.

Yesterday morning when court convened Governor Holcomb was recalled for cross-examination. General Cowin's questions were to show that Governor Holcomb had not followed the statutes in allowing Bartley to account for \$449,000 of permanent school funds certificates of deposit.

DISPOSITION OF STATE FUNDS. In answer to a series of questions Governor Holcomb testified that it was his construction of the depository law that the educational funds could not be put in depository banks, but were under control and keeping of the state treasurer until they were invested by the educational board.

NO MENTION OF WAIVER. In the petition which the attorney general filed against the bondsmen in the suit this is now pending he based the action on the bond itself, as a document distinct, without the waiver of the original sureties. Upon its face, as set up in the petition, the bond was signed by the sureties at the same time and under the same conditions.

QUESTION RULED OUT. Judge Powell refused to allow the line of questioning to be pursued, saying that it would require the witness to draw legal conclusions. Then General Cowin insisted that the governor draw a legal conclusion, saying that it would require the witness to draw legal conclusions.

PERSONAL PARAGRAPHS. C. Hardy left yesterday on a trip to Denver. Fred Sperlein of Palmyra is in Omaha. J. B. and S. Julian of Villavieja, Ia., are at the Barker.

DEATHS. Elizabeth, October 18, 1897, aged 61 years, died at her home, 1214 North 24th street, at 2 o'clock p. m. from her late illness. Interment Evergreen cemetery.

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was called by the state as a chemical expert to testify in the case of the bond. The filing endorsement on the bond an error had been made in order to insert the figure "3." This endorsement showed that the bond had been filed on January 3, 1895.

Witness David said that in his opinion no error had been made on the paper, as no trace of chemical was left. His own opinion also that the ink in which the "3" appears is the same as that in which the rest of the endorsement is written.

When the microscope had been adjusted so as to magnify ten times the counsel in the trial took turns in peering into the instrument. As Attorney General Smyth and Assistant Smith gazed their eyes to the general counsel raised a laugh with the remark: "The state is trying to find some trace of its case."

THE MISSOURI PACIFIC. The Missouri Pacific is running a Post Limited Train to St. Louis, Mo., leaving Webster St. depot daily 3:55 p. m., reaching Kansas City same evening, arriving at Grand Union depot, St. Louis, 7:25 the next morning.

Burlington Route—California Excursions. Leave Omaha—via the Burlington Route—any Thursday afternoon 4:35 p. m. in comfortable tourist sleeper—and you reach San Francisco Sunday evening, Los Angeles Monday noon.

THE OVERLAND LIMITED. The most SUPERBLY EQUIPPED train ever run on the Missouri River. Twelve hours quicker than any other train to Pacific Coast.

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BOSTON STORE BIG SHOE SALE

The Sale of the Atchison Bankrupt Shoe Stock Gets Greater Every Day.

THE BARGAINS ADVERTISE THEMSELVES

Every Day of the Sale Offers Us to Put on More Satepeople—Every Pair of Shoes at This Sale Makes Future Trade for Us.

SHOE BARGAINS ON MAIN FLOOR. Infants' 50c and 75c fancy soft sole shoes, 25c.

Children's \$1.50 spring heel shoes, 50c. Misses' \$2.00 spring heel shoes, \$1.00. Ladies' \$3.00 button and lace, black, tan, white and green shoes, go at \$1.50 and \$1.75.

SHOES IN THE BASEMENT. Women's \$1.50 and \$1.00 slippers and Oxford ties, 35c. Ladies' cloth top and kid top button shoes, all sizes, 80c.

AMUSEMENTS. David Belasco's war play, "The Heart of Maryland," opened a two-night engagement last evening at Boyd's to a large, though noisy house, and was received with wild enthusiasm.

Importance of Registration. A meeting of the Ninth Ward Republican club was announced to take place at Twenty-ninth and Farnam streets last night, but owing to a misunderstanding as to dates, but few members were present.

LOCAL BREWITIES. The lot at the northwestern corner of Fifteenth and Jackson streets has been divided, but few members were present.

There will be two performances of Hanlon's "Superba" today at the Creighton afternoon and evening, bringing a successful engagement to a close.

Over 500 people gave their encouragement to the educational department of the Young Men's Christian association last night in opening its collegiate year.

The official inspectors of Japan critically examine every pound of Japan tea offered for shipment.

The Peninsular Steamship Company. The Peninsular Steamship Company, Detroit, Chicago, Buffalo.

THE PENINSULAR STEAMSHIP COMPANY. DETROIT CHICAGO BUFFALO.

THE ICE CARNIVAL.

Interest in This Feature Increasing Day by Day.

Many inquiries in regard to the formation of clubs and the full nature of the carnival are pouring in upon Messrs. Norris & Love, the managers.

The managers are very busy at the present time preparing the plans for the toboggan and ski slides and in communicating with outside organizations at Winnipeg, St. Paul, Chicago, Duluth, Portland and other points.

There is no need of little children being troubled by scald head, eczema and skin eruptions. Dr. Witt's Witch Hazel Ointment gives instant relief and cures permanently.

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The New Corner, Farnam and Fifteenth.

A Different Light

THIS is to let folks know that we sell Reefers, Ulsters, Suits, Overcoats, Underwear, Sox, Gloves, Mitts, Caps, Shoes—everything that a small boy wears.

Nebraska Clothing Co

Homeopathic Medicines

As is well known, we are the only house in Nebraska who carry any line at all worth mentioning of Homeopathic medicines and our stock, which occupies our second floor, is in charge of a trained homeopathist.

Remedies are never sold in any form in less than 15c vials, holding 2 drams. Our regular 25c vial holds 5 drams.

The following books on Homeopathic Family Practice are always in stock. Johnson's Family Guide, price \$2.00. Hanchett's Domestic Practice, price \$1.75.

Sherman & McConnell Drug Co.,

1513 Dodge Street, 2nd door west P. O.

The Radiant Home Stoves, Genuine Round Oak Stoves, Monitor Steel Ranges, Majestic Steel Ranges, The Star Oil Heater, Reliable Oil Heaters, and Garland Stoves and Ranges.

Garland Stoves and Ranges. The World's Best. Sole Agents for Milton Rogers & Sons, 14th and Farnam.

The Moral Tone

of the public is being rapidly perverted to highly misleading advertisements. If we were to advertise a \$100,000.00 bankrupt sale of pianos and that scores of teams and hundreds of men had been engaged in removing this stock for us, when in reality said stock was comprised of about \$4,000 worth of rattled traps, bid in at two prices, we would expect, and justly too, that the public would see all confidence in our honesty and integrity.

Ivers & Pond, Vose and Emerson, and SCHMOLLER & MUELLER, 105 South 15th Street. Telephone 1625.

Time to Begin—The coming season of cold is sure to fix more deeply all existing diseases of the Mucous Membrane. Dandruff Cured in From Three to Eight Days by the use of the famous COKE DANDRUFF CURE. SHEPARD MEDICAL INSTITUTE, 171-173 Randolph Street, Chicago, Ill.

DETERGENT SKIN SOAP. Soft, White Hands with Shapely Nails, Luxuriant Hair with Clean, Wholesome Scalp, produced by CUTICURA SOAP, the most effective skin purifying and beautifying soap in the world, as well as purest and sweetest, for toilet, bath, and nursery. The only preventive of inflammation and clogging of the Pores. Cuticura. For sale throughout the world. Forra Devo and Cuticura Soap Co., New York, N. Y.