

# JUDGE BOURQUIN

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# JUDGE ASSAILS FAILURE IN U. S. WAR ON CRIME

Declares Police Should Be Given Fair Treatment By Public

America is the most criminal country on earth, its laws are the most poorly enforced and justice here is most weakly administered. Federal Judge George M. Bourquin made this astounding declaration today in connection with the filing of an opinion in which he found eight men guilty of liquor law violations. The treatment of police officers, the judge added, contributes largely to this situation.

It was the most bitter and lashing opinion Judge Bourquin has handed down since he was brought here from Butte, Montana, to aid in clearing the criminal dockets.

"Their own merits," he declared in reference to police officers and prohibition agents, "the administration of justice and the best interests of society demand that fair treatment for officers of the law which the President has asked."

The police, he emphasized, are all that stands between organized society and anarchy. Swinging from Cato and other classicists, the court utilized a phrase from Gilbert & Sullivan's operetta to bring out the dire condition of the police today.

"It is true that a policeman's life is not a happy one," he stated, "and nobody loves the officers who enforce the law and keep the peace. To hector and abuse, to excite suspicion and prejudice, to handicap, intimidate, discourage and defeat the officers of the law is the first line of defense of the criminals and unhappily popular with much if not most others."

# Cost Explained By Pennington

Going After Big Fellow Accounts for Fewer Arrests, He Says

PHILADELPHIA (AP) — Commander John D. Pennington's explanation today for the fact that dry cases in his territory were fewest per agent yet the most expensive in the United States was that it costs more to "go after the big fellow."

The administrator for the prohibition district covering New Jersey, Pennsylvania and Delaware maintained that although statistics for the fiscal year revealed only an average of sixteen cases per agent for the area his method of enforcement was efficient.

"If we raid a big brewery and fifty agents are required," said Commander Pennington, "each agent can lay claim to only two per cent of resulting arrests. However, we probably are cutting the source of supply of 5,000 speak-easies. That one raid would accomplish more than hundreds on small speak-easies."

"On large raids we must use many men and perhaps scout around for weeks in advance getting the necessary information. This brings about the high average for each arrest."

According to Colonel Amos W. W. Woodcock, director of prohibition, the cost for the district last year was \$951,379 or an average cost per case of \$321.

Got Off Easier in October.

Special to the NEWARK NEWS.

WASHINGTON—Lighter jail sentences and fines marked the prosecution of federal dry law violators in the New Jersey district courts in October, compared with September, a report issued today by Colonel Amos W. W. Woodcock, director of prohibition enforcement, shows.

New Jersey scofflaws in October drew jail sentences averaging 57.4 days and average fines of \$233.11, compared with 25 days and \$263.71 average penalties in September. Arrests in October were 108 in September.

Seizures of beer and liquor also fell below those of the preceding month. In September 76,357 gallons of beer and 5,888 gallons of liquor were seized, compared with 50,390 gallons of beer and 12,032 gallons of liquor in October. Last month's court report, however, shows 196 persons convicted of dry law violation, thirteen of this number after jury trials and 183 after entering pleas of guilty. In September 110 were convicted.

During October, for the whole nation, Woodcock said his men initiated 5,756 cases in which arrests were made, compared with 6,658 arrests in September and 4,948 for the same month last year.

"It is a possible deduction that whenever the number of federal cases begin to fall off, enforcement is being relaxed for the corn, and that it was him by a friend. He said that examined the corn carefully and of the opinion that it did not in any corn borers.

was arrested by Federal inspector who occupied a station along Shipp river, not far from where Shipp to ship his corn across the m.

# JERSEY DELEGATION DISCUSSES PLAN TO MAKE PERMANENT JOB OF JUDGESHIP HELD BY RUNYON

WASHINGTON, Nov. 13 (AP)—The suggestion that Congress make permanent the judgeship vacated by the death of Federal Judge William Runyon, of New Jersey, has been laid before the New Jersey delegation.

The Justice Department announced today that no successor could be named to Judge Runyon under the law, but indicated that efforts would be made from several angles to have the position made permanent.

Shortly after enactment of the prohibition laws, two new judgeships were created in New Jersey to care for the large number of cases. Believing this rush to be temporary, Congress provided that the judgeships should pass out of existence with the death of the appointee.

In the last session of Congress, Senator Reed sponsored a bill to make several temporary bench appointments permanent. Runyon's post was not included.

Pending Congressional consideration, comment has been lacking on a possible successor to the late judge. It has been pointed out that several months must elapse before Congress can act.

Jersey men recalled an instance surrounding the appointment of Judge Runyon. William Clark, a younger Federal judge of Princeton, was scheduled to receive the appointment. When Runyon was defeated for the Governorship, Clark withdrew and Runyon named with the approval of the New Jersey politicians in Washington. Later, Clark was elevated to the Federal bench and now sits in Newark.

## DIES AT HOME



Judge William N. Runyon.

## SOMERVILLE NAMED U. S. COMMISSIONER

HACKENSACK, N. J., Nov. 17 (AP) — Oliver T. Somerville, of Rutherford, was appointed United States Commissioner today to fill the position vacant by the resignation last month of Harry L. Towe.

The appointment was announced by Federal Judge Guy L. Rutherford, and was decided by Federal judges in the Third Circuit.

Somerville is a prominent Rutherford lawyer and will serve in the County. Towe's resignation was announced when he was selected as prosecutor of the county.

## Death of District Judge

President Harding in 1922 was under a statute and not as a constitutional officer. His death, therefore, does not create a vacancy and as far as is known, additional legislation will be necessary before a successor can be appointed. At the time of his death, the other judges were Reilstab, Lynch and Boudine. The present three are Judges Clark, Fake and Avis. Judges from other states have been sitting here during Judge Runyon's illness.

The children are Jane, Florence and James, the latter two being present also. A brother, Carroll Runyon, was present at 2 o'clock at the home. December 14. Burial will be taken to his home by Rev. Vicens Stevenson on Thursday, December 14, at 2 o'clock at the home.

REBATE PROPOSED  
The fourth resolution instructed the committee to consult with the contractor for the use of 1,000 feet of cast iron pipe for the sewer, the third called for a record against an envelope and the second asked the commission to retained to butressing the portals; up his arguments. The first produced four resolutions summing up his arguments. The first per- manded by Potter.

Commissioner O'Connor then in- fected to the other safeguards de- manded by Potter.

Knigh agreed that the portat requirements were sound; but ob- jected to the other safeguards de- manded by Potter.

Knigh, who represented O'Con- remarks from the audience.

Knigh, an engineer employed by the Commissioner, and insulted by questions from O'Connor or Ger- west portal with 100 feet.

He was frequently interrupted by with 300 feet of concrete and the necessary to protect the sewer and He declared a concrete envelope was on pipe and that places where tice demanded lining of the cast- Potter insisted engineering prac- and west portals.

concrete protection on the east tunnel should have a concrete used in shale rock; whether the should be lined inside with enamel 1,000 feet of cast iron pipe used four points.

These he said were Whether Potter illustrated his argument with stereotypical views. He de- clared the controversy arose over

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use of law, b gain called a assembly for e was accord f being made tublican major h legislator.

## Advanc

Mr. Runyon sessions of 1916 by a larger maj in the fall of th County constitu the Senate, beg term in the 191 Republican colle the presidency of tue of this off Governor when to the United S resigned as Gov go to Washingc tained as acting ary, 1920, when came Governor.

## Mr. Runyon

Mr. Runyon w Republican gub in the 1919 prim Newton A. K. B state controller Thomas L. Rayn Warren C. King Bugbee won the Runyon second, being 6,369.

## In the general

County contin common, the strategy of the guilty is Senate and in the divert attention from themselves was unopposed (by putting the officers on trial.

## Within a week

Frelinghuysen ad ment of Mr. Ru State District

Perth Amboy; Peter Starr, of 438 Church Street, Newark; John Strogan, 358 Jeffries Street, Perth Amboy; William Clarkson, 415 Maple Avenue, Elizabeth; Edward Moore, Elizabeth, and Otto Grunwald, 72 Grove Street, Elizabeth.

In still another case, in which he rendered a stinging opinion, he found Morris Gordon, of Atlantic City, guilty of concealing smuggled liquor, and ordered him to appear tomorrow for sentence.

In denying the objections of Pearse and Sommer, Judge Bourquin declared that "these arrests, searches and seizures were made upon probable cause to believe felonies were in commission, as they in fact were, in circumstances requiring the officers, police or agents to thus discharge their duties and are not unreasonable within the import of the said amendment."

And in another section he said: "In determining probable cause, the great volume of illicit beer traffic upon Jersey highways, the experience and skill of the officers, and other circumstances must be taken into consideration. And it must be remembered not the innocent but the guilty complain of official efficiency. Never are the guilty satisfied with official methods, which unmask and bring them to account. To the guilty it is a gross outrage that their cloak of respectability failed to deceive the vigilant officers. So here, often too common, the strategy of the guilty is to divert attention from themselves by putting the officers on trial.

"In these prohibition, or at least against George S. Volstead days, that is the favorite Court judge, and indoor sport of Old John Barleycorn, plurality of 43.89. A great lover of the Fourth and Fifth Amendments is Old John. He has become (God help us) the principal champion of them.

"In forty years of bench and bar the writer has never known an innocent man to appeal to the unreasonable search and seizure clause of the Constitution. That is true of the cases in general. But now, constantly and vociferously, does Old John in- voke and demand its vindication in his behalf.

"It was designed to be a shield of defense for the innocent; Old John has converted it to a spear of aggression for the guilty. And the amount of judicial sanction his arrogance has received, is one of the most shocking and alarming developments of the prohibition experiment.

Regarding the treatment of officers Judge Bourquin said: "So far has this been carried in and out of court that the President of the nation has been constrained to appeal for justice for the police. Prohibition and other Federal agents are national police. And the police are all that stand between organized society and anarchy.

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## One-Day Term

Judge Bourquin, in Federal Court today, penalized a man who had committed perjury in order to obtain his naturalization papers.

The defendant, Albert Nelson, of Margate City, was fined \$250 and sentenced to serve one day in jail. Nelson, defended by Ernest S. Glickman, of Trenton, had declared to Government examiners that he had