

FUN IN FRANCE'S EDITOR A FRAUD, SAYS INDICTMENT

Crippled Veterans Get No Aid From Publication, U. S. Charges.

BREWER GETS \$55,645

Few of His Klaki Clad Salesmen in Subways Saw Service, Is Charge.

PLEA MADE IN MAIL

Then Uncle Sam Steps In and Looks Up History of Diligent Collector.

William S. Brewer, director of an organization to which he has given the name of the Ex-Service Men's Cooperative League and publisher of a magazine which he calls The A. E. F. or Fun in France, was indicted yesterday by a Federal Grand Jury on a charge of using the mails to defraud.

For the last several months salesmen dressed in a uniform closely resembling that of the United States Army have been selling Brewer's magazine in subway trains and on the streets. The indictment against Brewer charges that few of his salesmen ever saw army service, and that no soldier ever benefited to the extent of a penny from the sale of the magazine.

The indictment, after setting forth that the Ex-Service Men's Cooperative League is Brewer's personally controlled organization, alleges that he issued and circulated through the mails pamphlets and letters which made misrepresentations and brought him in money. These letters and pamphlets solicited contributions for the benefit of ill and crippled soldiers and sailors. The indictment charges that Brewer kept all the money himself except what he paid in commissions to the salesmen who were employed as solicitors and salesmen.

There are six counts in the indictment, and should a conviction follow Brewer could be sentenced to five years imprisonment on each count, or to a maximum term of thirty years. The first count recites the manner in which his magazine was sold and circulated. Each of the five other counts charges that Brewer used the mails to misrepresent to some well known men the facts about his magazine and the purposes for which contributions to the Ex-Service Men's Cooperative League were to be used.

Prominent Men's Names Used. The letters sent out from Brewer's office were so worded as to elicit favorable replies, which, it is charged, were reprinted in fac simile and supplied to agents selling the magazine as credentials. Among the prominent men to whom letters were sent were President Wilson, Secretary of War Baker, Gov. Coolidge of Massachusetts and Arthur Woods, formerly Police Commissioner.

Brewer, according to Maxwell S. Matusch, Assistant United States Attorney, has within the month he has been circulating his publication deposited \$55,645 in a Broadway bank in the name of a young woman employed in his office and also used to solicit funds in banks and offices in the financial district.

Among the firms and institutions which contributed more than \$25 to his magazine were the Mechanics and Metals National Bank, Speyer & Co., the United States Guaranty and Trust Company, the Philippines National Bank, George E. Reed & Co., Coghessall & Hicks and Moore, Leonard & Lynch.

In Brewer's magazine the objects of the Ex-Service Men's Cooperative League are described as follows:

"Founded in memory of the heroic sacrifice and to perpetuate the high ideals of the fallen as set forth by Private Cedric C. Brewer (killed in action) in his book, 'The Destiny of Nations.' To protect and promote the interests of ex-service men and to arrange with public spirited professional men to take into account the losses suffered by these men in the service of their country and to secure them special consideration. The purpose is to aid ex-service men in reestablishing themselves and to compensate for their sacrifice in a small measure and facilitate the recovery of what they lost."

As a collector in many causes Brewer has been notable for his industry and optimism for many years. In 1902, when Dr. Adolph Lorenz, the famous Vienna surgeon, visited this country, Brewer, without consulting him, started collecting funds for the "Lorenz Orthopedic Hospital," an institution for which no corner stone ever was laid. In 1910 he collected funds for sufferers by the flood in Paris, and the year after passed the hat for the "Open Nigger Home for the Aged," an institution which he had never had walls.

DAIRYMEN TO MAKE COOPERATIVE SALES

Farmers Take Option on Big Plant Here.

D. Cooper, president of the Dairy-men's League, announced last night that the Dairy-men's League Cooperative Association, Inc., has obtained an option for the purchase of the properties, equipment and business of the Leary Dairy Company, a large wholesaler, here. The company has a milk station and pasteurizing plant at Nineteenth street and Avenue R and leases or owns twenty-six milk dipping stations in this State and Pennsylvania.

Funds to make the purchase will be raised by a campaign among farmer members of the Dairy-men's League. The offer to purchase stock being made first to farmers who supplied milk to the Leary company.

This is the first step in the development of cooperative milk sales in this city by the Dairy-men's League. Charles A. Weinert, formerly president of Boyden's Farm Products Company, Inc., has been appointed manager of city distribution for the league.

SON FOUND DEAD IN STRATHMORE RUINS

John C. Smith Was Within Four Feet of Safety When Collapse Occurred.

The vigil of Walter H. Smith, Syracuse building contractor, before the ruins of the Strathmore apartment, at Broadway and Fifty-second street, had its sad end just before 8 o'clock last night in the finding of the body of his son, John C. Smith, who had been working on the second floor when part of the building collapsed. The position of the body indicated that young Smith had started running at the first crack of the collapse and had progressed four feet further he would have been saved.

The discovery of the body was made by "Steeplejack" Harry Walker. He had been engaged earlier in the day by the Bureau of Buildings to knock down whole sections of weak flooring and loose, dangling beams before it was considered reasonably safe to attempt to remove the debris, which at some points is piled three stories high. Late in the afternoon, however, the Drew Brothers Shoring Company took over the work and the derrick automatically was discontinued. His charge at being let go aroused the interest of the Building Bureau officials, who persuaded the shoring company to take him on.

Venturing at night along the insecure second floor to the edge of a twenty ton pile of debris Walker discovered a hand protruding and later another hand. A ring on one of them Mr. Smith identifies as belonging to his son, and he left to notify his daughter-in-law, who also had stood on watch before the building most of the day. Young Smith had apparently run to the Broadway front of the second floor, which did not collapse, and was but four feet from a part still standing when the weight from above knocked him down and crushed him.

UPHOLD LAW FAVORING VETERANS IN CIVIL LIST

Appellate Justices Deny Poicemen's Protest.

The Appellate Division of the Supreme Court upheld yesterday the constitutionality of the law giving world war veterans a preference on civil service promotion lists. The court approved the action of the Municipal Civil Service Commission.

The law was contested by policemen when George W. Cook, a veteran of the last war, was certified for promotion to sergeant, and the police union standing higher on the list after examinations.

Justice Laughlin, writing an opinion concurred in by the bench, said it was the intent of the Legislature to accord recognition for service to world war veterans. If there had been civil war veterans on the list the court said, such veterans would have had first chance at promotion, with world war veterans immediately following.

EX-MARINE DENIES HE KILLED 3 HAYTIANS

'Beautiful' Witness at Inquiry Here With Wife.

Freeman Lang, former corporal of the marines in Hayti, and now a master mechanic of the West Indies corporation at St. Michael, Hayti, arrived yesterday from Port au Prince by the Panama Railroad steamship Advance and declared that the testimony before the board of inquiry in Hayti that he had murdered three Haytians in cold blood was false.

He is a good looking, blue-eyed, light haired young man, bright and intelligent, and was described by a Haytian witness as "very beautiful." He is accompanied by his wife, who speaks of him as one of the gentlest of men. His employers, E. P. Hawley, president, and H. P. Davis, vice-president of the West Indies Corporation, for whom he has worked two years, say he is the finest workman in their employment.

WOULD END 12 HOUR DAY IN STEEL TRADE

Drury Finds Time Opportune for Three Shift System.

Summing up the results of an investigation he made of all the steel plants of the country working under the three shift system, Horace Drury, formerly of the economics department of Ohio State University, announced last night the following conclusion:

"No economic necessity for the twelve hour day in the steel industry exists and now is the time, with a surplus of labor at hand, for plants to change to three shifts, releasing approximately 150,000 workers to an eight hour day and leisure for individual freedom and development."

AIRPLANE PLANT IN RECEIVERSHIP

L. W. F. Engineering Company Attributes Failure to Government Neglect.

The L. W. F. Engineering Company of College Point, L. I., one of the largest concerns in the aeronautical industry, went into the hands of a receiver yesterday as the result, according to a statement authorized by Ernest Whitbeck, the receiver, of the failure of the Government to aid aeronautics in any way.

DUMPING ALSO BLAMED

College Point Concern Has Its Own Flying Field and Seaplane Harbor.

The L. W. F. Engineering Company of College Point, L. I., one of the largest concerns in the aeronautical industry, went into the hands of a receiver yesterday as the result, according to a statement authorized by Ernest Whitbeck, the receiver, of the failure of the Government to aid aeronautics in any way. The statement says the United States Government permitted the dumping here of foreign surplus planes and motors, thereby enacting an aerial code which would have accelerated commercial aviation, and failed to place orders for new equipment for the air service. It has been the contention of aircraft men that if the United States exports to have its factories to build planes in time of war it must foster commercial aviation and protect the industry from dumping old war machines here.

Capitalized at \$1,000,000.

The L. W. F. company was organized in December, 1915, and was capitalized at \$1,000,000. During the war it employed at one time 2,000 men, about the same number now employed in the whole American industry. It is said to be the eighth plant to go out of business since the armistice was signed.

In the statement occurs the following: "By a remarkable coincidence, in the annual report of the Chief of the Air Service to-day, Major-General Charles E. Menoher states: 'Unless the Government aids the airplane industry it cannot hope to depend upon the availability of suitable commercial aircraft and facilities for their employment, nor upon the existence of manufacturing plants and supplies of materials necessary for the rapid production of aircraft in time of war.'"

The statement also says that the receiver, Charles E. Menoher, is the result of the failure by the Government to evolve and put into operation a definite aeronautical policy or program.

Trials of Company.

In recounting the trials of the company it is stated: "Since the armistice the L. W. F. company has endeavored against heartbreaking odds to bridge over the period between military production and peace time development. The Government has so far neglected to recognize its responsibility in the utilization of aircraft in national defense as to fail, in the two years since the armistice, to prevent the dumping of foreign surplus equipment, to enact an aerial code which would have facilitated commercial business, and to permit orders to be placed for equipment for which Gen. Menoher states the air service is sorely in need."

POGANY WINS POINT OVER DAVID BELASCO

Artist's Action for \$200,000 Must Be Answered.

Supreme Court Justice Finch ruled yesterday that Will Pogany of 81 Washington square, an artist, has a good cause of action against David Belasco and Fania Marinoff for \$200,000 damages. Pogany says that his name is mentioned and he is held up to ridicule "as a fraud, cheat, deceiver, wicked and immoral person" in the stage presentation of the play "Call the Doctor."

The defendant contended that the complaint be answered. He said: "To hold with the contention of the defendant would permit with impunity a theatrical producer to take the name, for example, of a lawyer and announce after night from a public stage that such a lawyer was a cheat and had no clientele. Must a person so publicly attacked in his profession be without redress unless he can prove special damage?"

BOLSHEVIST TEACHING BY TURNERS DENIED

Dr. Killilea's Statement Is Called 'a Base Slander.'

The statement made by Dr. Thomas R. Killilea, Municipal Civil Service Commissioner, that the Red Turners and Blue Turners organizations in the Czechoslovak section in Yorkville, were spreading Bolshevist propaganda, was denounced yesterday as a "base slander" by Emil F. Prantner, executive secretary of the Czechoslovak Chamber of Commerce.

Mr. Prantner said that great indignation had been aroused among the people of the neighborhood that the gymnastic societies, founded thirty and fifty years ago, should be enticed Bolshevist.

M. S. GARDEN

For Sale 50c per Pound by Grocers. H. M. TOMLINSON'S The Sea and the Jungle is a travel book in a thousand; amazingly well written. \$5.00 at any bookstore. E. P. DUTTON & CO., 681 5th Ave., N. Y.

CROSEY CRITICIZES HYLAN ADMINISTRATION

But Dismisses Suit of Bergen Beach Land Co. Against City.

Justice Crosey of the Supreme Court in Brooklyn dismissed yesterday a suit begun by the Bergen Beach Land Company against the city in connection with the Jamaica Bay improvement, but criticized the Hyland administration for delaying the work.

"It is unfortunate that it seems necessary to render this decision," said Justice Crosey. "The development of Jamaica Bay has been delayed all too long and the need of it is but little short of imperative."

"The growth of the city, the extension of its commerce and the prosperity of its citizens are all involved and depend in very material degree upon it. But it is held up by the action of the city administration in undoing what has been done by its predecessor" (the Mitchell administration).

The Bergen Beach Land Company sued to prevent the city from following plans for the Jamaica Bay improvement which would take the company's land off the five hundred foot ship canal. An agreement had been made by the company with the Sinking Fund Commissioners under the Mitchell administration whereby the company was to erect a four thousand foot bulkhead along the side of the ship canal through the bay.

When the Sinking Fund Commissioners last May changed the channel and bulkhead lines the company began suit. Justice Crosey ruled that he could not compel specific performance of the old contract.

Two landlords were convicted yesterday in the Court of Special Sessions for cutting off the telephone service of an apartment house, and the other of writing an illegal threatening letter to tenants, whom he hoped would vacate their rooms.

Frank H. Schaeffer of 609 West 177th street, the first landlord, was fined \$250 and paid under protest. His attorney filed notice of an appeal. It was stated that Schaeffer announced he was tired of keeping track of telephone calls and told his tenants they would have to take over the responsibility of the service. They refused. Schaeffer, it was charged, had the instruments taken out.

Royal S. Copeland, Health Commissioner, caused the arrest of the second house owner, Mark Bronson, owner of the apartment building at 54 Manhattan avenue. Bronson, according to the complaint, caused certain letters to be placed in the letter boxes of tenants after one of them had complained anonymously of living conditions in the building. He will be sentenced next Friday.

SULLIVAN NEW HEAD OF CENTRAL COUNCIL

Gompers Faction Wins Over Radical Candidates.

John Sullivan, vice-president of the New York State Federation of Labor, was elected president of the Central Trades and Labor Council, at the election held Thursday night. It was announced last night by Samuel Gompers, president of the American Federation of Labor, at the Continental Hotel. The balloting of 1,000 delegates of the various locals of the Central Federated Union of Manhattan and the Central Labor Union of Brooklyn, which two bodies were amalgamated into the Central Council, continued until the early hours of yesterday morning.

The ballot boxes then were taken to the Continental Hotel by Mr. Gompers and the counting began later in the morning. John D. Coughlin of Brooklyn was elected vice-president, William C. Kehoe, head of the International Brotherhood of Teamsters, secretary; John J. Hilldorf, financial secretary, and Eric Erickson, treasurer. The election was a victory for the Gompers faction, the candidates of the radical element of the Central Federated Union being defeated.

COPS ON MOTOR CYCLES TO SCARE BURGLARS

Hylan Indorses Plan After \$50,000 Is Appropriated.

The Board of Estimate granted yesterday a transfer of \$50,000 in accruals in the Police Department for the purchase of side car motorcycles for the use of lieutenants in a new scheme of the department to have them cover each beat quickly and see that the patrolmen are on the job.

"But these motorcycles are going to be as noisy as a brass band racing around the streets at night," suggested Henry H. Curran, President of the Borough of Manhattan. "The burglars will hear them coming and run away."

"That's just what we want," replied the Mayor enthusiastically; "a lot of noise that will scare the burglars away."

RUMELY EXPLAINS DERNBERG DEALS

Says He Wanted to Sell Tractors to German Government.

Dr. Edward L. Rumely took the stand yesterday in his own defense and briefly of his student days in Germany and of his business life since his return to the United States. Dr. Rumely, S. Walter Kaufmann and Norvinn Lindheim are being tried in the United States District Court on a charge of withholding information from the Allen Property Custodian ownership of the Evening Mail.

While a student in Germany, Dr. Rumely testified, he met several influential Germans, including Julius Gitterman, a silk manufacturer, and Rudolph Diesel, inventor of the famous Diesel internal combustion engine. All of the Germans he met were liberals. Dr. Rumely said. In touching on his student life it was particularly designed by the defense to show Dr. Rumely's association in Germany was only with those opposed to the military ideas of the Imperial Government.

Dr. Rumely said his first meeting with Dr. Bernhard Dernburg was in 1914, when he went to the Ritz-Carlton Hotel to talk about the sale of tractors to the German Government. At that time Dr. Rumely was head of the M. Rumely Company, threshing machine and tractor manufacturers, of La Porte, Ind. There was no mention made at the time about the purchase of any newspaper, the witness emphasized. Several evenings were spent talking about the project, he testified, and Dr. Dernburg was especially interested regarding the effect of tractors on the horse power and general food supply of Germany.

The witness told Dr. Dernburg half of the horses used in the fields could be used for army or other purposes. He then was referred to Dr. Heinrich Albert, purchasing agent for Germany in this country, he said.

During the morning session of the trial Frederick A. Powell, one of Rumely's attorneys, read a deposition from Prof. Von Schultze-Gaevernitz, taken in 1918 in Berne, Switzerland. In this Von Schultze-Gaevernitz testified that Dr. Rumely had visited him several times during his stay in Germany. He said that Dr. Rumely had asked him to see Hermann Sleskien, wealthy American coffee merchant, about advancing money for the purchase of the Evening Mail. He said he did see Sleskien, who said it was "a good and very costly thing."

Dr. Rumely will take the stand again Monday morning.

COWING ESTATE \$300,000.

Family Shares Property of Former Judge.

Former Judge Rufus B. Cowing of General Sessions, who died on May 7, 1920, left an estate amounting to \$213,948 gross and \$285,759 net. A report upon the value of his estate was filed yesterday in the Hall of Records. The Judge Cowing divided his estate among his widow, Marie Antoinette Cowing of 333 West Eighty-seventh street, and his sons and daughters.

FURS CAMOUFLAGE HOARD OF WHISKEY

Agents Seize 249 Cases in 2 West Twenty-sixth Street Store.

Camouflaged behind a window full of furs at 209 West Twenty-sixth street prohibition agents yesterday discovered and seized 249 cases of Kentucky whiskey, valued at about \$15,000. It was taken to the Knickerbocker warehouse as the first big addition by Knox B. Phagan, acting supervising agent, to the \$2,250,000 collection taxing the building's capacity.

The shop in which the whiskey was seized was that of Ercole Gorini, a wholesale liquor dealer. Agents Elmsstein, Smith and Rittenberg, who made the seizure, said the stock was about to be moved when they called and there was some irregularity about his papers.

When the storeroom on Twenty-sixth street was taken over for the purpose of handling the liquor a display of furs sufficient to indicate the maintenance of a wholesale fur dealer's establishment was taken over from a former tenant and arranged in the window. Judge Julius M. Mayer in the Federal District Court denied yesterday the application of Dr. Melville A. Hays of 124 Audubon avenue for a mandatory order directing Charles R. O'Connor, State prohibition director, to furnish him with all the liquor prescription blanks he may need in taking care of his patients.

Dr. Hays contended the Volstead act allowed no regulation limiting the number of blanks a physician might use.

An equity injunction suit was brought yesterday against Herbert R. Slawson, New York State Excise Commissioner, Charles D. Newton, Attorney-General, and Edward Swann, District Attorney, in the United States District Court, by Charles Leopold & Co., liquor dealers, challenging the constitutionality of the State excise law of May 24 last. The complaint insists the State of New York had no power to regulate the liquor traffic or authority to levy excise taxes on intoxicating liquors.

The company has been notified by Commissioner Slawson that if the company did not pay over \$2,000 taxes now due it would be liable for penalties in a large amount in addition to the taxes.

FOUNDED 1856. GOOD wares make quick market. We've had enthusiastic response to our reduction announcement. 2500 Winter Sack Suits - mixtures, blue and black. Models for men and young men. Suits that were \$50 to \$65 Now \$42. Suits that were \$65 to \$90 Now \$54. Choice and range of sizes still strong. BROKAW BROTHERS 1457-1463 BROADWAY AT FORTY-SECOND STREET. IF you are giving many Christmas presents, Ovington's variety means that you can send a good one, and a distinctive one, and a different one every-time. And Ovington prices make the operation quite painless. OVVINGTON'S 'The Gift Shop of 5th Ave' 314 Fifth Ave. nr. 32d St. LEE WILSON DODD'S Book of Susan The popular gift novel this year. \$2.00 at any bookstore. E. P. DUTTON & CO., 681 5th Ave., N. Y.

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