THE OMAHA MORNING BEE

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47 Bodies Taken From Two Mines

Ninety-Nine Still Believed Entombed in Workings at Dawson, N. M.—Death Toll in Canada Placed at 34.

Cause of Blasts Mystery

Dawson, N. M., Feb. 9.—(AP)—A total of 21 bodies had been removed from mine No. 1 of the Phelps-Dodge corporation, where an explosion entombed 122 workers Thursday, up to 5 this afternoon.

At that hour rescue crews working in the south side tunnels of the property declared that four men still were alive in the mine and were trying to make their way to the mine entrance without lights. Mine company officials declared they were dubious that the four men were alive, but rescue parties entered the mines in an effort to assist the entombed men to find their way to the pit head.

A resume of the day's developments showed two miners alive, 21 bodies recovered and 99 men still within the workings.

The rescue work is under direction of W. F. Murray, safety engineer, and the workers include the home rescue crew of the Phelps-Dodge corporation and the rescue crew of the Colorado Fuel and Iron company.

A first aid station has been established in the check house adjoining the mine, and the rescue workers are here given food and rest.

Killed by Concussion.

The victims of the explosion whose bodies have been recovered, show few bruises or marks, according to physicians. Undertakers declare the men apparently were killed by the concussion of the explosion.

The majority of the workmen employed in the mine were Mexicans and Italians.

Among the victims is Albert English, jr., a mine foreman, who is believed to have perished when the blast occurred. His father, Albert English, sr., was employed on the same shift and the body of the elder English has been found by rescue crews.

A throng of more than 200 men and women gathered near the main entry of the mine to watch for word from the inside. To facilitate progress of the work of rescue, mine officials roped off the tracks and entrance to the mine.

Cause of Blast Mystery.

Officials in charge of operations in the mine when the explosion occurred were wholly at a loss to explain the cause of the explosion this afternoon. The detonation came without warning. A huge tongue of flame and smoke shot forth from the mouth of the entry, which is located on the side of a fairly steep hill, three miles from the center of Dawson.

Mine No. 1 consists of one long shaft which extends into the mountain for two miles. The main entry is intersected by crosscuts. The entire mine is ventilated by a huge fan system. While it was impossible to drive air into the mine against the immense volume of gas and smoke issuing from the working for about 15 minutes after the blast, the fan system continued to work and fresh air soon was driven into the shaft.

Within five minutes after the explosion, the word had spread throughout the camp and friends and relatives of the entombed men rushed to the scene.

The first bodies found were those of a motorman and a nipper. Their bodies were found lying 1,800 feet in front of the entry where they apparently had been working when the explosion occurred.

Death Toll in Canadian Explosion Placed at 34

Cumberland, B. C.—the death toll in Thursday night's explosion in No. 4 mine at the Canadian collieries (Dunsmuire) ltd., two miles from here, was definitely placed at 14 white miners and 20 Chinese in a statement issued by mine officials here this afternoon. Twenty-six bodies had been brought to the surface.

Seven men, brought to the mine

(Turn to Page Seven, Column Five.)

Denver Man Is Arrested in Mint Robbery Mystery

Denver, Feb. 9.—Otto Schultz, proprietor of a soft drink parlor in Denver, was charged with being an accessory to the $200,000 robbery of a federal reserve truck in front of the Denver mint, in an information filed in the United States district court today. The robbery occurred December 18 last and cost the lives of one of the bandits and a federal reserve bank guard. Schultz was arrested January 17 last and admitted, according to the police, that he purchased the Rickenbacker car supposed to have been used by the bandits.

Curfew Law Is Revived by Officials at Hebron

Hebron, Neb., Feb. 9.—(Special.)—Curfew will ring in Hebron in the future, say Mayor Boyes and the city council. An old ordinance requiring all children to be at their homes after 8 in the winter and 9 in the summer months is to be strictly enforced. To aid in its enforcement, the old fire bell will be mounted on the new fire siren tower and curfew will ring at the stated hours.

Major General Crowder Named Ambassador to Cuba

Washington, Feb. 9.—Maj. Gen. Enoch H. Crowder was nominated by President Harding today to be ambassador to Cuba.

Woman Pharmacist Heads Association

Miss Marie A. Piesinger.

Miss Marie A. Piesinger, a pharmacist of New Prague, Minn., has just been elected president of the Minnesota Board of Pharmacy, the first woman thus honored in the United States. She has also been named as delegate to the United States pharmacopoeia convention for 1920-1930.

British War Debt Settlement Plan Passed by House

One Republican Joins 43 Democrats in Opposing the Agreement—Final Vote Is 291 to 43.

Washington, Feb. 9.—(AP)—Approval of the British debt settlement agreement was voted late today by the house, 291 to 44.

One republican, McCormick of Montana, and 43 democrats opposed the settlement, while 227 republicans, 63 democrats and one socialist member, Myer London of New York, voted for it.

Democrats opposing the settlement were:

Abernathy and Hammer, North Carolina; Almon, Bowling and Stegall, Alabama; Blanton, Box, Garrett, Hudspeth, Jones, Mansfield and Sanders, Texas; Brand and Lankford, Georgia; Carew, Cullen, Meade and Riordan, New York; Collier, Collins, Lowrey, Johnson, Quinn and Rankin, Mississippi; Oldfield, Parks, Taylor, Tillman and Wingo, Arkansas; Dominick, Logan and McSwain, South Carolina; Favrot, O'Connor and Sandlin, Louisiana; Johnson, Rouse and Thomas, Kentucky; Rainey and Sabath, Illinois; Raker, California; Gallivan, Massachusetts, and Smithwick, Florida.

Vote on Amendment.

The house vote was on an amendment to the existing funding statute, which not only would specifically approve the agreement with the British government, but would authorize the American debt commission to make settlements "similar, but not more favorable, in terms," with the other debtor nations.

The amendment will be formally transmitted to the senate Saturday and immediate consideration by the finance committee it planned. The time of senate action, however, still is problematical.

There was no effort in the house to attach a soldiers' bonus rider to the bill and attempts to amend it otherwise failed.

Amid some jeers and laughter, the house voted down a motion by Representative O'Connor, democrat, Texas, to recommit the legislation with instructions to the ways and means committee to add a provision that the measure could not become effective until the Hay-Paluncefote treaty dealing with the Panama canal had been abrogated.

Fordney Calls for Vote.

Chairman Fordney of the committee, who had charge of the bill for the majority, then called for the final vote, asking for a roll call to show the world, as he expressed it, "that the American congress is practically a unit behind the debt commission in this settlement.

Representatives Burton, republican, Ohio, a member of the American commission, and Garrett of Tenessee, the democratic leader, took the lead in supporting the British settlement, while Representatives Collier of Mississippi, and Oldfield, Arkansas, democrats on the ways and means committee, led the fight for the opponents.

$500,000 High School Is Dedicated at Norfolk

Norfolk, Neb., Feb. 9.—(Special.)—Norfolk's new $500,000 high school building, said to be one of the most modern school buildings in the state, was formally dedicated today. State Superintendent John Matzen, Mayor John Friday, J. B. Gibson, president of the school board, and Rev. J. H. Anfress were the speakers. A class play and basket ball games between Norfolk, Schuyler and Pierce were on the all-day and evening program.

Plan Church Conference.

North Loup, Neb., Feb. 9.—(Special.)—In preparation for the 121st anniversary of the Seventh Day Baptist conference, which will meet with the North Loup church in August, the singers of that denomination have arranged both a women's and men's chorus.

Creamery Stock to Go to Re[illegible]

Nebr. State Historical Society 177-Nebr. State Capitol Lincoln

Court Order [illegible]oy Carliss to Surrender 1,936 Shares of Alamito Dairy Company.

Defendants to Appeal

Leroy Corliss, former president of the now defunct Waterloo Creamery company, was ordered yesterday to turn over to Herbert Daniel, receiver, 1,076 shares of the preferred and 860 shares of the common stock of the Alamito Dairy company, of a par value of $100 each, or a total of $193,600.

The order was made after an all-day hearing, in which it developed that the assets of the defunct company had disappeared so that the receiver has been able to get hold of almost nothing of value.

After making the order, Judge Woodrough refused a request of Corliss' attorney, David Fitch, that he name a supersedeas bond for appeal. The only possible recourse of Corliss is to get an order of injunction from the court of appeals. His attorney said he will take steps at once to do this.

Corliss testified that the stock had been turned over to him as trustee for several creditors of the company whose claims he had guaranteed.

Evidence Shows No Meeting.

He exhibited a resolution which he said was passed by the company directors January 12, 1921, turning over the stock to him. W. C. Fraser, attorney for the receiver, exhibited the minute book of the corporation which shows no meeting held on January 12, 1921. There is no entry in the book at all on that date.

The judge also ordered Corliss not to vote the 1,941 shares of stock at the annual meeting of the Alamito Dairy company, February 20.

Company Making Money.

Corliss said the company is now making money, but is not paying dividends.

Daniel testified the only stock he has received from the defunct company's assets is 85 shares in concerns of very doubtful value.

Bert Corliss, brother of Leroy, and also indicted in connection with the promotion of the company, testified that he received 50 shares of Alamito stock for services rendered, but has disposed of it.

He admitted that his brother has one of the many unaccounted for Waterloo automobiles, a Ford, which he said he took in lieu of $110 due him from the company.

At the morning session Leroy Corliss testified that he did not know what had become of $76,000 worth of automobiles owned by the company. The receiver has not found a single one.

H. A. O'Hara, an accountant, testified he found many books missing when he tried to make an audit. The mising books he said included the personal accounts of Leroy Corliss.

Kennedy to Preside.

Federal Judge Thomas B. Kennedy will preside over the trial of Leroy Corliss and 19 other persons involved in the Waterloo Creamery case, instead of Judge Woodrough. The case will begin Monday.

The defendants filed an objection to Judge Woodrough yesterday on the ground that he would be prejudiced in the criminal case, through hearing a number of civil actions in the same case.

United States Attorney Kinsler, scenting an attempt to delay the trial, communicated with Washington and then got Judge Kennedy by telephone in Cheyenne. Judge Kennedy consented to come and the big criminal case will go to trial as scheduled.

Judge Woodrough may go to Salt Lake City next week to try a case.

Arizona House Approves Colorado River Compact

Phoenix, Ariz., Feb. 9.—The house of representatives of the Arizona legislature, in committee of the whole, today voted for ratification of the Colorado river compact, with reservations.

A debate preceded the vote in which it was declared that the reservations would be fatal to the pact and charged that many of those who supported the reservations were in reality working to defeat the treaty.

Senator Norris Withdraws Muscle Shoals Amendment

Washington, Feb. 9.— Declaring there was no hope of obtaining the necessary votes so long as "adherents of the Ford proposal" opposed him, Senator Norris, republican, Nebraska, today withdrew his amendment to the army bill appropriating $2,000,000 for completion of nitrate plant No. 1 at Muscle Shoals, Ala.

Bond Election Asked.

Norfolk, Neb., Feb. 9.—(Special.)—Norfolk will vote on $100,000 bonds for a new city hall on April 3, it was announced here, when petitions fully signed asking the council to call the election were filed.

Stillmans' Names Dropped Out of Social Register

New York, Feb. 9.—The names of Mr. and Mrs. James A. Stillman have been omitted from the 1923 social register of New York. Publishers of the register said eligibility of those listed was passed upon by a committee, but declined to name the committee. The Stillmans' names appeared in the 1922 register.

M. R. Murphy, Cudahy Manager, Is Stricken

M. R. Murphy, general manager of the Cudahy Packing company in Omaha, was suddenly stricken ill in his office in South Omaha shortly after noon yesterday and was removed to St. Catherine hospital.

He was talking with a business associate when he became suddenly faint. A physician was called, who ordered his removal to the hospital.

Dr. T. J. Dwyer, in charge of the case, stated that the illness has not been diagnosed. A consultation of physicians was held at the hospital. Mr. Murphy had just returned from a trip to Chicago.

Troops Called to Guard Confessed Slayer of Eight

Crimes That Have Baffled Officers for Year Cleared by Confession of Prisoner.

Waco, Tex., Feb. 9.—Local police and the Waco national guardsmen were being mobilized this afternoon to defend the county jail in event an attempt is made to get Roy Mitchell, alleged confessor to eight murders. Rumors of the forming of a mob reached the authorities.

Waco, Tex., Feb. 9.—A series of crimes which have baffled officers here for the past year were cleared today by the alleged confession of Roy Mitchell to having committed eight murders, three assaults to murder and a number of attacks on women from February 12, 1922, to January 19, 1923, according to Sheriff Leslie Stegall and County Attorney C. S. Farmer.

The slayings said to have been confessed to by Mitchell follow:

Murder of W. H. Barker and wife and Homer Turk at Concord, February 12, 1922.

W. P. Driskell, May 7, 1922.

Harrel Bolton, May 25, 1922.

Grady Skipworth, November 20, 1922.

W. E. Holt and Mrs. Ethel Denecamp, January 19, 1923.

Women's Escorts Killed.

Three women were assaulted when their escorts were killed, two of the women having been subjected to two assaults, according to the alleged confession. The confession was made to the sheriff and county prosecutor last night, put in writing and signed by Mitchell.

Two men were tried and convicted for the slaying of Mr. and Mrs. Barker, and Turk, the killing of whom Mitchell confessed. One of these, Cooper Johnson, was given the death penalty, and the other, Bennie Young, life imprisonment. Their cases are now on appeal.

Another man has been killed for a crime to which Mitchell is said to have confessed. When Harrel Bolton was killed his girl companion was assaulted. A man was later identified by the young woman and was shot by the girl's father. A mob then burned the body.

Shoots Couple.

On May 17, 1922, Mitchell confessed he shot a man and woman who were driving in Cameron Park, but was frightened away and both recovered. Early in January, 1923, he held up a couple in South Waco, forced the man to leave the car and driving to a secluded spot, assaulted the woman.

Mitchell said he was hidden behind a pavillion when Grady Skipworth and a young woman drove up near Lover's Leap on November 20. He watched them a few minutes, then went around back of the car as Skipworth got out on the ground. He shot and killed the boy and dragged his body to the cliff and threw it over. He said he then attacked the girl. He says he did not throw her off the cliff as the girl has claimed, but that she ran off trying to escape.

Describes Double Murder.

Mitchell said he saw Holt and Mrs. Denecamp drive out into a cross road on the night of January 19 and followed them. When he came upon them he shot Holt and entering the car drove to the spot where both bodies were found and after assaulting the woman twice shot her to death. He drove to town, but thinking that he had best go back and conceal the body of Holt, drove back to the scene of the first attack. He had difficulty finding the body, but succeeded and dragging it to the place where he had left the woman placed it beside her and returned to town, parking Holt's car almost in the center of the business district, where it was found the next day.

Mitchell will be kept in the jail here.

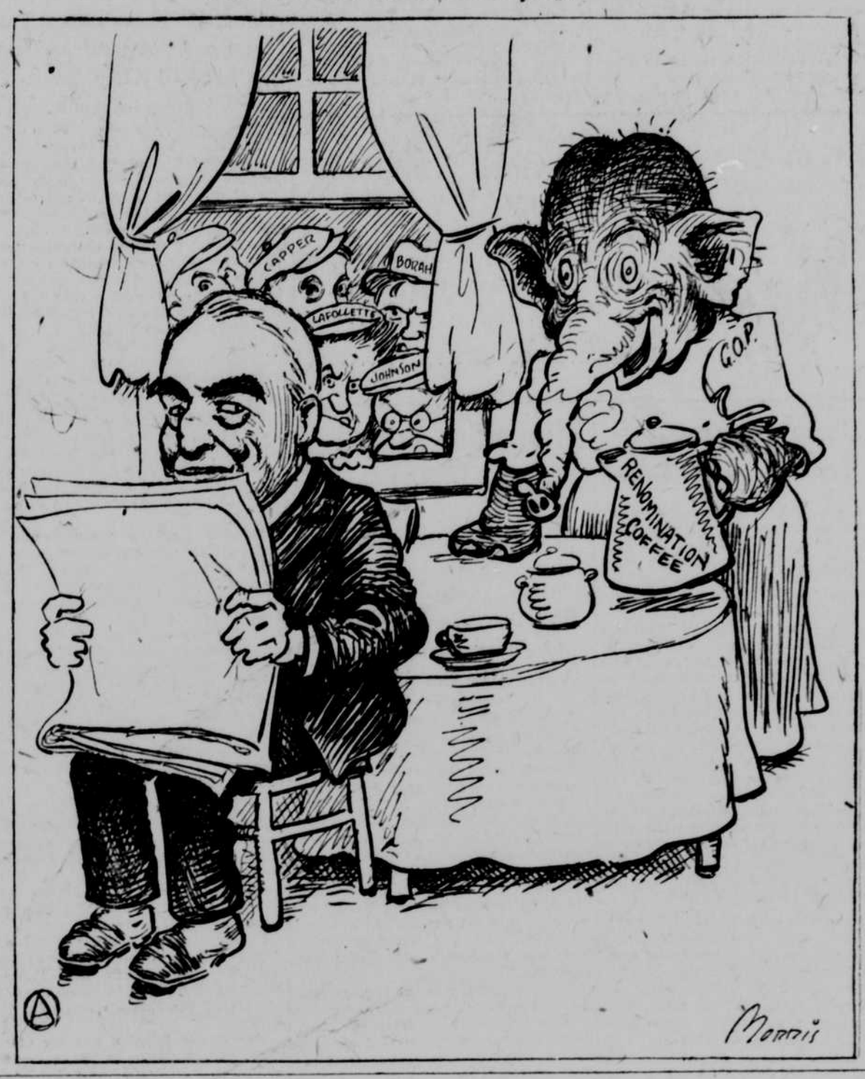
Grand Island Man Killed When Hit by Pile Driver

Ravenna, Neb., Feb. 9.—(Special.)—Charles A. Rustler of Grand Island, an employe of a Burlington bridge gang, was instantly killed here today when struck by a ton and a half piledriver on which he was working. He was adjusting the machinery and slipped on the ice in the river and fell across the pile just as the hammer started to descend. Fellow workmen attempted to check the fall of the hammer in vain. Rustler has a wife living in Grand Island. Sheriff Parr took charge of the body and an inquest will be held.

War Department Budget Bill Passed by Senate

Washington, Feb. 9.—The last regular appropriation bill of the present session of congress, the War department budget, aggregating $340,521,000, was passed today by the senate and sent to conference.

"Would You Like Another Cup, Warren?"



Irish Rebels Reject Peace

Republican Leaders Decline to Enter Negotiations to End Strife.

London, Feb. 9.—(By A. P.)—The Irish rebels have declined to enter into peace negotiations, according to a Press association dispatch from Dublin.

Dublin, Feb. 9.—(By A. P.)—Hopes for a reconciliation between the Irish free state government and at least an apparent part of the republican element were brighter today in consequence of the developments that led Richard Mulcahy, the minister of defense, to offer amnesty to "all in arms against the government, who will surrender their arms on or before February 13."

The minister's proclamation was the result of Liam Deasy's appeal to other republican leaders to lay down their arms, as he himself has consented to do. Deasy has been sentenced to death. A few days ago he signed an agreement for the surrender of arms and men, and was then permitted to ask several prominent republicans to take a similar step.

William Cosgrave, president of the Dail Eireann, left for London last night. His visit is reported to have considerable political significance.

London, Feb. 9.—(By A. P.)—President Cosgrave of the Irish free state government, Patrick Hogan, the minister of agriculture, and Hugh Kennedy, the government's legal adviser, arrived here today. It is understood, says the Exchange Telegraph, that they are here to consult with the British government on financial relations between England Ireland.

Former Italian Ambassador to Tokio Killed Near Spezia

London, Feb. 9.—Baron Carlo Aliotti, former Italian ambassador at Tokio, was killed, according to an Exchange Telegraph dispatch from Rome, while motoring near Spezia yesterday.

Baron Aliotti was once attached to the Italian embassy at Washington and in 1920 was mentioned as the probable successor to Baron Avezzana, the Italian ambassador at Washington.

Baron Aliotti's wife was English and related to former Premier Asquith.

Man Given 2 Life Sentences in Prison

Los Angeles, Feb. 9.—Two life sentences in San Quentin penitentiary were imposed upon Thomas (Fat) McDonald by Judge Sidney N. Reeve in the superior court.

One was for participation in the robbery of employes of the Standard Oil company of $83,000 and the other for participation in the robbery of a collector for a chain of grocery stores of $1,400.

McDonald was arrested in Minneapolis several weeks ago.

Chief of Russ Church in Poland Assassinated

Warsaw, Feb. 9.—(By A. P.)—The chief of the Russian church in Poland, the Metropolitan George, was assassinated last night by the Russian monk, Smaragd. The assassin belonged to a group of clery which opposed the Metropolitan because of the latter's pro-Polish policy.

Judge Claiborne Dies of Apoplexy

Attorney and Former Newspaper Man Stricken in Office of Mayor Dahlman.

Judge H. H. Claiborne, 50, attorney, former justice of the peace and newspaper man, died at 6:45 last evening in Clarkson hospital. He was stricken with apoplexy at 4:35 in the office of Mayor James C. Dahlman.

Mr. Claiborne had law offices in the Paxton block. He formerly was a reporter and later day telegraph editor of The Omaha Bee. He left newspaper work in 1908 to accept a position in the office of the clerk of district court, where he remained until elected justice, a year later. Since then he engaged in the practice of law.

Mr. Claiborne was a printer by trade. He learned printing under his father, who was a publisher at Plattsmouth, Neb., and it was his first occupation when he came to Omaha. He was a reporter for five years before he took a desk job.

Mr. Claiborne was born in Missouri. He is survived by his wife, who, with her brother, Carl Newport, was at his bedside when he died.

Day's Activities in Washington

Maj. Gen. Enoch H. Crowder was nominated to be ambassador to Cuba.

The senate passed and sent to conference the army bill, the last of the annual supply measures, and immediately resumed consideration of the shipping bill.

The Nicaraguan interoceanic canal project was declared at the White House to be out of the question at present because of prohibitive construction costs.

Expenditure of more than $50,000,000 in 19 cities for suitable quarters for government activities was recommended to congress by Secretary Mellon and Postmaster General Work.

The house immigration committee reported a bill for restricting immigration from all countries to 2 per cent of their nationals resident in the United States under the census of 1890.

Extension of the benefits of the war risk insurance and vocational rehabilitation acts to veterans of all wars was urged by Antonio P. Entenza, national commander of the United Spanish War Veterans, at a hearing before the house commerce committee.

The Interstate Commerce commission announced it would investigate practices of anthracite-carrying railroads in distribution of coal to determine whether they are fair and whether pejority orders or embargoes are necessary to insure just distribution.

Secretary Hughes informed Chairman Lodge of the senate foreign relations committee that he could give no more information to the committee on the reparations question at this time. This is interpreted as a virtual refusal to appear for oral questioning as requested by Senator Robinson, democrat, Arkansas.

Agreement at Smyrna Reached

Dispatch Reports Settlement Between Turks and Allied Naval Commanders.

London, Feb. 9.—(By A. P.)—An agreement has been reached between the Turkish authorities in Smyrna and the allied naval commanders, says an Exchange Telegraph dispatch by way of Constantinople, under which the status quo would be maintained pending diplomatic negotiations.

London, Feb. 9.—A report that the Turks now demand the withdrawal of allied warships from Ismid was received here today from Constantinople. The entrances to Ismid and Smyrna harbors are said to have been mined. Ismid, located at the head of the Gulf of Ismid, is 56 miles east of Constantinople.

The British and French naval craft now at Smyrna have been instructed to remain in the harbor, while the allied commissioners have demanded that the Angora government countermands its order for the departure of the ships.

French Break Up German Demonstration With Tanks

Dusseldorf, Feb. 9.—(By A. P.)—French soldiers, aided by tanks, broke up a demonstration at Recklinghausen yesterday. Not a shot was fired. Generally speaking, the Ruhr situation remains unchanged. German resistance is even more staunch than ever. The French report that agents from Berlin are canvassing the Ruhr villages and towns, urging the workers to resist and strike. The military authorities have decided to arrest and put in jail all members of the protection police who refuse to salute French officers.

Food is becoming scarcer and sugar is unobtainable here. The French plan to lift the duties for such foodstuffs as are now taxable.

The railroad strike is still complete throughout the area occupied by the French.

Former Ambassador Hurt.

London, Feb. 9.—Baron Carlo Aliotti, former Italian ambassador at Tokio and once attache at Washington, who was injured when pinned beneath an automobile near Spezia, Italy, yesterday, is stated in a Central News dispatch from Rome today to have died. First reports were that the baron was killed outright.

Soldiers' Bonus Bobs Up.

Washington, Feb. 9.—The soldiers' bonus question bobbed up again today in the senate wing of the capitol, the military affairs committee devoting nearly two hours to discussion in executive session of the Bursum bonus bill, after which decision was reached to hold another meeting tomorrow.

The Weather

Forecast.

Probably snow Saturday; not much change in temperature.

Hourly Temperatures.

5 a. m.	21	1 p. m.	30
6 a. m.	21	2 p. m.	30
7 a. m.	22	3 p. m.	31
8 a. m.	22	4 p. m.	32
9 a. m.	23	5 p. m.	33
10 a. m.	25	6 p. m.	32
11 a. m.	27	7 p. m.	31
12 (Noon)	30	8 p. m.	30

Mathews Is Held Guilty of Murder

Jury Convicts Doctor of Performing Operation Which Killed Loretta McDermott—Two Ballots Cast.

Defendant Will Appeal

Dr. John T. Mathews, 70, physician in Omaha for more than 35 years, was convicted by a jury in district court last night after a deliberation of an hour and a half.

Dr. Mathews was charged with murder by performing an illegal operation which the state alleges caused the death, January 5, of Loretta McDermott, 24, Bassett (Neb.) school teacher.

Henry Beal, county attorney, announced as soon as the verdict was given, that more arrests on charges of conspiracy would follow. He would not make public the names of those persons, but said the arrests may be made today.

The jury retired at 5:07 after County Attorney Henry Beal finished one of the most spirited arguments ever heard in district court.

Eat After First Ballot.

At 6, in company with a deputy sheriff, the jurors went to the Wellington cafe for dinner after they cast one ballot. They stood then 11 to 1 for conviction.

When the jury returned from dinner they voted again, and this time the ballot was unanimous for conviction, that carries a penalty of 1 to 10 years in the state penitentiary. This case is similar to that of Dr. Leslie Fields, now serving sentence.

Dr. Mathews appeared nervous after Deputy District Clerk Pardee read the verdict. He trembled and then whispered to his attorneys.

One Juror Holds Out.

The juror the voted for a acquittal on the first ballot was Zerman Shear, South Side.

"I did not quite understand the dying statement and a few other details, and for that reason I voted for a acquittal," said Shear.

Attorneys for Dr. Mathews stated that they would appeal to the state supreme court.

Will Appeal Case.

"Certainly, we are going to wage one of the hardest legal fights to kep Dr. Mathews out of prison," said Lloyd Magney, "because we feel he is innocent. We will attempt to obtain a new trial and if denied, we will attempt to appeal to the state supreme court."

"Henry Beal moulded together one of the best cases in the annals of the district court," said District Judge Goss. "He did some fine work and should be congratulated. His closing argument was a masterpiece."

eBal, who was at home when the verdict was returned, was well satisfied with the decision.

Dr. Mathews, whose trial lasted five days, was charged with having caused the death of Loretta McDermott, 24-year-old Bassett (Neb.) school teacher.

Free During Deliberations.

After Henry Beal, county attorney, finished his argument and Judge Goss gave his instructions to the jury, Dr. Mathews was taken to the sheriff's office and detained for an hour until it was determined whether he could be freed while the case was being deliberated. The court allowed Mathews his liberty until a verdict was reached.

John C. Wharton, one of the attorneys for Dr. Mathews, was scored by Judge Goss after he completed his argument. Wharton was telling the jury of the honesty of Mrs. Mathews and told about her testimony and of the diary in which she recorded events.

Wharton then spoke of friendship between Mrs. Mathews and the Goss family. Mrs. Mathews, Wharton told the jury, was teacher in a school attended by a daughter of Judge Goss a number of years ago.

Court Rebukes Attorney.

When Wharton finished Judge Goss said to the jury:

"You heard Mr. Wharton's remarks about my acquaintance with a member of the family of the defendant. Mr. Wharton spoke to me about the matter the other day and I warned him not to try to put that in evidence and he promised he wouldn't. In his zeal for his client he brought that out here in his argument and I wish you to ignore any reference to it and not to take it into consideration in weighing the credibility of any witness."

Driver Who Ran Down Boy Guilty of Reckless Driving

Don Cogley, chauffeur, accused of running down Nathan Gross, 8, in front of his home, 543 South Twenty-fifth street, was found guilty of reckless driving yesterday. Judge Dineen withheld pronouncement of Cogley's sentence until the seriousness of the boy's condition is determined.

Temple of Justice Fund to Be Returned to Treasury

Des Moines, Ia., Feb. 9.—Proposals to erect in Iowa a temple of justice were definitely laid at rest today when the senate by a vote of 31 to 0 passed a house bill by Storey of Warren county, turning back to the state treasury $372,000 in the temple of justice fund.

Phone Your Sunday "Want" Ad to At-1000: Three Lines-Three Times-Ten Dimes