

NEW HAVEN WINS POINT IN COURT ON TROLLEY LINES

Properties Must Be Proved Directly Instrumental in Interstate Trade.

MELLEN LETTER TO SECRETARY LOEB

Tried to Arrange Conference on Railroad Matters at White House.

Counsel for the defense in the New Haven trial yesterday sought their way to the greatest strategic advantage they have yet won in the case.

The significance of this became apparent later, when it developed that the defense intended to use the theory embodied in this ruling to prevent the government from presenting evidence in support of the New Haven acquisition of the Connecticut trolley lines.

The beginning of the Westchester matter was shown in the minutes of a directors' meeting held on September 2, 1906. The attorneys for the defense at once raised their objections; the greater part of the day had been taken up by objecting and arguing against the admissibility of evidence dealing with acquired lines not engaged in business across state lines.

Westchester Line Not Mapped. They finally allowed the matter to stand while Mellem was asked the question as to whether the New York, Westchester and Massachusetts lines were carried beyond the New York State line.

"I never saw or heard of any, and I do not think I ever saw any such map or plan," Mellem replied.

The matter was dropped with this, the defense well content to let it stand in the record in that form, and to prosecute saving the fight on it for a later time.

In connection with the political influence used by Mellem in working out his scheme of transportation aggression, a letter was written by Mellem, written by him on January 27, 1908, to William Loeb, secretary to President Roosevelt, in regard to a meeting of railroad presidents.

"I have called a meeting of the railroad presidents in New York to-morrow to confer regarding the matter," spoke Mellem in the letter, "about which I have a conference with him by which the railroad interests can become more tractable through a better understanding of his policy regarding them."

"The President was kind enough to encourage my suggestion that I should arrange to bring two or three railroad presidents of standing in New York to meet him for the purpose of a conference, and it is for this purpose I am arranging the meeting to-morrow, and as a result shall hope that two or three of the more prominent of the railroad presidents—men who are disposed to take a reasonable view of existing conditions—can make an appointment with the President for the purpose of conference."

"There is hardly any railroad corporation in the country to-day but is liable to attack under some section of the Sherman law, and that is such a menace that, if it is possible, it is most desirable that the President's great influence should be exerted to bring about some amendment of its provisions that will insure a reasonable safety for the past, even if the provisions contained therein shall obtain for the future, and regarding this, if I understand correctly from the various interviews I had with the President, he is not at all averse, on the contrary, is disposed to help to the extent he can."

"I am going to try and arrange for Mr. Newland to be one of the members of a committee to see the President, and above all the matter will be arranged quietly and with no publicity, and certainly with every desire to avoid any possible embarrassment to any one."

"It is my firm conviction if a better understanding can be had with the President and of his policy, as the result of the conference, it is most desirable that it will go a long way toward ameliorating conditions in financial circles and bringing about the support of the President in these matters so early for the past, even if I believe is absolutely necessary to the successful outcome of his wishes regarding the coming political campaign."

Morgan Mentioned Again. More than once through the trial yesterday stalked the great figure of J. Pierpont Morgan as the man with the power to say "yes" or "no" to apparently almost all things to be done. This was shown in connection with the proposed Boston & Providence line, of which Mellem wrote to Morgan saying that it would parallel the New Haven, and he was more or less exercised about it.

He said that it was being financed by Kidder, Peabody & Co., and that "Mr. Windsor, with whom we have always had satisfactory relations, and without whom there is little likelihood of the project being successfully carried out," he suggested that Morgan withdraw the support of Kidder, Peabody & Co. and Windsor from the scheme.

"If you go to see Morgan about it," Mellem was asked.

"Yes," Mellem replied, "and he said, 'Have spoken to him.' He made as if to make a gesture as though to indicate that the matter was swept out of existence with that fact."

"Was the Boston & Providence line ever built?" Mellem was asked.

"Aside from these instances there was little evidence during the day that did not bear directly on the acquisition and operation of the trolley lines in New Haven station feeders. In ruling on the objections of the defense to this class of evidence, Judge Hunt said:

"It is such a strained argument to say that these acquisitions, against which there was no state law, were intended to bring about a control of interstate commerce. The New Haven had a perfect right, apparently, to acquire trolley lines in Connecticut under the laws of Connecticut. Unless you can show the violation of some Federal statute it seems to me outside this matter. You might as well say an elevator in a building in New York is the first instrumentality of a man's trip to Stamford, in Connecticut."

RECTOR'S Cabaret Broadway at 48th St.

NAMING THE CENTRAL PARK LION BABIES.



Left to right—Park Commissioner Ward, Wolfram Rousseau, son of Theodore Rousseau, the Mayor's secretary; John Newbold, Mrs. Rousseau and Head Keeper Bill Snyder.

ACCUSE OSBORNE BY WILLET'S AID

Diedling Charges. Asking Indictment of Warden. Furnished by Spy.

Alleged insubordination on the part of Warden Osborne in his dealings with the Prison Commission and supposed irregularities in his conduct of affairs at Sing Sing are set forth at length in the report made by Dr. Rudolph Diedling, of the Prison Commission, which was made public by his lawyer, Raoul E. Desvergne, of 35 William Street, yesterday.

Much of the information upon the strength of which the report calls for the indictment of the warden was furnished by William Willett, convicted of buying a judgeship nomination and now known as a "Riley spy" in Sing Sing and as the "convict district attorney" at White Plains, where he is appearing at present before the grand jury. Testimony of other former inmates of the prison is also included in the report.

According to Willett, the warden, on learning that District Attorney Weeks was to investigate affairs at Sing Sing, made an address to twenty convicts, convicted of immorality, in which he said:

"Of course, you men won't admit you did anything wrong. The records of the court have been stolen, and the District Attorney may have some trouble in investigating your cases."

Later, Willett says, he remonstrated with the convicts and suggested that it would be better for all concerned if all of the facts about the prison were submitted to the District Attorney. Osborne, he alleges, replied "that all the information he had received from the convicts was to be disposed of in a reasonable view of existing conditions—can make an appointment with the President for the purpose of conference."

Dr. Diedling demands the indictment and dismissal of the warden on the following counts: Failure to report to the commission; deliberate attempts of the warden to conceal and induce others to conceal knowledge of these felonies from the proper authorities; demoralization of the discipline of Sing Sing, which has reduced the efficiency of the industries, exposed the prison to assaults and has facilitated the escape of several prisoners.

Richard Porter and Frank Periss, two Sing Sing convicts, were added yesterday to the colony of twenty convicts now housed in the White Plains jail as witnesses for the grand jury.

The warden did not appear at White Plains yesterday. The jury has not yet told him when he may expect to take the stand, but it is believed that he will not be called for a week or more.

There is intense loyalty to Tom Brown among the inmates of Sing Sing. The present crisis in his affairs as warden seems to have brought out among the convicts a more earnest devotion than ever they have shown before.

"We're not worrying about what may happen to us," one of them said yesterday. "What worried us, is to see him worried," nodding in the direction of the warden's office. "As long as he is happy, we're happy."

Screens Between Convicts and Visitors Now Down. As a last vestige of the old prison system notes for solitary confinement, mandates of silence and bread and water, the screens that have intervened between prisoners and their visitors at Sing Sing were abolished yesterday.

"Yes," the screens have come down," said Spencer Miller, jr., secretary to the warden, last night. "The reason for having screens in the visiting booths disappeared long ago, but they remained as an arbitrary side of the privilege. This privilege is granted to the men in view of Warden Osborne's increasing trust in them and their loyalty to him."

The screens were installed to prevent visitors from handing notes, drugs or weapons to the inmates. Keeper McClellan and an officer of the league will be on duty to see that the prison rules are not disobeyed.

STRAND ROOF GARDEN BROADWAY AT 11TH. Where Cheerfulness and Hospitality reign. Excellent Cuisine—Music and Dancing. Cafeteria Luncheon. Dancing. 11:30 to 1:30 (Dancing). 4:30 to 6:30. Supper, 8 to 12. D. H. Blount, Mgr. Friday, Sing Sing Silver Cup Contest. Friday, Sing Sing Silver Cup Contest. Monday, Tues., Wed., Thanksgiving Turkey Given Away. Maybe You'll Win One.

VERA BARSTOW. Mat. M. H. HANSON. (KNABE BLDG.)

SCHELLING. Carnegie Hall. Today at 8. 10:30. Pianos. Tickets. Seats 50c to \$2. Mat. Max. E. Jr. 10:30. Pianos.

WEBER'S THEATRE. Broadway at 47th St. TWILIGHT SLEEP. Women Only. 7:30. 4 P.M. Nov. 19, 21, 23. P. M. Nov. 20, 22. 4 P.M. Nov. 23. P. M. Nov. 24.

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200 BABIES DISTINGUISHED

Dolores Rousseau Names Four Lion Cubs, Zebra Cali and Zebra Colt.

Dolores Rousseau, the six-year-old daughter of Theodore Rousseau, Mayor Mitchell's secretary, officially named four lion cubs, a baby zebra and a zebra calf yesterday at the Central Park Zoo before a crowd, in which was Park Commissioner Ward and Headkeeper Bill Snyder.

While the mother growled and chafed and the father showed his indifference by falling asleep, the cubs were brought out by Jim Crowley, the lion keeper. Each had a blue ribbon tied to its neck, and the official name was engraved on a card attached to the ribbon. The names were Niger, Stanley, Sheba and Ayesha. They were born October 22.

But the zebra and the zebra, a descendant from the sacred cows of India, could not be led to the ceremony. Therefore little Miss Rousseau contented herself by naming the cubs and the zebra, and the zebra calf, which they are kept. The zebra will be known as Sheik and the zebra as Ganges.

MRS. H. F. GUGGENHEIM SEES BURGLAR FLEE. Footsteps Awaken Her—Thief Robs Lewis Home.

Mrs. Henry F. Guggenheim was awakened in the country home of her husband at Great Neck, Long Island, at 3 o'clock yesterday morning by the sound of footsteps in her room. As she switched on the electric light a revolver wearing a mask and carrying a revolver slipped out the door and made his escape.

Servants, aroused by Mrs. Guggenheim, found that a purse containing \$100 had been taken from a bureau in an unoccupied room on the same floor. Constable William Ninesing searched the woods around the Guggenheim place, but could find no trace of the burglar. The Guggenheims are occupying Nirvana, the country estate formerly owned by W. Gould Brokaw.

The same burglar is believed to have taken \$200 in bills and two gold watches from the home of William E. Lewis, publisher of "The Morning Telegraph," who lives on Old Mill Road, adjoining the Guggenheim house. Both Mr. Lewis and his son, Tracy Lewis, found that their wallets and watches had been stolen while they slept. At the Lewis home the burglar missed \$2,000 worth of silverware on the first floor by making his entrance on a ladder through a second story window.

WOMAN DEAD IN CAR PANIC. Pushed Off Steps in Rush After Fuse Blown in Jersey City.

An unidentified woman was killed last night in a panic which followed the blowing out of a fuse in a trolley car, bounding the old Bergen Road in Jersey City, on the Greenville-Bayonne line.

Thirty passengers trampled over one another in a rush to get through the exits as soon as the lights went out in the car. The woman was pushed off the steps to the street, landing on her head.

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WHITMAN BACKS PRISON REFORM

Urges That Experiments for Humanizing Jails Be Given Trial.

Albany, Nov. 16.—The experiments which are being made to introduce not only a humane plan of administration within the prisons but one which will make far larger demands upon the inmates for self-control and develop in them a sense of loyalty to the community, instead of sullen hostility, should be given a full and complete trial," Governor Whitman declared in an address before the State Conference of Charities and Correction here today.

"We know so little about the efficient management of prisons," the Governor added, "that any serious attempt to reform the present system should be made with a view to proving that all he had done was to write the opinion, the gathering of the evidence having been the work of Mr. Hayward. The Commissioner had a copy of the minutes of the commission with him to prove that on October 22 last Commissioner Hayward asked that the case be taken away from him."

KINGSBURYS, ILL. BLAME MUSEUM SANDWICHES. Commissioner, Wife and Dr. Wife Victims of Ptomaine Attack.

Investigation is being made to determine if chicken sandwiches served Monday night at a meeting of scientists at the Museum of Natural History were responsible for attacks of ptomaine poisoning suffered yesterday by John A. Kingsbury, Commissioner of Charities, Mrs. Kingsbury and Dr. Ira S. Wile, of the Board of Education.

The three made ill, all of them in a weakened condition yesterday, blamed the ptomaine poisoning on the sandwiches. Emerson, Commissioner of Health, had one of the sandwiches from the plate from which the city officials were served sent to the city laboratory for analysis to determine whether it was in a state fit to be entered with some of the exhibits of the museum.

Dr. Henry Fairfield Osborn, president of the institution, denied last night that anything had happened to him or his wife at the meeting made them ill. "If any one had ptomaine poisoning they brought it with them," he declared. "Many of the best known scientific men in the country were at the meeting and none of them were ill this morning. There were food chemists present and men skilled in dietetics, and none of them found anything wrong. We had had chicken sandwiches and cream. There may have been sandwiches, too, and if there were they were all right."

Mr. and Mrs. Kingsbury, although still suffering from the effects of their illness, were not in a serious condition last night. Dr. Wile reported that his attack had been slight.

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M'CALL TO FIGHT PLAN TO OUST HIM

Chairman Again Will Try to Offset Charges by Direct Appeal to Whitman.

INVESTIGATORS READY TO BLOCK STAGEPLAY. Deputy Attorney General Lewis Will Push Case at Hearing Before Governor.

Preparations for a vigorous fight to prevent his removal from office by Governor Whitman were begun yesterday by Edward E. McCall, chairman of the Public Service Commission. McCall has started work on his answer to the charges of the Thompson committee, and while the answer may be ready before November 30, his present intention is to wait until that date and present his side to the Governor personally.

When McCall appeared before the Governor earlier in the year to answer charges by the same committee the hearing took on a sensational aspect. His own was a spectator and particularly touching—so much so that when he finished his story his eyes and those of Governor Whitman, too, were filled with tears. McCall again appears before the Governor.

The committee, however, has started to circumvent any possibility of McCall again escaping through sympathy or stageplay.

Commissioner George V. S. Williams was the only witness yesterday, and he put in most of his time "passing the buck" to Colonel Hayward. Senator Thompson served at the museum. Mr. Williams is regarded in his decision in the Kings County Gas Lighting Company rate case, but the Commissioner said that it would not be made public until the full commission had passed on it.

Mr. Williams explained, however, that all he had done was to write the opinion, the gathering of the evidence having been the work of Mr. Hayward. The Commissioner had a copy of the minutes of the commission with him to prove that on October 22 last Commissioner Hayward asked that the case be taken away from him.

Blue Jeans Disappearing Because of War, Says Garment Worker. Chicago, Nov. 16.—If the European war keeps up, it is quite likely there will be no more blue jeans, and toilers of the future may be dressed in overalls of pink or gray, according to the prediction of F. R. Hamberger, secretary of the National Association of Garment Workers, which began its semi-annual session here to-day.

"The supply of blue vegetable dye is just about exhausted," Mr. Hamberger said, "and we are unable to get more, as Germany is the sole exporter of the blue dye used here."

Enormous demand of the armies for wool and its manufactured products will cause an increase in the price of clothing in America this winter, other speakers said.

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AL DAVIS DIVORCE SIGNED

Dancer Fails to Get Order Certified to Wed Miss Kelly.

The decree making final the divorce of Mrs. May Fogarty Davis from Albert Davis was signed yesterday morning by Justice Pendleton of the Supreme Court.

It was believed that Davis would not permit the ink on the court's signature to become dry before having a copy of the order verified for use at his anticipated marriage to Miss Eugenia Kelly. But when the office of the county clerk here closed at 4 o'clock yesterday afternoon, no such effort had endeavored the County Clerk's day.

Wherefore, it is assumed, that if Mr. Davis and Miss Kelly really contemplated sharing each other's joys and sorrows in the accepted manner, the formalities of this proceeding will be deferred until inhabitants of the states east of the Mississippi withdraw their attention from the activities of the loving pair.

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