

Judge Rebukes Dry Counsel

Tells Him to Give Facts Only, Then Holds Raid in Carlstadt Illegal

A rebuke to Samuel Cohen, legal adviser of the Newark Prohibition Department, was administered yesterday afternoon by Federal Judge Fake after Cohen had characterized a place raided in Carlstadt as a "regular cracking plant." The court held the raid February 29 by federal agents was illegal and ordered the evidence suppressed.

The rebuke came during argument by Walter G. Winne who, with George R. Sommer, represented John F. Ryan, owner of the Industrial Products Company, whose plant was raided. Assistant District Attorney John F. Griggs Jr. and Mr. Cohen represented the government.

In addressing the court Mr. Winne said that as he understood the facts there was nothing in the plant which the government contended was beverage alcohol.

At this point Mr. Cohen said: "If I might interrupt a moment, your honor, this plant was a regular cracking plant."

Asks That He Be Sworn.

Mr. Winne retorted: "Regular cracking plant? Fine testimony this. Better swear him I think."

Judge Fake remarked, "Just a minute, Mr. Cohen, you are an attorney?"

"Yes, sir."

"And, of course, you are not to testify?"

"Well, I'm not trying to testify, your honor."

"Just confine yourself to the facts in the cause and base your argument on the facts."

After Mr. Cohen replied, "Yes, sir," the court continued:

"You come out with the broad statement that this is a cracking plant. That spreads a wrong impression through the community when a prohibition representative comes in and says this is a cracking plant."

"Now you know there is not one scintilla of evidence before me that this is a cracking plant, and when you get up and make a statement like that I don't like it. It places the court and officials that have to do with prohibition in a false light. Now, if you are prepared to prove that it is a cracking plant, proceed to do so. But you haven't done it yet."

Mr. Griggs interrupted to say, "The government is not prepared to do that now, nor does it desire to do that now. I think the matter should be confined to the so-called lawful search and seizure of the premises and that is as far as it goes."

Six men were arrested in the raid.

Judge Sees 'Drink with Wink' As He Acts in Food-mood Hotel Case

ANTI-DRYS GET ENOUGH NAMES TO FORCE VOTE

RISING SUN BREWERY PADLOCK IS ORDERED

Federal Judge William Clark today ordered the Rising Sun Brewery at Elizabeth, where John Finiello, defendant, was killed during a raid, padlocked for one year.

Counsel for the company consented to the order, ending sudden proceedings the government instituted many months ago. The brewer was raided in September, 1930, by the defendant company carried out the issue of the legality of the raid in the United States Circuit Court of Appeals, where the warrant was held valid.

The brewery is on Seventh Street between Elizabeth Avenue and Marshall Street. The government agent also raided a building across the street, where equipment was seized. The defendants assert the search warrant did not cover those premises and the United States Attorney has been ordered to show cause before Federal Judge John Boyd Avis why the property should not be returned to the owners.

The government today launched a drive against the Rising Sun Brewery, Elizabeth, in an effort to seize equipment valued at \$350,000. Special Assistant United States Attorney Samuel Cohen sought to prove the illegal beer was found on the premises the night that John Finiello, Philadelphia dry agent, was killed in a battle with racketeers.

Counsel for the brewery, headed by Herick M. P. Pearse and including Meth G. Caughman, of Elizabeth, attacked testimony of the dry agents subjected them to cross-examination. Mr. Cohen and Mr. Pearse recently became embroiled in arguments which were finally settled by Federal Judge John Boyd Avis, who is presiding.

A padlocking decree was granted by court a few days ago against the brewery.

Federal Judge Clark waxed poetical today in the United States District Court when disposing of a liquor violation against the Penn-Atlantic Hotel, Atlantic City.

Glancing over an illustrated pamphlet, advertising the hotel, which counsel had produced in order to show the status of the place, the court noticed a slogan which caused him to smile.

"It says here: 'A food for every mood,'" he said. "Could that mean a drink for every wink?" Then he led the laughter.

After a brief review of the case, in which it was stated that dry agents had bought a bottle of ale, Judge Clark ordered a probationary decree against the hotel. This means that the place will be permitted to be operated as a hotel but will be open for inspection by Federal agents at any time for a year.

Two Trenton cases were included in the morning session. In one, a probationary decree was issued against a place at No. 1 and 3 Stevens Alley, and in the other the Government sought a similar decree against a place at 55 Market Street. Maxwell Kraemer, counsel for the latter place, objected strenuously to such a decree, and the case was laid aside until later in the day when the Government will produce rulings.

FLASHES

HOOVER BILL PASSED

WASHINGTON, March 2 (AP).—A bill carrying out one of President Hoover's most recent recommendations to Congress—to permit waiver of indictment in criminal cases—was passed today by the Senate.

Anthony J. Scanella, of 437 Lambert Street, was sentenced to three months in jail when arraigned before Judge Avis, in the United States District Court, here yesterday, on a liquor charge.

Two others, John Notro, 734 Roebeling Avenue, and Michael Cammo, 426 Elmer Street, each received 30 days. They were implicated with Scanella in the operation of a Burlington County still.

USE MALT

Contents of Harry's Malt Store at 453-55 South Broad Street, opposite Hamilton Avenue, were removed last night, following a raid in which Harry Charlip, alleged proprietor, was arrested.

The merchandise seized has a value estimated at \$10,000. In confiscating the property, Federal dry agents acted under authority of a recent court ruling permitting the removal of all articles connected with the alleged illegal sale and possession of liquor. It was the first time that the ruling has been applied here in its more drastic form.

Charlip gave bail of \$2,500 before widely known at 52nd st.

Raymond T. Quinn, real estate broker at 535 Fifth ave., rented Bottomley's former residence, which later became the Petit Riche, to unnamed tenants last October. The tenants received an option to buy the building for \$125,000. Brillia and the restaurant employees were held for hearings March 29. The proprietor's bail was set at \$1,000, that of the others at \$500 each.

FOR BRANDLE TRIAL

Theodore M. (Teddy) Brandle, Jersey City labor leader and political lieutenant of Mayor Frank Hague, will be given a retrial in the Federal Court on April 4 on indictments charging violation of the income tax laws. He was tried on the same charges a year ago, and the jury disagreed. United States District Attorney Forman fixed the date for the new trial.

* TUESDAY, MARCH

CAN'T RENT

Medalie to Prosecute Landlords, Agents If They Do

If landlords weren't having enough trouble, what with rent riots, rent strikes, rent reduction—and sometimes, no rent at all—Federal Attorney George Z. Medalie is giving them something more to worry about.

Medalie declares that landlords renting their places to speakeasy proprietors will be subject to criminal prosecution if it is proved that they were cognizant of the tenant's business.

RENTING AGENTS, TOO.

Renting agents, too, will be subject to charges if they knowingly rent a place to be used as a speakeasy.

His announcement was made

ADLPH BREWERY WINS YEAR'S FIGHT

The Adolph Brewery, in its legal fight with the Government, the Rising Sun Brewery, of Elizabeth retained possession of its property and returned a verdict in favor of the brewery yesterday after Judge Boyd Avis had instructed that equipment could not be confiscated if it were judged real estate. Earlier in the trial, he had ruled against the Government in its search warrant as it pertained to a nearby building.

Property and equipment in the plant and a building near the premises, also raided, was valued at \$250,000. A Federal agent was killed in the raid.

The case had been in the courts nearly a year, during which time a padlock for one year was obtained.

Agents, Acting Under New Ruling, Summon Trucks from Camden

Federal dry agents this afternoon made preparations to remove the entire contents of a malt and hops store at 453-55 South Broad Street, following a raid upon the premises.

Harry Sharlip, of the South Broad Street address, was arrested as the alleged proprietor. Federal agents reported that they found "several hundred gallons of liquor."

A recent Federal Court ruling permits authorities to confiscate all property related to illegal sale. However, the interpretation has never been invoked here previously as a basis for removing all property from a raided place.

Arrangements were made by telephone for three trucks to come here from Camden to remove the store's contents, valued at \$5,000.

Sharlip was released under bail of \$2,500 to await Federal prosecution on a sale and possession charge.

balancing the budget. Chairman McDuffie said to have the measure re stock deals. He added the House appeared to favor graduated reductions from about 1 per cent. for the smaller salaries to 20 per cent. for the larger ones.

Asserting that the Government is faced by the worst financial crisis for half a century, Connally proposed to cut all Government salaries until June 30, 1933.

A 5 per cent. reduction would be applied to salaries between \$2,000 and \$5,000; 10 per cent. to those between \$5,000 and \$10,000, and 15 per cent. above \$10,000.

FIELD LAW ENFORCEMENT JUD.

WASHINGTON, March 16. Lists of prominent Federal judges

of a new judicial measures placed Senator Kean Perkins. No ac

ame has been of Congress by in Union Cou ill has not yet come up

most prominent candidates has been Philip States Attorney for her candidates include: Leod, Passaic County Committee chairman; of Hudson County,

Edward C. Plummer, who as assistant State attorney general conducted an investigation of fraudulent stock deals.

RS ARE TO N PROBATION

nary Rule Made in Court Here—Lises Conditional

hereafter admitted to the New Jersey Federal be granted a conditional in an absolute license and a probationary period of under a new rule announced by Judge William Clark, member of the court.

nd of five years the condition may be revoked, unandicate has shown by his uring that time that "he is the confidence of the court public."

olutionary change, which occurrence of Judges Guy L. J. Boyd Avis, is effective at ose seeking admission must satisfactory qualifications as ce and procedure. If objec raised, the attorney may for a rule to show cause why id not be admitted and a will then be held.

court believes," said Judge that the bar examiners and committee obtain only a adequate indication of the w was ready to cooperate to the fullest to prosecute anybody who transgresses a young man of 21 or so who the postal laws. "Any means within our power will be used," he said, "to aid officials in putting a stop to this practice."

Although declining to speak officially, until he had studied the matter in his office, the Attorney General said it was his personal opinion that the Lindberghs would have to institute proceedings through the local prosecutor, as the complaining parties.

He also pointed out that use of the mails for such purposes was probably a matter for Federal officials, although the actual act of making threats and demands, in the form of extortions, when done within the jurisdiction of New Jersey, would be under "his department's activi-

MORE WET ARRESTS MADE IN JERSEY

(Washington Bureau of the Times)

WASHINGTON, March 15.—Federal prohibition officers made more arrests and seized more contraband liquor in February than in January in New Jersey and the courts disposed of more Federal prohibition cases last month than in the month preceding, according to the monthly report of the Bureau of Prohibition.

The report reveals that the Federal agents made arrests in 205 cases in the State in February as compared with 165 in the preceding month, and 67 persons were ordered held by the U. S. Commissioner in February as against 63 in January.

It is shown also that 89 cases were placed on the docket in February as compared with 108 in January. In February there were 154 pleas of guilty in Federal liquor cases in the State, 19 verdicts of guilty, and seven acquittals, leaving 534 cases unfinished at the end of the month, compared with seven pleas of guilty, one verdict of guilty and 12 acquittals, leaving 625 cases on the docket at the end of January.

The average fine assessed on dry law offenders was \$212 in February, as compared with \$500 in fines in the preceding month.