A JUDGE ON PROHIBITION

"The United States is the most criminal country on earth."

So speaks Federal Judge Bourquin, of Montana, who has been sitting at Trenton to help out with the flood of New Jersey prohibition cases.

Not only that, he also takes a backhanded slap at the fourth and fifth amendments, when he says:

"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. Now, constantly and vociferously, does Old John (Barley Corn) invoke 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."

In short, Judge Bourquin, like so many extreme prohibitionists, regards the Eighteenth Amendment as the one section of the Constitution sacred above all else.

Yet even he would hardly say that prior to prohibition this country was the "most criminal on earth."

And what is most curious, is the contempt which this jurist shows for the fourth and fifth amendments, at the same time he denounces the public for the same sort of attitude toward the eighteenth!

11/18/31
Camden Courier

Pennington Raids Brewery After $3,000 Excavation Bares Pipe Line Laid to Beer Plant from 'Drop'

Trenton Times 11/21/31

NEWARK, N. J., Nov. 21 (AP).—A raid on the old Hensler Brewery here has stilled the prohibition department shovels, which for the past 24 days have dug up the adjoining street in an effort to discover a hidden pipe line between the brewery and a raided beer drop.

The brewery was raided late yesterday by dry agents under the personal direction of Commander John D. Pennington, Federal prohibition administrator for New Jersey, Pennsylvania and Delaware.

The raiders, without a warrant, entered the brewery, which is being used by the Superior Manufacturing Company under a Federal permit to manufacture cereal beverages, and arrested three officers of the firm who were in the office.

Heretofore Federal agents have been hesitant about entering the brewery because of an injunction, issued 19 months ago, restraining them from such action.

Commander Pennington declared that he had a right to enter the brewery today because of the discovery of a four-inch pipe, allegedly connecting the brewery with the garage across the street, raided 24 days ago. Pennington said the pipe had been traced to the garage.

The men arrested—Harry E. Weber, president of the firm; Matthew A. Golden, vice president, and Frank Knierieman, secretary and treasurer—were held in $5,000 bail by U. S. Commissioner Holland for conspiracy to violate the prohibition laws.

The cost of the 24 days' digging done in search for the four-inch pipe, which the prohibition department says definitely links the brewery with the beer drop at 69 Alyea Street, is, in Commander Pennington's estimate, $3,000.

The commander termed the expense "an excellent investment," and said that he expected to obtain an order padlocking the brewery as a result of the excavations, which removed over 1,000 tons of soil and went as deep as 21 feet in the 24 days of digging. Other officials also pointed out that besides being "an excellent investment" the digging helped alleviate the unemployment situation.

The search for the pipe line started after the raid of the beer drop garage. Agents discovered a pipe line leading from the loading platforms of the garage through a side wall and into the cellar of a house at 67 Alyea Street. The line was discovered again by excavators at a depth of 11 feet below the surface of the street as it led out of the house at the curb of Alyea Street, and then allegedly located leading into the rear of the brewery. A jury will decide whether beer flowed through that pipe.

Brewery Men Put Under Ba...

Newark News

Pennington Says Wil... J. Egan Has Power of ... torney for Concern

It will be up to a jury to ... whether a pipe line carried bee... the old Hensler brewery to the ... drop" across the way which was raided October 27. This was declared today by prohibition agents who yesterday afternoon at the end of twenty-four days of excavacation in Alyea street, at the rear of the brewery, dug up what they say is sufficient evidence.

As soon as the agents discovered that the pipe eleven feet below the street surface led to the brewery, another of ...

...quired that I ...f attorney for ...t I was acting ...

...n and ended ...uperior Manu... suppose the ...ill on file as ... says. What ...

...e raid Sidney Commissioner ...he men ar... said.

...ld be taken ...ederal Court ...vent govern...e brewery. ...he four-inch Commander ...pense a good ...he expects to ...g the brewery ...ations. The 1,000 tons of ...s twenty-four days of dig...

...ent employees ...y will bill the ...or the cost. ...aid.

... October 27 resulted in the seizure of three large trucks containing barrels of high-powered beer outside the alleged "drop" in the rear of the brewery. The place is a large manufacturer's garage with a loading station running along one side. It is from behind this loading station that the prohibition agents assert they have traced the pipe line.

A few months ago agents from Philadelphia, with a search warrant, raided the garage, but no beer was found there.

The digging in Alyea street which resulted in the location of the pipeline was started nearly a month ago. After tracing an iron pipe line from the wash room of the garage to the garage wall in the rear of the George Paglie property the agents were halted because they were unable to enter the private premises.

A search warrant was obtained from Commissioner Friedmann to search the rear yard and outbuildings and the pipe was traced to the rear cellar wall of the home of Paglie, whose house also faces the brewery at 67 Alyea street.

First Opposed Entrance.

William Harris, attorney for Paglie, opposed the entrance of the agents into the yard and appeared before Federal Judge Clark to have the search warrant quashed. During the course of hearings he dropped the opposition and agreed to allow the agents to enter the yard and house. The agents went into the cellar and found the pipeline terminated in a coupling on the inside of the wall.

Bricks in the floor of the cellar in ...

Handle Ma... In Federa...

Newark

Judges Avis and ... Ten Weeks Dis... Usually Req...

Figures showing th... cases disposed of in ... Judges John Boyd A... Bourquin, visiting ju... during the Septemb... nounced today by ... torney Philip Forman ...

Business in Last Ten ...eeds Average in Year; ...urquin and Avis Lauded

...ay Advertiser 11-22-31

...quin's Mon... ...bled United ... Forman to ...ness in less ...ually trans... ...s in Federal ...

...ic yesterday ...evealed that ...action of the ...n disposition of cases.

... to Judge ...n Boyd Avis, ...ding head of ...heir coopera...ptember term ...ble this dis...story. ...s unofficially ...le of the Ten ...

... cases by far ...n prohibition ...th the excep...dled entirely ...

...posed of 746 ...guilty pleas, ...l by juries. ...of guilty, 111 ...rials without ...onvictions, 34 ...rial.

... cerned with violations of the Eighteenth Amendment.

So firm was Judge Bourquin in handling liquor trials that only 22 acquittals were returned as compared with 85 convictions.

Liquor cases alone brought in a harvest of $135,525 in fines and resulted in sentences of 1,086 months and 25 days in jail.

Other criminal cases resulted in 68 pleas of guilty and 42 trials by jury, in which there were 29 convictions and 12 acquittals. In this division a total of $45,479.87 was collected in fines and sentences aggregated 644 months and 25 days in jail.

"The Government business," said Mr. Forman in his report, "transacted at the September term of the United States Court at Trenton before Judge Avis of this district and Judge Bourquin, especially designated here by Chief Justice Hughes, was exceptionally heavy and aggregated as much, ...

CITY-COUNTY EDITION
Wall Street Quotations
...O. 14,874

...g Distillery ...s Seized Her... Operators F...

Siren Sounds Alar... Agents Enter Plant ... Bears' Stadium

The largest distillery ever uncovered in Newark fell into the hands of federal prohibition agents shortly before ...