

# Prosecutor Presents His Side Of Story To Public

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hand brake. It was not claimed by the police who made a very careful investigation of the bus that the brakes on this bus were defective. The foot brakes were found to be in good condition and the only charge was that there was something that interfered with the easy, free and complete application of the hand brake.

The investigation of the homicide was continued after that date. The police made effort to get the names of some of the passengers who were riding in the bus so that there might be a version of the accident from eye witnesses.

It should be noted that in Queens County, not only during the administration of the present District Attorney, but during the administrations of the former District Attorneys, that the practice has been different than that which has been adopted in Manhattan. In Queens County the person who drives the automobile involved in an accident in which a life is taken is not placed under arrest unless there is something that will justify such an arrest. There are many automobile accidents in which a life is taken where there would be no justification in placing anybody under arrest on a criminal charge. In every automobile homicide, however, an investigation is made by the Police Department and the District Attorney's office and where there is even a suspicion of gross culpable negligence the matter is presented to the Magistrate's Court for its determination.

When this defendant was arraigned on the 6th day of August before Judge Dreyer, that Magistrate being a Manhattan Magistrate, who was sitting temporarily in Queens County, and undoubtedly unfamiliar with the procedure in Queens County and not having heard the evidence in connection with the inadequate brake, questioned the representative of the attorney for the defendant and found that he was not an attorney-at-law and directed him to have an attorney present in Court on the 8th of August with his client, the defendant, at which time a charge of homicide was to be made. On this day there was no representative of my office present because this was not one of the scheduled District Attorney days in this Court during the month of August.

On the 8th of August the defendant appeared at the Magistrate's Court, and the records of the Court show that when the Magistrate inquired if they were ready to draw the complaint for homicide, that my Assistant, Mr. McGrattan, stated to the Court that he was ready. A request was then made on behalf of the attorney for the defendant that the matter be adjourned for two weeks because the said attorney was engaged in Manhattan before Judge Wallace. This request was denied. The complaint charging homicide was drawn. The defendant was placed under arrest, taken to the Flushing Precinct by the police officer, fingerprinted booked in the records of the Police Station and then returned to the Magistrate's Court, where he was arraigned. He pleaded not guilty and was then told by the Court:

"You are entitled to an adjournment to get witnesses and counsel to aid you in your defense. You may have an examination in this Court or you may waive examination and go direct to the Grand Jury. What do you say about it?"

The defendant requested an adjournment. The Court asked him what day he wanted and the defendant re-

quested that the case be adjourned to the 22nd day of August. The defendant was held in \$1,000 bail. An objection was made to this bail as being too low and the Magistrate responded that that was what they did in New York and that it was done so that the surety companies couldn't get rich on the people.

There is nothing unusual in the adjournment of this matter from the date of arraignment on August 8th to the 22nd of August. Certainly it would not be consistent with American justice to require that the defendant proceed with a hearing on the very day of his arraignment, and especially since the law requires that the Magistrate presiding must advise the defendant that he may have a reasonable adjournment for the purpose of securing witnesses.

On the 22nd day of August when the case was called before the Magistrate, a representative of Mr. Thomas F. McAndrews, an attorney, made application on behalf of the defendant for an adjournment until September 5th, submitting at the time of his application an affidavit to the Court. He stated that his son was in some camp and was suffering from a severe attack of pleurisy and that he would have to be with him. It was on this application and the affidavit submitted that the Court granted the adjournment until September 6th, and it was not as stated on the application of the District Attorney.

On the 6th of September an examination of the stenographer's minutes, certified by Elsie A. McQuade, the official stenographer of the Court, will disclose that Mr. William H. Barf, the Assistant District Attorney, upon the calling of this case stated to the Court that if there could be a concession as to the cause of death, the People were ready to proceed with the hearing. The counsel for the defendant then stated that he was willing to agree that there had been an accident and that a child was killed through that accident. The court then announced that he had been advised that the officer was not there. It was explained that the officer who tested the brakes was present but the Court stated, "The officer who made the arrest in the homicide should be here." The attorney for the defendant then said the arresting officer did not see the accident, to which the Court responded, "I know that; he may have had conversation; he should be here. Two weeks." The records of the court further disclosed that this adjournment was on the consent of all the parties, including the attorney who represented the mother of the deceased child.

## MR. SCHOLER'S LETTER

Hon. Charles P. Sullivan,  
I was very much surprised to learn that on Saturday last there appeared in the North Shore Daily Journal, criticizing your conduct of the automobile case in which John Pobutkiewicz met his death.  
I appeared at various sessions of the Magistrate's Court when this matter came before the Court, of counsel in charge of this matter on behalf of the above firm of attorneys of which I am a member and who are the record attorneys for the mother of the deceased child.  
I discussed this case with the Assistant District Attorney who was present in Court and I am familiar with the actions taken

by the District Attorney and the Police Department in their investigations.

I feel that everything that was possible was done in the matter of this investigation, and that there was no unusual or unnecessary delay in the presentation of this case.  
Our client, Mrs. Pobutkiewicz and this office, do not feel that there is any justification for any complaint or any censure of your office or the Police Department in the handling and presentation of this case.  
I am writing this so that you may know how we at this office feel concerning this matter.  
Very truly yours,  
HARRY L. SCHOLER

# Probe Asked By Alliance On Delay In Transit

(Continued from Page One)

courthouse be built on city-owned land.

"That will stop all this squabbling by real estate speculators who are opposing civic workers," Mr. Marek said.

A difference of opinion between the WPA and the PWA over the kind of buildings that are to be constructed with federal public works money has resulted in the rejection by the PWA of the plans for the courthouse and civic center, on the ground that too much money is to be spent for materials and not enough for labor. A conference on the question is to be held at Hyde Park with President Roosevelt.

# Taxpayers Assn. Of Whitestone Backs Bus Drive

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again place itself on record as being in favor of the proposed bridge from the Bronx to some point at or near Whitestone. Letters to that effect will be sent to Park Commissioner Robert Moses, who favors the project and to the North Shore Civic Alliance. It was felt by the members that the building of such a bridge will almost automatically extend transit facilities to North Shore communities, and make new and direct connections with Manhattan and the Bronx.

In the matter of securing rapid transit extension from Flushing to Whitestone, there seemed to be general agreement with Mr. Worthington's report that immediate or early relief does not seem to be possible so long as the present members of the Transit Commission and the present city officials are in office. He declared that certain financial and business interests, working through both leading political parties, are in opposition to any extension. He declared, however, that the civic organizations and individual taxpayers must keep up the agitation for transit even if it takes years to accomplish.

There was a divided vote—with the affirmative in slight majority—on a resolution favoring the proposal for a free city college in Queens, probably on the site of the Parental School in Flushing. The

# Bayside West, Jamaica Bus Service Blocked

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vey, who advised Mr. Paltrow that he was convinced that the line could not be operated on a 5-cent fare basis, and also officials of the Department of Plant and Structures, who, however, said that the Bayside company could have a franchise within 24 hours if it would agree not to charge more than a 5-cent fare.  
Further efforts to obtain a franchise on a 2-zone basis are to be made today after Mr. Paltrow has conferred with Borough President Harvey, who is anxious to see service, which was suspended last Saturday, resumed at an early date.

# Political Rally Held In Bayside

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John P. Finn, veteran civic worker; Mrs. Mae V. Gallis, state committee member from the Third Assembly District; State Committee member John T. O'Connell and Mason E. Harker, head of the Citizens' Democracy.  
Many leaders of the party in the eighth zone were introduced, including Gabriel Rubino and John J. Tierney, executive member and president respectively of the Huron Democratic Club; Irving Fink, executive member of the Matawac Democratic Club; Mrs. Kathryn Hays, president, and Mrs. Joseph D. Nunan and Mrs. J. Edgar McKee, past presidents, of the Huron Women's Democratic Club; Meyer Gladstone, executive member, and Charles Sobelson, vice president, of the White Star Democratic Club, and the zone leader, Andrew D. Nevins. Bert Swar, a member of the famous minstrel team of Moran and Mack, entertained with stories.

# Heavy Bail Set In Arson Charge

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same address were represented by an attorney.  
According to the police they confessed to having poured 3 gallons of gasoline through a whole drilled in a window on the first floor of the building and then tossed it in a match.  
The resulting explosion was their undoing as it instantly attracted the attention of the watchman, who in turn sent out an alarm and caused the blocking of every avenue of escape from College Point. The 3 men were picked up in the police drag net that was thrown around the factory.  
According to the police, the Augustine Mills, manufacturers of knitted garments for women, have been having labor trouble. It was also stated that at least 2 of the prisoners admitted they had ac-

# Boy Exhibiting Execution Hangs Self In Flushing

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cence of his brother's predicament. They thought it was all part of the demonstration.  
Presently they became bored with the show as John just continued to hang there and ran out to play.  
A half hour later Clemente entered the garage. Instead of cutting the boy down the driver became excited and ran into the house shouting for the baker and his wife, Mrs. Rose Zarcone. Mr. Zarcone cut his son down while Clemente called the police. Dr. Dominio of Flushing Hospital was summoned and pronounced the boy dead on arrival.  
The dead boy was a student at School 20 where he was well liked and stood creditably in his classes.

# Nursing Assn. In Need Of Funds

(Continued from Page One)

supervision and maternity work was handicapped.  
The board accepted with regret the resignation of Mrs. Elsie Kelch, staff nurse, after years of service. Mrs. Kelch has resigned to join her husband in business in the West. The thanks of the board were tendered to Mrs. Kelch for her faithful service.  
Helen Trebor, managing editor of the North Shore Daily Journal, was elected a member of the board of directors. Members of the board present were: Mrs. Smailbach, Mrs. Tolbert T. Battle, chairman of the Maternity class; Mrs. R. H. Brown, Jr., chairman of the nursing committee; Mrs. Marie Duff, Sherman S. Ely, treasurer; Miss Edna L. Franklin, secretary; Flushing, and Mrs. H. S. Kraemer, College Point.

# Injured In School

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Leonard Newman, 7, of 46-34 Burling street, Flushing, was slightly injured Wednesday evening when he fell off a desk while playing in an empty class room in School 24, Holly and Robinson avenues, Flushing. The boy's mother was attending a mothers' meeting in the school at the time of the accident. The boy was treated by Dr. Cummins of Flushing Hospital and allowed to go home. He was suffering from lacerations of his forehead.

# Schools On North Shore Have Part Time Sessions

(Continued from Page One)

ilities were employed last year and the year before, but to little avail.  
A school strike, unprecedented, was called by mothers of School 163 in Flushing. Itights to force the opening of the school. The strike succeeded when the mothers enforced their threat and attracted nationwide attention.  
Sought Admittance In 19 Years  
The parents of School 25, Murray road, have demanded an addition to the school for the past 19 years. Some of the children who attended the school are now demanding that addition for their own children.  
Little hope is being held out for the much needed school construction on the North Shore in the near future. Facilities needed badly include an addition to School 159, Bayside West; an addition to School 24, Murray Hill; replacement of School 30, Bayside; completion of new school in Rosewood; a new school in the vicinity of Memorial Field and additions to School 29, College Point and School 32, Flushing.

A survey made by the North Shore Daily Journal shows that 9 of 21 schools will hold double sessions this year. It also discloses the time schedules for double and part time classes; the registrations and increases.

A summary of the survey follows:  
Flushing High School  
Double sessions will be held at the Flushing High School where the enrollment this year is 4,484 as compared to 4,336 September 12, 1934. The increase of 1931 over 1933 was 305.  
The morning session is from 8 to 12:35; the afternoon session from 12:50 to 5:15.  
This will be relieved by the opening of the Bayside High School early next year.

School 159, Bayside  
School 159 of Bayside is one of the most rapidly growing schools in Queens. Double sessions prevail at this school which is located at 33rd avenue and 265th street. About 1,000 pupils have registered here, an increase of more than 100 over last year. In 4 years the attendance at School 59 has jumped about 700 to 1,000. Last fall a registration was 992.

School 24, Flushing  
School 24, at Holly avenue and Union street, Flushing, conducts double sessions. The registration is 579 as compared to 873 last fall.

School 31, Bayside  
School 31, at 10th street and Boulevard, last year had an enrollment of 558. Christina Murray, assistant to the principal, who is on a leave of absence, refused to give out any information. She said that she would get in touch with the teacher who was taking her place and would tell her not to give any information either.

School 34, Flushing  
School 34, at 10th street and Boulevard, last year had an enrollment of 558. Christina Murray, assistant to the principal, who is on a leave of absence, refused to give out any information. She said that she would get in touch with the teacher who was taking her place and would tell her not to give any information either.

School 37, Whitestone  
School 37, at 10th street and Boulevard, last year had an enrollment of 558. Christina Murray, assistant to the principal, who is on a leave of absence, refused to give out any information. She said that she would get in touch with the teacher who was taking her place and would tell her not to give any information either.

School 39, Flushing  
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School 41, Flushing  
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School 43, Flushing  
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# Assessment Rule Change Advocated

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The hearing was held on the bill of Controller Frank J. Taylor to permit taxpayers to spread local assessments of more than \$25 over a period of 10 years.  
Mr. Calder said payments should be spread over a 25 year period for assessments over \$100. In that connection he suggested that the interest rate on unpaid assessments be cut from 7 per cent to 3 per cent. Controller Taylor's bill cuts it from 7 to 5 per cent.

# Says Auburndale Dogs Poisoned

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A reward of \$100 has been offered by Robert A. Haag of 17-70 188th street, Auburndale, Flushing, for information which would lead to the arrest and conviction of the person who poisoned his dog, according to an advertisement appearing in this issue of the North Shore Daily Journal.

Mr. Haag's dog, a valuable and beloved scotch terrier, died on Wednesday of lead poisoning taken on in the neighborhood of the school, according to a veterinarian performed by a veterinary surgeon. Mr. Haag believes that the dog was deliberately poisoned.

A Mrs. Moore, neighbor of Mr. Haag, and a voluntary worker of the A.S.P.C.A. stated this morning that 7 or 8 valuable dogs had died mysteriously in the neighborhood within the last year.

Apparently the find who has been doing the poisoning, if there is such a person, also takes care for the dogs, as Mrs. Moore persons in the neighborhood have had trouble with their jaws only to discover that they had been sprinkled with poison.

'RIDE' KILLING  
Corona Murder Laid To Gangsters  
The body of a man found shot to death in a car parked in front of 108-14 37th road, Corona, Wednesday morning was definitely identified today as that of Harry Handler, 49, a bookmaker who lived at the Hotel Belvedere in West 48th street, Manhattan.

Detectives investigating the slaying expressed the belief that it was typical "ride killing," Handler was found with 3 bullet holes in his body, straddled on the right side of his own new coupe. It is believed that the shooting took place at some other place and the body was then driven to the point where it was found.

Margaret Lee, acrobatic dancer from whom a telegram was found in Handler's pocket was questioned Wednesday by District Attorney Charles P. Sullivan but was later released.

IN FATAL CRASH  
Flushing Man's Car Involved In Accident  
A car driven by William Thompson of 135-08 North Hempstead turnpike, Flushing, was involved in a collision at 21st street and 20th avenue, Astoria, Wednesday that resulted in the death of Edward Hefferan, 26, of 21-28 21st street, Astoria. Hefferan died at St. John's Hospital, Long Island City, where he was removed following the crash.

The driver of the other car was reported to have been Henry Oberlien of 3-09 Astoria boulevard, Astoria.

# Obituaries

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Funeral will be on Saturday under the direction of Dooley and Sons, but the time has not been announced.

# Motions Are Filed To Deny Increase

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# K.F. Dwyer Denies He Employed An Ambulance Chaser

# Bayside Aide To State Attorney Held On Charge Following Accident

Keron F. Dwyer of Bayside, assistant state attorney, pleaded not guilty before Magistrate Frank Giorgio in Manhattan City Court yesterday to charges of employing a person in the solicitation of business and soliciting business for half of an attorney's fee.  
Mr. Dwyer was paid for hearing September 20. He had a statement in court.

The complaint in the case is filed in the name of Edward Nathan of 110th street and boulevard, Corona, whose 10-year-old daughter, Barbara, was injured by an automobile on August 31 at Northern boulevard and 11th street. Mr. Nathan said on September 1 a man, whose name he does not know, he could identify if he saw him again, called at his home and represented Mr. Dwyer as seeking to have Mr. Dwyer act as an attorney for a case.

Charles K. Engel, one of the special commission on Queens County Bar Association investigating alleged practices in negligence actions, thought this was the man who came to see him in the city after the death of "Ambulance Chasing" law into effect on September 1.

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A Mrs. Moore, neighbor of Mr. Haag, and a voluntary worker of the A.S.P.C.A. stated this morning that 7 or 8 valuable dogs had died mysteriously in the neighborhood within the last year.

Apparently the find who has been doing the poisoning, if there is such a person, also takes care for the dogs, as Mrs. Moore persons in the neighborhood have had trouble with their jaws only to discover that they had been sprinkled with poison.

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