

# And the Walls Came Tumbling Down

## 2 House Owners Cited in Complaint Of Negro Physicist

A Negro physicist and his wife have filed suit against two Brighton home owners, complaining that the two conspired to prevent them from buying a house in all-white neighborhood.

The complainants are Peter M. Tolliver of 81 Arch St., a research physicist at Stromberg-Carlson Division of General Dynamics, and his wife, Yvonne, a graduate of the Eastman School of Music. They contend they were prevented from consummating the purchase of a home at 42 Varinna Dr. by the actions of Arthur W. Schwartz of 30 Varinna and Joseph J. Morton of 35 Varinna.

Varinna Drive is near the Twelve Corners. It runs off Winton Road South, crossing Rhinecliff Drive and ending at Imperial Drive.

Both Schwartz and Morton declined comment yesterday.

### Claim Sale Promised

The Tollivers, who now live in a half of a rented two-family home, claim that the owner of the house at 42 Varinna Dr., Mrs. Lois Labatt-Simon, verbally agreed Aug. 3 to sell them the home for \$23,000.

Signing of the contract was delayed until the next afternoon so that her attorney could inspect it, they said.

Before the signing, the Tollivers said, Morton and Schwartz came to Mrs. Labatt-Simon and offered \$23,500. The couple also said Morton and Schwartz "did circulate statements... calculated to arouse the neighborhood" against them.

Tolliver, 32, said yesterday that Mrs. Labatt-Simon knew he was a Negro when she agreed to sell him the home. He and his wife who have one son, had inspected it about five days before she made the verbal agreement to sell, he said.

"That's why we were so pleased when she called and said 'Congratulations. You've just bought yourselves a house,'" Tolliver said yesterday. Several meetings were held

after Mrs. Labatt-Simon accepted the purchase offer of Morton and Schwartz. Among those attempting to intercede on the Tolliver's behalf were Dr. Robert France, chairman of the Housing Committee of the National Assn. for the Advancement of Colored People, and Rabbi Herbert Bronstein.

When these intercessions failed, the Tollivers brought the suit, which seeks either possession of the house on the terms they originally offered or else \$10,000 damages. Morton and Schwartz have 20 days from date of the service of the complaint to answer.

### Did Graduate Work

Tolliver is a 1948 graduate of Fisk University, Nashville, Tenn. He received his master of arts degree there in 1951.

From 1952 to 1954, he did graduate work toward a doctor of philosophy degree in physics at the University of Michigan.

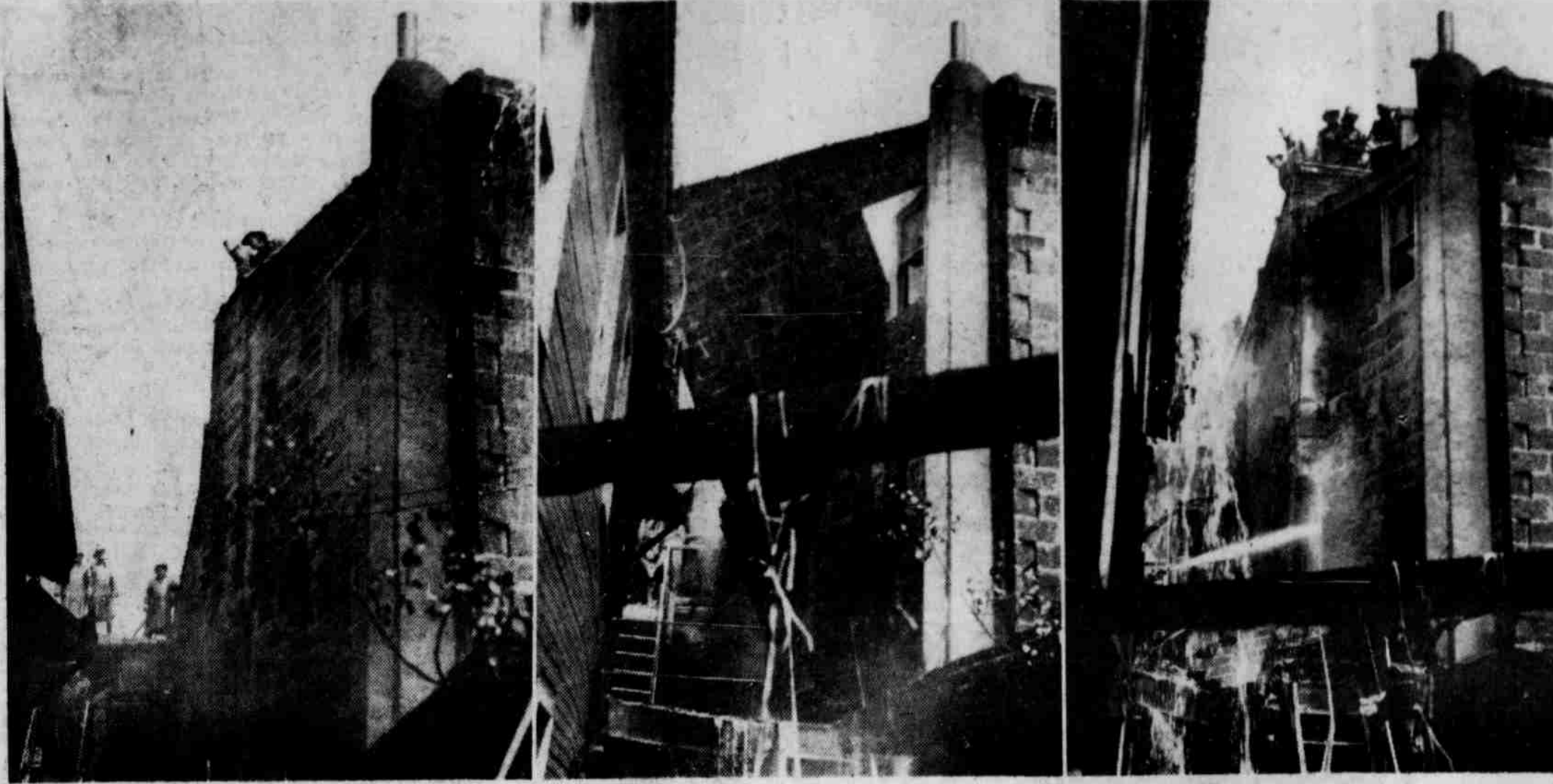
Tolliver served in the Army for two years, specializing in radar and communications, and joined Stromberg-Carlson in July, 1956.

He now is studying at night at the University of Rochester for a master's degree in electronic engineering, and has applied for a patent on an invention in the electronics field.

### Store Sales in City Increase by 12 P.C.

BUFFALO (AP)—Department store sales in the second district for the period ending Aug. 13 were 9 per cent higher than those for the corresponding week last year, the Federal Reserve Bank announced yesterday.

Percentage by cities: New York, up 2; Newark, down 5; Buffalo, up 6; Rochester, up 12, and Syracuse, down 1.



D&C Photos by Gordon Masecar

Firemen on the roof of a blazing storage building at State and Jay streets prepare to retreat in the

photo at left as the wall begins to crack. In the center picture the wall tumbles into rubble below. Firemen

move in from another quarter in the right hand photo to douse flames showing through the aperture.

## Fire Fed by Kerosene Ruins Building, Routs Six

Fed by 200 gallons of kerosene, fire devoured a two-story storage building adjacent to a business block and apartments at State and Jay streets shortly after 1:30 p.m. yesterday.

The two-alarm blaze left six persons homeless and resulted in injury to a fireman.

Dense smoke from the kerosene cast a gray pall over the State Street area. Traffic was rerouted for more than an hour.

Passersby turned in alarms from fire boxes at Plymouth Avenue and Jay Street and State and Brown streets. Firemen turned in the second

alarm as soon as they arrived at the scene.

The fire started in a storage shed behind Peters Shoe Store, 471 Jay St., according to Battalion Chief Joseph Nalore and Nicholas Bilyk of the Fire Investigation Division.

Mario Ferrari, 28 Covington Rd., Irondequoit, operator of the shoe store, told Nalore and Bilyk that employees were burning rubbish in a pot stove at the rear of the shoe store. Although the fire was doused with water at noon, it apparently revived and spread throughout the storage shed.

Five apartments were affected by smoke and flames. Nalore said there were several 50-gallon drums of kerosene on a porch outside the second floor apartments.

Five drums ruptured, spilling burning kerosene over the porch. The fuel was used by the apartment dwellers for utilities, Nalore said.

Besides the Peters Shoe Store, these places were damaged by smoke and water: Club Bel-Air, 461 State; Vesuvio Pizzeria, 463 State, and Tom's Shoe Repair Store, 467 State.

Mario Ferrari's mother, Mrs. Lucia Ferrari of 40

Phelps Ave., owns the building which houses the shoe store, storage building and apartments.

The concrete block wall of the storage building collapsed shortly after firemen brought the blaze under control. The rear wall of the same building was cracked in several places, Ferrari said he would have it torn down.

William Swartzenberg, 49, of 336 Frost Ave. saw smoke as he drove by the building. He got out of his car and heard women screaming.

Swartzenberg, Jack Salerno and Ted Cruppi led Joseph DiMarco, 67, of 11 Jay

St. from his apartment. Other occupants got out by themselves when they smelled smoke.

Theodore Karl of the Rochester Red Cross Chapter said he would make arrangements to put DiMarco, the Anthony Padale family and George Nepo and his daughter, Felicio, in hotels until they can find other living quarters.

Firemen said Robert Loeccia and Lawrence LaStella would be able to return to their rooms.

Salerno saw the smoke from his store at 51 Jay St. He and his nephew, Ted Cruppi, 542 Plymouth Ave. N., who was in

the store, ran to awaken DiMarco who they knew was sleeping in his apartment.

Fire Lt. Raymond G. Lee of Truck 4 was the only casualty reported. He suffered a nail puncture wound of the hand and was treated at St. Mary's Hospital.

There were about a dozen pieces of fire equipment at the scene. Fire Chief George Holzschuh directed firemen. Deputy Police Chief Joseph Lang and Parks Director Wilbur Wright were also at the scene. Wright is acting public safety commissioner. Commissioner James F. Butler is out of town.

### Rochester Roundup

## 1 Man Killed, 3 Hurt In Mid-City Collision

A two-car crash at North and Grove streets early yesterday killed John Joseph Coveney, 26, of 31 Raleigh St., and injured three others.

Mr. Coveney, the son of Mr. and Mrs. W. James Coveney, was a passenger in a car driven by Thomas M. Bott,

23, of 203 Rossiter Rd., which was turning left from North Street into Grove Street when a car driven by Leslie J. Agan, 19, of 462 Forest Dr., Webster, hit it, police said.

Bott and Ralph Calafio, 18, of 1627 Qualtrough Rd., Penfield, a passenger in Bott's car, were listed in "fair" condition at Genesee Hospital last night. Agan suffered multiple cuts and bruises.

### Quick Return to Hospital

Little Cynthia Kailburn of Honeoye Falls was back in Genesee Hospital yesterday, a victim of a two-car accident a few hours after she was released from the same hospital.

Cynthia, 17-months-old daughter of Mr. and Mrs. Dewey Kailburn of 42 Fairlea Rd., was returning home with her parents and sister Marla, 4. An auto operated by Dr. Robert M. McCormack, 42, of

64 Bradford Rd., Brighton, collided with the Kailburn car at Monroe Avenue and Winton Road South. The Kailburns suffered cuts and bruises and Cynthia a head injury.

### Interesting Passage?

Patrolman Christopher Melito could have "thrown the book" at the traffic violator, but all he did was give the man a ticket for going through a red light.

Floyd Griffin, 25, of 304 Adams St., was ticketed for driving through a red light after he used the excuse that he was reading a book and didn't notice the light.

### May Fence Cemetery

Monroe County Manager Gordon A. Howe said yesterday he would consider a request to fence in the Rapids Cemetery burial place of five Rochester Civil War veterans.

Grover C. Scott, 47 Austin St., executive secretary of the Sons of Union Veterans, said he planned to make such a request this week as a result of vandals removing several flags placed on Union graves.

### Civil Defense Test

Monroe County Civil Defense personnel will participate in a training maneuver today at 2 p.m.

A C124 Air Force Globemaster will "crash" off Bay and Dewitt roads and 50 military personnel will parachute into Lake Ontraio to test Civil Defense rescue operations.

### Motorist Injured

#### As Car Leaves Road

Fred Baheen, 33, of 2 Broadway suffered head and leg injuries when his car went out of control in Jefferson Road at Clover Street at 1:10 p.m. yesterday and shot off the road. He was treated at Strong Memorial Hospital. Baheen told Sheriff's Deputies Kenneth Stevens and John Schraml he was trying to avoid another car.

### MAN HIT BY CAR

Struck by a car in Main Street West near Canal Street about 12:45 a.m. yesterday, Joseph Dufton, 35, of 1657 Dewey Ave., suffered head and arm injuries. He was taken to St. Mary's Hospital. Police said the driver was Thomas O'Hara, 34, of 5 Lilac Dr., Brighton.

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