

SMYTH IS READY FOR TRIAL

State Gives Formal Notice of Its Desire for & Speedy Hearing.

MOVES TO ADVANCE BARTLEY CASE

Attorney General Takes Steps to Secure Another Hearing in Action Brought Against Bondsmen of the Ex-State Treasurer.

The suit against the bondsmen of ex-state Treasurer Bartley, which was instituted by the state to recover Bartley's half-million dollar defalcation and a trial of which was dismissed by the state a couple of weeks ago, will be put on trial again the latter part of this month if Attorney General Smyth can bring it about.

Thursday the attorney general filed with the clerk of the district court a motion to advance the case for trial on November 29. In the usual procedure, the case has been put at the bottom of the calendar, so that it was not reached before the end of the term, it would be put over until next term. As the docket is full it would have probably met this fate, but Attorney General Smyth maintains that upon his demand the state can at any time move forward another civil action. He takes this view and cites Section 1113 of the code of civil procedure in the 1897 state statutes, which reads partially as follows:

"Civil actions to which the state is a party, or in which the counsel on behalf of the state, have priority of trial over other civil actions."

The attorney general will maintain his right to ask for an advancement of the case on the grounds thus furnished, but there is no doubt that the bondsmen will make a vigorous fight against it. They will argue that they have not had a sufficient time in which to prepare a defense. As a matter of fact, they have been given a leeway of but five days, the attorney general having determined to press the case hard.

Attorney General Smyth filed his new petition yesterday afternoon, after the last trial was dismissed by him. The defense had the legal time of thirty days in which to file an answer. Their time expires on November 23, five days before the time the attorney general asks to have the trial set. There is no doubt that the bondsmen will set up some excuse to show that will not give a reply from the state, and they will therefore want time in which to consider this reply.

Since the present term of the district court ends the latter part of December, it is said that it is somewhat questionable whether the trial will occur this term. The case is on Judge Dickinson's docket this morning.

The new petition which Attorney General Smyth filed is the same as the amended petition he offered to file in the last trial and then withdrew. This sets up but one allegation to the effect that the original petition did not offer the fact that the bondsmen signed waivers after January 3, 1895, allowing Bartley to secure additional signatures to the bond after it had been refused by Governor Holcomb. By this time the state will have broken down the contention of the bondsmen that they are not liable, since the bond was not legal because it was not approved by Governor Holcomb on the first day of Bartley's term, January 3, 1895, as provided by the statutes. It was on this point that the attorney general was forced to claim that the state holding was with the bondsmen. Since the waivers are signed after January 3, 1895, it is said that they indicate the bondsmen knew then the bond had not been legally signed and that the bondsmen thereby waived the illegality.

New so-called remedies spring up every day like mushrooms, but the people still cling to Dr. Bull's Cough Syrup.

WRECK IN RAILROAD YARDS.

Burlington and Union Pacific Switching Trains Meet at Intersection. A week occurred in the lower switching yards of the Union Pacific railroad early yesterday morning which resulted in the serious injury of two employees and the destruction of nearly \$1,000 worth of property. Those who were injured were Engineer Frank Arnold of the Burlington, who sustained a broken arm and collar bone, and several bad bruises, and Fireman Charles DesSobers, also of the Burlington, whose nose was broken.

At the time stated, a Burlington switching crew on engine No. 22 was engaged in placing some cars on the Hoagland lumber yard tracks which lead off of the main track near the foot of Harvey street. In order to use the track, a switch was thrown to turn over the Union Pacific tracks which lead from the lower to the upper yards. The Burlington engineer signalled to the man in charge of the semaphore at the intersection for the right-of-way. This was given him and the engine was passed onto the side-track. The engine crossed the intersection and went with the half dozen cars behind it. It was then necessary to place a couple of cars on the side-track near those first released and the train backed up again. This was accomplished safely and the Burlington engineer, thinking he still had the right-of-way, turned around and again signalled to the man in charge. The engineer had changed his guards for a Union Pacific train bound for the upper yards in charge of Engineer John Nelson and Fireman Dave Jenkins. The Union Pacific train running at a high rate of speed crashed into the Burlington engine. The Burlington engine was badly shaken up. The Union Pacific engine escaped without injury, but their engine tender, together with the jackets of the steam dome and cylinders, were badly dented. Engineer Arnold was taken to his home, DesSobers to his holding house at Gibson station. His injuries are not serious.

The wrecking crews of both roads were immediately ordered to the scene of the accident and succeeded in clearing the tracks by yesterday noon. It was found that the two engines had run a distance of 100 feet in both directions. The Union Pacific engine was pulled out of the way and was taken to the shops in the afternoon. The Burlington engine was hauled to the Gibson shop. A couple of freight cars were derailed but were soon replaced.

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CLOTHING VALUES
The ball has started rolling, we'll keep it going with new impetus every day. If you think others give good values, come here—you'll find better.

We have secured the entire stocks of two leading manufacturers of men's, boys' and children's heavy winter clothing at a reduction of 40 per cent. On sale Saturday at about half value.

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We have just purchased the entire stock of an eastern concern at a very low price; we will be able to sell them at a great saving.

Children's wool mittens, 50c per pair.

Extra warm mittens for children, 10c.

Boys' wool gloves, 20c per pair.

Boys' heavy mittens, 15c per pair.

Ladies' wool mittens, 12½c.

Children's kid mittens, 35c per pair.

Men's wool mittens, 10c per pair.

Men's leather gloves and mittens, lined, 25c per pair.

Men's leather gloves, 25c per pair.

Men's leather mittens, 35c per pair.