PAYROLL BANDITS GIVEN 25 YEARS

(Continued from Page One)

used in the hold-up, weren't they?" the District Attorney continued.

"Yes," said Borelli.

Mr. Forman started to fumble with one of the pistols to open the revolving barrel.

"Here let me show you how to do it," broke in Borelli.

Guns Not Loaded

The two worked over the guns for a few moments while the deputy marshals inched more closely. The guards did not like the scene and showed it clearly.

Then Saccatelli mumbled something.

"What's that," said the Court.

"The guns weren't loaded," replied Saccatelli.

"What, you say they were not loaded?" asked Judge Avis.

"No, they weren't loaded," repeated Saccatelli.

"Well this is a serious thing," said Judge Avis. "You have pleaded guilty to an indictment that charges you with using force by arms in committing a robbery on an United States mail carrier. I think we ought to clear up this situation a bit before I impose sentence."

Borelli was asked if his gun was loaded.

"I don't know," said that bandit "Saccatelli gave me the gun and then I got on the job."

Saccatelli was quizzed. Again he denied that his gun was loaded.

Victim Was Called

"More witnesses," demanded Judge Avis.

A quiet, peaceful-looking man, of about 50 years advanced near the judge's dais. He was John V. H. Quick, Jr., rural mail carrier, from whom the three bandits obtained the $3,600 payroll that was consigned to the Atlantic Terra Cotta Company at Rocky Hill.

His version of the hold-up was very dramatic but quite brief.

"Tell us about it," said Judge Avis.

The three bandits turned curious eyes on the man they had accosted.

"I was going from Princeton to Rocky Hill to deliver mail on my route," he said calmly. "About 500 yards from the terra cotta company the road is quite bad. I slowed down. Then I noticed two men hiding behind the honeysuckles.

"Both had guns. One hit me on the jaw with the point of his pistol and stunned me a little. Then they said: 'Where's the money, hand it over.' I said that I didn't carry any money on this trip. They said: 'You got it and we know you got it. Hand it over.' I handed it over to them. Then one of them put a bag over my head and the other started to tie my hands cross-wise to the steering wheel. While he was fumbling with my hands, I happened to blow the horn. 'For God's sake don't blow that horn,' one said.

"After they tied me they got out. I heard them open the hood and rip the wires. Then I heard them pit-pat up the road. I unfastened my hands, took the bag off my head, and reached into a grip and got my gun. Then I got out of the car and chased after them, firing several shots. They got away."

Supreme Court Decision Will Affect Only One Person

To U. S. Supreme Court.

By PAUL E. HUSSERL

Whether the 18th Amendment is binding in this state will be decided by Federal Judge William Clark this week, when he hands down his decision in the now nationally famous Sprague case.

Ostensibly, Judge Clark's decision will affect only one person, William H. Sprague, an obscure clerk of Wantage Township, Sussex County, who was arrested by dry agents last summer while transporting beer, in the heart of New Jersey's applejack belt.

The ultimate fate of Sprague, however, is of minor interest, compared to the widespread effect Judge Clark's decision in the case will have, because Sprague will be judged not alone on the merits of his case, but on the legal merits of the 18th Amendment in the light of the New Jersey Federal Court.

BASIS OF APPEAL

When the case was tried before Judge Clark in Trenton recently, the defense readily admitted the

JUDGE CLARK

clerk's alleged offense, and based its appeal for an acquittal solely on the contention that the 18th Amendment was ratified illegally, since it was not ratified by all the States.

In case Judge Clark upholds the contention that the Sprague indictment is invalid, all Federal officials within the state will be required to abide by his decision, pending further litigation, and there will be no basis for further enforcement of the Volstead Act.

Either way he rules, the case will be taken to the U. S. Supreme Court on certiori proceedings, and until that body passes on the decision, its jurisdiction in New Jersey will be final and binding.

HOBART ACT OPERATIVE

However, the Hobart Act, a State enforcement statute, sponsored by George S. Hobart of Newark, still would be in effect, and violators of its specifications could be prosecuted in the State courts.

Commander John D. Pennington, prohibition administrator for this district, would seek enforcement in this State under the old internal revenue act, should Judge Clark decide against validity of the 18th Amendment. This act requires payment of taxes on liquor and registration of stills.

Defense counsel in the Sprague case are former Assistant U. S. District Attorney Frederic M. P. Pearse, of Newark, and Daniel F. Cohalan, Julius H. Comen, Selden Bacon and Leslie J. Tompkins, of New York.