

I owe all my success in life to having been always a quarter of an hour beforehand.—Nelson.

THE OMAHA MORNING BEE

OUR FIELDS HOUSE NOT GUILTY

Burgess-Nash Is Awarded to Brandeis

Referee Finds Baum Bid Not as High as Joint Offer of Omaha Merchant and New York Firm.

May Continue Business

Sale of the Burgess-Nash company assets to J. L. Brandeis & Sons and the Surplus Merchandising Corporation of New York was confirmed Friday morning by R. H. Dunham, referee in bankruptcy.

Referee Dunham's order of confirmation provides that the new owners of Burgess-Nash company may continue to operate the company business in its present location for a reasonable length of time.

Brandeis Bid Higher.

Referring in his order to the bid of Daniel Baum, which was \$29,000 higher than the joint bid of the Brandeis-Surplus Merchandising Corporation bid, but which provided that payment be extended over a period of several years, Referee Dunham ruled that "the J. L. Brandeis-Surplus Merchandising Corporation bid was a higher and better bid than the Baum bid."

"The court finds that some hours after the close of the sale Daniel Baum of Omaha tendered a bid to the referee," said Referee Dunham. "The bidder had full knowledge of the time, place, etc., of the sale and failed to bid at the time fixed in the order of sale. The bid was not a cash bid as required by order of the sale."

Brandeis Confirms Deal.

George Brandeis, a joint purchaser of the Burgess-Nash company, in a statement following the confirmation of the sale, said:

"At the present time we don't know just what will be done. I expect to go over and see the exact conditions. If the right arrangements can be made with the landlord the store will continue in business. I would feel that it was necessary to close up the place and throw those people who have worked there so faithfully, out of work."

"If the Burgess-Nash store is not continued it will not be because the purchasers of the stock will be unable to make a lease with us," said Daniel Baum Friday afternoon. "We are ready at any time to discuss the details of such lease. Further, it will take into account the character of the business, it will be in harmony with department store rentals throughout the country, and will be less than rentals now being paid for other locations."

S. M. Goldberg, president of the S. A. Goldberg Enterprises, Inc., consisting of 29 retail stores, also made a statement in which he explained his relation to the deal.

Needed Retailer Aid.

"The Surplus Merchandising Corporation operates as a wholesale concern, and it needed a retailer to join in with it if the original plan to continue the operation of the Burgess-Nash company was to be carried out. In a conference with Daniel Baum, owner of the east building occupied by the company, we made a tentative agreement concerning a lease. Baum led us to believe we could obtain the lease on terms which would enable us to continue the business. It seemed to be only a question of drawing up the papers. But the next day, when the papers were submitted to us they were entirely different and provided terms on which no one could operate the store. It was out of all reason.

"Hence we were left in an undesirable position, for we had already bid for the company assets and if accepted our bid was binding, and we would have been forced to buy the assets and have no place to put them. This forced us into a joint bid with J. L. Brandeis & Sons, whose participation assured us of a place to sell the merchandise."

Woods Brothers Willing.

Asked concerning the position of Woods brothers in the new ownership, Goldberg said: "The Woods brothers are willing to continue with us."

"Part of our money is in the bid," interjected George Woods. "We are willing to continue in the business financially to almost any extent, although we are not merchants and never have been. We had to have the right sort of people with us, and with them, if the proper leases could be obtained."

Game Fish Protection

Favored by Irrigators Bridgeport, Dec. 12.—Legislative action to protect the game fish in rivers will be asked in resolutions to be adopted by the Nebraska State Association of Irrigators, holding a three day convention here. A committee of three, J. D. Heywood of Crawford, J. S. Woodman of Morrill and O. F. Cook of Morrill, was appointed to draft a resolution, asking for some steps to be taken to protect the fish. The first day's session opened with an attendance of nearly 100 delegates.

Battle Creek Club Favors

Jenkins for Game Warden Battle Creek, Dec. 12.—At a regular meeting of the Battle Creek Commercial club, J. C. Jenkins of Neligh was unanimously endorsed for chief game warden. Forty-five members were present.

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We Have With Us Today

S. M. Goldberg, President, Goldberg Enterprises, Inc., New York. Mr. Goldberg is one of the large retailers of the country, controlling the destinies of 29 separate stores. He is in Omaha as a party to the joint bid of the J. L. Brandeis & Sons and the Surplus Merchandising Corporation on the Burgess-Nash company assets, which was accepted by Referee Daniel.

Cross-Word Puzzles All the Rage at Asylum

Warren, Pa., Dec. 12.—The crossword puzzle has been adopted by patients at the state hospital for the insane at North Warren. Both men and women were said by officers of the institution to have passed hours poring over the black and white squares in newspapers. The new form of diversion has little effect upon the mental welfare of the patients, the officers said.

Wife of Former Insurance Head Granted Divorce

Custody of Two Sons Given to Mrs. Bruce Young; Court Allows Alimony of \$175 a Month.

Mrs. Marguerite Young was granted a divorce by Judge L. B. Day Friday afternoon from William Bruce Young, former insurance commissioner and present secretary of the North American National Life Insurance company.

She is granted custody of the two sons, William Bruce, 7, and Ralph Elton, 6.

She is given the home property and furnishings at 2562 Redick avenue and \$175 a month alimony. Young did not appear in court.

Testimony was that he receives a salary of \$15,000 a year and has also other income.

Husband Left Home.

Young left the home on Redick avenue on August 14, last.

"I wanted some money for a pair of shoes the day he left home," testified Mrs. Young. "He refused to give it to me, although I had had but one pair of shoes throughout the summer."

"He said then that he was going to leave but I didn't think he would. He hasn't been back in the house since, that is other than to come in and be very abusive. He has called up on the telephone and said things in profane language."

Says H Swore at Her.

Mrs. Young testified that her husband swore and struck her and once threw some of her clothes off on the street.

"His language was at all times profane, very profane, the most profane language any man could use," she said.

Jackson B. Chase, Mrs. Young's attorney, testified that on the day she filed her divorce suit she was struck by her husband and twisted her wrist. The reason for the assault he said was because Mrs. Young failed to hand him a certain letter as quickly as he demanded it.

MURDER CASE IN JURY'S HANDS

Special Dispatch to The Omaha Bee. Madison, Neb., Dec. 12.—The murder trial of John Bowers and his wife, Helen Bowers, went to the jury this evening after the defense finished its case. Bowers, former Norfolk policeman, is charged with fatally shooting Clyde Cherrington, Chicago & North-western railway, following a dance at which Bowers was employed as a bouncer.

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Condition of Gompers Is Not Good

Personal Physician of Labor Leader Called From New York; San Antonio Doctors Consult.

Vitality Is Overtaxed

San Antonio, Tex., Dec. 12.—Samuel Gompers' condition was pronounced as unfavorable in a bulletin issued tonight by Dr. Lee Rice of San Antonio, who was called into consultation.

Dr. Rice said it would require several days before any improvement could be brought about in Gompers' condition. He said a further consultation would be held and another bulletin issued tonight.

A great throng at the station greeted Gompers, who was taken immediately to a local hotel where he will remain until a change comes.

Gompers' personal physician, Dr. Julius Auerbach of New York who was telegraphed for, was said to be on his way to San Antonio. It is believed that if Gompers had remained six hours longer in the high altitude of Mexico City his condition would have been more serious. Physicians said the lower altitude had greatly relieved Gompers.

Fatigue from overwork has played a great part in the reported debilitation condition of Gompers, physicians said.

Overtaxed Himself.

The leader of the American Labor forces presided at meetings of the Pan-American labor council in Mexico City, following strenuous days in the American Federation of Labor convention at El Paso just preceding his trip to Mexico. He also participated in the inauguration ceremonies of President Calles of Mexico. Several long automobile trips about the Mexican capital also overtaxed his strength. He has been in Mexico City since November 30 and was on the verge of leaving when he became ill.

So great had Gompers' improved that he wished to dress and sit up in his apartment just before reaching San Antonio, but his physician insisted on him remaining in bed.

The train carrying Gompers was late leaving Laredo. He arrived in San Antonio in the same coach he boarded when he left Mexico City.

All of the American Federation of Labor delegates to the recent Pan-American Federation of Labor convention accompanied Gompers to San Antonio.

Most of the party were to remain in San Antonio only a few hours expecting to depart for the east tonight.

TRADE ADVANCE IS NOT CHECKED

New York, Dec. 12.—Dun's tomorrow will say:

"Allowing for the hull that always prevails in some lines at this season, there has been no check to the advance in business. Continued progress is shown by most reports and there are expectations of further gains to come in primary channels in the new year, after the passing of holiday influences. Christmas retail trade has developed well in many places, giving proof of a large public buying power, and it was quickened this week by colder weather, with snowfall in some sections.

"The most interesting movements, however, are occurring in the big manufacturing industries, where a substantial recovery from previous depressed conditions is under way. Convincing evidence of this fact has already been given by statistics of production, and the statement of unfilled steel orders, showing a monthly increase of more than 500,000 tons, has been added to the favorable features."

Weekly bank clearings, \$8,878,111,000.

Car Upset; Four Hurt.

Sidney, Dec. 12.—S. P. Hunt, Clifford Waite, Spencer Flo and Robert Hornaday, boys, were badly injured on their way to Kimball to attend a De Molay meeting when the car in which they were riding skidded in a snowdrift and was overturned.

The Big Sunday Bee

Two sections of alcogravure. Pictures you'll like to see and advertisements which carry a message you'll want to read, printed this week in two complete sections. Gifts. A Christmas fiction story by Sophie Kerr. A story that reflects the yuletide spirit, and so charmingly written it will hold your interest to the end.

Quality comics, "Mr. and Mrs.," by Briggs, and "Bringing Up Father," by McManus, are the best two color comics published in the United States today. Remember—for quality comics you have to read The Omaha Bee.

All the news, The Omaha Bee is the only paper in Nebraska receiving Saturday night wire service from three news associations—The Associated Press, International News Service and Universal Service. You cannot afford to do without.

Bechtel Elected to Lead

Pawnee City Football Team Pawnee City, Neb., Dec. 12.—Ted Bechtel will lead the Pawnee City High school eleven next year as the result of balloting done by the letter men of the school this week to elect their new captain. Bechtel is a fast halfback whose work this season has been commended. The Pawnee City team, which was undefeated through out its 1924 season, lost its post-season game with Wilber, 3 to 0, for the championship of southeastern Nebraska. Six members of the squad will be graduated at the close of the term.

Dr. Pinto Lacks Sense of Humor or Is "Kidding," Say Women Novelists

Race in Greater Danger of Overpopulation Than of Dying Out, Fannie Hurst Declares; Rita Weiman Scoffs at Law Separating Devoted Couple.

Special Dispatch to The Omaha Bee. New York, Dec. 12.—Dr. A. S. Pinto, city health commissioner of Omaha, is brewing among the women here, when he advanced his theory that childless marriages should be made null and void after two years.

"If this wise doctor is looking at marriage as a purely biological problem," said Miss Fannie Hurst, short story writer and novelist, as her opinion of Dr. Pinto's contention is undoubtedly correct. But, as far as I know, the world is in more danger of being overpopulated than of having races die out. And, even if population were decreasing, such a measure as dissolving childless marriages after two years would be too contrary to human nature, which after all, is practically unchangeable."

Miss Rita Weiman popular playwright, took an opposing view point. "Marriage is purely a personal matter," she said. "Some people marry, but believe themselves unfit to be parents. Anyhow, as far as I can see, the race is not dying out, and propagation isn't yet a matter for legislation. If a couple desires a dissolution of their marriage vows, the law provides, but there are too many people who would not be parted by any law under the sun. Any doctor who is supposed to know human nature and advances such a contention as Dr. Pinto's is either talking with his tongue in his cheek, or is devoid of a valuable sense of humor."

"Nilly"—Nessa McAlpin. Miss Weiman's opinion was endorsed by Miss Nessa McAlpin, well-known poster artist. "It never occurred to me that any one could be so silly as to try seriously to dictate whether or not a couple should have children. The questions of marriage and children concern two people, only, not Dr. Pinto or the law."

"That is preposterous on the face of it," declared Judge Jean Norris of the women's court.

"You cannot put a time limit upon marriage and children with the idea of increasing the American race. The marital relation is a purely personal matter and no law can be made to penalize either the man or woman who does not wish children, or who would be taking personal liberty by the last straw. Some of the happiest married couples have not had children for four or five years after marriage, and I have known special instances where people have been married for 13 years and then had several children. The matter of children will always have to remain a question which only husband and wife can decide themselves. For the court to step in and try to arrange this for time would be simply preposterous."

"Can't Be Done"—Helen McCormick. Helen McCormick, former assistant district attorney of Kings county and president of the Brooklyn Catholic Big Sisters and a prominent young lawyer, admits that this question has come up before with every effort to push it through as a law.

"But it can never be done," asserts Miss McCormick. "The law cannot step in and regulate a personal matter like this. No doubt there are plenty of men and women who are tired of marriage would like nothing better than this excuse to get an annulment to try it again. I am a firm believer in large families and statistics show that the American family is dwindling every year, but American families cannot be increased by having a ridiculous law passed which is a physical test of two years. This would be a step below the trial marriage. I cannot imagine any state passing a law which would absolutely lower the standard of womanhood and put marriage upon an absolute physical basis."

Floods threaten at Columbus Columbus, Neb., Dec. 12.—Unusually heavy thaws are swelling the water volume in small streams to the extent that ice-filled streams threaten flood dangers to lowland winter wheat fields.

Many Fowls Exhibited at Poultry Show in St. Paul St. Paul, Minn., Dec. 12.—With 2,000 fowls on exhibition the Northwest National Poultry Show opened here, with birds on exhibition from as far west as Utah. South Dakota and Montana were heavily represented at the show, which officers characterized the finest, best balanced show ever held in the northwest. Judging began today.

Hog Shipments Increase. Columbus, Dec. 12.—Hog shipments from Central Nebraska points have increased 25 per cent this week after a shipping lull of two weeks. In an effort to avoid buying feed and to save corn farmers are literally disposing of all animals except breeding sows and hogs for family butchering purposes.

Smith Takes Command For two days and two nights the six world fliers sat in the radio station waiting news of their commander, Major Martin, who had flashed word of his hop-off. At last came a message, but from the War Department.

"Lieut. Lowell Smith command world flight," it said. "Twenty hours later America's three globe-circling planes were flying towards the Island of Atka. Turn to page 4 and read the thrilling installment in Lowell Thomas' story of the world flight."

Bulls Again Hold Forth on Market

Movement, Halted by Two Days of Sharp Reaction, Is Resumed With Increased Vigor; Large Net Gains.

Coolidge Stands Pat Upon Matter of Foreign Debts

President Opposes Plan to Submit War Claims Against Germany to World Court for Adjudication.

Washington, Dec. 12.—President Coolidge was represented today as being opposed to any plan for submission to the world court or any other tribunal of the adjudication of war claims against Germany under the Dawes plan. His position also was said to be unchanged regarding war debt funding to the United States by France and other powers.

Coolidge is known to be convinced that the American position regarding claims collection is perfectly understood by foreign governments interested and that the right of collection is established beyond question by treaty agreements.

The president's position that there is no need of referring the subject of claims collections to a tribunal for adjudication is understood to be based on the belief that whatever differences may exist between the United States and Great Britain can be adjusted by regular negotiations conducted through representatives of the two governments.

He feels it as evident that the position of the Washington administration which has been outlined to the allied and associated powers by Ambassador Kellogg during the London conference will be recognized by the interested governments as the negotiations now being carried on between Washington and London progress.

While he is being closely advised regarding the agitation by a part of the London press concerning the question of war debt funding to the United States, there has been no change in the position steadfastly taken by the executive on the question and he sees no occasion for giving American newspapers material to answer the arguments advanced by London papers.

The American policy has been firmly in opposition to cancellation of any part of the debts owed the United States, coupled with a desire that the debtor nations should refund their obligations, and the president sees no possibility that it may be altered in the slightest detail.

Witness Fails to Appear in Case Special Dispatch to The Omaha Bee. Grand Island, Neb., Dec. 12.—Sheriff Palmer leaves early Saturday for Los Angeles where authorities have caused the detention of Mildred Camp, associate of Dan A. Deetz, who is held here on the charge of automobile theft.

Miss Camp was a witness in the case to have been tried this week. When the trial was called and the witness was not present, County Attorney Suhr charged Attorney Edward McDermott of Kearney, with complicity in spiriting the witness away. This the Kearney attorney denied.

The next day, however, Attorney Suhr had a response from Los Angeles with the information that the girl, who suddenly disappeared on Sunday evening, had been arrested there and was being held. Extradition papers will be secured and were expected here late today.

The woman is herself now under the charge of forging a bill of sale for an automobile and being a fugitive from justice.

Sixth Judicial District Jury Sessions Announced

Columbus, Dec. 12.—Jury sessions of the district court in the Sixth judicial district of Nebraska and its six counties for the year are as follows:

Platte county: January 13, April 27, September 12. Boone county: February 14, May 18, October 19. DeWitt county: February 24, June 1, November 16. Nemaha county: January 12, April 27, September 12. Nebraska county: February 24, May 18, October 19. York county: February 24, June 1, November 16.

Judge Louis Lightner, Columbus, and Judge Frederick W. Burton, Fremont, are the judges.

Municipal Christmas Tree Planned at Sidney

Sidney, Dec. 12.—Arrangements for the first municipal Christmas tree ever held here have been completed. The tree will be 40 feet high and electric lighted and will be placed at the Flapole intersecting Lincoln highway on Central avenue.

To Kansas to Wed.

Wyrmore, Dec. 12.—William Weiner, youngest son of Raymond Weiner, retired farmer of Wyrmore, and Miss Goldie Hinton of Wyrmore slipped over the state line and were married by Judge Potter at Marysville. They will live on the Raymond Weiner farm seven miles southwest of Wyrmore.

Man Out Hunting, Shot by Dog

Wisconsin, Me., Dec. 12.—Theodore Sherman of Edgcomb was shot by his dog yesterday while gunning near here. He placed his loaded gun on the ground while he crawled under his automobile to make an adjustment. The dog stepped on the trigger. The charge of shot entered Sherman's leg between the knee and ankle.

Pardon Board Will Defer Action on Ciarletta's Case

Staff Correspondent of The Omaha Bee. Lincoln, Dec. 12.—Deferred action on the application for commutation of sentence of Tony Ciarletta, serving a life term in the state penitentiary for the murder of Henry E. Nickell, Omaha banker, in 1914, will be taken some time this month by the state board of pardons and paroles before this board retires and the new board under Governor-elect Adam McMullen begins to function.

Ciarletta's application was filed with the board at its meeting July 10, 1923. The board at that time refused to take action on the application and the three members, Governor Charles W. Bryan, Attorney General O. S. Spillman and Charles W. Poole, arrived at the following conclusion, just made public today: "Law Has Been Fairly Vindicated."

"There are but few who would claim that the majesty of the law demands that this young man should be held in the penitentiary until he suffers the same fate as his comrades now in the prison graveyard. That would be tempering justice without mercy."

"It is not at all unlikely that under the circumstances of this case the law has been fairly well vindicated. We do not wish to infer that the inmates of a house of ill fame or those who frequent such a place should be deprived of all benefits of law. We feel, however, that insofar as such people are contributors to law violation, they, in a measure, invite whatever retribution may come. In this case the turpitude of the crime is lessened to that extent."

"We desire more time for deliberation as to just how long this applicant should be held, and for that reason we are not taking final action. The application for a commutation is therefore neither granted nor denied, but action is deferred."

Two Companions Dead. Two other men were given sentences for the same crime. Joe Williams and Cevernious Rosamond. Both died in the penitentiary and are buried in the prison cemetery. At the time of the holdup and murder Ciarletta was 18 years of age. He was the last to be captured.

Since entering prison he has attended night schools and has studied music. He is present leader of the penitentiary orchestra. There is not a blemish on his prison record.

Those interested in his commutation are Henry W. Dunn, now police commissioner and formerly chief of police at Omaha; Steve Maloney, former chief of the Omaha detectives, and Bess Gearhart Morrison, well-known prison worker and lecturer. A letter is on file from Governor Len Small of Illinois, who knows Ciarletta's parents at Joliet.

POULTRY SHOW ENDS AT HASTINGS

Hastings, Neb., Dec. 12.—The 1924 poultry show concluded here this afternoon was characterized as one of the most successful ever held here. The number of entries was held down by the storm of the last week. The poultry show is an annual affair.

The fowls exhibited today were of very high quality. J. B. McClaskey, judge of Manhattan, Kan., said, and they received much praise from him.

Entries of L. E. Porter and Elliot R. Davis won the championship of the show.

Change in Sidney Fire Alarm System Is Planned

Sidney, Dec. 12.—To demonstrate to the city council and firemen the congestion which exists in the telephone service whenever a fire alarm is sounded the mayor and council and firemen were invited to the telephone office and a false alarm of fire was turned in. For fully 10 minutes three operators were kept busy with calls from people asking location of the fire. Some method will be devised to notify the public other than the present fire whistle.

Summary of the Day in Washington

Consideration of Muelc Shoals continued in the senate. The house committee began an investigation of aircraft manufacture and operation.

The American reply to the British note on German war claims was delivered in London.

The advisory council of the national conference on outdoor recreation ended its meeting.

Rear Admiral Benson gave more testimony before the house shipping board investigating committee.

The future course of the conference for progressive political action was considered at a meeting of its leaders.

President Coolidge undertook to bolster senate forces opposed to an early vote to override the veto of the postal pay bill.

Secretary Work submitted to President Coolidge a reclamation program which is expected to form the basis of the administration policy.

The Weather

For 24 hours ending 1 p. m. Dec. 12: Precipitation, inches and hundredths: Total, 4.9. Total, Jan. 1, 25.25; deficiency, 10.35. Hourly Temperatures:

Table with 2 columns: Time and Temperature. Rows include 8 a. m., 9 a. m., 10 a. m., 11 a. m., 12 m., 1 p. m., 2 p. m., 3 p. m., 4 p. m., 5 p. m., 6 p. m., 7 p. m., 8 p. m., 9 p. m., 10 p. m., 11 p. m., 12 noon.

48 Ballots Required to Free Him

Two Co-Defendants Convicted, However, One for Conspiracy and Other for Illegal Sale.

Appeal Will Be Taken

Sam House, charged with two violations of the Harrison narcotic act, is free.

Pat Burkley and Frank O'Neil, charged jointly with House, have been found guilty.

For 23 hours 12 jurors, the charges of Judge J. W. Woodrough fresh in their minds, deliberated before they reached their decision.

M. K. Douglas, Omaha, declared that the government strategy was the only one to vote for the acquittal of House. There were 30 ballots taken after that 18th. The opinion that House was innocent formed gradually in the minds of the men and it was not until the 48th ballot was taken that all agreed that House had been no party to the conspiracy.

Jury Compromises. Nor was the battle staged in the jury confined to the question of Sam House's innocence or guilt. The other two defendants came in for their share. Part of the jurors believed that Pat Burkley was guilty of both counts of the indictment. Part believed that the same was true of Frank O'Neil.

The compromise on this question was a conviction for Burkley on a charge of conspiracy and for O'Neil on a charge of sale.

The action of the jury wrote fins to another chapter in one of the most sensational narcotic trials in this court's jurisdiction.

The government admitted that it had no proof that Sam House actually sold narcotics. But it introduced a wealth of evidence which the prosecution declared, indicated that he had aided the men who did the actual selling.

Telegrams, alleged to be in code, were presented by the government. The government witnesses testified that the cryptic words indicated certain kinds of narcotics.

Prosecution