

Scutellaro, accused of the spindle-slaying of Harry L. Barck, Hoboken poormaster, at 2.30 o'clock this morning had failed to reach a verdict, eight hours after receiving the case at 6.30 o'clock last night. The jury continued its deliberation.

The jury filed into the courtroom twice to ask Common Pleas Judge Robert V. Kinkead to reread portions of his charge. Observers believed the jury was undecided on a verdict of manslaughter or acquittal.

While the jury was deliberating, Scutellaro's two children, Marie, seven, and Robert, four, romped and shouted playfully in the corridors of the courthouse. The defendant's wife, Anna, remained anxiously in the courtroom, hopeful that the plea of her husband's counsel, Samuel S. Leibowitz, noted New York criminal attorney, "to send Scutellaro back to his family—a free man" would be heeded by the all-male jury.

Asked First Degree.

First Assistant Prosecutor William George had asked a verdict of guilty of first degree murder, but not the death penalty for the slaying of Barck in his office last February 25.

At 9.20 P. M. Judge Kinkead summoned the jury and asked if they cared for anything to eat. Richard E. VanHorn, foreman, of 325 Union street, this city, asked the judge to re-define what constituted manslaughter and not guilty. This was done and the jury returned to the jury room.

After the jurors had retired Vincent Impellitteri, associate defense counsel, suggested Judge Kinkead should also have referred to the testimony of character witnesses in regard to a not guilty verdict.

Recalled Again.

Judge Kinkead, disturbed by Impellitteri's suggestion, offered to re-read the entire charge to the jury, but Leibowitz said that would be unnecessary.

Word was received then that the jurors desired to eat and food was sent for.

At 9.55 P. M., Kinkead recalled the jury to the courtroom and instructed them concerning the testimony of the three clergymen who had testified as character witnesses for Scutellaro. He said if that testimony raised a reasonable doubt as to the defendant's guilt, the defendant must then be adjudged not guilty.

Upon request of Harold D Tompkins, juror No. 2, of 132 Bentley avenue, this city, the judge also re-defined the different degrees of murder. The jury retired again at 10.05.

Faints Five Times.

Five times during George's summation, Scutellaro suffered fainting spells and had to be revived with smelling salts by his guard.

Leibowitz characterized Barck's death as "an act of God" and claimed that Barck fell on the spindle during a scuffle with Scutellaro after the poormaster had suggested an improper way in which the defendant's wife might earn some money.

During the six-day trial, the

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Woman Wounded, Man Ends His Life

Joseph F. Scutellaro

Broad St. Site Swap Is Urged For Postoffice

Mayor Would Acquire Walnut to Franklin Street Block.

Picture on Page 12

If the United States government will give Newark the old postoffice property at Broad street and Raymond boulevard, the city will condemn the Broad street block between Walnut and Franklin streets and present it to the government for a plaza for the federal building.

Mayor Ellenstein announced last night that he will present this proposal to United States Treasury officials this week. No cash would be involved in the transaction, he explained. His plan, he said, has the approval of Senator Barbour and he is confident other New Jersey Congressmen will support it.

The postoffice building was designed to face on Broad street. When Grace Church objected to being forced from the corner of Broad and Walnut streets, which it has occupied for nearly a century, the government dropped the idea of acquiring the block bounded by Broad, Franklin and Walnut streets and Vroom alley.

Mayor Ellenstein says he would not proceed with condemnation of the church property if the parish desires Grace Church to remain where it is. "It is an historic, ornamental structure," the Mayor said, "and I think everyone would be satisfied to have it remain if the remainder of the block were razed and landscaped."

Wood Boost Ratables, Is View.

The Mayor believes the city could sell the old postoffice land for enough to pay the cost of condemning the needed portion of the block now separated from the Federal building by Federal square.

His plan, he said, would boost Newark ratables and beautify Broad street. The Broad and Franklin block yields comparatively little in taxes, the Mayor continued, and the loss of its ratables would be more than offset by a substantial improvement erected on the Raymond boulevard-Broad street land.

"A landscaped area would make that portion of Broad street near the postoffice one of the most attractive spots in Newark. It would make possible, more important still, direct and easy approach to the postoffice from Broad street," he added. "Finally, it would increase the value of the present postoffice site tremendously by giving it frontage on a main artery."

Mayor Going to Washington.

The block between the postoffice and Broad street includes the United States Trust Company building and six other properties, in ad-

dition to the site of a legislative investigation of the relief administration in Newark was suggested last night by Speaker Pascoe of the Assembly, who plans to meet Mayor Ellenstein's "hunger march" demonstration in the State House with augmented police.

Members of the Workers' Alliance and other unemployment relief demonstrators will be permitted only in the main corridor of the State House, unless they obtain passes to the visitors' gallery, Pascoe said. State Police and State House police will guard the Assembly chamber.

"Mayor Ellenstein is making a bad mistake in encouraging these people to demonstrate," Pascoe said. "When he encourages the Workers' Alliance to march into the State House, he is not supporting peaceful assembly. He is trying to intimidate the Legislature. By backing a mass demonstration, he is making himself responsible for a possible riot."

Don't Intend to Be Annoyed.

"We do not intend to be annoyed and harassed while trying to find a way out of the state's financial difficulty. We are about to start the state's business for the year and we shall do it in a business-like way. The officers of both houses of the Legislature are ready to confer with representatives of unemployed groups or any other groups at any time."

"Attempting to shove us around will not get Mayor Ellenstein or any other municipal officials anywhere. I wonder how he would like it if we urged dissatisfied groups in Newark to demonstrate in the City Hall? Personally, I believe it's high time the Legislature looked into the relief situation in Newark, before any commitments are made. A survey might uncover many things of interest to the Legislature and to the rest of the state. Listening to Ellenstein, one gets an idea that the relief situation is the only trouble in Newark. It might be a good idea for Newark's Mayor to watch us at work and to note how we're scraping the state cupboard before giving any consideration to new taxes."

Job Relief No. 1.

The florists had their day in the State House last Tuesday. The unemployed, backed by a delegation of Newark grocers with uncashed relief checks, will have their turn tomorrow. The flower merchants yield to the flour merchants, and the legislators are resigned to another "crisis." Although nearly 50 assorted bills have been dropped in the hoppers, legislative leaders agreed yesterday that they will keep other business in the background until the unemployment relief emergency is aired.

Scheduled for movement under suspension of the rules is a bill to permit municipalities to exclude relief needs from temporary budgets, limited by law to 25 per cent of the total budget for the preceding year.

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