

OWNERS SEEK RETURN OF SEIZED BREWERY

Federal Judge Avis has ordered Phillip Forman, United States attorney, and Samuel Cohen, legal adviser to the Prohibition Department, to show cause why property seized near the Rising Sun brewery, Elizabeth, should not be returned to the owners.

The order, obtained late yesterday by Kenneth Caughman, attorney for the brewery, is returnable at Trenton February 17. The petition alleged a three-story office building across the street from the Rising Sun was searched at the time of the raid, September, 1930, although the warrant mentioned the brewery only. A bottling plant in the office building was seized.

The United States Circuit Court of Appeals held legal the raid on the brewery. The petition yesterday quoted the appeals court as saying search of premises across the street would be illegal because they were not described in the warrant.

A dry agent was killed in the brewery raid.