

RUSH WORK TO OPEN CASINO ON TUESDAY

Lessees of Park Restaurant Also Scan Lists to Pick 500 for Event at \$10 Charge.

PLACE PUBLIC THEREAFTER

Landscaping Work Nearly Complete —Zittel Will Continue Fight Against New Operators.

Determined to hold to its announced opening on Tuesday, the new Casino in Central Park presented yesterday an activity in marked contrast to the regal leisure for which it has been planned. First designed as an exclusive club, with a board of governors headed by Anthony J. Drexel Biddle Jr., the Casino now is described as a public restaurant. But this has not changed the luxury of its appointments nor the personnel of its initial patronage.

Under the eye of Sidney Solomon, president of the Dieppe Corporation, lessees of the property, the activity extended from the lawns to the most hidden corners. For the first time the work of Joseph Urban, who designed the interior, assumed recognizable form. Meanwhile, between instructions to workmen and the greeting of celebrities, Mr. Solomon made hasty trips to Mr. Urban's office to scan the opening night list and assist in choosing from 2,400 applications the 500 which will be accepted.

\$10 Cover Charge for Opening.

Formal invitations were mailed to a large number of these, but it was emphasized repeatedly that no social badge was necessary to enjoy the park's historic restaurant in its new guise. The only requisite is \$10 to cover the cost of the first dinner. The opening will be formal, but thereafter the restaurant will be run à la carte, but the menu and the charges still are an open question.

While the last shrubs were being set out and gardeners were raking the terraces around the new brownstone structure yesterday, women sat on the floor of the west pavilion sewing together the specially woven carpets. This pavilion is a many-windowed, domed room which will seat about 150 of the guests. Like the rest of the building, it discloses a futuristic interior behind the building's simple green and white trimmed exterior. Its walls are decorated with a tulip design in green and cream.

The centre of the building contains the black ballroom. This space, which has a dancing floor, is trimmed with gold and other metal colors. Beyond it is the conservatory, a companion room to the pavilion with a somewhat darker color tone.

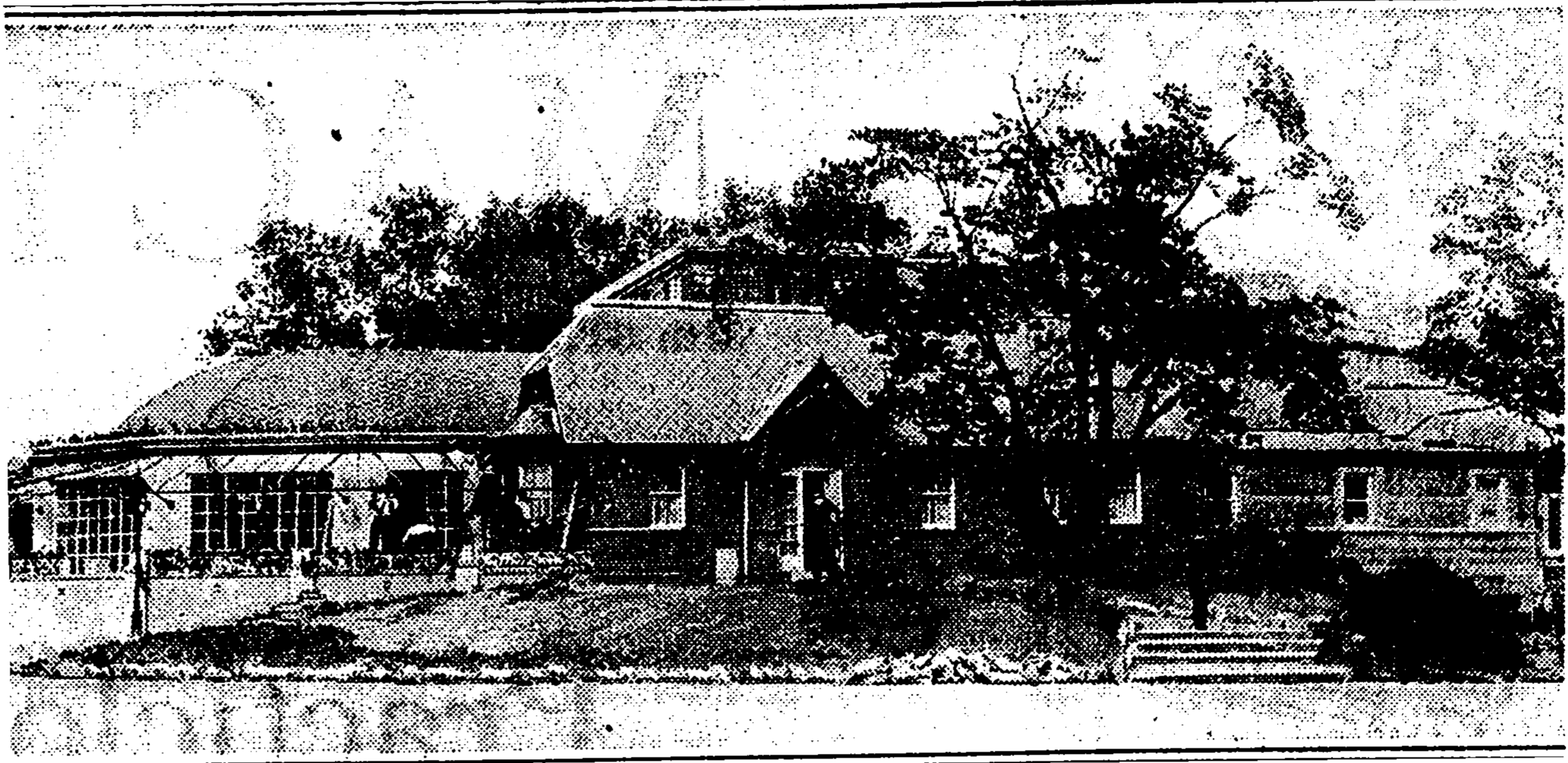
Morris Gest dropped in on Mr. Solomon to ask for a reservation for a friend. He compared the new Casino's interior to the palaces at Versailles and added that when the interior was designed "genius rolled the ball." He got the reservation.

The walls of the building's office are blue, the chandeliers are modernistic, and one hall is illuminated indirectly by a device which looks like a ladder extending the length of the ceiling.

Zittel to Continue Fight.

But one man figuratively watched all the work without thrilling over expectations of the opening night. That was C. F. Zittel, former lessee of the Casino, who has lost in the courts in three decisions in his efforts to keep the site available to the general public—the public that likes only a dish of ice cream or a bottle of soda water.

Basing his case on the charges that the new management violated the city's laws in remodeling the Casino's exterior, he will again appear before the Appellate Court tomorrow



Times Wide World Photo.

RENOVATED CASINO IN PARK SCHEDULED TO OPEN TUESDAY.

Setting of restaurant, which will be public after the opening night, has been landscaped and the structure rebuilt and redecorated inside. The black and gold ballroom in the centre of the building is one new feature.

or Tuesday. He is asking a reversal of a decision against him by Justice Black. The Appellate Division previously upheld a decision against him by Judge England when he sought to restrain the Park Commissioner and Mayor Walker from leasing the Casino to the Dieppe Corporation.

Mr. Zittel said yesterday that if the Appellate Division again reverses him he will file a new suit, asking that all previous decisions be set aside on the ground that the Dieppe Corporation won its verdicts on false affidavits. These alleged false affidavits he describes as the first plans

filed by the corporation detailing only new interior decorations for the Casino, in which he said no permit was asked or given for the erection of a new structure.

Mr. Solomon and his associates have expressed no concern over the charges.

Among the names announced by the Casino, whose applications for the opening night have been received and accepted, are the following:

Mrs. Charles M. Amory, Mrs. James P. Donohue, whose guests will include Mr. and Mrs. Anthony J. Drexel Biddle Jr., and Mr. and Mrs. Joseph Urban.

Mrs. William Randolph Hearst, entertaining Mr. and Mrs. Esmond O'Brien, Mr. and Mrs. James Cromwell, Mr. and Mrs. William Burden and others, including Mrs. Hearst's sons.

Conde Nast.

Mrs. Marco Robinson, Percy Bullard, Frank Gould, Ludlow Kramer, William K. Vanderbilt, Lyttleton Fox, Harold A. Content, Edmund LeRoy Dow, H. H. Frazee, Messmore Kendall, John G. Hall, John D. Hogue, Stanley Mitchell, Edward L. Remard.

BRILLIANT THROG OPENS PARK CASINO

600 Selected Guests Attend the
Formal First Night and View
Renovation of Landmark.

SPECIAL FRENCH MENU

Restaurant Public in Daytime,
but Is Restricted Again To-
night and Tomorrow Night.

The Central Park Casino was formally reopened last night by the new management, which has published its intention to make it "a place for the fashionable and fastidious."

From 8 o'clock until the cabaret law required it to close, at 3 o'clock this morning, the Casino was occupied by 600 invited guests at \$10 each, selected by Anthony J. Drexel Biddle Jr., William Rhinclander Stewart Jr., Adolph Zukor, Florenz Ziegfeld and associated members of a board of governors.

The selections for the opening dinner and dance were made from applicants who had previously been selected to receive an announcement, hitherto unpublished, reading:

BOARD OF GOVERNORS
Announce
THE FORMAL OPENING
of the
CASINO
Central Park, New York
June Fourth

Under eminent directorship,
newly decorated by Joseph Urban,
it will maintain an unique
distinction in atmosphere
cuisine and music.

Distinguished "First Nighters."

The "first nighters" included many persons of New York's distinguished and wealthy families. They were met outside the door last night by livered footmen. Inside, the guests came under the influence of Mr. Urban's rhythms of maroon and green and the general effect of a design which he said would suit "business men, who were not tired and wanted a good time."

They danced in the ballroom under a black glass ceiling in which the dancers were dimly reflected above. In the pavilion, which Urban said he designed "with the joyousness of a wind among young leaves," the decorations seemed to be equally successful. The music in the black glass ballroom was by Emil Coleman and his band, and in the pavilion it was by Joe Reisman and another band, from Boston.

The management had promised "new standards of elegance and beauty under the patronage of a group of prominent New York business and social leaders headed by Mr. Biddle," and the first-night guests had admittedly been selected to set those standards.

As a restaurant, it depends upon René Black, maître d'hôtel brought from France via California's best clubs, known as "The Master of Forty Sauces." The chefs are Frederic Beaumont and his brother, Edouard Gabriel, who have served the British Ambassador in Vienna, as well as Louis Rothschild, the banker.

It was the expressed ambition of René, the maître d'hotel, to make the opening an event in gustatorial history as well as in social. The menu he produced at last read as follows:

Caviar des Grands Tuus.
Frvolltes Escoffier.
Celeri. Noix saales. Olives.
Consomme double Florida.
Cardinal de mer a l'Americaine.
Poussin desosse Armenonville.
Petits pois nouveaux a l'Anglaise.
Asperges vertes sauce Mousseline.
Surprise Casino.
Coeur romaine Flamande.
Plombiers aux fraises.
Friandises. Mignardises.
Cafe noir.

The menu appeared to satisfy the guests.

Old Casino Existed 60 Years.

While Mr. Biddle is social head of the enterprise, according to the announcements, the operating head is Sidney Solomon, who was active in Mayor Walker's campaign in 1925. The Dieppe Corporation, of which Mr. Solomon is president, now holds the Casino under a ten-year lease, renewable for ten years more. With a directorate composed of Mr. Biddle and others, he was able to finance a \$500,000 change in the old Central Park Casino, which was established

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BRILLIANT THROG OPENS PARK CASINO

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sixty years ago as part of a refreshment system provided by the park commissioners so that basket parties might no longer litter the lawns.

"It's not just a renovation," Mr. Solomon said. "It's something which has never before existed so perfectly in the world."

The change in the old park establishment is so great that applications came in such numbers for the opening night that enough were left over to have invitation affairs tonight and tomorrow night. During the daytime, however, the management announced yesterday, the Casino will be open for breakfasts, luncheons and teas to all comers.

C. F. Zittel, the former lessee, sent a letter to the press yesterday, saying:

"I will continue fighting until I am counted out by the highest court, and I will see to it personally that the Dieppe Corporation is on the level with the public. Nothing can change my mind that the original intention was to make the casino a private playground for an exclusive set."

So far, Mr. Zittel's attempt to enjoin the casino as an illegal use of park property since he left it, has been rejected three times in court and is coming up again within a few days. Meanwhile, he is kept informed of the operations of the Park Department, in moving new shrubbery to improve the vicinity of the casino, in cutting a new bridle path from the Sixty-fifth Street gate to the entrance of the new hunting breakfast room of the casino as well as the proposal to permit parking of automobiles of casino guests along the main road.

The board of governors which

guides the public relations of the Casino is intended eventually to comprise forty individuals, who will hold stock in the Dieppe Corporation and also be its corporate directors; but so far as announced, up to the present, they are Mr. Biddle, chairman of the board; William K. Vanderbilt Jr., William Rhineland Stewart Jr., James P. Donahue, A. E. Lefcourt, Curtis Hutton, Franklyn L. Hutton, Robert Lehman, Jules S. Bache, John Randolph Hearst, Adolph Zukor, Joseph M. Schenck and Florenz Ziegfeld.

Their combined judgment was employed, according to the management, in choosing the "first-nighters."

Among the guests were the following:

Harold Bache entertained Miss Rene Baruch, Miss Delia Wolf and John K. Rockefeller.

Mr. and Mrs. Herbert Brenon entertained Mr. and Mrs. Alec Blerc, and Mr. and Mrs. Herbert Brenon Jr.

Mr. and Mrs. Percy Bullard had as their guests Mr. and Mrs. Henry Krumb, Mr. and Mrs. George McNeir.

Miss Margaret Trimble, Mr. and Mrs. Geraldyn L. Redmond and Mr. Carl F. Baker Jr., were guests of Mrs. William F. Cogswell.

Mr. and Mrs. Leonard J. Cushing Jr. entertained the Prince and Princess Edward J. Lobkowitz.

Mr. and Mrs. James P. Donahue entertained Colonel and Mrs. William Hayward, Mr. and Mrs. Paul Prybil, Mr. and Mrs. Ira L. Richards, Mr. and Mrs. John W. Kiser, Mr. and Mrs. Joseph Urban, Mr. and Mrs. Philip J. Cole, Williams Burden, M. Dorland Doyle, John Carney and William Hyde.

Dr. Edmund Le Roy Dow had in his party Mr. and Mrs. Emil J. Stehli and Mr. and Mrs. Theodore F. Whitmarsh.

Mr. and Mrs. Lyttleton Fox entertained Mr. and Mrs. James H. Snowden, Mr. and Mrs. Bradford Ellsworth and Frederick Robbins Childs.

John E. C. Haag had as guests Mr. and Mrs. Warren G. Leslie, Mr. and Mrs. Henry W. Boettger, Mr. and Mrs. Joseph F. Haggerty, Mr. and Mrs. Lyman Irish, Mr. and Mrs. Oscar Seabass.

Mrs. William Randolph Hearst entertained Mr. and Mrs. Julian M. Gerard, Mr. and Mrs. Esmond P. O'Brien, Mr. and Mrs. James H. R. Cromwell, Mr. and Mrs. Charles M. Amory, Mrs. Martion T. Saporas, Miss Katherine Leslie, and Kenneth O'Brien.

With Mrs. Florence H. Kendall were Miss Leonore Harris, Major Arthur Goodwin and Mrs. Goodwin and Admiral Harris.

Mr. and Mrs. A. E. Lefcourt entertained

Mr. and Mrs. Oscar F. Grab, Mr. and Mrs. Louis Haas, Mr. and Mrs. Irwin Regensburg.

Former Park Commissioner Gallatin and Mrs. Gallatin were guests of Mr. and Mrs. S. Stanwood Menken.

Mr. and Mrs. Conde Nash had in their party Miss Rebecca Stickney and Iva Patcevitch.

Mr. and Mrs. John Adams Mayer, Mrs. Thomas J. Mumford and Gavin O'Rourke were guests of Maury H. B. Paul.

Sidney D. Ripley was host to Mr. and Mrs. John L. Rutherford, Mrs. William Wallace, Mrs. Anne Scott, Harry Mason and Alexander Dallas Bache Pratt.

The Princess Rospigliosi had as her guests Mrs. Christian Holmes, Mrs. George Mesta, David Osborn, William Matheus Sullivan, John Stuart Anderson and Gardner Hale.

At Mrs. Eugene S. Reynal's table were her sons, Eugene St. R. Reynal and Louis Reynal and Mr. and Mrs. Barclie Henry and Miss Louise Iselin.

Sheriff Charles W. Culkin and Mrs. Culkin were guests of Mr. and Mrs. John Sloan.

Mr. and Mrs. Lyman D. Smith had Mr. and Mrs. Edward E. B. Adams, Mr. and Mrs. Warren H. Spirgo and Mr. and Mrs. A. C. Andrews as guests.

Walter H. Sykes Jr., entertained Mrs. Robert McCord and Mrs. and Mrs. John Stewart Brown.

With Joseph B. Thomas were Mr. and Mrs. Rene Leon.

Mrs. Walter Roosevelt Thompson had Miss Dorothy Eigelow, Mrs. Richard Davison and Robert Kingsley as her guests.

Mrs. Cornelius Vanderbilt Whitney had as her guests Mr. and Mrs. Charles Shipman Payson, Mr. and Mrs. William G. Lord, Mr. and Mrs. James Forrestal, Mr. and Mrs. Ward Cheney and Charles McArthur.

Mr. and Mrs. Adolph Zukor had as guests Mr. and Mrs. A. M. Loew, Mr. and Mrs. Jesse L. Lasky, Mr. and Mrs. Walter W. Wanger, Mr. and Mrs. Eugene J. Zukor, Mr. and Mrs. Sidney H. Kent, Miss Ruth White and Robert T. Kane.

Another party were Mr. and Mrs. Ten Eyck Wendell, Mr. and Mrs. Theodore Schumacher, and Mrs. E. Morris de Peyster.

The following hosts occupied tables with guests whose names were not made available for publication:

Mr. and Mrs. S. W. Baruch	T. A. McGrath
S. J. Bloomingdale	C. S. Mitchell
George H. Burr	Miss Sally Milgrim
Miss Margaret Case	Allan Miller
Harry Content	Julius Miller
Walter Content	Miss Mary Nash
Frederic H. Cruger	Cone Nast
F. W. Duval	Franklin Pettit
Aubrey L. Eads	Alfred Tach
Henry A. Haines	Mrs. E. Renard
James G. Hardy	Joseph Schanck
Mr. and Mrs. F. M. Gould	Stanton Williams
Henry G. Gray	N. B. Sterr
E. T. Griffith	Mr. and Mrs. S. W. Straus
Everett Jacobs	W. R. Stewart Jr.
A. Ludlow Kramer	Mr. and Mrs. W. K. Vanderbilt
John J. Leddy	William E. Walsh
Allan S. Lehnen	Mrs. C. P. Wilson

MOSES THREATENS TO SUE PARK CASINO

Warns Solomon He Will Be
Ousted if Price Scale
Is Not Reduced.

DEMANDS ACTION AT ONCE

Community Councils Back Move
to Open Restaurant to the
'General Public.'

Robert Moses, Commissioner of Parks, announced yesterday that he would begin court action to terminate the lease of the present management of the Central Park Casino unless it immediately reduced its food prices.

The commissioner said he had notified Sidney Solomon, president of the Dieppe Corporation, which operates the Casino, that the prices were too high and out of reach of the general public. He added that several days ago four friends of his had dinner at the Casino and the check amounted to \$27. In addition to the food, each of the four had a cocktail.

Every price on the bill of fare, including the table d'hôte prices of \$2 for luncheon and \$4 for dinner, is beyond the reach of any one who does not have a good deal of cash, Mr. Moses said.

He made it clear that he would not wait long for Mr. Solomon to make up his mind.

"I am not going to confer with Mr. Solomon regarding the Casino prices," Mr. Moses said when told that the restaurateur wanted to discuss the Park Commissioner's demand with him. "Mr. Solomon knows what I think about the prices at the Casino. If we have a dining place at the Casino, it will be one with such a list of prices for food that those who patronize the park will be able to eat at a cost they can afford.

"I have talked with the Corporation Counsel and he will file the necessary papers. Mr. Solomon knows perfectly well that we have the legal right to force him out if his scale of prices is not satisfactory to the Park Department."

The Community Councils of the City of New York, Inc., through Frank P. Beal, its executive secretary, endorsed the Park Commissioner's action.

"We have looked upon the Casino as a place where only the elite can dine and enjoy themselves," said Mr. Beal. "Although it is operated on park property the general public has been prevented from visiting the Casino."

CASINO IN 5 YEARS GROSSED \$3,096,155

In That Period City Received
\$42,500 in Rent From the
Park Restaurant.

SOLOMON GOT \$260,612

Trial of Suit to Foil Eviction by
Moses Ends—Briefs Must Be
Filed by Tuesday.

While the city was receiving \$42,500 in rentals from the Central Park Casino over a five-year period, the Casino grossed \$3,096,155 and Sidney Solomon received \$260,612 in salary and dividends, it was revealed yesterday at the trial before Supreme Court Justice Edward S. Dore of the Dieppe Corporation's suit to restrain Park Commissioner Robert Moses from ousting it from control of the Casino.

Mr. Solomon, who is president of the corporation, sole owner of its common stock, and manager of the Casino, drew \$156,000 in salary and \$104,612 in dividends during the period, it was shown. The figures were for the five-year period ended March 31, 1934. They were contained in a summary of the report of Ernest E. Wunderly, public accountant, submitted in evidence by Assistant Corporation Counsel William B. Herlands.

City Got 1.36% of Gross.

The analysis showed that the city's share during the five-year period amounted to 1.36 per cent of the gross revenue.

The trial was concluded after Mr. Solomon was recalled to the stand for a brief questioning. Justice Dore set next Tuesday as the deadline for an exchange of briefs between counsel and March 22 for final submission to the court.

The figures were introduced by Mr. Herlands in an attempt to show that income from the Casino's operations had completely amortized the investment and that the high prices charged, such as the 40-cent cups of coffee referred to in Monday's testimony, were no

longer necessary. The annual rental of \$8,500 to be paid the city was fixed in the ten-year lease that expires in 1939.

The summary prepared by Mr. Wunderly gave the average annual gross income as \$619,231. Profits for the five years, before deduction of Mr. Solomon's salary, were given as \$381,366, or \$76,273 average annual profits. The salary of Mr. Solomon, only officer of the corporation, averaged \$31,200.

The investment of preferred stockholders was given as \$104,500, but their share in the proceeds was not disclosed.

During the five years, Mr. Wunderly's report showed, the corporation received \$65,902 from coat-room, washroom, doorman and parking concessions, \$29,368 from "complimentary accounts," and \$912,418 from cover charges. For three years ended March 31, 1934, showcases brought in \$17,229 in rentals and \$1,063 in sales of merchandise.

Entertainment Cost \$773,477.

Music and entertainment cost \$773,477, or an average of \$154,695 a year, Mr. Wunderly said. A total of \$244,000 was written off for depreciation and amortization, and the corporation showed a credit surplus at the end of the period of \$28,526.

Mr. Solomon, recalled to the stand, said no complaints about the Casino had been received from the Park Department before Mr. Moses took office, but Justice Dore remarked that he did not "believe

the action of any one administration officer includes his successor, and I must be convinced to the contrary if I am to rule to the contrary."

No cover charge has been imposed in the Belasco Lounge or the Silver Room at the Casino since the bar was opened in the lounge last Oct. 5, Mr. Solomon testified, and "quite a few" have taken advantage of this.

The battle over prices that should be charged in a public park was continued when Charles H. Tuttle, counsel for the Dieppe Corporation, resumed his cross-examination of Edward Levine, head of the Central Park Catering Company, which holds the concession for the recently opened Tavern-on-the-Green and an option on a restaurant at the northern end of the Mall.

Mr. Tuttle brought out that at the Brass Rail, operated by Mr. Levine at Seventh Avenue and Forty-ninth Street, the table d'hôte luncheon was 55 cents, while 85 cents was charged at the Tavern-on-the-Green. Mr. Levine insisted, however, that greater patronage at the Brass Rail permitted lower prices, and that portions were larger at the Tavern. When Mr. Tuttle pointed out that apple pie cost 25 cents at the Tavern and only 15 cents at the Brass Rail, Mr. Levine remarked that "you get a piece of cheese with it at the Tavern."

Miss Sybil Stearns, director of concessions for the Park Department, told of the constant inspections made of food, personnel and general operations of concessions in the parks.

COURT SEES MOSES IN 'MUSSOLINI' ROLE

'Is There Any One to Stop Him?' Appellate Justice Asks at Hearing on Casino Razing.

FEARS EVEN FOR CITY HALL

That Is Not in Park Domain, City Counsel Replies—Decision on Appeal Reserved.

Presiding Justice Francis Martin of the Appellate Division suggested yesterday from the bench that there should be some board to pass upon the destruction of public buildings, even though they are in parks, before Park Commissioner Robert Moses "becomes a Mussolini."

Judge Martin's remarks were made during a hearing on the appeal of the Park Commissioner from the decision of Supreme Court Justice John F. Carew restraining him from tearing down the Central Park Casino to construct a children's playground.

Interrupting the argument at one point, the presiding justice said:

"We have no feeling one way or another, but there ought to be, in our opinion, some board to pass upon this before he becomes a Mussolini. Suppose he wanted to tear down the City Hall? Is there any one to stop him?"

Not a Park Building

"That isn't a park building; he couldn't tear that down," replied Assistant Corporation Counsel William C. Chanler.

Other comments were made from the bench as Mr. Chanler conducted his argument that Mr. Moses has the power to tear down any building in a public park provided that building is incidental to park use.

Both Justice Martin and Justice Townley remarked that Mr. Moses spent \$200,000 constructing the Tavern-on-the-Green in Central Park, only a short distance from the Casino.

"This policy of tearing down buildings is very costly," said Justice Martin. "Isn't there any one to pass on that?"

"Yes. Commissioner Moses passes on it; he has the power."

"Well, it's a very dangerous power," continued Justice Martin. "He has torn down other costly buildings. Why, he tore down practically a new building in Pelham Park, one that cost \$200,000."

"That was torn down because it wasn't properly erected," replied Mr. Chanler.

"It seems to me there is plenty of other space in Central Park for a playground," commented the presiding justice. "I cannot see the wisdom of tearing down one building that has been used as a restaurant, and then, a short distance away, erecting another."

Holds It Is Landmark

Stanley J. Harte, counsel for Louis H. Saltzmann, restaurateur who brought the taxpayer's action to prevent waste of city property in which Justice Carew gave the injunction, pointed out that the Central Park Casino was built in 1863 and was known then as the "Ladies Refreshment Saloon."

Since 1869, he said, it has been referred to in New York City guide books as a "landmark." It was on the ground that the Park Commissioner was about to tear down a landmark without power to do so that Justice Carew granted the injunction.

"The Casino site is on a hill pregnant with rock," said Mr. Harte yesterday. "If the defendant can tear down this building, no historic relic will be safe in this city."

Mr. Chanler contended that the Casino building was not historic or "similar in history or sentiment to the old Van Cortlandt Manor in Van Cortlandt Park or the Block House in Central Park or the Central Park obelisk which Justice Carew said might also be torn down if Mr. Moses carried to the limit the power he claims to possess.

The Appellate Division reserved decision in the case. Mr. Moses had no comment to make on the proceedings before the Appellate Division. He expects to carry the case to the Court of Appeals if a ruling is made against him.

The Pelham Park building referred to by Justice Martin is said to have been a Volunteer Life Saving Station erected of stone by emergency relief workers during a previous administration which Mr. Moses regarded as improperly built.

MOSES WINS RIGHT TO RAZE THE CASINO

Appellate Division, Reversing Lower Court, Decides Law Upholds Park Head.

NO RULING ON PLAYGROUND

Restaurant Man Says He Will Appeal—Plans to Go Ahead With Project Are Ready.

The Appellate Division of the Supreme Court decided unanimously yesterday that Park Commissioner Robert Moses had authority to order the destruction of the Central Park Casino building. It reversed a decision by Supreme Court Justice John F. Carew restraining him from interfering with the building or its surroundings. The opinion by the entire court, consisting of Presiding Justice Francis Martin and Justices John B. McAvoy, James O'Malley, Alfred H. Townley and Edward J. Glennon, said:

"We find therefore that the legislative grant now effective gives power to the commissioner to raze or remove for other park purposes buildings which have been erected solely as incidental to park uses, such as restaurants, baths, boat houses and similar structures, and that such changes will not be supervised by the judicial power unless palpably indicated as abusive of the granted discretion.

No Ruling on Playground

"Nor will the wisdom of erecting a playground at a precise site be considered here. Remedy for a course of conduct calculated to destroy existing values lies in the removal of the incumbent or legislative regulation by the State or municipality, providing for a board or body whose action will be more conservative and deliberate."

The suit was brought by Louis H. Saltzman, a restaurateur, and the 330 West Seventy-second Street Corporation as taxpayers on the ground that the commissioner's intention to destroy the Central Park Casino building, valued at \$25,000, was a waste of public property. The plaintiffs also contended that restaurant men would be willing to pay the city \$50,000 a year and a percentage of the proceeds for the right to operate a restaurant there.

They also contended construction of a children's playground on the site, as proposed by Mr. Moses, would be unwise because of its nearness to streets crossing the park. Mr. Saltzman said last night he intended to appeal the decision to the Court of Appeals.

Amendment Removed Curbs

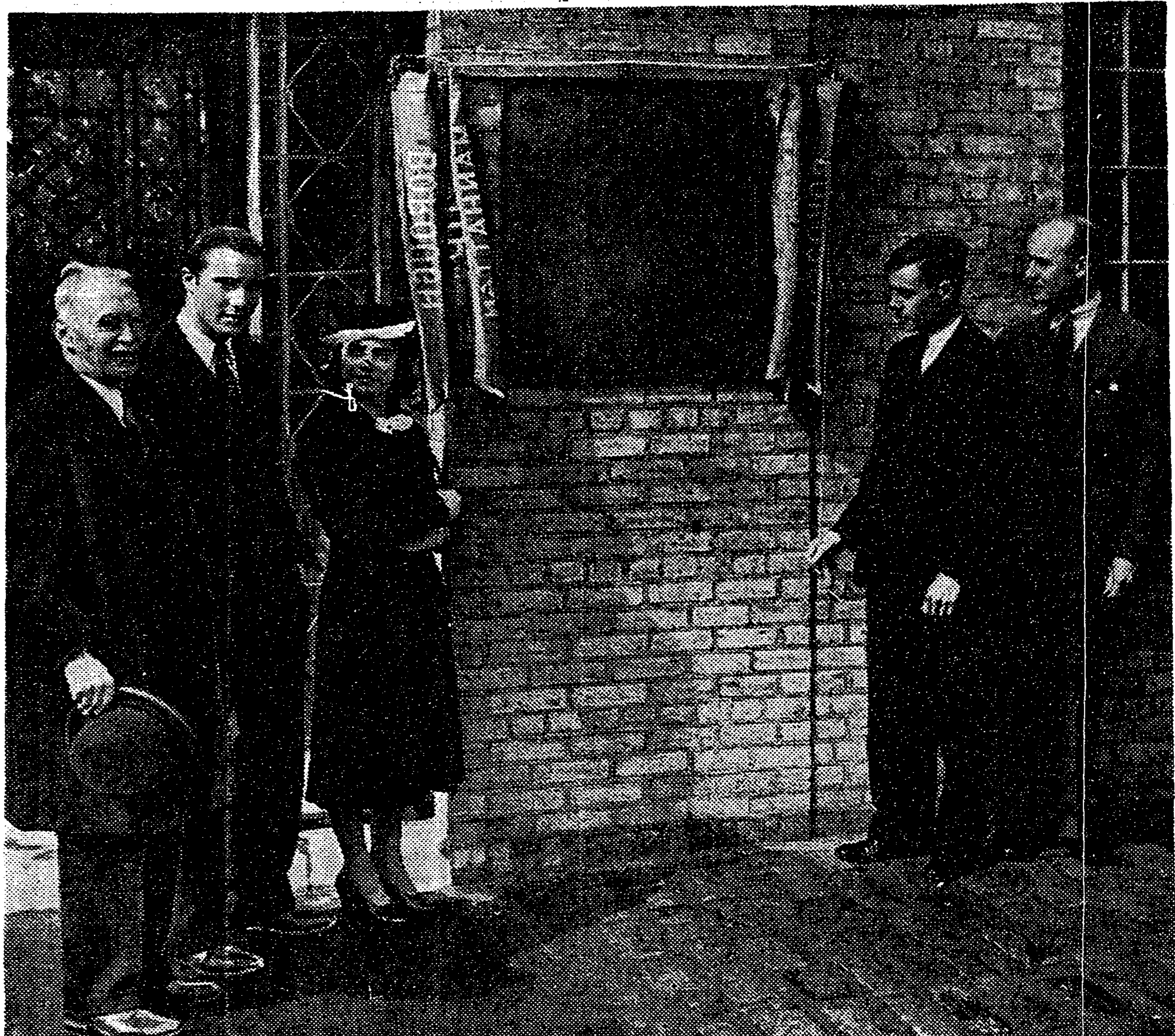
The opinion of the Appellate Division said that prior to the amendment to the law governing the administration of the Park Department a landscape architect, "skilled and expert," was required to give his assent to all plans and works respecting the development and improvement of the parks, but such restraint was removed under the present law.

William B. Roulstone, who submitted a brief in the case, as amicus curiae, declared the plaintiffs had failed to prove waste because the Casino building cost only \$30,000 when it was built seventy years ago. He said that the plan for a playground is part of a plan for the general improvement of Central Park on which work has been going forward for two years.

Replying to a question by Presiding Justice Martin when the case was argued as to whether there was no one who had power to control the extent of the Park Commissioner's demolition of structures in the parks, Mr. Roulstone said that the Park Commissioner was removable by the Mayor. He also pointed out that the Board of Aldermen has power to create new regulations for the park system, while the State Legislature, which increased the powers of Commissioner Moses when he took office in 1934, could rescind such powers.

Park Commissioner Moses said he was ready to proceed with the demolition of the building as soon as the Corporation Counsel's office notified him to go ahead. Plans have been drawn for the children's playground and it should be completed by the end of the Summer, he said.

Assistant Corporation Counsel William C. Chanler, who handled the case, said that he would tell the Park Department to begin work unless Mr. Saltzman obtained permission to carry the case to the Court of Appeals.



DEDICATING THE RUMSEY PLAYGROUND IN CENTRAL PARK

Daniel DeV. Harned, Bronson H. Rumsey, Miss Mary A. Rumsey, Charles C. Rumsey and E. Roland Harriman at the unveiling of the plaque in honor of the late Mrs. Mary Harriman Rumsey.

PLAYGROUND OPEN ON SITE OF CASINO

Moses Pays Tribute to Mary Harriman Rumsey, After Whom the Park Center Is Named

A new two-acre playground was officially opened yesterday afternoon in Central Park on the site of the once fashionable Central Park Casino with the unveiling of a plaque in honor of the late Mrs. Mary Harriman Rumsey, a founder of the Community Councils of the City of New York, for whom the play center is named.

Park Commissioner Robert Moses, in accepting the plaque, praised Mrs. Rumsey for her unselfishness and her desire not to seek personal credit for her efforts in behalf of community betterment and other undertakings.

Mr. Moses, who pushed the fight in the courts to oust the operators of the restaurant to make way for the playground, recalled the struggle and said the unveiling of plaque and the opening of the

marked the "last chapter in battle." The Casino, he said, one of the "serious headaches that confronted the present administration when it came into power.

The Casino, a building that constructed in 1864 and transformed by restaurant operators leasing it from the city into a \$1,000,000 structure in 1929, was an ample of the Gilded Age" and proper use of park property, commissioner said.

He said it was "amazing" number of persons who strove into the Casino during its halcyon days with the thought it was a restaurant and then discovered could not "meet the bills." He referred to the new playground a fitting substitute for the Casino.

Under the direction of Miss Teresa Schneider of the Department of Parks of the City of New York who will be the director at the playground, a Junior Protective League will be made up of boys and girls to be conducted, with each group having a button and being sworn to protect the park property by warning persons against violation.

At stipulated hours, those in charge of the recreation center will conduct classes in reading in the playground, known as the

Harriman Rumsey Playground, which is near the Mall and surrounded by flowers and trees.

The ceremony yesterday was opened by Daniel DeV. Harned, first vice president of the Community Councils, who said Mrs. Rumsey was one "always mindful that recreation is the rightful heritage of youth" and who "devoted much of herself and her means to insure that heritage to the fullest extent possible."

Frank Peer Beal, executive secretary of the Community Councils, praised Mrs. Rumsey for the "spirit" she put into her work and recalled that she had been instrumental in the opening of some 500 playgrounds in the city.

Other speakers who praised Mrs. Rumsey were John Kirkland Clark, former president of the Community Councils; Miss Constance Chambers, who represented the New York Junior League, of which Mrs. Rumsey was the founder, and Dr. John H. Finley.

Among those present were Mrs. Rumsey's daughter, Miss Mary A. Rumsey; two sons, Bronson H. Rumsey and Charles C. Rumsey, and Mrs. Rumsey's brother, E. Roland Harriman. The plaque was unveiled by Charles C. Rumsey.

Messages were sent by Governor Lehman, Secretary of Labor Frances Perkins and Mrs. Franklin D. Roosevelt. The inscription on the plaque reads:

"In memory of Mary Harriman Rumsey, Nov. 17, 1881—Dec. 18, 1934, gracious citizen who gave gladly of her means and herself for the health and happiness of little children."