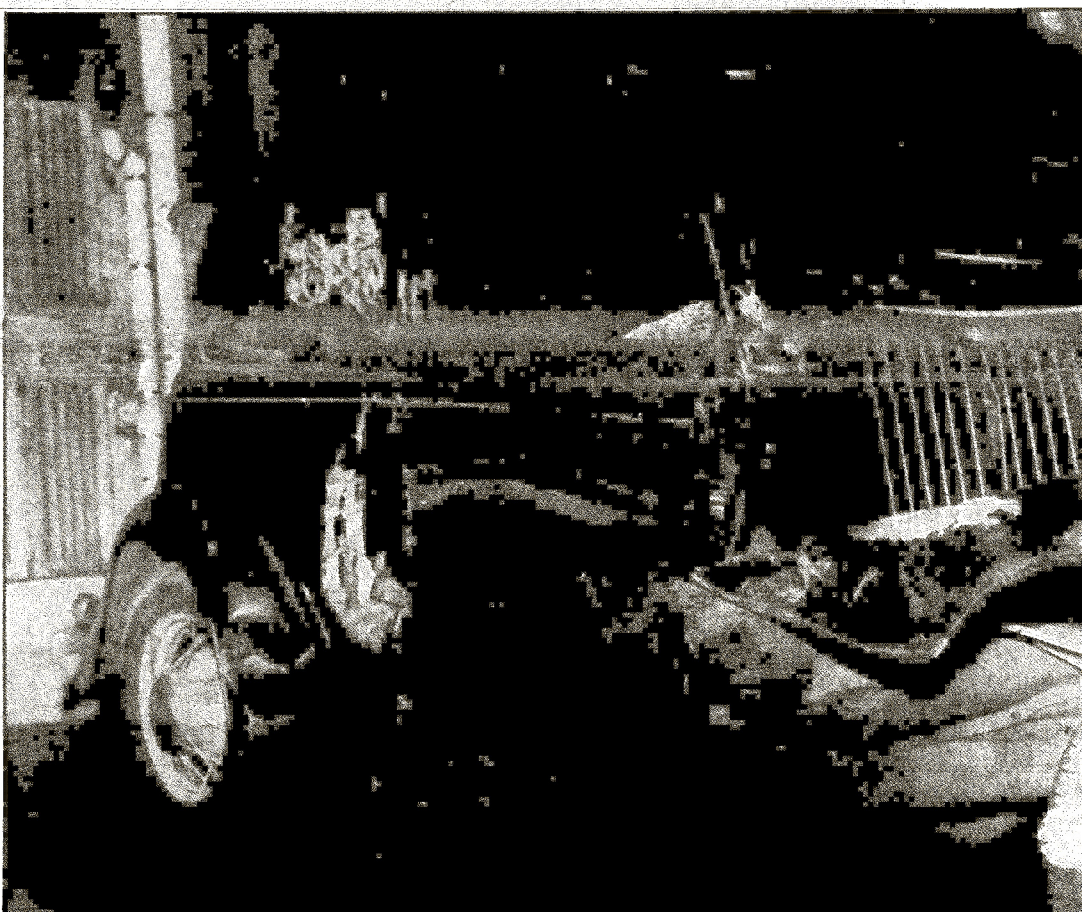
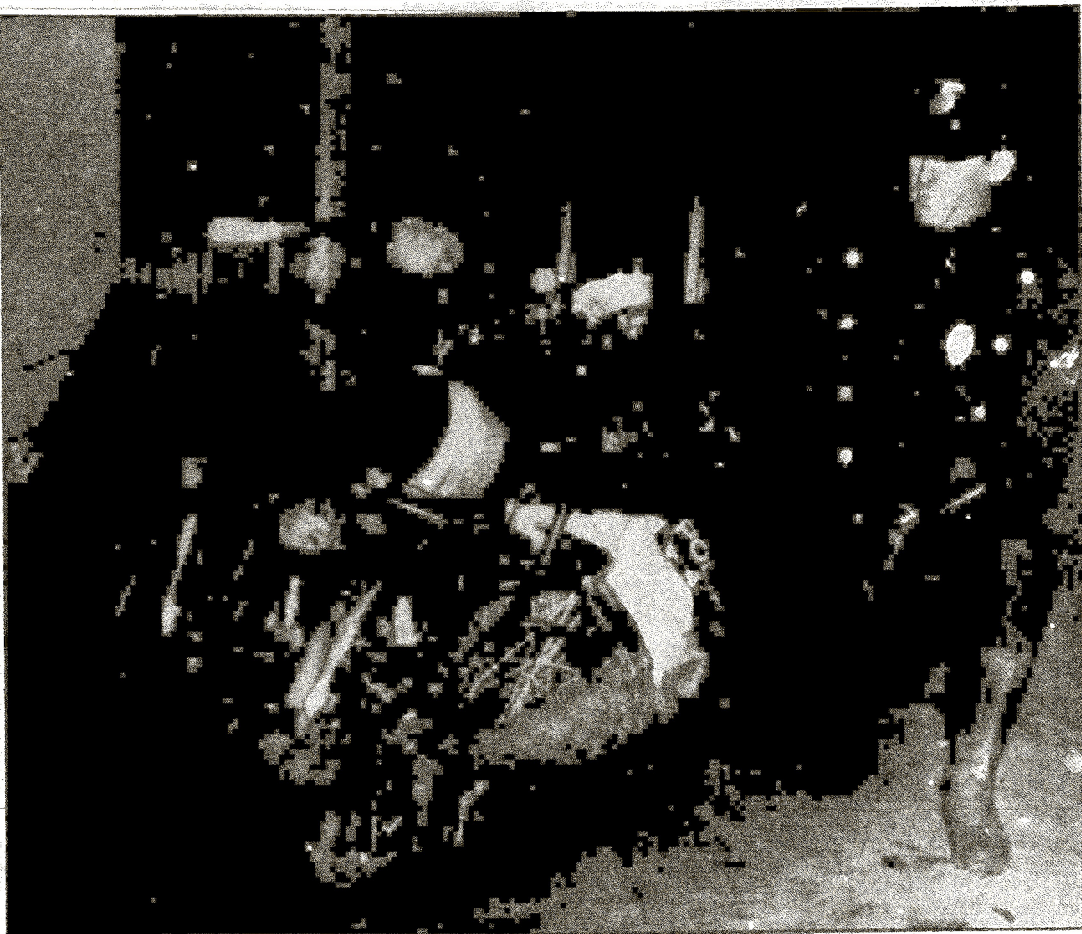


POLICEMAN KILLED AS CYCLE RAMS AUTO



Driver Testifies in Inquest of Cycle Policeman's Death

Carl Fauster, of 357 Boston place, driver of the automobile struck by Motorcycle Patrolman Harvey O'Neill early Sunday, today testified at the inquest being conducted by Coroner William M. Shapiro into the accident which caused fatal injuries to the patrolman. A verdict was withheld.

Mr. Fauster said he had had one whisky and two glasses of beer prior to the accident but that he had not been intoxicated. He testified that he slowed down and shifted gears as he started to turn east from Monroe street into Bancroft street. He saw lights of approaching cars, he said, but thought he had time enough to complete the turn.

Numerous other witnesses testified and all declared that from their observations Mr. Fauster was not under the influence of liquor at the time of the accident.

Policemen Testify

Among those who testified were F. ed Kountz, 29, of 2442 Robinwood avenue, passenger in the Fauster car; Charles Mensing, assistant superintendent of the fire alarm system, who said traffic lights had been turned off; Patrolman Edward Miller, Patrolman William Grunst, Sergt. A. W. Bernhagen, Patrolman Louis Chicy, Patrolman Charles Wehl, District Chief Joseph Kenny, William J. Michalak, gasoline filling station attendant; Harry Wilhelm, 219 Third street; John Houk, 1949 Marlowe road, and

Arthur Rodebach, 1651 Indiana avenue.

Under questioning by John Zuber, attorney for Mr. Fauster, Miller said O'Neill had ridden the motorcycle only six months and was on his second turn of night duty when killed. Miller said he did not hear O'Neill sound his horn. The officer said O'Neill was pursuing a speeding taxicab.

Others who testified were Peggy Coover, 3402 Gallatin road, fiancée of Mr. Fauster; her aunt, Mrs. Arthur Humfeld; Phillip Provo, 1941 Potomac drive; Jack Anderson, 1841 Glenwood avenue, and Patrolman Henry Fell.

The coroner said he wished to study the testimony before returning a verdict.

Rodebach was the only witness who testified that Fauster was driving in Bancroft street when the accident occurred. Two of the witnesses said O'Neill was pursuing a yellow taxicab when killed, but Attorney Louis Romanoff for the taxicab company said the company had no record of any trip in Monroe street and termed the speeding machine as "the phantom taxicab."

Brother police officers of O'Neill turned over a \$300 donation to the wife and children of their comrade.

Rites Tomorrow

Officer O'Neill is survived by his wife, Ruth, and sons, Harvey, Jr., 7, and Robert Paul, 5. His mother is Mrs. Mary O'Neill, matron of the police women's bureau. His father was the late Patrolman Eugene O'Neill, who died in 1915. Harvey O'Neill had been a member of the police force since 1930.

Thomas O'Reilly, inspector of the traffic bureau, today began a survey of traffic light control at dangerous intersections in Toledo. The light at Bancroft and Monroe streets, where Patrolman O'Neill was killed was not working at the time.

A guard of honor, formed by two fellow policemen, has been posted at the O'Neill home at 3652 Wallwerth drive, where services will be held tomorrow at 8:15 a. m., followed by services at St. Agnes church at 9. Burial will be in Calvary cemetery. Pallbearers will be Lieut. John Russell, Patrolmen Edward Miller, Francis Venia, Harvey Tripp, Roger Peters and John Eddis.

Mrs. O'Neill Denied Pay

Patrolman's Widow Loses Pension

Mrs. Ruth A. O'Neill, widow of Patrolman Harvey O'Neill, yesterday lost her chance to participate further in the police pension fund when the court of appeals refused her a writ of mandamus.

Patrolman O'Neill was killed Nov. 8, 1936, when his motorcycle collided with an auto at Monroe and Bancroft streets while he was pursuing a speeding car.

The court of appeals decision pointed out there are two funds, one the actual police pension fund supported out of taxes; the other a "sub-fund," supported largely by contributions from policemen.

Mrs. O'Neill, the court decision states, received from the police pension fund \$35 a month for herself and \$8 a month for each of the two minor children from the date of her husband's death till March, 1937, when the Ohio Industrial commission began payment of \$18.75 a week to her. By a rule of the city, the pension payments to her stopped when the state began paying, but the \$8 payments for each child are continued. From the "sub-fund," Mrs. O'Neill received a \$3,000 death benefit immediately, the record states.

The court of appeals held that the city rule denying pension payments to one who is receiving payment from the industrial commission, must govern in this case.

