WEATHER FORECAST

Nebraska—Fair and somewhat colder tonight.

CITY EDITION

THE OMAHA MORNING BEE

VOL. 53—NO. 243 OMAHA, WEDNESDAY, MARCH 26, 1924. TWO CENTS in Omaha and Council Bluffs. Five Cents Elsewhere.

By Mail (1 Year): Daily and Sunday, $5; Sunday, $2.50, within the 4th zone. Outside the 4th Zone (1 Year): Daily and Sunday, $12; Sunday only, $6.

THOUGHT FOR THE DAY.

There is no better ballast for keeping the mind steady on its keel and saving it from all risk of crankiness, than business.—Lowell.

STORM CUTS DAKOTA JOHNSON VOTE

NEB STATE HISTOR-ICAL SOC UNIV LIBY BLDG LINCOLN NEB

Fate of Detective Frank Aughe's Slayer in Jury's Hands

Chair Asked as Penalty for Gunman

Defense Pleads for Leniency; Guzwesc Is Taken Back to Cell to Await Verdict.

Deadlock Is Rumored

With a plea for a death sentence ringing in their ears the jury who are to reach a verdict in case of the state against Joe Guzwesc, charged with the murder of Detective Frank Aughe, retired to the jury room at 12:15 Tuesday noon.

Hours later no report had come from the locked room.

Hopes of conviction held by County Attorney Henry Beal and hopes of acquittal, or at worst life sentence, held by Guzwesc were both wavering a few hours after the jury had retired. A report had been circulated that part of the jury strongly favored a death sentence and part disbelieved in capital punishment under any consideration.

Mrs. Mayme Aughe and Miss Helen Aughe, widow and daughter of the slain detective, waited patiently at the court house for the word from the jury room that a verdict had been reached.

At 12:30 the bailiff approached Judge Fitzgerald and delivered the message that the jury desired to examine further the gun from which the bullet was fired that killed Aughe.

John N. Baldwin, attorney for the defense, objected.

"If they wish to see an exhibit from the trial," he pleaded, "they must examine all the exhibits which were admitted as evidence."

Exhibits Shown Jury

There were 15 of these, including the criminal record of the man on trial for his life.

Judge Fitzgerald ruled that the entire list of exhibits be viewed and all 15 of them were taken into the jury room.

The jury did not ask for further instructions from the court.

County Attorney Henry Beal bitterly arraigned the indiscriminate pardoning of criminals by parole boards, in his powerful argument to the jury trying Joe Guzwesc for the murder of City Detective Frank Aughe, Tuesday.

It was in answering the plea of John N. Baldwin, attorney for Guzwesc, who besought the jury to pin upon its bosom "the white flower of charity" in considering the fate of "this wounded animal."

"The parole board at Canyon City, Colo., just seven months ago, let the so-called flower of charity influence good judgment," Beal declared. "It sprouted in their minds and brought forth the flower of death for Frank Aughe. The blood of Aughe is upon those who, in the past, have dealt weakly with him."

Demands Death Penalty.

Beal argued for the death penalty.

"You 12 men have not the power to send this prisoner to the electric chair," he said. "For, though you bring in that verdict, the evidence in the case will be reviewed by the supreme court and, if the evidence is found not sufficient, the sentence will be cut down. Never has a man been sentenced to the chair from Douglas county whose case was not later reviewed by the highest tribunal in the state. Do not fear to do your duty as men.

"If you send him to the penitentiary for life, he will be out before many years. Societies and individuals will plead for him, forgetful of his past record, the persons he has terrorized in burglaries and the man whom he murdered. Misguided people, wearing on their bossoms the so-called white flower of charity, will be active in his behalf."

Jury Given Case

Dan Gross, assistant county attorney, also argued for the prosecution. James Walker made the open argument for the defense.

The jury took the case just after 12, following reading of instructions by Judge Fitzgerald. Four verdict forms were given the jury. One is "guilty of first degree murder and habitual criminal" with the penalty of death; a second is like this, with the penalty life imprisonment; a third declares Guzwesc guilty of second degree murder, and a fourth is for acquittal.

Mrs. Mayme Aughe and Miss Helen Aughe, widow and daughter of the slain detective, wept during the arguments. The court room was crowded. The prisoner, under whose eyes dark rings appeared, moved restlessly and moistened his lips while Beal pleaded for the electric chair. The young criminal is said to have an obsessing fear of the chair.

Guzwesc Takes Stand

In his short testimony Monday, Guwesc said he is 27, came to this country when he was 12 and that his parents still live in Poland. He admitted serving terms in three penitentiaries.

He said Aughe seized him by the shoulder while he was backing out of the drug store at Sixteenth and William streets, holding other detectives in the store at bay, that he swung around at Aughe and that his revolver was discharged accidentally.

Just So the Grafters Are Not Confused With the Patriots.

British Off on World Flight

Single English Plane in Unofficial Race With American Pilots.

By Associated Press.

Calshot, England, March 25.—Great Britain entered the air mail around the world against America at 12:10 p. m., today when an amphibian plane manned by a trio of royal air force aviators rose from Southampton water amid an escort of land and sea planes and turned its glistening nose toward the coast of France.

Officially, of course, there is not any race. Three British flyers of long experience in the air merely wanted to try to fly around the world "on their own," and the air ministry gave them leave. Officially, it is merely a coincidence that a group of American planes happened to be trying to accomplish the same thing at the same time. Unofficially, however, every one in England who cares anything about flying looks upon the venture as a race against the American planes which left California, flying in the opposite direction last week.

With a single plane "on its own," in competition with four American ships, the British are putting their trust in the Kipling phrase—"He travels fastest who travels alone."

Squadrons Leader A. Stuart MacLaren, a modest Scotsman of 32, who is navigating the plane, is acquainted with his route from here to India, having been the first to make an air voyage between the home country and its eastern empire. But from India through the orient and across the Pacific, Canada and the Atlantic, he will be flying over strange lands and water.

CANDIDATE AT HIS MOTHER'S BEDSIDE

A "George Collins for Municipal Judge" club has been organized to conduct the Collins' campaign while the candidate and his sister, Florence, are at the bedside of their sick mother in Rochester, Minn.

R. L. Beveridge was elected president at a meeting of the club Monday. William Ritchie, jr., was made vice president and Miss Irene Peterson, secretary and treasurer.

ALLEGED TROUSER ROBBERS HELD

George Smith and Tony Martines, Atlantic hotel, are held by South Omaha police for breaking and entering. They are alleged to have been discovered packing trousers in a suit case at the store of H. Kolinck, 4901 South Twenty-sixth street this morning.

Meanest Men Again.

John B. Vanderlain, 5103 Hill street, told police that two men who came to his door to ask location of an address, held him up and obtained $10

The Day in Washington

Debate of the Daugherty case occupied the house while the investigating committee was in recess.

Secretary Hoover's special committee on cotton census reported numerous recommendations for counting the crop.

A commission was appointed by President Coolidge to ascertain the best means of conserving the nation's oil supply.

The certificate in the senate's contempt procedure against Harry F. Sinclair was forwarded to the district attorney.

The senate finance commission laid aside the revenue bill temporarily to study estimates of costs of the soldier bonus bill.

The Austrian and Hungarian governments approved in principle a proposal for cancellation of a mixed mission to set the war claims.

The house irrigation committee decided to ask Governor Hunt of Arizona to testify regarding charges that Secretary Week was favoring Colorado in the Boulder canyon dam matter.

Secretary Mellon denied having influenced the international revenue bureau in tax matters and invited the senate investigating committee to examine the accounts of all companies in which he is personally interested.

The Western Petroleum Refiners corporation and the Sinclair Refining company protested to the shipping board against application to petroleum products of the preferential through export rate clause of the merchant marine act.

Senator Heflin, democrat, Alabama, protested against the manner in which the investigation of alleged land frauds in the lower Rio Grande valley of Texas is being conducted and threatened to carry his fight to the senate floor.

Inquiry into the financial affairs of Albert B. Fall occupied the senate oil committee. A resolution looking to impeachment of C. C. Chase, customs collector at El Paso, Tex., who refused to testify, was adopted by the senate. Chase, it was said later, had submitted his resignation to the treasury.

MANNINGTON WILL TESTIFY, HE SAYS

By International News Service.

Paris, March 25.—Howard Mannington of Columbus, O., confidential friend of Attorney General Daugherty, whose testimony is desired by the Wheeler senatorial committee investigating the attorney general's activities, told International News Service in an exclusive statement today that he is willing to testify voluntarily.

"I expect to return to the United States as soon as my business here is complete," said Mannington. "That will probably be within a month.

"I am perfectly willing to testify before the senate committee if they call me."

Keisers Listen to Repetition of Testimony

Attorney for Son, Harry, Call Same Witnesses Who Appeared in County Court.

Special Dispatch to The Omaha Bee.

Wahoo, Neb., March 25.—Levi Keiser, 79, and his bride, formerly Irene Buell of Ashland, were today forced to listen to a repetition of testimon taken in county court when Keiser was adjudged incompetent to handle his property.

Before District Judge Frederick Shepherd, who has come here from Lincoln to hear Keiser's appeal from the county court, attorneys for Keiser's son, Harry, who brought the action, marshalled the same witnesses that appeared before.

Again Mrs. Lizzie Matzen told the court that she could have married Keiser and accompanied him to California had she said "yes" to his proposal of marriage; again Eli Keiser, 64-year-old brother said Keiser had been a shrewd business man before he became enamoured of Mrs. Buell; and again the story was told of Mrs. Keiser's warning to her husband to "keep his mouth shut" delivered on an Omaha street car.

Attorney's for Harry Keiser have announced that they will call at least 19 witnesses and the case will probably be continued for two more days.

The courtroom was less crowded today than during the county court trial, but the impassable condition of roads leading into Wahoo was ascribed as the probable reason for the apparently diminished interest. During the county court proceedings the courtroom, anterooms, and corridors were packed and spectators stood 10 deep inside the rail.

Film Actress Weds.

Los Angeles, March 25.—The marriage of Alice Lake, film actress, to Robert B. Williams took place here Tuesday, Police Judge James H. Hope performing the ceremony.

Married in Council Bluffs.

The following persons obtained marriage licenses in Council Bluffs yesterday:

Howard Brown, Omaha	20
Clara Swain, Omaha	21
Henry Anderson, Council Bluffs	23
Mildred Johnson, Omaha	19
Carl Miller, Omaha	44
Maude Thomas, Omaha	34
Gus Schroeder, Oxford, Neb.	41
Rosina Knuth, Oxford, Neb.	24
Grant Aspinwall, Lincoln, Neb.	23
Stella Engel, Lincoln, Neb.	19
Oscar Johnson, Beaver Crossing, Neb.	21
Rosa Root, Beaver Crossing, Neb.	18
Daniel Spillard, Omaha	24
Lillian Smith, Omaha	37
Sam McCoy, Omaha	27
Elsie Anderson, Omaha	24
Barnard Fisher, Seward, Neb.	21
Leona Henderson, Seward, Neb.	19
Elmer Lemmerman, Columbus, Neb.	23
Mary Haggerty, O'Neill, Neb.	26
Morton Lipsey, Omaha	27
Lillian Kohan, Des Moines, Ia.	19
Sam Brick, Omaha	21
Ann Burnstein, Omaha	18
Louis Jensen, Lincoln, Neb.	21
Sarah Baker, Lincoln, Neb.	19
Theodore Haskin, Hastings, Neb.	19
Dina Daugherty, Hastings, Neb.	18

Move Made to Impeach C. C. Chase

Resignation of Fall's Son-in-Law Submitted Before Senate Passes Resolution Charging Conspiracy.

Action by House Urged

Washington, March 25.—Impeachment of Clarence C. Chase, son in-law of Albert B. Fall, as collector of customs at El Paso, Tex., was proposed today by the senate as an offshoot of its oil inquiry.

A resolution presented by Senator Walsh, the oil committee prosecutor, and adopted by unanimous vote, charged that Chase had conspired with the former interior secretary to "mislead and deceive" the oil investigators, and called upon the house, which has the sole power of initiating impeachments, to take such steps "as may be appropriate."

Later it was made known at the White House that Chase had submitted his resignation immediately after his refusal yesterday to answer any questions before the oil committee, but that it had not yet been accepted. Senators said the development would have no effect on the proposed impeachment proceedings.

When it reached the house, the senate resolution was referred without comment to the judiciary committee which meets tomorrow. Committee members indicated there would be no undue haste, but that sometime in the near future a course of action would be recommended to the house.

To Press Contempt Charge.

While the senate was debating the Walsh resolution, law officers of the government began preparations to press a charge of contempt against Harry F. Sinclair, lessee of Teapot Dome, who also has refused to testify before the oil committee, challenging the authority of congress to compel the attendance of witnesses before its committees.

District Attorney Gordon conferred with special oil counsel and Chairman Ladd and Senator Walsh and it was indicated that an indictment would be asked this week of a grand jury now sitting in the District of Columbia. The conference took place within a few hours after the formal order of the senate had been signed by Acting President Moses and sent to the district attorney.

Should an indictment be returned there would be put squarely up to the federal courts the question of the authority of congress, and Senator Walsh said that if this were sustained, Sinclair probably would be haled before the bar of the senate for contempt and placed in the custody of the sergeant-at-arms until he agreed to answer questions.

Thatcher Testifies.

Today's open session of the committee itself was brief and devoid of sensation. M. D. Thatcher, president of the First National bank of Pueblo, Colo., testified to loans of slightly more than $100,000 to Fall's cattle company by the M. D. Thatcher estate company, and Senator Walsh commented later that the evidence before the committee shows that Fall has received a total of $32,000, the source of which has not been disclosed.

Thatcher told the committee arrangements had been made for the estate company to advance $100,000 to the cattle company for improvements, but that this sum had been increased by $2,000 through an overdraft which was taken care of in a note.

The only other witness was Anderson H. Tackett, accountant of the Federal Trade commission, who said a clerk in the Washington brokerage firm of W. B. Hibbs and company had told him that the late Jesse W. Smith and Attorney General Daugherty had a joint account with that firm in 1922 under the title "W. W. Spaid No. 2." He could not give definitely the results of the transactions of this account, but said the losses might have amounted to $24,000.

HONDURAS REBELS CONTROL COUNTRY

Washington, March 25.—Honduran revolutionists are in complete possession of the entire country with the exception of Tegucigalpe, the capital, American Minister Morales reported today to the State department.

Dock Strike Ends.

Hamburg, March 25.—Through mediation by the minister of labor, the employers and dock workers have arrived at an agreement terminating the dock strike, and work will be resumed today. The strike began two weeks ago.

Wife Knocked Down, Charge

R. Oliver, 6827 South Twenty-seventh street, knocked her down Monday night, Mrs. Oliver testified in municipal court this morning. Oliver was sentenced to five days in jail on a charge of intoxication and abusing his fami

President's Prodigal Pet Cat Held Under Guard at White House

By Universal Service.

Washington, March 25.—"Tige," the pet cat of the president and Mrs. Coolidge, was a prisoner in the White House tonight and every precaution was taken to prevent his escape.

He was returned this morning after four days of truancy. Three times during the day he made a darink break for liberty and once the White House police guard apprehended him only after an exciting chase across traffic-jammed streets and the green plaza.

Secret service men had been quietly inquiring for him and last night the radio broadcasting stations and the press were appealed to. An army officer located "Tige" in one of the government buildings a mile away.

For awhile he was quite contented. He took a nap in the letter basket on the president's desk and visited his friends in the executive offices. Then some attache rewarded the prodigal with a bit of cat-nip. From that time until late tonight he showed every inclination of again going A. W. O. L.

Chapel Crowded at Funeral for Convict's Wife

"More Sinned Against Than Sinning," Says Pastor Who Delivers Address.

Columbus, Neb., March 25.—Declaring society commits a greater sin in the condemnation of the sinner than the one who commits sin, Rev. T. M. Pyle, pastor of the First Baptist church, delivering the funeral sermon for Mrs. Elizabeth Justis, 18, in the chapel at the Gass Undertaking company's mortuary today, pleaded for a greater sympathy of mankind for the sufferings of this world's unfortunates.

The chapel was crowded to capacity with men and women from every walk of life. In the front of the room stood the casket of the girl mother. A load of flowers weighed down the coffin lid.

Rev. Mr. Pyle's address was a plea against the condemnation of the unfortunate and a commendation of those who had made the last moments of the girl's life pleasant and whose kindliness had enabled the body to be given a decent burial.

"Oh let us remember "Judge not that ye shall be judged." Remember how a woman' was brought to the master. Taken in sin some of those responsible for her condition sought to stone her. Jesus said, "Let him that is without sin cast the first stone."

"The Rev. Pyle pleaded for more flowers to the living, less criticism and a greater spirit of helpfulness.

He urged them to invoke the blessings of the divinity on the father of the little boy that the man the girl had loved, might when he left the unfortunate confinement of the prison walls take into his life the little motherless boy Garry, that he might become a living monument to the mother who had virtually given her life for him.

GENERAL MOTORS EARNS $62,065,526

New York, March 25.—General Motors corporation and its subsidaries earned net income of $62,065,526 in 1923, compared with $51,807,448 in 1922, the annual report showed today. After dividends on the debenture and preferred stocks, there remained $55,180,155 for the common stock, or $2.67 a share.

Included in net income, the report said, was only such proportion of the profits of the Fisher Body corporation and the General Motors Acceptance corporation, as was received in cash dividends. The corporation's share in the undistributed earnings of these two subsidaries was $9,941,429, which if added to net income would represent a total of $72,008,955. Net profit from operations and investments totaled $76,642,963.

The corporation did the largest business in its history, 798,555 cars and trucks being manufactured and sold, compared with 456,763 in 1922.

FARMER AND WIFE HURT IN RUNAWAY

Beatrice, Neb., March 25.—John Weigand, farmer, living eight miles southwest of Beatrice, suffers a broken nose and other injuries, and his wife was cut and bruised when their team ran away on South Sixth street, throwing them on the pavement. The buggy was overturned, pinning Mrs. Weigand beneath the wreck. The horses freed themselves from the vehicle and were caught two miles south of the city.

BERGDOLL QUITS GERMANY, BELIEF

By Associated Press.

Eberbach, Baden, March 25.—Grover Cleveland Bergdoll, the American draft evader, left here this morning for an unannounced destination. As he carried considerable luggage, it is generally assumed he is quitting Germany

English Bride Whose Mate Can't Remember

Marie Faulkes

Nebraska Girl's Husband Cannot Recall Wedding

Willard Holt, Returned to Omaha for Alleged Passing of Bad Checks, Loses Memory.

Twelve pictures of beautiful women. A lapse of memory.

These are the puzzling features to the case of Willard Holt, now under scrutiny of Omaha police.

And while Holt languishes in the city jail unable, as he says, to remember whether he ever married any of the women whose pictures were found in his trunk, his bride formerly Miss Marie Faulkes is in seclusion at the home of her cousin.

Holt was returned to Omaha from Winona, Minn. A trail of worthless checks through Iowa and Nebraska led to his arrest.

And the bride, native English girl, now is endeavoring to unravel her romance from the tangled threads of her husband's business affairs.

24-Hour Courtship.

"I married him after a 24-hour courtship," she said. "I met him in Hastings. When we found we must post 10 days' notice of our license we went to Sidney, Ia., and were wed.

"I knew nothing of the check charges against him. He paid all our traveling expenses with currency."

A check alleged to have been passed in Holt bore the countersign of Henry Baldwin, 4838 Woolworth avenue, husband of the bride's cousin. Gertrude Haskin, her girlhood chum, also suffered from some of the checks, according to police.

Police throughout Iowa and Nebraska have sought Holt on check charges for the last two weeks. His description was broadcast by radio and he was arrested while he waited outside the Winona bank for his wife.

"W. W. Davis" Receipts

In his effects were found receipts from the Santa Barbara (Cal.) Telephone company, made out to W. W. Davis, for phone calls.

Police are attempting to establish that Holt and Davis are the same person.

Mrs. Holt declared she will take no action against him in divorce court until settlement of present charges.

She told her experiences in a British accent.

Lapse of memory is the explanation given police by Holt, who was confronted with the pictures of the women found in his baggage.

"I don't know whether I've been married to any of them or not," he said. "I was under care of a doctor in 1908. I can't remember what for, but he must have been treating me for some mental disorder."

NEW JUNIOR HIGH SCHOOL PLANNED

Special Dispatch to The Omaha Bee.

Beatrice, Neb., March 25.—Upwards of 40 bids from contractors in Beatrice, Lincoln, Omaha, St. Joseph, Kansas City and other points have been filed with the board of education here for the construction of the new junior high school building to cost $400,000, and the repair of a number of ward buildings. Bids will be opened on April 9.

The Weather

For 24 hours ending 7 p. m. March 25:
Precipitation, inches and hundredths. Total, .16. Total since January 1, 2.62; excess, .21.

Hourly Temperatures.

5 a. m.	40	1 p. m.	48
6 a. m.	40	2 p. m.	48
7 a. m.	41	3 p. m.	47
8 a. m.	42	4 p. m.	45
9 a. m.	43	5 p. m.	45
10 a. m.	43	6 p. m.	44
11 a. m.	44	7 p. m.	44
12 noon	46	8 p. m.	41

Senator and Coolidge in Close Race

Early Reports Show President Leading in City Precincts —Johnson Ahead in Rural Districts.

McAdoo Believed Victor

By Associated Press.

Sioux Falls, S. D., March 25.—Among the early reports of the South Dakota primary, rural precincts gave majorities to Senator Johnson, while the first Sioux Falls reports were favorable to the president. Four local and two rural precincts gave Coolidge 594 and Johnson 535.

The republican senatorial contest between Governor W. H. McMaster and Senator Thomas Sterling also showed a close vote in first returns seven precincts—four local and three rural—giving Sterling 690 and McMaster 604.

Sixteen Minnehaha county precincts gave Coolidge 1,912 votes, Johnson 1,084, Sterling 1,378 and McMaster 1,166. In Yankton county, three precincts gave Coolidge 207, Johnson 146, and five precincts gave McMaster 304 and Sterling 184.

The first 20 precincts reporting, including 16 from this county, gave Coolidge 2,194 and Johnson 1,498.

By Universal Service.

Yankton, S. D., March 25.—Three precincts in Yankton county out of the 25, including two in city of Yankton, give Coolidge 207; Johnson, 146. Five precincts, including two in Yankton, give McMaster 334; Sterling, 183.

Platte, S. D., March 25.—Johnson defeated Coolidge for presidential nomination and Sterling defeated McMaster for the senatorial nomination at this place today. Totals follow: Johnson, 140; Coolidge, 64; Sterling, 125; McMaster, 65.

Watertown, S. D., March 25. — Hiram Johnson, W. H. McMaster and Royal C. Johnson swept Watertown and Codington county in today's primary. Totals in Watertown. Hiram Johnson, 1,005; Coolidge, 454; McMaster, 968; Sterling, 471.

Sioux Falls, S. D., March 25.—When the polls closed tonight it was estimated not more than 50 to 60 per cent of South Dakota's voters had gone to the polls in today's presidential primary. The counting of ballots started at 5. The count was slow.

Hiram Johnson, senator from California, and President Coolidge were contenders for the republican presidential endorsement.

William G. McAdoo was the democratic candidate, opposed by a faction seeking to send an uninstructed delegation to the New York convention. Mr. McAdoo is believed to have won the party endorsement.

Up to the hour the polls closed and through early stages of counting the ballots, supporters of both Johnson and Coolidge claimed the election for their favored candidate.

Senator Johnson was handicapped because of a storm which swept over the state. There was rain and snow. The storm kept hundreds of rural voters from the polls and it was in the rural districts that Senator Johnson expected his strongest support. It had been admitted President Coolidge probably would carry the larger cities, where republican officeholders have a strong grip on local politicians.

MEN LEAVE JOBS; FIND THEM TAKEN

A number of workers who walked out of the Armour packing house killing department Saturday when requested to work two hours overtime, came to work Monday to find their jobs filled.

There are 175 men employed in the department. E. S. Materbury, general manager, estimated that 40 men quit. It is said that the men of the department had been working overtime several days last week. The objection is alleged to have been working more than eight hours on Saturday.

IDAHO DELEGATES BACK COOLIDGE

Lewiston, Idaho, March 25.—The republican state convention here today passed a resolution instructing the Idaho delegation to the national convention to vote for the nomination of President Coolidge as presidential candidate. Another resolution endorsed the administration of Governor Moore and the re-election of the entire present congressional delegation was demanded.

J. Zac Spearing Leads

New Orleans, March 25.—J. Zac Spearing, New Orleans attorney, on the face of early returns from today's democratic primary to select a successor to the late Representative Dupre of the Second congressional district, was leading his two opponents, Genevieve Clark Thomson and T. Semmes Wamsley, by several hundred votes.

Lift Victim Sues.

Charging that he was injured to the extent of $1,203.25 when he stumbled when leaving an elevator in the Wickham building, Council Bluffs, Anker Bert has filed suit against E. A. Wickham, contractor