

SCHOOL EXPLOSION WILL MAY REACH 500

SOUTH SIDE TRANSIT LINE PUT IN BUDGET

City Moves to Appropriate \$16,000,000 to Buy L.I.R.R. Branch

The Board of Estimate was scheduled today to take first steps to extend rapid transit facilities to the South Side of Queens through the purchase of the Rockaway Beach Division of the Long Island Railroad.

Meeting in secret session as the Committee of the Whole, the board yesterday afternoon amended the Capital Outlay Budget to include \$16,000,000 for adding the railroad division to the city's Independent Subway System.

At today's meeting the Board of Estimate is expected to act finally on the outlay budget. The deadline for its adoption is April 1.

Coming on the heels of the official announcement that the Queens boulevard-Hillside avenue line of the Independent Subway is to be opened to Jamaica, May 1, the action of the Board of Estimate to extend the Queens line by joining it to the Long Island in Rego Park was a surprise.

It was learned the resolution was introduced by Aldermanic President William F. Brunner and supported by Borough President Harvey.

Mayor LaGuardia, it was indicated did not oppose the move. In view of his elimination of the request for the purchase of the road in the original capital budget, City Commissioners attributed the approval of the amendment as motivated by a desire to avoid a campaign issue.

Inclusion of the \$16,000,000 in the outlay budget, it was learned, was made contingent upon passage of legislation at Albany to further reduce from the city's \$270,000,000 debt limit the \$3,000,000 bond issue needed to buy the railroad and make the necessary improvements.

Brunner is to go to Albany Monday to pave the way for the necessary action. He said that he is "contacting the right people" to support the measure in the Legislature.

The action of the Board of Estimate does not mean the city will acquire the railroad next year. The city is merely authorizing the undertaking of the project if and when it wishes.

Not more than \$1,000,000 or \$2,000,000 will be spent on the project by the city next year, it was learned.

Must Await Repairs. It was understood also that the \$16,000,000 was written into the budget subject to a contract being made with the city and the Long Island Railroad providing that no money will be paid out until the railroad eliminates grade crossings along the route and makes certain repairs.

The board, it was learned, made provision for the plan for \$3,000,000 tuberculosis unit at Queens General Hospital and a total of \$6,185,000 for new schools in Queens including \$425,000 for the establishment of a Queens college at the Parental School in Flushing-Hillcrest.

Approval for purchase of the Rockaway Beach Division has continued for years in the Rockaways, finally culminating in a study of the problem by the Board of Transportation in 1933.

Total Cost \$39,000,000. In the year a report was made by John H. Delaney, chairman of the Board of Transportation, estimating the cost of buying the railroad property, after grade crossings are eliminated in Ozone Park, Aqueduct and in the Rockaways, at \$15,475,000.

An additional \$18,525,000, it was said, would be needed for construction of one-half mile of connecting track in Rego Park, a new Far Rockaway terminal and for equipment to be provided by the city, bringing the total estimated cost of the project to \$34,140,000. This estimate has since been increased to \$39,000,000. The contract would also provide that \$16,000,000 for the Long Island Railroad would include \$10,300,000 for its right-of-way plus \$5,700,000 for reimbursement for the elimination work.

Under the preliminary agreement between the company and the Board of Transportation, the railroad also agreed to accept payment in the form of 50-year city bonds.

Queens Bar Rejects Court Plan; Livoti Nominated for City Judge

Lawyers Decide Against Roosevelt Proposal After Debate

A resolution supporting President Roosevelt's judiciary revision program was defeated at a turbulent meeting of the Queens County Bar Association in the County Courthouse, Long Island City last night by a vote of 49 to 36.

The lawyers, most of whom are Democrats, argued for almost an hour on methods of procedure before debating the topic. Opponents of the President's court expansion plan labelled it "fraud" and characterized Roosevelt's action in attempting to press passage of the measure as reminiscent of the reign of James II in England and of the "Bloody Assizes."

Proponents of the program described the present courts as "frost-bitten" and as isolated as "cloister."

After nearly an hour of discussion, the lawyers voted by 49 to 16 to hold a debate, limiting speeches to three minutes.

Supporters of the President's program were Frank Bellucci, Corona, president of the association; Charles Belous, Corona, former Queens Fusion leader; Norman Sallit, Far Rockaway; Maurice Pompan, Far Rockaway; Joseph Mitchell, Jamaica; Assistant District Attorney Irwin Shapiro, Rockaway Park, and Henry Otto, Richmond Hill.

"The questions at issue today in the country should be decided by justices who are immune with the times," Pompan contended. "The

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COURT ORDERS ARREST OF AUTO STRIKERS

Body Attachments Issued for Homer Martin and 6,000 Sit-Downers

DETROIT (UP)—The Wayne County Circuit Court issued a writ of "body attachment" today, ordering the arrest of Homer Martin, president of the United Automobile Workers, and the 6,000 sit-down strikers in nine Chrysler Corporation plants.

Judge Allan Campbell, after a conference with Chrysler attorneys, issued a blanket writ against the men who are holding the nine plants.

The writ also named "agents and representatives" of the union—Martin and such U.A.W. officials as Wyndham Mortimer, first vice-president, and Ed Hall, second vice-president.

The writ instructed Thomas Wilcox, sheriff of Wayne County, to "arrest said persons and each of them and to bring them and each of them before this court to answer for said misconduct."

Sit-down strikers ignored a writ of injunction issued by Judge Campbell, commanding them to disperse.

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Hughes May Testify At Hearing in Senate

Washington (UP)—Opponents of Supreme Court reorganization sought today to prepare the way for appearance of Chief Justice Charles Evans Hughes before the Senate Judiciary Committee.

Leaders of the fight against President Roosevelt's judiciary program were understood authoritatively to have decided to investigate whether the 75-year-old jurist would consent to testify. Negotiations were said already to be under way.

It was learned that the attitude of other members of the Supreme Court also was being determined in the hope that some of the associate justices might appear before the committee.

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Ridgewood Man's Name Goes to Senate Monday Night

Assistant Corporation Counsel Paul Livoti of Ridgewood last night was endorsed for City Court Judge by the judiciary committee and board of managers of the Queens County Bar Association.

Action of the committee and board, unanimous in both cases, clinches the designation of Livoti whose name Gov. Lehman will send to the State Senate for final approval Monday night.

The Ridgewood man's name was the only one submitted by Lehman for approval of the bar association. The state executive customarily submits the name of his choice for a judgeship to the legal group before taking formal action.

Livoti, a Ridgewood Democrat, will fill the post left vacant by the death of William B. Hazlewood, New Gardens Republican, who died January 25. Hazlewood was elected to the bench on a bipartisan ticket in 1931.

Livoti will fill the post until November when it will be contested for the remainder of the unexpired term, which ends in 1941. Livoti's name was included in the candidates submitted to Governor Lehman by Democratic County Leader James C. Sheridan.

The Democratic chairman it is believed, first recommended the appointment of Livoti. He is a member of the Queens County Bar Association and a member of the organization of Democratic Party, which he has occupied in a prominent position when the Governor selected his candidate.

Appointed by Walker. The assistant corporation counsel is 38. He became active in Queens politics in 1922 when he joined the Anawanda Democratic Club, home organization of Democratic Party, and was elected its president. He was appointed an assistant corporation counsel under Mayor Walker in 1926 and continued in that capacity through the administrations of Joseph V. McKee, John O'Brien and Baruch.

The Ridgewood man is a member of the Queens Elks Lodge, an organizer of the Queens Catholic War Veterans, a member and former director of the Queens County Bar Association and a member of the Community Progress League.

The judiciary committee and board of managers of the bar association met at the Queens County Courthouse, Long Island City, preceding a regular meeting of the association last night. Frank Lehman, chairman, presided over the judiciary committee session.

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BENNINGER TO BE BURIED IN ONTARIO

Mass of Requiem Will Be Celebrated Monday in Ridgewood

Federal Marshal Albert C. Benninger of Glendale will be buried in New Germany, Canada, the tiny village near Kitchener, Ontario, where he was born on Aug. 22, 1884, it was announced today.

A solemn mass of requiem will be celebrated at 11 A. M. Monday in St. Pancras Roman Catholic Church, 69th street and Ridgewood.

Mr. Benninger, who was Queens park commissioner for 10 years and Democratic leader in the Ridgewood section for 25, died at 12:30 P. M. yesterday at his home, 72-78 72nd place, Glendale, after a lingering illness from a throat infection. His wife, Katherine, is at his bedside.

Active pallbearers will be: Democratic County Leader James C. Sheridan of Astoria, Appellate Division Justices Frank F. Adell of Kew Gardens and William B. Carswell of Brooklyn, City Court Justice Charles W. Frossell of Glendale, Police Inspector Michael J. Murphy of Ridgewood, and Aldermanic President William F. Brunner of Far Rockaway.

The Ridgewood Democratic Club, of which Mr. Benninger was a founder, will drape its clubrooms at 24-20 Putnam avenue in mourning for the next 30 days.

The Elks will hold a memorial service Sunday at 8:30 P. M. in the chapel of George West, Cooper avenue and 72nd street. Burial will take place Tuesday afternoon in St. Boniface Cemetery at New Germany, Canada.

A Leader 25 Years. Benninger's death came after several months of enforced retirement from political life, in which he had been a picturesque leader for more than 25 years. He underwent an operation Sept. 16 in Jewish Hospital, Brooklyn.

He was a member in the Doctor's Hospital, Manhattan, and Trinity Hospital, Brooklyn. His last days were spent under the care of his wife, Katherine, and a private nurse. He had no children.

His political activities were the issue of a semi-humorous bulletin, begging his friends to forget his telephone number long enough for him to recuperate.

The chief secret of his political success, as he frequently expressed it, was "the idea of being a good leader is to lead the customers where they want to go."

This policy put him temporarily out of a job in 1933 and 1934, when his support of Joseph V. McKee, Democratic County Leader, aroused the enmity of organization Democrats and Mayor John Patrick O'Brien ousted him as Park Commissioner.

That cost him little prestige, however, and with the active aid of former Alderman Joseph F. Mafera and others, he was still the leader in the Ridgewood area.

Headed Ridgewood Club. In December, despite his illness, he was elected president of the Ridgewood Democratic Club for his sixth consecutive term. From 1930 until his death he was Democratic State Committeeman of the Sixth Assembly District, in which he succeeded the late Sheriff Carl Berger, also a power in Democratic politics for many years.

Benninger stuck to his home community throughout his political life, and was active in the 6th District, comprising Ridgewood, Glendale, Kew Gardens, Forest Hills and Woodhaven. He was one of the founders of the Ridgewood Democratic Club.

He came to the United States from Canada as an enlistee with the Marine Corps, serving in 1918, '19 and 1920, in the Spanish-American War and the Philippine campaign. Mustered out, he worked in a Brooklyn cigar store for a year before moving to the then sparsely settled Ridgewood section to open a real estate and insurance office.

"I grew up with Ridgewood," he told his friends in later years. His first political activity was in campaigning for the Assembly in the old Third District, then comprising Ridgewood and the surrounding area.

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Officials Mourn Death Of Ridgewood Leader

'Distinguished as Party and Public Servant,' Sheridan Says

Friends and associates in his quarter-century of activity in Queens politics joined today in mourning the death at his home in Glendale yesterday of United States Marshal Albert C. Benninger.

"It was with deepest regret and profound sorrow that I received the sad intelligence of the passing of my warm personal friend and colleague," said Democratic County Leader James C. Sheridan of Astoria.

"No one in the Democratic party in Queens exceeded him in the affections of both leader and rank and file in our organizations. He was distinguished both as a party leader and as a loyal and faithful public servant," Sheridan continued. "He served with credit and distinction in the Spanish-American War, as a member of the State Assembly, as Queens Public Works Commissioner, Parks Commissioner and Federal Marshal."

"He was a true friend. His entire life was marked with an unusually high degree of devotion to duty, to his community, and to state and nation."

Aldermanic President William F. Brunner of Rockaway Park, said: "Queens loses one of its best citizens. Mr. Benninger contributed very much to the civic growth and was one of the bulwarks of Democracy in Queens. His death has been a great personal loss to me, as I

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FATAL BLAST ATTRIBUTED TO GAS IN CELLAR

Martial Law Is Declared in East Texas Oil Field Region

NEW LONDON, Texas (UP)—More and more bodies of children were lifted from the wreckage of the world's largest rural school today and the known death toll stood momentarily at 425. It was expected to reach 500 this afternoon.

Under the hot glare of arc lamps, amid the thunder of trucks, the blaring of loud speakers, the even pacing of military sentries, the occasional shriek of an ambulance, hundreds of men dug in the debris wrought by yesterday's explosion, knowing that scores more of bodies and perhaps some living remained buried beneath.

The rain began at dawn, which revealed an appalling scene. Bodies recently taken from the wreckage cluttered the field morgue, awaiting distribution among a dozen nearby towns.

The blaring of loud speakers, rumble of trucks, screaming of ambulance sirens and tramp of national guardsmen was pierced occasionally by a scream, as some parent identified a child.

Several thousand spectators crowded at the guard lines, eager but helpless to aid.

Of the 1,000 students enrolled in the school, less than half escaped death or injury, and the dead far outnumbered the injured.

More Bodies in Wreckage. More bodies were believed buried under the great heaps of steel, wood and concrete.

Several hundred workers tugged at the debris, pulling it onto trucks for hauling away.

The cause of the explosion that crumbled the three-story, block-long yellow brick main building of the New London Rural School seemed definitely established. Gas from leaking fuel mains in the used oil basement had accumulated for days perhaps for weeks.

Yesterday afternoon by some means as yet unknown it was ignited and the floors sank from beneath and the walls crumbled upon approximately 1,100 students and teachers. Some, perhaps half, escaped miraculously alive, the others were killed.

125 Known Injured. Of the 125 known to have been injured at least 20 were in such desperate straits early today that physicians expected them to die. The others suffered all varieties of hurts from broken limbs to cuts and bruises.

Red Cross authorities, emergency nurses and doctors who came from hundreds of miles around, believed that the final account would show the number of injured to be approximately 250.

The United Press accomplished a definite check on the dead with the greatest difficulty. The bodies had been taken to hospitals, to funeral parlors, to morgues improvised in grocery and hardware stores within a 40-mile radius.

And yesterday afternoon when the explosion roared out over the clanking towers of the East Texas oil field which surrounds the school, hard faced workers, their clothing sticky with black oil, came running up from their derricks, lifted the broken bodies of their own children into their arms and carried them off to their homes.

The first and probably inaccurate checks of school authorities showed that approximately 30 bodies had been carried off by this means without having gone through the identifying channels of morgues and hospitals.

Heart of Oil Field. New London is a tiny hamlet in the heart of the East Texas oil field. As far as the eye can see in any direction is a sea of derricks, all pumping black crude from the earth.

It comprises a few stores, a hundred or so houses and the plant of the New London Rural School—the main building with two wings "U" shaped and a gymnasium and an auditorium fixing the mouth of the "U." On one side is a recreational building.

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Earhart Ready to Hop Today

Honolulu, T. H. (UP)—Amelia Earhart Putnam, delayed overnight by storms, prepared today to take off over the open sea on her second flight to Howland Island, the second goal on her projected flight around the world.

Her \$300,000 silver Lockheed "Flying Laboratory" was overhauled during the night by her crew of three men, two of whom will accompany her to the tiny Pacific island, just north of the Equator and 1,650 nautical miles away.

Mechanics said the plane had to be "practically rebuilt" after the 2,400-mile flight from Oakland, Calif., which the 38-year-old flier made in 15 hours and 47 minutes, to begin her greatest expedition.

New propellers were installed aboard the two motors, replacing ones that were pitted by rain.

The tough-haired flier was philosophical about the weather. "There is no time lost anyhow, because the motors needed checking," she said. "They will have a long way to go and we must be sure of them."

The storm was near Howland Island. There were clouds and light rain, a barometer reading of 29.0, temperature 84 and visibility was 20 miles.

No plane has ever made the trip from Honolulu to Howland. The island is less than half a mile long and contains only the landing field, prepared by the Department of Commerce in advance of Miss Earhart's arrival. Pan-American Clippers plan to use the island in regular commercial flights from San Francisco to Australia.

Two Crews Rush to Finish Last 200 Feet of Subway

Work Must End April 3 to Allow Time for Tests

While the Jamaica Subway Celebration Committee is busy planning above ground making preparations for the formal opening of the new Independent Subway to Jamaica, May 1, a group of 90 workmen are busy underground at 169th street putting the finishing touches to the huge project started back in 1929.

Two crews are speeding the work of installing cables and switch signal equipment at the station. The work must be finished by April 3 and completely tested and approved by April 20.

A group of rail polishers then will invade the subway, scrub the rails, and test through the electric rail and test trains will make endless trips up and down the Jamaica stretch as Board of Transportation engineers inspect every inch of the new link.

The four stations in the stretch—Van Wyck boulevard, Sutphin boulevard, Parsons boulevard and 169th street—are all completed except for a few minor adjustments by painters and plumbers, so the actual work remaining is practically all in the 200 foot length of the 169th street terminal.

Two transportation inspectors, John Shell and John Ward are su-

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2 PLEAD GUILTY TO AVOID CHAIR

Two 20-year-old killers, Walter Seymour, pa led convict, and Harry J. Martin, today were out of the shadow of the electric chair.

Rather than take chances on a jury trial, they pleaded guilty in General Sessions, Manhattan, to second degree murder in the slaying of R. Walton Ford, interior decorator. They will be sentenced March 29.

Ford, 36, the scion of a once distinguished Virginia family, was found bound and strangled Nov. 4 in his room at the Hotel Sutton.

CHICAGO — Walkouts, lockouts and "sit-downs" surged over Chicago's business and industrial districts, with numerous acts of violence rearing their heads.

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Brihuega Falls To Loyalists

WITH LOYALIST ARMY, Madrid (UP)—Brihuega, field headquarters of the Italian drive against Madrid, fell in flames today before advancing Loyalist shock troops.

Army dispatches reported 500 Italians killed and 200 captured including 15 officers as the government forces, led by the famous Garibaldi Battalion of anti-Fascist Italian volunteers, routed an entire Italian division of 1,000 men commanded by Gen. Jose Moscarda, hero of the Alcazar siege.

A Rebel supply train and great quantities of war supplies, including tanks, machine guns, cannon, rifles and ammunition, gathered at Brihuega for the assault on Madrid, were captured by Gen. Jose Miaja's militiamen, they said.

The Italians fled from Brihuega, army dispatches reported, heading toward Sigüenza in the north.

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Construction Laborer Breaks Spine

Bongratzio Carozza, 31, of 106-70 52nd avenue, Corona, a laborer on a construction job at Metropolitan avenue and Park Lane South, Kew Gardens, was taken to Queens General Hospital yesterday with a fractured spine after he fell into an excavation. He was employed by the "1610 Avenue P. Inc. of Brooklyn.

ACCUSED BY WIFE. Patrick Masterson, 48, a B. M. T. motorman living in Maspeh, was arrested today on a disorderly conduct charge filed by his wife, Nora. Police, who took the man into custody at his home, 58-26 60th place, Maspeh, said his wife complained he threatened her and the children and shouted at them in loud and abusive language.

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Army Board Opens Probe To Determine Cause of Blast

Investigates Report That Building May Have Been Dynamited

NEW LONDON, Texas (UP)—A military board of inquiry was established today to determine the cause of an explosion that wrecked the world's largest rural school and killed approximately 425 school children and their teachers.

The board said it would inquire into reports that the explosion was caused by dynamite instead of an accidental explosion of accumulated natural gas, the generally accepted theory.

Approximately 1,000 workers from the surrounding East Texas Oil Field neared the bottom of the ruins of the New London rural school's main building at mid-morning and it became apparent that few more, if any bodies would be found.

Wally to Get Final Decree

Disposition Is Withdrawn by 'Mr. Stephenson'

LONDON (UP)—A 70-minute hearing in the divorce court today cleared the way for the award of a final divorce decree to Mrs. Wallis Warfield Simpson and her intended marriage to the Duke of Windsor.

Sir Donald Somervell, attorney general, appeared in behalf of the King's proctor, and disclosed that one "Mr. Stephenson" had intervened against the award of a final decree.

He said that Stephenson's allegations of collusion and conduct by Mrs. Simpson which would make the award of a final decree inadvisable had been investigated and found unjustified.

Then Stephenson himself rose in the little court room and said that he was prepared to withdraw his intervention.

Norman Birkett, chief counsel for Mrs. Simpson, moved that Stephenson's protest be struck from Court records.

Sir Boyd Merriam, president of the court, agreed and struck the protest formally from the records.

The result, no present obstacle was left in the way of the award of a final decree to Mrs. Simpson and her marriage to the Duke who gave up the British throne for love of her.

Barring any further intervention, the twice-divorced American-born society woman may make application in due course to have declared the divorce nisi, or of nullity