

COURT REFUSES SEARCH WARRANT IN HUNT FOR HOOCH

Policeman Asks for It on Belief That 40 Cases of Liquor Are Concealed.

BUSINESS MEN KICK.

350 Bluecoats Assigned to Dry Law Enforcement and Number Increasing.

The first attempt of the Police Department to obtain a warrant to search premises on information and belief that they harbored forty cases of liquor ready for sale and distribution, was to-day frustrated by Justice Edward J. Gavanon of the Supreme Court, who denied the application for the warrant.

"John Doe," who conducts a wholesale clothing establishment, was the suspect in the case and Patrolman Julius Weinberg made the application, stating that he "is of opinion" that liquor may be found in the premises. Furthermore, Weinberg asked that "John Doe" be directed to appear before Justice Gavanon on April 26, provided the policeman found the liquor where he suspected it to be.

In denying the application Justice Gavanon's opinion stated that "not a single averment is made from which it can be seen that the affiant (Weinberg) has knowledge on which to base his representation or his statement on information and belief." The application, according to the court, was made by Weinberg on his own responsibility, and "the papers give the appearance of not having been prepared by an attorney and there is no attorney of record. They are unprofessionally drawn and the petition could hardly be regarded as a verified complaint."

"In a large city, where the number of police officers is very great, individual officers having these applications in view might properly wait until their superiors have had time to arrange for having them made through some central office, where a complete record may be kept and suitable legal assistance provided."

"Such a practice will tend to orderly procedure and, possibly, in many cases, to the avoidance of unjustifiable and irreparable injury to owners and occupants of property who might find themselves without redress. Any other course would be attended with the prospect of innumerable similar applications made on defective and insufficient papers and with very great and quite needless confusion."

The increasing scarcity of policemen on post because of their deployment in connection with the enforcement of the new State dry law is causing a chorus of complaints from business houses in all parts of the city. Special police orders just issued show that 200 uniformed men have been assigned to plain clothes duty in the hunt for hooch and that 150 more have been assigned to duty on raided premises, with that number increasing almost hourly.

As soon as the police raid a saloon or other liquor resort, a uniformed man is assigned to the place until the case has been disposed of in court. With the increasing congestion in the courts, this procedure will divert many policemen from their regular duties indefinitely. The situation, business men point out, leaves them more than ever a prey to hold-up men and burglars.

A systematic plan of inspection is now in full swing in all the police precincts of the city. The procedure taken this form: An officer—either a lieutenant or a sergeant—accompanied by a patrolman, enters each saloon in the precinct, goes behind the bar, opens all drawers and closets, examines the bottles, smells and tastes the contents of such as look suspicious and then orders the patrolman to make a note of whatever he wants to record. The hour and date of inspection is carefully jotted down. All these records will be piled up, as an offset to any future charge that the police are lying down on the job. Since the police started dry enforcement a week ago yesterday, 625 arrests have been made. Fifty arrests in Magistrate Courts yesterday, were held in bail of either \$500 or \$1,000. It is planned to ask for one or two extraordinary Grand juries to consider liquor cases only.

The increasing frequency of arrests of persons carrying liquor "on the hip" is causing much uneasiness that tradespeople are receiving requests from customers that packages be wrapped in such a way as to indicate clearly that they do not contain bottles of liquor.

The police, it was learned to-day, are indulging freely in the testing method to determine if drinks contain illegal percentages of alcohol. One Magistrate said he would not consider cases brought in by any policeman who has made five arrests in one day. His contention is that after taking five drinks the officer would not be a fair judge of alcoholic content.

A searching report from the Custom House today shows that the value of liquor imported into the city last week was \$1,000,000.

Here Are Conspicuous Heroes of the New York Police Force

Who Won Medals for Deeds of Bravery Performed in 1920



PAY INCOME TAX TO STATE TO-DAY OR RISK A FINE

Returns Must Be in by Midnight or Penalty May Be Imposed.

The State income tax for 1920 must be paid by 12 o'clock to-night.

It is applicable to all who have received income within this State. Returns must be made to the State Income Tax Bureau at No. 129 Broadway, to branches in the city or to Albany.

Evasion of payment renders one liable to a fine of \$1,000, plus interest on the tax.

A tax receipt, a check stub, money order receipt or similar record will be required as proof of payment.

been received of men visiting her and coming over late, highly exhilarated. The subject found 48 bottles of wine, cognac and whiskey which were not upon the vessel's manifest and these were confiscated and taken on a launch to the Barge Office for transportation to the Appraiser's Stores.

Twenty-three cases of alleged violations of the Prohibition law were presented in the Fifth Avenue Court and the Conroy Island Court this morning. All but four, which were held for the Grand Jury, were adjourned for a week. One of those held was Miss May Olson, twenty-three years old, No. 203 17th Street, Brooklyn, accused of having a bottle of anisette in front of her at dining room table at the Hotel, Conroy Island. She gave cash bail of \$500.

Betty Wise, employed in the restaurant at No. 218 Lenox Avenue, was set free by Magistrate Rosenblatt in Washington Heights Court to-day when she pleaded a physician's prescription making legal her possession of a pint of port wine. Detective James McNamee declared that she paid \$100 into a box which he raided at the place. The young woman declared that she was taking bicarbonate of soda for indigestion with the port wine as a tonic chaser when the detective found her.

Frederick W. Arndt, a restaurant keeper of No. 19 Peck Slip, was taken to Centre Street Court to-day, where he was held in \$200 bail for violation of the State Prohibition Law. Patrolman Jones of the Oak Street Station saw Arndt pass a baby carriage in the hallway of the restaurant building when a physician's prescription under his apron. Next moment the flask disappeared. Arndt found it in the baby carriage.

HAS PLAN FOR CITY FUNDS.

Magistrate Simpson decided that ten barrels of red wine were not too much for an Italian family to have in the cellar for its own consumption and discharged Cautio Gatti of No. 86 Catherine Street, who owned them. Alfred Bagli, porter in a grocery at No. 454 Pearl Street, was held in \$500 bail for having two bottles of whiskey in the pockets of his coat, which was hanging on a wall peg.

ROSELHEIMER ATTACKS SALE OF SHORT TERM FLOATING NOTES.

City Chamberlain Roselheimer to-day declared that the "recent ill-advised attempt" to sell \$17,000,000 of the city's short term floating debt rates at less than 6 per cent, and the resulting appearance of failure of the city's credit "was but a foolish effort to relinquish the Legislature's right to law" abolishing his office.

MRS. ZINSSER STILL FIGHTS.

Gets Permission to Inspect Minutes That Led to Indictment. Former Senator James A. O'Grady, counsel for Mrs. Gertrude B. Zinsser, wife of Hudson Zinsser, millionaire paint manufacturer of Paterson, applied to Judge Crain in General Sessions to-day for permission to inspect the minutes of the Grand Jury that indicted Mrs. Zinsser Feb. 1 on a charge of disobeying a court mandate.

STATE DRY LAW NOT ENFORCED UP-STATE AS IN N. Y. CITY

Utica and Binghamton Do Not Feel the Pinch of Search Without Warrant.

In New York City 250 detectives, who might otherwise be employed in the detection or prevention of crimes of violence which lately have cluttered police records throughout the city, are to-day detailed to enforcement of the new Prohibition Law.

Their activities in the prosecution of this task have included the entering of residences without warrant in search of liquor.

They have stopped pedestrians in the street and subjected them to search of person and handbags for suspected liquors.

They have entered restaurants and sampled beverages set before patrons.

They have climbed fire-escapes smelling for "home brew."

They have stopped and searched automobiles.

They have simulated intense pain to obtain an alleviating dose of liquor to incriminate the donor. There have been more than 600 arrests for alleged violation of the new State dry law.

Inquiry as to whether such activity as this prevailed in the cities up-State has disclosed the fact that, while the police are active in some sections, they are in others apparently making no record whatever in prohibiting illegal liquor traffic.

Syracuse private clubs and residences have been raided by "strong arm" squads, but in Poughkeepsie, for instance, the police have, according to a despatch from there to-day, done nothing whatever to enforce a Prohibition law.

Ray Conley, Assistant Supervising Prohibition Enforcement Agent in this State, said to-day that reports which had reached him from Federal agents at Rochester, Buffalo, Albany and Syracuse and elsewhere showed that the up-State police were not at all active in enforcing the new State law. In many of the cities, he added, the police were doing nothing at all in the matter of enforcement.

The following despatches disclosing the conditions in several cities were received by The Evening World to-day:

Doan Sample Drinks of Dinners in Syracuse.

SYRACUSE, April 15.—The Syracuse police in the enforcement of Prohibition, while they have not sampled the contents of glasses on tables in restaurants and hotels and have not searched hip pockets promiscuously, have gone the New York police one or two better in some directions by bursting their way into private clubs and serving notice that they will raid them as they would ordinary cafes.

The Syracuse Turn Verein was the first one raided when the officers were refused admission. The police ran up against leading Republican politicians there, including a brother of former Gov. Edward Schoenck. The Commissioner of Public Safety has announced that he will stand firmly behind the local "Strong Arm" Squad engaged in State enforcement.

The first raid on a private residence was made last night, after the police had arrested four Syracuse University students leaving the house with a quart of gin. They had no warrant. No autos have been confiscated by the police. In such cases the police custom is to call in Federal agents.

Buffalo Merely Makes Threats to Enforce.

BUFFALO, N. Y., April 15.—"We'll go just as far as the courts will let," said Police Chief James W. Higgins to-night, "in the enforcement of the dry law."

There was his answer to a question as to how the dry squad would proceed. The Chief said the squad has

POLICE HEROES GET MEDALS FOR 1920 ON MAY 7

Awards to Seven Men Who Displayed Great Valor and Resourcefulness.

The awards of the medals to policemen for bravery in the performance of duty during the year 1920 brought congratulations, to-day, to the seven members of the force who will receive them in the course of the police parade, May 7. The medals were given as follows:

The Departmental Medal of Honor: Patrolman Patrick G. Fitzgibbon of the 14th Inspection District, who crawled under a saved-in sidewalk protective structure in front of the Rivoli Theatre, which had fallen under the weight of ice and snow, Feb. 6, and at the risk of his own life extricated George Godfrey.

The Rhineland Medal for Valor: To Patrolman John J. Loughran of the Amsterdam Avenue Station, who when off duty, June 15, detected Frank Conley and another man in the act of looting the show window of a jewelry store at No. 2095 Amsterdam Avenue, and pursued them into the shrubbery along the Harlem Speedway, where he captured Conley, disregarding the fact that Conley was armed and had fired two shots at him at close quarters.

The Isaac Bell Medal: To Patrolman Martin Cunningham of the East 83rd Street Station, who Aug. 16, pursued Nicholas Velaskis, who had shot a man and a child, and disregarding two shots fired at him by Velaskis, caught him and put him under arrest.

The Peter B. Meyer Medal: To Detective Serg. James E. Smith of the Detective Bureau, who at Stanton and Essex Streets, April 23, heard Joseph Fried and two others discussing a robbery which was under departmental investigation and involved \$5,000 worth of jewelry; attempting to arrest Fried Smith was shot twice in the arm and side by Benjamin Horowitz; drawing his own revolver Smith so wounded Horowitz that he fled after following day, but did not lose the prisoner Fried.

The Automobile Club of America Medal: To Patrolman Arthur J. Knoch of the West 15th Street Station, who on May 16 arrested Robert Crowley at No. 53 East 133d Street after shooting and disarming Crowley, who was flourishing a loaded revolver after shooting James Sheehan in a brawl.

The Walter Scott Medal for Valor: To Patrolman Walter S. Hunt of the East 25th Street Station, who came upon William Curran and William Kane in the act of holding up a restaurant at No. 382 Third Avenue; stunning Curran with his nightstick, and after being fired upon by Kane, shot and wounded him so that he died the next day.

The Brooklyn Citizen Medal: To Patrolman Gustave Zimmerman Jr. of the Greenpoint Avenue Station, Brooklyn, who disregarded the threats of Joseph Murray, who was in the act of holding up a bartender at Manhattan Avenue and Cuyler Street, overpowered him and took away his revolver.

ATTACK MADE ON STATE ARCHITECT

Senator Towner Wants Legislative Investigation of Picher's Office.

ALBANY, April 15.—State Architect Lewis F. Picher, who has served under several Governors without a breath of scandal, was assailed in a resolution introduced last night by Senator Towner, Republican of Dutchess County. Towner asked that a legislative committee be named to investigate Picher's handling of contracts for State institutions.

Jeane S. Phillips of Hornell was reappointed State Superintendent of Insurance by Gov. Miller last night. The Senate confirmed the appointment.

John S. Kennedy of Brooklyn, one time Secretary to the up-State Public Service Commission, was reappointed Chairman of the State Prison Commission, Mr. Kennedy, who is an official of the New York Telephone Company, has made an excellent record in prison reform work.

REALTY MEN FIGHT EDUCATIONAL BILL

United Owners' Association Asks All Legislators to Vote Against the Measure.

The United Real Estate Owners' Association, through its President, Stewart Browne, has sent letters to all members of the Legislature requesting them to vote against the Board of Education Bill. Among the grounds for opposition to the measure are given:

"It makes the Board of Education a separate political sub-division of the State, independent of the City Government; it empowers the board to increase at will the salaries of its teaching and other employees and this automatically increases pensions which the city must pay."

"It empowers the board to build new schools and execute contracts therefor at the expense of the city and increases the board's mandatory right of taxation on real and personal property from 1.50 per cent to 2.50 per cent, thereby increasing the city's budget from \$19,900,000 to \$20,900,000."

SUES FOR \$5,050 ON BROKEN LEASE

Woman Ejected From Great Neck Estate Brings Action in Supreme Court.

Suit for damages of \$5,050 alleged to have been sustained when she was ejected from a summer home leased by her at Great Neck, L. I., has been filed to-day in the Supreme Court by Grace H. Gray against Elizabeth M. Fuller.

The plaintiff states she leased for seventeen months the Fried estate at Great Neck for a number of years. When the time for occupancy came the plaintiff was unable to gain possession. She finally forced her way into the home. The defendant brought necessary proceedings in Nassau County and the jury decided in favor of Miss Fuller.

Miss Gray asks that she be awarded \$2,500 damages in the ejectment action and \$2,550 net profit for the occupancy of the estate, which was to have occupied the house.

EDWARDS DENIES ALLEGED FRAUDS WON HIS ELECTION

Vetoed Funds for Inquiry Because Committee "Jumped Around."

Gov. Edwards of New Jersey laughed to-day at State Senator Mackay's statement that the Governor is placed in an awkward position by his veto of the bill asking for an additional \$15,000 to permit the Mackay committee to continue its investigation of Hudson County affairs just as that body was about to begin an inquiry into the 1919 election, which made Edwards Governor.

"I have nothing to fear regarding my election," said the Governor. "Ten thousand dollars is a lot of money for the work the lawyers have already done. Why don't they get down to brass tacks and get something concrete to investigate instead of jumping all over the State? They spent half their time and a lot of money investigating the National Guard. Next, I suppose, they'll investigate the shellfisheries. I would approve an additional appropriation if the money were really needed, but not for work such as that done already."

Senator Mackay intimated yesterday that there were things in the 1919 election which should be investigated and that if the Governor had known the committee intended to do this he would not have opposed the resolution to increase the committee's funds from \$10,000 to \$25,000.

Gustave Bach, Director of Revenue and Finance of Hudson County, was the first witness called in to-day's session of the committee in Jersey City. He frankly admitted he had on many occasions paid a payroll claim on the mere say-so of the Commissioner of Playgrounds, and that the claims were not presented to him in many instances until several days after the men had been paid.

"What, then, is the sense of certifying the payroll claim?" asked Council Bertha of the committee. "That's done after the money is paid," replied the witness.

"Where did you get the \$20,000 that was used to pay these extra men?" Bach was asked.

The witness replied this money was taken out of the contingent fund and had never been replaced.

Director Bach produced receipts for salaries for men who had done work on the playgrounds. The receipts had not been put in evidence in yesterday's session and the impression prevailed in the courtroom that at least 118 men whose names appeared on the payroll claims had never been paid. When the originals of these payroll claims were produced as exhibits yesterday a number of names for the alleged names were vacant.

The investigation turned at this point to conditions said to exist in Jersey City. Frank Van Winkle, clerk of the Police Department in Jersey City, was instructed to produce a copy of an order alleged to have been sent out within the past three weeks by John Bentley, Public Safety Director of Jersey City, revoking all fines and penalties imposed upon members of the Police Department of Jersey City.

Senator Mackay said a transcript of the testimony will be presented to Justice Francis J. Swayze and Prosecutor Pierre P. Garvey "for their consideration."

SMITH TESTIFIES FOR THE STATE IN EXTORTION CASE

Ex-Governor Says He Got No Money for Commutation of Prison Sentence.

Ex-Gov. Alfred E. Smith was the principal witness for the State to-day in the trial before Judge Nott in General Sessions of Dr. Bernard Lazarus of No. 37 Central Park West, charged with extorting, on Aug. 23, 1920, \$5,000 from Mrs. Jacob Smith of No. 54 Lenox Avenue for alleged services in obtaining a commutation of the sentence of her husband Jacob, sent to Auburn prison for ten years in August, 1919, on conviction of arson.

The prosecution asserted Lazarus told her \$2,000 of her contribution was to go into the Democratic campaign fund, \$2,000 was to go to Gov. Smith and \$1,000 was to be divided between Lazarus and Maurice I. Rosenberg, an insurance broker of No. 154 Nassau Street. Rosenberg is to be tried later.

Mr. Smith was cross-examined at length by Samuel Siegel, counsel for Lazarus. He admitted that he had known Lazarus since 1917, and had written him a number of letters addressed "Dear Bernie" and "Dear Doc." But he added that "everybody gets the same kind of letters from me."

"You were pretty friendly with Dr. Lazarus?" asked Mr. Siegel. "I regarded him as a friend," replied the ex-Governor.

Mr. Smith said Lazarus had interceded with him in Jacob Smith's behalf, and he told Lazarus he would take the matter up with the Pardon Board. He wrote the name "Dr. Lazarus" across the face of an application for a pardon for Smith.

"Why did you do that?" asked Lawyer Siegel. "No doubt to remind me that he had spoken about the case," was the reply. Mr. Smith denied he had ever introduced Lazarus to Dr. Potter, Parson Clerk, or to John A. Walton, Requisition Clerk, or that he had ever ordered Dr. Potter to instruct Walton to write to Mrs. Jacob Smith stating that she could thank Lazarus for commutation of her husband's sentence.

On direct examination by Assistant District Attorney Cunniff, the ex-Governor said he acted on the recommendation of the physician of Auburn Prison, who certified that Jacob Smith had diabetes, the recommendation of the Warden and on a letter written by Justice Rich, of the Appellate Division of the Supreme Court.

"Did you get any money in this case?" asked Mr. Cunniff. "I apologize for asking the question." "I did not," answered Mr. Smith.

Gov. Smith granted the commutation but rescinded it when he was informed that Lazarus had collected money from Mrs. Jacob Smith.

CITIZENS' UNION DENOUNCES RAID ON NEW RENT LAWS

Clarence M. Lewis Says Laws Have Been Sustained and No Amendments Are Needed.

Amendments proposed to be rushed through at the last hour of the Legislature, affecting the emergency rent laws, are condemned by the Legislative Committee of the Citizens' Union, which met last night at the City Club.

Bernard Hershkopf of the office of William D. Guthrie, J. L. Rothschild and Clarence M. Lewis, who have kept in constant touch with the emergency law situation, presented an indictment of the proposed amendments as vicious and dangerous. The committee after a discussion went on record as unalterably opposed to the proposals.

The amendment providing for appointment of referees to hear cases was condemned as foolish and dangerous. No tenant will consent to having his case heard by such a referee, and will take the alternative of a jury trial, Mr. Lewis declared. This will still further congest the courts instead of relieving them.

The amendment providing for notice to be given by the landlord four months before termination of tenancy and of one month by the tenant in reply was condemned as perhaps opening the door to upsetting the entire emergency rent programme. Bill No. 1743, to the same end, also was condemned.

The law changing the practice in some of the rent cases, introduced as No. 1742, was declared to be unnecessary, "and as dangerous as any unnecessary law is likely to prove."

Bill No. 1742, although containing some provision of benefit to tenants, also was voted down because of the danger that it may cause complications.

"The emergency laws have been taken to the Court of Appeals and the Supreme Court of the United States by Mr. Guthrie," Mr. Lewis said. "They have been sustained and are working as smoothly as any emergency legislation can be expected to be. They have proved a welcome surprise even to attorneys who doubted their wisdom. Why tinker with them when the change of a word or two may have unexpected results in the courts? The Evening World will perform a great service in line with its achievements in the housing crisis, by bringing about defeat of these amendments."

LEGISLATURE SAVES NEW RENT LAWS

Repeal Prevented by Transfer to New Civil Practice Act When Effective, Oct. 1.

(Special From a Staff Correspondent of The Evening World.)

ALBANY, April 15.—Tenants of Greater New York may still look the grasping landlords in the eye without fear. The rent laws of last year have come out of the legislative hopper all right. Last week they were in jeopardy. In fact, they weren't safe until last night when Gov. Miller signed the bill incorporating them into the Civil Practice Act after Oct. 1, and which same bill postpones the operation of the Civil Practice Act until Oct. 1.

The rent laws, in the first place, were amendments to the Code of Civil Procedure. But last year the Civil Practice Act was passed to supersede the Code of Civil Procedure April 15. The question was raised as to the legality of the rent laws, being amendments to the code which would have gone out of existence to-day, had the operation of the Civil Practice Act not been delayed.

The amendments to the rent laws introduced last week will go through both Houses to-day or to-morrow.

Switzerland Expected to Deny Acting for Germany.

BERNE, April 15.—The Swiss Government, it is declared on reliable authority, will issue at an early date an official denial of the report that it has offered to act as intermediary between Germany and the Allies.

White Rose COFFEE New York's Own Drink To be a New Yorker is to love fine coffee. It is born and bred in him and he turns to his morning or evening cup with the feeling that "all's well with the world"—if it's good. For him we have selected the finest coffee we can find and have carefully roasted it to just the degree that will most accentuate its richness. White Rose Coffee—specially packed to meet New York's discriminating coffee taste. White Rose Coffee—as fine as the famous White Rose Ceylon Tea