Jury Acquits 17 Defendants In Rum Trial

Verdict in Less Than Seven Hours After Court Demands Decision

A verdict of not guilty for seventeen defendants in the so-called Atlantic Highlands rum trial was returned at 12:16 P. M. today by a jury before Federal Judge J. Lyles Glenn at the Essex County Court House. The jury deliberated little less than seven hours.

Several hours before the verdict was reached, the jury returned to the court room and announced agreement could not be reached, but the judge directed the jurymen to return to their deliberations until they could reach a verdict based on the facts and only on the facts.

Demonstration Halted.

When the verdict was announced, some one began to applaud, but the demonstration was quickly halted by a warning from the bench.

To the jury, Judge Glenn said:

"The court can readily understand that you may have had a reasonable doubt in this case and your logical view was in accordance with the evidence." He thanked them for their work.

Federick M. P. Pearse, who was associated with Louis Halle in the defense, thanked the judge and jury, and then asked for the return of the evidence when the government raided the old mansion house at Atlantic Highlands, October 16, 1929. This place, the government had charged, was the headquarters of the so-called syndicate.

Suggests Proper Motion.

Judge Glenn told Pearse that he had better take the matter up on a proper motion.

As the judge left the bench, he remarked to the jury that he had not

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United States Marshal George Lunt that the talesmen were hot and tired and wanted permission to retire for the night.

Benjamin F. Havens, chief deputy federal court clerk, got in touch with Judge Glenn who is presiding, and told him of the jury's wish. It was granted immediately.

During the long session yesterday the jury had listened to the summations of United States District Attorney Phillip Forman, Leslie E. Salter, assistant to Attorney General Mitchell, Pearse and Halle and to the charge of Judge Glenn. This part of the case required more than five hours to present.

Charge More Than Hour.

Judge Glenn's charge totalled 11,500 words and took an hour and five minutes to present.

Before going into the formal charge Judge Glenn said he wished to "thank each member of the jury for his individual patience and good humor. I have enjoyed my stay here very much and am grateful to having been assigned to the New Jersey district for this case. At this time I wish to thank you for your cooperation."

In his formal instructions Judge Glenn told the jury to disregard eighteen of the thirty-six overt acts in the indictment. He also pointed out that to return a verdict of guilty of conspiracy to violate the national prohibition law it was necessary for the jury to find at least two of the defendants guilty.

"You cannot convict any of these defendants on mere suspicion," continued the court. "You must first find that there was an agreement to violate the law before you can convict on any of the overt acts. The government depends entirely on circumstantial evidence."

Judge Glenn pointed out that the penalty is imprisonment of two years or $10,000 fine or both.

In his summation Forman charged that the defense had attempted to draw a red herring across the trial.

"These defendants sought to establish a super-government," Forman continued. "This case is of terrific importance. There is no doubt but that these defendants were corrupting officials all along the line."

Pearse charged in his summation that government agents had "lawlessly and criminally seized the papers of private citizens."

"Some of these papers," Pearse said, "were taken in a raid at the home of Malcolm MacMasters and then appeared in this trial as having been obtained in a raid at the old Oscar Hammerstein mansion."

Judge Glenn had ruled out evidence obtained by agents at the home of MacMasters, but allowed evidence obtained at the mansion to be introduced on the theory that the seizure was legal as incident to the arrest of Caruso, alias "Louis the Wop." The government charged that the mansion was used as a headquarters by the alleged rum syndicate and that MacMasters operated an unlicensed radio station at his home in Highlands.

"All that the government has in this case are mere suspicions," Pearse continued. "The so-called evidence was obtained through the work of sneaks and snoopers."

Pearse has in his pockets the necessary appeal papers which will be filed immediately with the court in the event that any of the defendants are found guilty.

Rum Case

(Continued from First Page)

booths outside the courtroom. A mad scramble ensued in the freed men's efforts to phone their families the verdict.

Mr. Pearse took exception to the judge's asking the jury to come in without first being informed by the deliberating body that it wanted further instructions.

It was exactly 10:30 o'clock when Judge Glenn sent out for the jury. As they filed into the box the court asked the foreman, George H. Ledderer of Roselle, "Have you come to an agreement?"

"Only a disagreement," Ledderer said.

"Is your difficulty with the law or the facts?" the judge asked.

Several jurors responded, "With the facts."

The judge then reminded the jury of its oath to render a true verdict. He said that rendering a verdict meant just that.

Urges Every Effort.

"The jury should make every effort to reach a verdict," he said. "You must be patient and try to get together to see if you cannot reach a verdict. There are twelve of you and each can profit from the others' viewpoint and with twelve you should be able to arrive at the truth."

The court remarked about the length of the trial and added it was an important case in New Jersey. He told the jury it was highly desirable that a verdict be reached. He recalled that the jury sat for three weeks listening to the evidence and added, "if you gentlemen do not reach a verdict, some other jury will probably have to hear the entire case."

Mentions Mansion Raid.

He spoke particularly about the raid at the mansion at Atlantic Highlands, which has been the main contention of the case, and added:

"I did not mean to imply in my charge that the search was right at the spot where Louis Caruso was arrested on the lawn. What I mean was that the search of the rooms which were open and through which the agents walked back and forth and where the agents rounded up the prisoners was incidental to the arrest."

The court said it was not up to the jury to decide whether the search was legal but for a higher court to review his decision on the point of law involved.

After about fifteen minutes the jury returned to its deliberations.

Counsel Objects Again.

Mr. Pearse, in addition to objecting about the return of the jury to the courtroom, took exception to the court's remarks concerning another trial. He said another trial in event of a disagreement by this jury did not necessarily follow.

The court remarked that of course the state could nolle pros. the case if a verdict was not reached but that the natural sequence would be to hold another trial.

Before arrival of the jury at 8:30 A. M.

Flier Still Missing On Trans-U. S. Flight

INDIANAPOLIS (AP) — James Hall, world war flier, who took off yesterday from Burbank, Cal., on a transcontinental flight, had not been heard from this morning at the Indianapolis Municipal Airport, nearly twelve hours after he was scheduled here for an overnight stop. Hall left Wichita, Kan., at 3:08 yesterday and was due to arrive in Indianapolis about 8:30 P. M., Central standard time.

Under normal conditions it is only about a five-and-one-half-hour flight from Wichita to Indianapolis.

Three-Year-Olds Vie For Illinois Oaks Cash

CHICAGO (AP)—The best band of three-year-old fillies to face the starter this season was entered for the $15,000 Illinois Oaks at Arlington Park today.

The overnight field included eleven, which would mean a gross purse of $20,850. Preston Burch's Tambour was the favorite at 2 to 1, but the West gave its support to Cousin Jo, from the Kentucky stable of Charles Nuckols. Cousin Jo and Avenger were quoted at 4 to 1 overnight.

The rest of the field included Scuttle, Canfli, Sunny Lassie, Dark Magnet, Rock Belle, Tony Princess, Blind Lane and Anne Arundel. Mrs. John D. Hertz's Risque, which was expected to be a strong contender, failed to train properly and was withdrawn.

Several Changes Made In Legion Baseball Slate

Director William E. Guthrie of the American Legion has announced several shifts in today's schedule of junior baseball.

Barringer Post of Lyndhurst will travel to Elizabeth and play Hillside Post, Union County champions, at Warinanco Park. Bayonne Post will play Irvington Post 16 at the Olympic Park stadium, Irvington, at 5:30 o'clock, instead of 3:30. Paterson Post 77 will play Carroll Post of Passaic at Paterson. Carteret Post and New Brunswick Post will play their second of a three-game series at Carteret.

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whether 17 men on trial here were ringleaders or members of it.

After listening to some 600,000 words of testimony for two weeks, the jury retired for deliberation at 5:05 p. m. yesterday. U. S. District Judge J. Lyles Glenn ordered the jury locked up for the night at 10:15 p. m., and deliberation was resumed at 9:30 o'clock this morning.

The entire case is dependent upon two suitcases filled with exhibits taken by the jury into its room. Those exhibits were seized in a raid on a mansion at Atlantic Highlands. Defense counsel moved that it be suppressed on the grounds that the federal agents who made the raid had no search warrant.

Judge Glenn yesterday overruled the motion, but instructed the jury that it could determine for itself whether the raid was legal. If it is decided that the seizure was illegal, then, Judge Glenn stated, there is insufficient evidence to support the indictment charging conspiracy to violate the national prohibition enforcement act.

Those exhibits comprise ledgers and notes found in a desk. The government contends that they show payments made by the syndicate. Only Christian names of men are used, and in many cases, just initials. For instance, one item was "Shake, 1000," and another was "P. D., 350." No dollar signs were used.

Judge Glenn yesterday quashed 18 of the original 36 counts in the indictment. He also directed a verdict of acquittal for six of the 23 men remaining on trial. Those freed yesterday are Thomas Calandriello, Edwin F. Bitter, Harry Bookhorn, George Fay, Adolph Koch and Thomas Rose, Jr.

7/11/31

Defendants and Friends Place Bets, Some Laying Odds On Acquittal

By JOHN T. REILLY

Twelve weary jurors, who for 15 days listened to nearly 700,000 words of testimony in the gigantic Atlantic Highlands conspiracy trial became too tired at 10:30 last night to deliberate the case and were ordered locked up for the night when they reported they could not speedily reach an agreement.

The talesmen were given the case, against 17 remaining defendants on trial, at 5:06, after Judge J. Lyles Glenn finished his charge. They immediately retired to the jury room, taking with them two suitcases full of exhibits placed in evidence in the case, to start deliberation.

At 6:30 they requested dinner and were taken under guard to the Robert Treat Hotel, returning at 7:45 P. M., once again to deliberate.

DUE BACK AT 9:30 A. M.

The jurors, report had it, went at their work studiously, but after two and one-half hours could not reach an agreement. They notified Deputy United States Marshal George Lunt that they desired to rest for the night.

He immediately notified Chief Deputy Clerk Benjamin F. Havens, who communicated with Judge ... Hotel.

James Brown, John Ca... Harold Lindauer, Andrew Richards, Michael Krock, Louis Caruso, John McLeond, Thomas Ross, Sr., Malcolm MacMasters, Morris Cohen, Roy B. Fleming, Walter Gerleit, Abe Waxman and William Bishop.

JURY STILL OUT ON LIQUOR CASE

Trenton Times 7/11/31

Panel Ordered to Resume When Unable to Reach Verdict

NEWARK, N. J., July 11 (AP).—The jury considering charges against 17 men, indicted as members of the alleged Atlantic Highlands rum syndicate, was to resume its deliberations today. The jury were out five hours and 10 minutes last night when, weary and unable to reach a verdict, they were taken to rooms at a hotel to rest. Federal Judge J. Lyles Glenn ordered them back to duty this morning.

The 17 men whose fate rests with the jurors are Alexander Lillien, Jr., James F. Murphy, William Lillien, James Brown, John Calandriello, Harold Lindauer, Andrew Richards, Michael Kroch, Louis Caruso, Thomas Ross, Sr., John McLeond, Malcolm MacMasters, Morris Cohen, Roy B. Fleming, Walter Gerleit, Abe Waxman and William Bishop.

Twenty-two men were freed by the court's directed verdict of aquittal after the government admitted it had no prima facie cases against them.

Defense counsel, in summing up yesterday, averred the government had not offered proof to substantiate the overt acts listed in the indictment. The government stressed the evidential value of records seized in the mansion house, alleged headquarters of the syndicate.

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evidence was obtained by sneaks and snoopers."

District Attorney Forman and Special Attorney General Leslie Salter, who acted as his associate, also took two hours in presenting their arguments to the jury. They said the government case stood on its own merits. Forman admitted the governments case was a "jig-saw puzzle," but said that it had fitted all the pieces together to show that the defendants had conspired to violate the Prohibition Act.

Salter read from the journal alleged to have been seized at the Mansion.

PROTECTION CASH SEEN

"A syndicate of this size," he said, "had to pay protection and we all know there are dishonest police officers, and even some coast guardsmen are dishonest. For example," he said, as he read from the diary: "C. C. G. $150. P. D. $50. Shake $200. D. $100. Newark $25. C. G. $300. P. D. $100. Shake $1,000."

Forman also declared that Al ...ien and Andrew Richards had ...charged nearly a half of milion dol...s to agents at Montreal for the ...rpose of purchasing liquor to ...uggle into this counutry.

...udge Glenn directed an acquit... for 22 of the defendants durin... course of the trial. Those wh... were acquitted yesterday were ...dolph Koch, George Fay, Thomas ...alandriello, Thomas Ross, Jr., and ...dwin F. Bitter. Harry Bockhorn, whose case was moved but who wa... ...be present because of ill...

...wark Man Killed, ...riend Hurt in Crash

...m This City on Way ...Visit Relatives at...

(Continued from Page One)

...Frank Mazetta, of 96 Crawford street, East Orange.

Through their lawyer, Meyer C. Ellenstein, the Mazettas charge that Baby Rose Marie suffered a concussion of the brain on the evening of March 24, last, when a Red Top Taxicab crashed into the rear of the Mazetta automobile at Broad and Clay streets.

Since that time, they allege, the child has been unable to keep numerous radio and vaudeville appointments. Ordinarily, they claim, the little girl's earnings amount to $1,000 a week. In a separate count the Mazettas seek damages of $25,000 owing to the alleged loss of their daughter's income, present, past and future.

The brain concussion, it is charged, has affected Baby Rose Marie's eyes, ears, nose...