

350 Cases of Whisky Seized After Battle

Two Dry Agents Take 100 Packages of Liquor Off Truck Before Descent on Rivington Street Store

Police Help Rout Band

Leader Says, "You'll Raid This Place Over My Dead Body!": All Escape Safely

A raid by prohibition enforcement agents of the wholesale liquor establishment of M. Greit, at 130 Rivington Street, resulted yesterday in the seizure of about 350 cases of whisky. The agents fought with a dozen men who attempted to prevent a search of the premises, and police reserves had to be called. Hundreds of persons crowded the street and blocked traffic for an hour.

Agents Charles McCarthy and Harry Jamison seized 100 cases of whisky on an auto truck that was seen to leave the establishment, and found upon the driver a permit which they allege was forged. The permit provided for the withdrawal of 300 cases of whisky. The name of the vendor had been removed and Greit's name substituted, the agents charged.

McCarthy and Jamison sought to enter Greit's establishment, but found the door barred against them. An employee told them that the proprietor was out, but would return in an hour. They prepared for trouble and telephoned for reinforcements.

When an hour had elapsed they again sought admittance. The door was opened this time, and the agents saw a dozen men who they say were members of the "Cock-Eyed Louis" gang.

"You'll raid this place over my dead body!" was their leader's ultimatum to the agents.

McCarthy was nearest the door. His chief had advised him in the morning to take a gun along, but he had laughed at the idea.

"I'm afraid I might want to use it," he had said, Jamison, being of the same spirit, had left his revolver behind also.

McCarthy's reputation is that he is yet to be bluff, so he attacked the leader of the defenders, while Jamison started in on the other eleven.

In the midst of the battle four more enforcement agents arrived. One of them sent a call for police reserves.

When the band sighted the policemen from the Delancey Street station the fight ended and the defenders fled through the rear of the establishment.

The enforcement agents seized 312 cases, two barrels, five boxes, three cans and one pair of whisky. Added to that taken from the truck, about 450 cases in all were seized. A search is being made for the proprietor.

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U. S. Court Rules Liquor Can Be Moved

(Continued from page one)

stores of liquor to those not possessing commodious dwellings.

Justice McKendall, concurring in the judgment of the court, dissented as to the reasoning by which it was reached.

"I think the Volstead act was properly interpreted by the court below," he said, "but to enforce it as thus constituted would result in virtual confiscation of lawfully acquired liquors by preventing or unduly interfering with their consumption by the owner."

The Eighteenth Amendment gave no such power to Congress, Manufacture, sale and transportation are the things prohibited—not personal use."

Enforcement Changes Needed

Prohibition enforcement officials began studying the decision immediately after it was read. The opinion was frankly expressed that many changes would have to be made in the enforcement regulations, but pending detailed study of the cases and the circumstances surrounding the litigation no official statement was forthcoming.

One effect of the decision foreseen was the danger of increased opportunity for fraud among persons seeking means of violating the law without the check on transportation provided by the permit system. Officials indicated that they expected greater difficulty in controlling unlawful sales.

A conclusion had not been reached tonight as to whether the court's interpretation opens the way for unrestricted transportation in interstate commerce. That transfer can be made within a state apparently was conceded, but the language of the court when analyzed may yet show, officials thought, means whereby interstate transportation can be stopped. In the particular case involved, it was pointed out, the owner's legal residence and the place of storage were within the same state and, in fact, in the same city.

In connection with the transportation of liquors, officials said, it would be difficult, if not impossible, for them to determine the legality of purchases and whether the stored stocks had been obtained prior to the effective date of the Volstead act. This was expected to result in more stringent regulations with respect to withdrawals of liquors from bonded warehouses, but the same regulations cannot be made to apply to ordinary storage warehouses. Stored stocks therefore again are without the law to a great degree, officials said, adding that they anticipated their speedy removal from such storage.

Revenue Officials Silent

Commissioner Williams, of the Internal Revenue Bureau, and Prohibition Commissioner Kramer refused comment on the court's decision, explaining that they were unfamiliar with questions involved in this test of the transportation provisions of the law. They said there might have been peculiar circumstances surrounding this particular case, and that therefore they could express no official opinion until they have had an opportunity to study the case and the decision.

If transportation of liquor can be accomplished freely, officials said, the enforcement work of the government will become doubly hard. Practices of

fraud and illegitimate means used in withdrawal of liquor from bonded warehouses also will be harder to detect, they added.

Liquor Decision Likely To Revive Locker System

Clubs Planning to Stock Up From Private Stores; U. S. Prepares to Return Beverage

While the decision of the United States Supreme Court is not expected to loosen the Federal grip on millions of gallons of liquor in bonded warehouses in this city, it carried a warm ray of hope for those who have large stocks of cheering liquors laid away in safe deposit vaults, country homes, and in other places outside of their immediate dwellings.

Justice Clarke's ruling, which is the first favorable word the wets have heard from the bench since the liquor battle began, was particularly pleasing to residents of this city, who regarded it as the long sought-for solution to the dry locker problem.

At several of the larger clubs in town last night there were damp celebrations and the joyous assertion: "We'll have our lockers loaded in the morning" was frequently heard. The nineteenth hole is expected to be revived.

Many men living at clubs invested heavily in all sorts of liquors before prohibition became effective and had the stuff stored away in private warehouses in the belief that they could have it moved to their lockers in comparatively small quantities as it was needed. They found that the Federal agents were not only prepared to stop this, but the stored liquors were seized by the government and sent to bonded warehouses.

Frank L. Boyd, Federal prohibition enforcement officer, said last night that every bottle of this liquor was still in the government's possession and would be returned to the owners as soon as a court order to that effect was issued. Mr. Boyd would not speculate upon the amount of stored drinkables that Judge Clarke's decision probably would release, but at prohibition headquarters, on West Twenty-seventh Street, it was said that it was "enough to give New York quite a jolt."

That intoxicating liquors now can be stored in club lockers, providing it is done in a legal manner, is not sold or illegally disposed of is the view taken of Judge Clarke's decision by Joseph S. Auerbach, of the law firm of Davies, Auerbach & Cornell, who argued the Street case before the Supreme Court.

Mr. Auerbach refused to make any detailed comment upon the ruling from Washington until he had studied the opinion. Mr. Boyd also refused to discuss the decision for the same reason.

Assistant United States District Attorney Earl R. Barnes, who opposed Mr. Street's motion here for an injunction restraining prohibition officers from interfering with his private liquor stocks, was not inclined to attach any great importance to Justice Clarke's ruling.

"I don't think it will mean much to the average person one way or another," Mr. Barnes said. "The decision affects only those persons who had stocks of liquor in private storage before January 1st and reported those stocks to the government. I never did consider the Street case a very important one so far as the general question of prohibition is concerned."

But the ruling gives the right of transportation between the dwelling and the place of storage it will naturally be a great convenience to a few persons of wealth and foresight who had by large quantities of liquors for private use. I think it will be found, however, that there is no very great amount of ingredients stored in private warehouses."

William G. Street, who brought the action which resulted in yesterday's decision, is a railroad director and a member of considerable prominence. He is a member of many exclusive city and country clubs. He makes his home at the Racquet Club, 12 West Forty-fourth Street.

According to Mr. Auerbach, a large stock of rare wines and liquors had been accumulated by Mr. Street long before the possibility of the Eighteenth Amendment ever was considered. A greater part of this stock was placed in the Lincoln Safe Deposit Company, 100 Broadway, and Second Street. When prohibition became effective the company, acting on instructions from the enforcement agents, notified Mr. Street that the liquor would have to be removed.

Relief was sought in the United States District Court here, and Judge Knox, who heard the case, upheld the prohibition law. A writ of habeas corpus then was taken to the United States Supreme Court.

Harding Finds Point Isabel In Gala Dress

(Continued from page one)

the folks in the car dismounted. This time the youngsters were more cautious. The features of Senator and Mrs. Harding are not so familiar to the people of Point Isabel as in other parts of the United States. There was never a campaign picture of him displayed in the village. A few who had been to Brownsville since the campaign began last June had seen his photograph and also that of Governor Cox. Those facts were unrelated, but it is a matter of record that Cox received one vote in Point Isabel, normally a solid Democratic town, and Senator Harding received the other sixty.

The hotel proprietor, who more than any other individual of the village will profit by the visit of the Harding party, said his wife for Cox.

Children Sing in Spanish

Senator and Mrs. Harding moved forward to the head of the line of children. There was a cheer from the fisher folk at the other end. The children, in quavery voices, began to sing in Spanish. Then they repeated the tune with English words. A broad smile creased the President elect's face as he heard them sing:

"Welcome, welcome, friends
We're so glad to have you here."
"Oh, that's fine," burst out the Senator as the song ended. The children, clinging to their fathers and mothers, in the background were the two Sisters of Mercy in robes of black, and their faces framed by white starched hoods.

A movie camera began to grind, and Senator and Mrs. Harding walked toward the lens greeting the little Mexican children with friendly words. All the way down the aisle they came, dislodging a word and a smile to each child. Mrs. Harding on one side, the Senator on the other. As they passed through the arch of oleanders they expressed their admiration while waiting to see what else had been arranged by R. B. Creager, the Brownsville lawyer, whose cottage they will occupy during their stay here.

The Sisters of Mercy sent a message to the Hardings as they waited. Their tender hearts had overcome their determination that Elizabeth La Roche should learn that little girls must always be neat and tidy and clean, especially white girls, and, relenting, they had asked if Senator Harding would consent to notice the child.

"Well, I should say," declared the Senator, when some one had whispered in his ear.

"Come here, Mrs. Harding," and then Elizabeth, still clutching her party finery, said: "Hello, Elizabeth, I'm

certainly glad to see you here. You and I are going to be great friends." Then he introduced Mrs. Harding, and Elizabeth shook hands with her and dropped her eyes to the level of the hemstitch in her arms and blushed and then turned and, skipping lightly, disappeared in the direction of her home, while the Mexican children buzzed with envious excitement.

After that Mr. Creager introduced the Senator to the townpeople. Probably there will be more to tell about Elizabeth before the Hardings leave Point Isabel, about ten days hence, but the most important news now is that at daylight Warren G. Harding dressed in a pair of old pants and a flannel shirt, is going out in the channel to do his senatorial best to hook a big tarpon.

In the afternoon he is going to golf at the Brownsville Country Club. On the next day he is going to do precisely the same thing, and so on until he leaves.

Colonel H. I. Hike, who commands the Fourth Cavalry at Fort Brown, has arranged for a cavalry outpost to stop the Senator and his office-workers, who tempt to visit Point Isabel during the stay of the Hardings.

But the cavalrymen have no control over the hordes of mosquitoes, whose buzzing concert, as the President-elect arrived, might have been translated into a joyous cry of "Fresh meat!"

Appeal Searles Will Decease Counsel Upholding Testament Try to Block Trial by Jury

SPECIAL DISPATCH TO THE TRIBUNE

BOSTON, Nov. 2.—Counsel upholding the will of Edward F. Searles, the Methuen millionaire, who died last summer, leaving the bulk of his \$200,000 estate to Arthur T. Walker of New York, its confidential agent, have appealed to the Supreme Court from the decree of Judge Alden P. White of the Essex County Probate Court allowing issued for a jury trial in the contest brought by Albert Victor Searles, the testator's nephew, who is seeking to break the will.

As a result of the appeal the Supreme Court will decide whether the allegations of fraud, undue influence and mental incompetency made by the contestant's counsel furnish grounds for a trial by jury. The case probably will come before the Supreme Court in December.

Two Slain in Florence Riot

FLORENCE, Italy, Nov. 2.—Anti-Socialists celebrating the elections last night clashed with the Socialists. Two persons were killed and several others wounded.

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Special Sale

Broadcloth Silk Shirts
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We are placing on sale our entire stock of heavy weight Broadcloth Silk Shirts, including both plain White and colors. Formerly at \$15.00 to \$18.00

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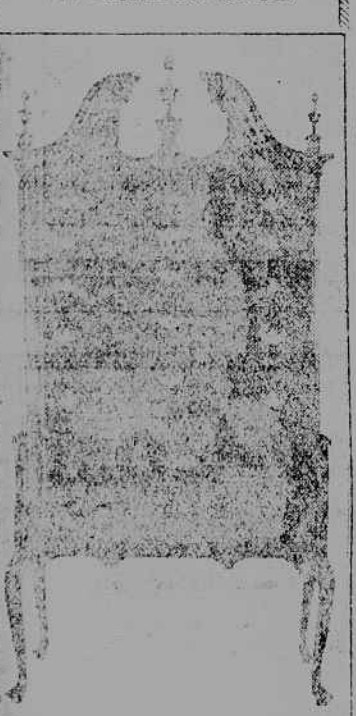
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Court Holds Verbal Pact Invalidated by Lease

Brooklyn Tenants, Who Charge Landlord Only Promised Hot Water, May Lose Case

Magistrate Gelman, in the Flatbush police court yesterday, expressed the opinion that a verbal agreement between landlord and tenant was not binding where there is a written lease between them. The opinion was expressed at a hearing of a charge brought against Elias Heller, agent of the apartment house at 2410 New York Avenue, Brooklyn, for failure to supply hot water. The charge was made by representatives of thirty-two families, who are tenants in the house.

The tenants held that the lease did not stipulate that heat should be supplied, although it was understood that it should be furnished. A summons was issued for Heller to appear Wednesday.

U. S. Dead in England To Be Buried Together

From The Tribune's Washington Bureau

WASHINGTON, Nov. 2.—The American dead to be buried permanently in Great Britain will include 500 soldiers who died on British soil, the War Department decided today. The bodies of all other American dead in Great Britain have been returned to this country.

The bodies remaining in England will be concentrated in a cemetery near London, and will be under the perpetual care of the United States government. It was believed that the removal of the bodies to the central cemetery the War Department will ask that the government be released from future care of the graves. Americans now lie in ninety-three local cemeteries in Great Britain.

Major A. W. Putnam Heads Columbia University Alumni

Major A. W. Putnam, of the 304th and 309th Cavalry during the war, was elected president of the Columbia University Alumni Association yesterday. He was also made a member of the board of trustees. The Rev. Duncan H. Browne, Columbia's fighting chaplain and formerly attached to the 805th Infantry, was elected vice-president.

Walter R. Mohr, Bruce N. Falconer, Arthur A. Fowler and Seth L. Pierrepont were chosen to serve on the standing committee until October, 1923.

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