

### SHADE OF CASSIDY WALKS IN NASSAU GAMBLING TRIAL

#### Little Revealed by Witnesses in Case Against 4 County Officials.

#### DENY PROTECTION PAY Admit Making Race Bets, but Not Tribute to Halt Interference.

#### FLEISCHER BARES OFFERS Association Secretary Tells of Alleged Proposals by Some of Defendants.

The value of professional gamblers as witnesses for the State in a criminal prosecution involving gambling was made manifest in the Supreme Court at Mineola yesterday when William H. Busted, David Gleason and John Shaughnessy, all seasoned veterans of the green cloth and the spinning ball, were called in turn to the witness stand and told as little as the law would allow.

They with John N. Fleischer, associate secretary of the Nassau County Association, were all the witnesses heard yesterday in the case of the four officials of Nassau county who are accused of having conspired to protect certain gamblers against interference by the law. The three professionals occupied all but an hour of the court day in saying what they had to say, and disclosed hardly anything of value to the State. Fleischer in the little time they left over for him testified succinctly to nearly every main fact in the chain of evidence which goes to make up the case.

The four officials who are charged with giving cover to gamblers are Assemblyman Thomas A. McWhinney, Sheriff Charles W. Smith, Supervisor G. Wilbur Doughty and Postmaster Thomas H. O'Keefe of Oyster Bay.

#### Cassidy to the Rescue.

Joseph Cassidy, one time Borough President of Queens, and for a long time Democratic boss there, was called in yesterday. He after four but died a month ago. And so every time a gambler giving testimony yesterday found himself in a narrow corner or compelled to name money and make the shade of Cassidy was made to walk.

John Shaughnessy, youngest of the gambler witnesses, whose house at Lynbrook was raided and closed in 1919, he said, had inspired him originally with the notion of opening a gaming house in Nassau. He said he had discussed with Cassidy the project of "arranging with the right parties" so that his house might earn itself a competence undisturbed; he had paid Cassidy between \$12,000 and \$15,000, principally in bets at the race track, and Cassidy had told him he would put the money where it would do Shaughnessy the most good. Having told all this and having given the names of the men who finally got the money, Shaughnessy said he didn't believe any Nassau official got it.

"I told Joe," he said, "I had been giving up for protection right along and have had no protection at all. I don't know who your friends are, but all I can say is that my house has been raided and your friends did nothing to prevent it. Either somebody has been bullying you or else you're bullying me now. There ain't no such thing as protection in Nassau county. My house is closed up and I know."

#### Denied Tribute Was Paid.

Gleason, testifying before Shaughnessy, denied with all the professional anxiety in him that he ever paid tribute for protection. He had made a few bets for his friend, Supervisor Doughty, at the race tracks, but there never was talk about protection.

All Busted's testimony was simplest of all three. He said merely that he never had paid a penny of protection money. He had run a gambling house, quite true. But he had saved himself from raids by the obvious device of keeping his two eyes bright and his ear to the ground.

Henry A. Uerhart, who is conducting the burden of the defenses for the men on trial, devoted little time to cross-examination of the gamblers, but was often on his feet when the State called John N. Fleischer of the Nassau County Association.

"I was riding in to New York on the train one day," Fleischer testified, "when O'Keefe said to me: 'There is a publisher on the south side who has been taken care of for not writing any more articles about gambling. We would like to fix things up for you. You can be taken care of in New York.'"

Naming McWhinney, Fleischer said that McWhinney said to him: "If you get the directors of your association to stop their publicity about gamblers I can see that you get \$2,000. As to gambling itself, there are too many betters in it than in getting the money. The pilots ought to be cleaned out." Subsequently, Fleischer said, Doughty sought an interview with him and told him he disavowed McWhinney's "brassy" offer.

As to Doughty, Fleischer related that Doughty said this to him: "I'm against gambling, but I've arranged to allow a few places in Long Beach. I never get money from any of them, but they give tips on races and contribute to our political funds. Would you like me to declare you in on the equivalent next fall?"

Finally Fleischer told of an incident of Doughty and Smith together. "He was sitting in a room in the Superior's office, he said, when he heard two men talking in the corridor. One said to the other: 'If anything goes wrong, telephone 1144 Lyndbrook and say that Vandewater (counsel to the Nassau County Association) is on his way.' The telephone number given was that of a house which ultimately Vandewater raided. Fleischer, going quickly into the hall, found Doughty and Smith together.

#### LIEUT. M'CARRICK IS ILL.

Lieut. Frank M'Carrick, head of the eighth detective bureau at Police Headquarters, collapsed outside his office door early yesterday. He was found by Patrolman George Footner, who called an ambulance from St. Vincent's Hospital, where Lieut. M'Carrick was taken.

This case was diagnosed as angina pectoris and it was held at the hospital last night that his condition was serious. He is 36 years old and his home is at 219 West 10th street.

### KRAMER CLASSES BREAKER OF DRY LAW AS ANARCHIST

#### There Will Be Fewer of Them After New Year's, He Tells Ministers—New Enforcement Chief Asks for Cooperation.

Federal Prohibition Commissioner John F. Kramer put violators of the Eighteenth Amendment in the same category with anarchists in an address before the Lutheran Ministers' Association of New York city at the West Twenty-third street Y. M. C. A. yesterday.

"The man who does not accept the verdict of the majority is an anarchist," he said. "There never was a question that has been so carefully considered as the prohibition of the liquor traffic. Everybody knew it was coming. There never was an issue that was passed by such an overwhelming majority. Another thing about it is that it was adopted forever. Thirty-six States never can be gotten to obtain a modification."

He said that a man need not be a good American citizen to obey the law, but if he differed from the views of the majority he needed to be a good sport. He further declared that it was not a question of "likes or dislikes," but obedience. "If the law is not right then it is up to the people to seek its repeal through orderly means," he added. "The repeal never can be gotten through violation of the law."

Both before and after addressing the ministers Mr. Kramer conferred with Daniel J. Chapin, recently appointed supervising Federal prohibition agent for the city, although reluctant to divulge what had been accomplished by his visit, he expressed satisfaction with the condition and said there would be improvement early in the new year. As evidence of this, he indicated that the number of permits to wholesale dealers will soon be greatly diminished. Rumors of the resignation of Charles R. O'Connor, State prohibition director, were denied.

Mr. Chapin began the fifth day of his administration, the first of his first week, by addressing his agents, outlining his policy and asking for cooperation. Four barrels of wine and a quantity of whiskey were seized in a raid which started yesterday in the Sullivan street. The owners, George Perrou, Ange Gomez, Charles Beck and John Caselle, all of 264 1/2 West Twenty-second street, were arrested. The detectives reported finding a revolver in the room occupied by the first two and had them arraigned before Magistrate Joseph E. Corrigan in Jefferson Market court, charged with violation of the Sullivan law. They were held for Special Sessions in \$200 bail. Perrou, Beck and Caselle were charged with violation of the Federal act and were surrendered to the Federal authorities.

Howard Tierman, nephew of County Judge U. Harry Tierman of Richmond, pleaded guilty before Federal Judge Chastell yesterday afternoon to the charge of transporting liquor. He was fined \$250.

### SUES TO OVERTURN SMELTER CONTROL

#### Karl Eilers Trying to Oust Guggenheims, Alleging Improper Policies.

An attempt to oust the Guggenheims—Simon, Daniel, Murry, Isaac and Solomon—from the control of the American Smelting and Refining Company has been begun by Karl Eilers, former director and vice-president of the company, who owns or controls 3,538 shares of its stock. He has petitioned the Supreme Court for a mandamus to allow him to see the stock book and take extracts from it. Argument is set for to-morrow. Eilers says he is active in a change in management of the affairs of the corporation by the election at the next annual meeting of a new board of directors for said corporation. He has authorized capital stock of \$115,000,000. As owners of various smelting companies the Guggenheims refused to enter the American Smelting and Refining Company organization, but in 1901 they joined the corporation, obtaining approximately \$30,000,000 of corporate stock, according to Eilers. Daniel Guggenheim was made chairman of the Board of Directors and three of the other brothers became directors. In 1907, Eilers asserts, the Guggenheims sold all but a small part of their stock, but he says they continue to dominate the board.

Mr. Eilers is the owner of 210 shares of preferred stock and of 17 shares of common stock, purchased from the company and of 200 shares of preferred stock, from the estate of Franz Fahr. As one of the executors of the estate of his father, Anton Eilers, one of the founders of the corporation, he controls 2,174 shares of the preferred stock. Other members of his family, of whom he is the representative, own 941 shares. His attorney is William U. Goodbody.

After the sale of most of their stock, Eilers and his Guggenheim brothers "ceased to regard the interests of the corporation and sought to employ it solely to serve their own ends." He quotes one of the directors of the company as having said of the Guggenheims: "Simon snapp the whip and all the rest have to jump." He stated that Daniel, the retiring president, announced in a circular letter to the stockholders in January, 1919, that it was "the express wish of the board of directors" that Simon should be president. Thereupon Solomon resigned from the board and Simon became president. From 1907 to 1920, as a director, says Eilers, he could not obtain the adoption of any measure in opposition to the Guggenheim brothers. He speaks of the majority of the board as "dummies" of the all powerful brothers.

The petitioner declares that Daniel and Sol Guggenheim have been drawing salaries of from \$25,000 to \$50,000 a year "while they were devoting almost their entire time and attention to business matters not connected with the affairs of the company." He is of the opinion that the Guggenheims maintained their power "to reward the obedient and punish the recalcitrant."

The complaint alleges that Murry Guggenheim directed the sales for future delivery in a rising market and that now sales are withheld in a falling market. The loss to the company by reason of this business is estimated by Eilers at \$15,000,000.

#### WARDEN NOW BANK DEPUTY.

Frank E. Warden, Third Deputy County Clerk, resigned yesterday to accept appointment as Fourth Deputy Superintendent of Banks under State Superintendent George V. McLoughlin.

### 1 YEAR TERMS GIVEN RUMELY AND 2 AIDS

#### Kaufmann and Lindheim Are Sentenced With Former Owner of 'The Mail.'

A sentence of one year and a day in the Federal Penitentiary at Atlanta was imposed yesterday by Judge William I. Grubb in the United States District Court upon Dr. Edward A. Rumely, former publisher of the Evening Mail, and the piecework scale lists the makers as being able to earn at least \$50 a week, and as much more as they exert themselves. The lowest listed are girls tacking sleeve linings, who would get \$22 a week.

A statement from the Amalgamated union, Harry A. Gordon, counsel for the manufacturers, of being now engaged in trying to persuade the manufacturers in other cities to lock out the Amalgamated workers. A telephone message from the Amalgamated leader in Rochester said he had been there "and had no luck, so has left for Chicago." The manufacturers admitted their counsel was out of town, but would not state his purpose.

#### WOMAN HELD FOR IDENTITY.

Chicago Arreval Thinks She Is Mrs. Francis Doyle.

In response to a telegram from the Buffalo branch of the Travelers' Aid Society workers for that organization here yesterday had committed to the psychiatric ward at Bellevue Hospital for observation a woman who described herself as Mrs. Francis Doyle, 35, of 1182 Woodruff street. The woman was met at the Grand Central Terminal as she alighted from a New York Central train from Chicago. The message from Buffalo said she had acted strangely while en route and had insisted on leaving the train there "to take a nap." The woman was well dressed, of refined appearance and seemed melancholy. She said she came to New York to visit her husband.

Mr. Kaufmann was the first to speak. He said he did not feel he had done wrong. He said he had met Dr. Albert of the German Embassy, and as a student of international law, he had been called to the service of this country during the war and assisted the Enemy Alien Custodian to untangle many complicated questions of alien owned property.

Dr. Rumely was the second to address the court and read a short prepared statement. "Accept this verdict I cannot, for before the tribunal of my own conscience I am innocent," Dr. Rumely read. He told of his German parentage, of his love for his country and his great love for the German people.

### CLOTHING WORKERS SPURN WAGE SCALE

#### Amalgamated's Chief Says Employers Do Not Give Actual Piece Rates.

#### INDICATES 30 P. C. CUT

#### Counsel for Manufacturers Accused of Propaganda in Other Cities.

The announcement yesterday by the Clothing Manufacturers Association of New York of the piece work schedule they intend shall be adopted in their establishments instead of the present high weekly wages brought derision from "locked out" members of the Amalgamated Clothing Workers of America, fortified by the thought of a million dollar fund their brethren in other cities have promised to raise in their defence.

"To begin with," said Sidney Hillman, president of the Amalgamated, "the manufacturers' figures don't give us the actual piece rates; they merely set forth what the manufacturers think a workers could earn. I think their announced rates are not for people to work on, but are part of the whole scheme to keep production down and prices up. Before relations were broken off we proposed that we go in and establish what is proper production and assume responsibility for it, thereby guaranteeing the costs of production."

The table announced by the manufacturers is understood to represent a reduction from 30 to 50 per cent. in the wages employees were receiving up to the time the shops shut down for the dull season, although neither side would be specific as to what those wages were. The manufacturers, however, issued a table comparing the proposed piecework wages with the wages they said were paid on February 1, 1919—the date subsequent to which they said several increases were granted until an almost prohibitive "peak" was reached. The table shows the piecework scale to be from 34 to 89 per cent. higher than the wages before that date. Pocketmaking is listed as the most skilled of the seventy-odd operations gone through in making a suit of men's clothes, and the piecework scale lists the makers as being able to earn at least \$50 a week, and as much more as they exert themselves. The lowest listed are girls tacking sleeve linings, who would get \$22 a week.

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"In every issue, however, that affected this country," he said, "I worked for and advocated the full maintenance of our rights more emphatically against German ruthlessness than against the English blockade, and in the Evening Mail I was among the first to urge upon the nation economic, military and social matters."

"If my energies spent, this remains a legally recorded verdict, I must and do submit to the law of my land; acquiesce, I never can."

Mr. Lindheim said with great feeling that he had a clear conscience, and that when he signed the report to the Enemy Alien Custodian he believed the truth of what was contained in the report.

After the defendants had completed their speeches, Judge Grubb pronounced sentence. Harold Harper and Hugh Aileen, Assistant United States Attorneys, prosecuted the case.

### FIGHT REQUEST FOR SINGLE MEN'S HOME

#### \$5,000,000 Clause Attacked by Ward's Relatives.

Relatives of Marcus L. Ward, the son of a former Governor of New Jersey, who died in the Essex Club, in Newark, last May, leaving a large estate, have begun a contest in the Court of Chancery, in Newark, against a clause of Mr. Ward's will, which bequeathed \$5,000,000 to establish "the Marcus L. Ward Home for Aged and Respectable Bachelors and Widowers." Of the residue Ward left \$500,000 to relatives and \$500,000 to charity organizations.

The contestants, who include Joseph M. Kitchen of East Orange, and members of the Longworth family of Cincinnati, of which Representative Nicholas Longworth is a member, do not attack the validity of the will, but they set up the claim that the trust fund created is illegal and against the public policy because it would be possible to make the aged and widowed in New Jersey to use the income, which would amount to more than \$200,000 a year.

### 2,298 PASSENGERS TO ARRIVE ON OLYMPIC

#### Big Christmas Mail and \$2,000,000 in Gold in Cargo.

The White Star liner Olympic, from Southampton and Cherbourg, scheduled to dock about noon to-morrow, is bringing 2,298 passengers, an unprecedented number for this season; 5,600 sacks of Christmas mail, 58 tons of Christmas packages, other holiday freight and \$2,000,000 in gold. More than 700 applicants for passage at Southampton were unable to get berths and it was necessary to assign forty first class state-rooms of four berths each to the overflow in the second class, which has a total list of 600. There were 288 in the first cabin and 1,650 in the steerage.

Among the passengers were Mrs. W. K. Vanderbilt, former United States Senator C. W. Watson of Virginia, Judge Frederick D. Wells, Representative Alvan T. Fuller, Mrs. Jesse Leveson, Samuel Sloane of the Farmers Loan and Trust Co., Lloyd Sanderson, manager of the Royal Mail line; Roscoe Arbuckle, screen comedian; the Prince and Princess Mahidol of Siam and Tom O'Rourke, boxing promoter.

### ALIEN ARRIVALS FOR CHRISTMAS NOW 14,000

#### 7,000 Brought in Yesterday by Four Big Liners.

More than 7,000 immigrants arrived in this port yesterday aboard liners that got in Sunday night and yesterday morning, swelling the immigration for several days to the remarkable Christmastide number of 14,000 and filling the soul of the Commissioner of Immigration, Frederick A. Wallis, with amazement. With a force of only eighty inspectors the Commissioner is going to have the task of his career to clean up the 14,000 before Christmas.

The Commissioner and his assistant, Byron H. Uhl, are going to try to get authority to increase his force temporarily. Mr. Wallis said: "It is not only desirable but absolutely necessary for us to pass as many of the eligible immigrants as possible. It is desirable because we should like to have the aliens get to their destinations before Christmas, and it is necessary because we haven't room for them."

The big ships that docked yesterday include the Cunarder Carmania, from Liverpool and Queenstown, with 1,369 aliens, mostly Irish and English; the Holland-America liner Nieuw Amsterdam, with 1,850, chiefly Polish Jews; the Cunarder Imperator, with 1,377, and the French liner La Savoie, with 472.

### SEARCH ON TO-DAY FOR LOST BALLOON

#### Airplane Reaches Glens Falls to Begin Scouting for Missing Men.

#### AWAIT ANOTHER PLANE

#### Two Army Machines Will Comb Region in Flights of Four Hours.

GLENS FALLS, N. Y., Dec. 20.—One of the two airplanes sent by army officers to aid in the search for the missing naval balloon and its three navy officers, Lieutenants Hinton, Kloor and Farrell, arrived at 4:30 P. M. to-day at the Miller Hill aviation field, two miles north of this city.

The machine is that of Lieut. L. V. Beau, and he was accompanied by Sergeant John W. White. The second machine is expected to arrive from Albany to-morrow morning.

Scouting for the purpose of locating the missing balloon will begin to-morrow morning if the weather is favorable and the second machine arrives. The machines are to make flights of four hours, the maximum period for which a gasoline supply can be carried. This method of scouting will be continued until the balloon is found or the pilots receive orders from the army officials indicating a change of plans.

Lieut. Beau to-night said that he was confident that the balloon would be found if it is within the radius which is to be covered in the flights. He said the machines have a speed of about 135 miles an hour, but that they average to cover about 100 miles an hour. Lieut. Beau made flights from the Miller Hill field last summer and experienced little if any difficulty in landing today, although the frozen surface of the ground gave the machine and occupants a severe jolting when they landed.

The field last summer was an excellent base for the operations, as there are accommodations for the men and machines. Lieut. Beau and Sergt. White will go to the field early to-morrow morning to make preparations for the supply of gasoline and other details, and then await the arrival of the second machine.

### EVELYN NESBIT HAILS HER BROTHER TO COURT

#### Says He Held Up Money After Pawning Her Ring.

Evelyn Nesbit, former wife of Harry K. Thaw, appeared in West Side Court yesterday as complainant against her brother, Howard Nesbit, of 36 West Twenty-sixth street, alleging he had withheld \$300 belonging to her and which she needed so she could go to Pittsburg and visit her son, Russell Thaw.

Miss Nesbit, who said she had been ill for some time, told the court that a week ago she gave her brother a diamond ring worth \$325 and told him to pawn it for \$100. She said he gave her \$50 and later gave her \$100, refusing to hand over the rest of the money. Her brother said he and his wife had expended considerable sums of money on Miss Nesbit during her illness and that the money belonged to him.

Mrs. Howard Nesbit testified that her wages of \$25 a week, which she received as confidential secretary to a broker, were spent during the last few weeks on necessities for Miss Nesbit. Magistrate Levine adjourned the case until to-morrow morning at the request of Howard Nesbit.

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