

Lawyer Trails \$100,000 Local Piggly Notes

Literature and Salesmen's 'Kits' and Balance Sheets of Business Builders Also Are Under Scrutiny

Further explorations into the realm of James W. Bentley's Business Builders, Inc., conducted yesterday by David Lehman, in behalf of a creditor, brought renewed clashes between Mr. Bentley and Vincent Leibel, counsel for Business Builders, and apparently paved the way for further hearings scheduled for next week before Peter B. Olney Jr. referee in bankruptcy.

Yesterday's proceeding under Section 21A of the bankruptcy law was continued by Mr. Leibel's determined effort to get into the records testimony from the only witness, William C. Bentley, former treasurer of Business Builders, tending to show that the creditor Mr. Lehman represented was in reality a debtor of Business Builders. Referee Olney ruled that no issue was to be determined and such testimony was of no importance, although he suggested that Mr. Leibel might have Mr. Bentley make a statement to the press if he thought testimony brought out in direct examination was unfair to the witness.

Mr. Leibel's examination concerned three main points, namely, the notes of Manhattan Piggly Wiggy Corporation, originally offered to the extent of \$100,000, literature and salesmen's 'kits' put out by Business Builders and certain parts of balance sheets prepared under Mr. Bentley's direction as the treasurer's accounting to Business Builders.

\$25,000 Loan Secured

Under the last named phase Mr. Lehman examined Mr. Bentley regarding certain stocks pledged as collateral for a loan obtained at the Broadway Central Bank. Mr. Bentley testified that a loan of \$25,000 for ninety days was obtained at this bank and that 1,000 shares of Carlisle Tire Corporation common stock formed a part of the collateral.

Mr. Bentley also testified to changing Business Builders accounts from the Equitable Trust Company, the Chatham and Phenix and another bank. He also testified to details connected with cancellation of the lease which Mr. Bentley had for office at 620 Fifth Avenue. Business Builders paid \$50,000 to cancel the lease, he said.

The witness testified that the original note issue for \$100,000 was subscribed for in full and that when it was proposed to issue additional notes there was some objection on the part of members of the organization because of a statement on the face of the original notes that no further notes would be issued during the life of the first \$100,000.

This objection was overruled on advice of counsel, former Senator Charles J. Murphy. Mr. Bentley testified. Mr. Murphy declared that it would be permissible for Manhattan Piggly Wiggy to issue and sell an additional lot of notes, said Mr. Bentley, because the corporation had obtained additional territory.

Literature in Evidence

Some of the literature was placed in evidence and Mr. Lehman sought to show that several statements contained therein were not within the facts. He

Rum and 7 Men Captured on Dock, But Ship Escapes

400 Cases Seized by Mineola County Officers as It Is Being Loaded on Trucks at Baldwin Harbor

Five county officers from Mineola, L. I., made a raid yesterday on the docks at Baldwin Harbor, L. I., seized 400 cases of liquor, valued at \$24,000, and arrested seven men who, they said, were in the act of loading the contraband on three motor trucks. The men were arraigned in the Precept police court and later taken before Judge Southard, of Belmont, who said that he would hold them for the grand jury.

The prisoners gave their names as Rudolph Wyk, of 80 Maple Avenue, Rockville Centre; Fred Ahrens, of Oceanide; John J. Mills, of Horton Avenue, Valley Stream; Leonard G. Eynon, of 385 East 160th Street, Manhattan; Harry Polowitz, of 122 West 116th Street, Manhattan, and George Krackhauer, of 66 East 100th Street, Manhattan. No trace of the vessel which had brought the liquor could be found.

Some one masquerading under the name of James Lynch has been making a clean-up along the White Light district by selling water and tea as gin and Scotch whisky, according to an announcement made yesterday from the Custom House. That was bad enough, but customs officials are vexed even more because "James Lynch" represented himself as a customs man. Hundreds of complaints have been received by the Custom House. They were all referred to Inspector Hokeness, in charge of the searching squad, who found all the stories identical.

There is a James Lynch who is a special agent in the Treasury Department, and he indicated that if he ever came across the man who has been using his name there might be trouble.

Later before United States Commissioner Barnore Haberman was held in \$1,000 bail for violation of the Volstead act and his son and Glotstein were held in \$1,000 bail each for attacking Kohler.

Eight Clubmen Testify In Federal Liquor Quiz

Racquet Members Heard by Grand Jury; Fraud Query Will Continue To-day

Eight more members of the Racquet and Tennis Club were among the nine witnesses called yesterday before the Federal grand jury which is investigating the presence and source of liquor in New York clubs. At the close of the day's session it was announced that the inquiry would be continued.

The clubmen were William Fellowes Morgan Jr., J. Elliot Postlethwaite, Harry B. Hollins Jr., Otto H. Gruner, Frank T. Raymond, William Raymond, Edward Taylor Hunt Talmadge Jr. and Edgar Freeman. The other witness was Walter Mayer.

Howard Osterhout, Assistant United States Attorney in Brooklyn, said yesterday that the grand jury which is investigating frauds in the Federal Building in connection with prohibition enforcement instead of adjourning until after Christmas would reconvene to-day to hear some important testimony he would present.

It is understood that the District Attorney has offered immunity to certain named keepers, provided they will lay before the jury information they have concerning the system of graft said to have been carried on by the prohibition enforcement agents. It is believed that some of them will testify to-day.

Bandits Raid Distillery Under Pistol Fire Barrage

Kentuckians Flee With Eighty Cases Liquor; Chicago Police Halt Church Wine Theft

CHICAGO, Dec. 21.—Eighty cases of liquor were carried off by bandits who attacked the T. W. Samuels distillery near here before dawn to-day, broke locks and escaped with eighty-eight cases of bonded liquor in a motor truck.

CHICAGO, Dec. 21.—One bandit was wounded and he and two others were captured and one escaped during the battle with police to-day when the latter encountered the robbers as they were carrying liquor from the quarters of a sacramental wine and chemical firm to a motor truck outside.

PEORIA, Ill., Dec. 21.—An attempt to loot the Woolner Distillery was frustrated early to-day by guards who fought off a gang of ten men after a

Grand Jury Asks Repeal Of Mullan-Gage Law

Calls Results of Dry Act Incommensurate With Amount Expended So Far

The additional grand jury, of which Wyllys E. Dowd Jr. is foreman, presented to Judge Francis X. Mancuso in General Sessions yesterday a resolution calling for the repeal of the Mullan-Gage State prohibition law.

"It is the opinion and conviction of this body that the time and efforts of the grand jury should be devoted to the consideration of matters of a more practical and serious nature. The results obtained by the operation of the present state law are utterly incommensurate with the amount of money thus expended," the jurors stated in their presentation. The text is in part as follows:

"There have come before this grand jury, during the present term, a great many cases involving alleged violations of the state prohibition law, which, having received the most careful consideration of this body, were dismissed owing to a lack of sufficient and convincing evidence."

The presentation goes on to say there are 1,300 cases of a similar nature still in the District Attorney's office, and that such cases should be "properly cognizable" only by the Federal courts. The grand jurors pointed out that the cost of conducting these cases is approximately \$800 a day.

2 Held on Widow's Charge

Attorney Accused in \$2,918 Fraud on Accident Policy

Two men held by County Judge J. Gratton MacMahon in Brooklyn yesterday for defrauding a widow of \$2,918 under the workmen's compensation act are the first of several who will be tried as a result of an investigation now in progress. Edward G. O'Neill, Assistant District Attorney, announced.

The two were Jacob Klein, an attorney, with offices at 18 Park Row and Harry Exel, an employee of the Manufacturers' Liability and Insurance Company. Klein was admitted to \$5,000

Dry Agent Civil Service Bill Called Inadequate

Measure as Phrased Would Not End Evils, Reform League Warns Senators

WASHINGTON, Dec. 21.—In letters sent out to-night by its secretary, H. W. Marsh, the National Civil Service Reform League issues a protest to all members of the Senate against passage in its present form of the bill to put prohibition enforcement agents and inspectors in the classified civil service. If this legislation is enacted in the form recommended by the Senate Civil Service Committee in its report "it will be practically impossible," the letter said, "to prevent the continuation of the existing evils."

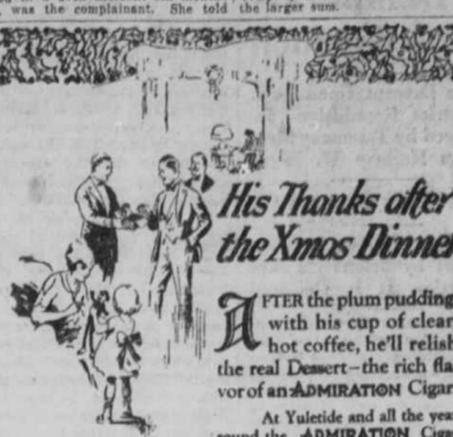
Two principal objections to the pending bill are raised by the league. (1) It would permit present incumbents to hold their positions "without any or further examination." (2) It would permit the appointment of 252 of the higher officials, twelve in Washington and five in each state, without regard to the civil service law.

"In order that this legislation may be truly effective it is necessary that the incumbents of all positions in the bureau be subjected to examination and further that all places from top to bottom be placed under civil service regulations," the letter says.

Thousands of Whisky Labels Seized; Two Printers Arrested

SYRACUSE, N. Y., Dec. 21.—Proprietors of two large printing plants, two printers and an engraver were arrested by Federal prohibition agents and local police to-day, charged with conspiracy, following the seizure of thousands of labels and seals, similar to those placed on whisky and gin bottles by the distillers and the Canadian government.

Edward J. Tholens, of the Tholens Press, and Harry S. Kenyon, of the Kenyon Press, are the jobbers under arrest. Arthur Tallner and Leroy Hueber, newspaper employees, and John Harwood, seventy-seven, an engraver, also are in custody.



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endeavored to show that these pamphlets were sent through the mails. Mr. Bentley professed not to know whether or not one particular pamphlet was mailed in which appeared a statement that Business Builders owned certain shares of Piggly Wiggy of New England. Mr. Bentley had previously testified that Piggly Wiggy of New England was never organized and that shares in the company were never issued.

Efforts to learn from the witness what became of funds realized from the sale of Manhattan Piggly Wiggy securities brought little to light. Mr. Bentley testified that some money went for new territory, saying that the Manhattan Piggly Wiggy obtained the territory from Mr. Elliott, who bought it himself. He said the Western New York territory was purchased by Mr. Bentley for \$85,000 and turned over to Manhattan Piggly Wiggy for \$100,000. He mentioned no figures for the other territory, but testified that Business Builders at the time a receiver was appointed owed Mr. Elliott for territory, sums advanced and for salary not drawn a total of about \$200,000.

Herbert E. Locke, chairman of a committee of creditors, looking after the interests of noteholders, and George W. Smyth, counsel for the committee, were interested visitors at the hearing.

The next hearing is set before Referee Olney for next Wednesday afternoon, when several former employees and executives of Business Builders are expected to testify. The adjourned hearing of Mr. Bentley is scheduled for Friday afternoon. Mr. Lehman and Mr. Leibel are to cooperate in the meantime to determine whether Mr. Bentley, who is said to have suffered a nervous breakdown, will be ready to testify at the Friday session.

Liquor-Laden Auto Sinks

Special Dispatch to The Tribune

MONTREAL, Que., Dec. 21.—An auto laden with liquor, believed to be owned by American bootleggers, crashed through the ice and went to the bottom last night while attempting to cross the river at Ste. Anne de Bellevue. Several witnesses say two men sprang from the car when the ice cracked and fled.

Guilty of Killing Daughter

KANSAS CITY, Kan., Dec. 21.—Tony Donillo, on trial for the slaying of his eleven-year-old daughter Flora, was found guilty of murder in the second degree by a jury in the Wyandott County District Court to-day. The bodies of both Flora and another daughter were found in sacks in the river here several months ago.



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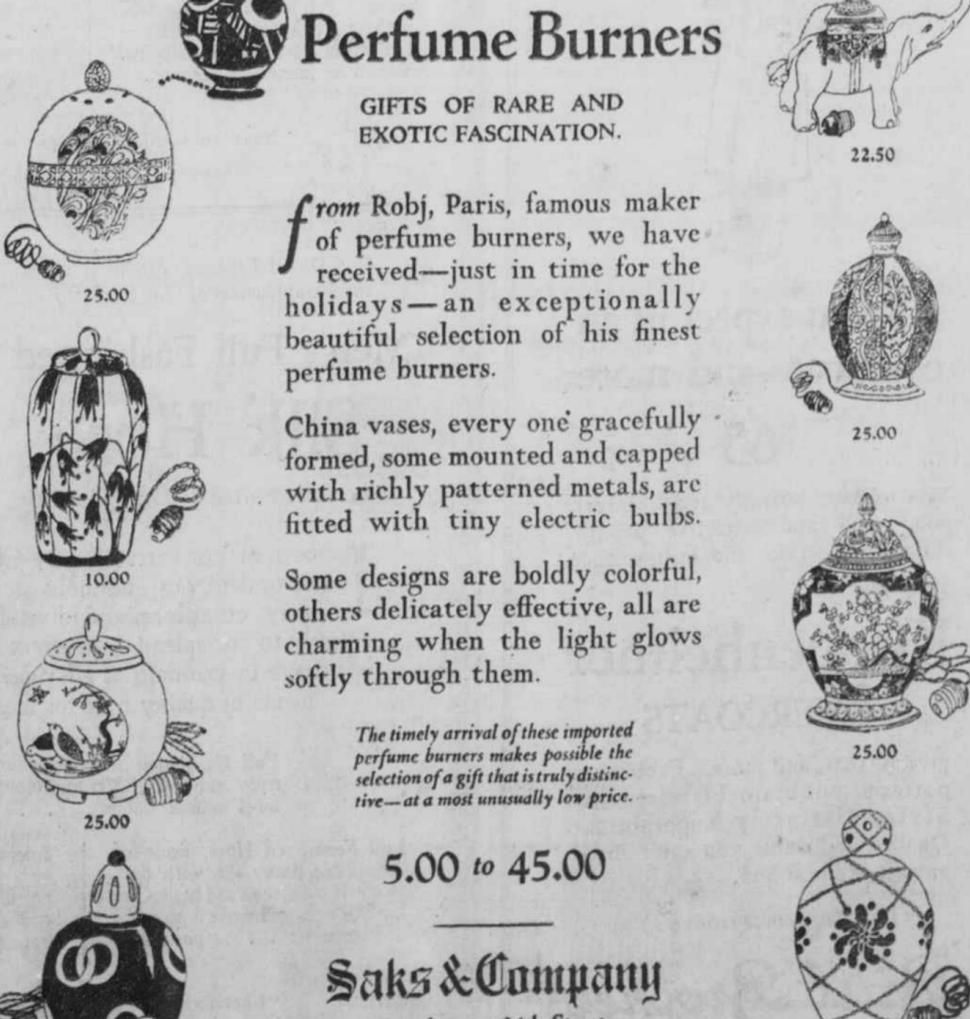
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