

MELLEN'S TALE IS PLEASED TO N. H. DEFENCE

Government's Star Witness Recites More History of Road.

SAYS PUBLIC PAYS IN THE LONG RUN

Charles S. Mellen continued as a witness for the Government in the case against the New Haven directors yesterday and his testimony came as a relief to long hours of wearisome reading of documentary evidence.

As on the previous day, the former president of the New Haven made some answers which at times pleased the defence, but at the same time the Government representatives believe will go a long way toward establishing a conspiracy to monopolize the transportation facilities of New England.

Mr. Mellen's last answer was regarded by the defendants as almost the best of the day. Then on the subject of the competition between the Boston and Maine Railroad and the New Haven, Frank M. Swacker, special assistant attorney-general, asked:

"And the effect of the Boston and Maine change on taking over the Connecticut River Railroad was to make the market for Boston as against New York?"

"It was to make a loss of revenue for everybody," was the answer.

"It was that not for the benefit of the public?"

"Public always pays."

"The loss of revenue might have benefited the public temporarily," responded the witness, "but they always have to pay in the end."

The sound lines agreement executed in 1881 was regarded as the most substantial victory so far of the Government in its testimony against the directors of nearly all the counsel for the defence. The agreement regulated rates for all New England lines and was penalized by \$5,000 for violations. There was an amendment in 1887 and although all this was before 1890, before the Sherman law had been passed, the Government got the facts in evidence by showing that it was referred to in a letter written by the president of the New Haven in 1887. Other questions and answers introduced referred to the action of the New Haven in taking over the various lines during 1892 and 1893.

One point was developed during the process of getting in the fact that the New York, Providence and Boston Railroad was leased by the New Haven, and that some of the special legislation passed in Rhode Island and by a general law of Connecticut. It was intimated that the defence would rely upon these various points for the legality of the absorption made by any of them at any time during the last twenty-five years.

When court opened in the morning the old steamboat agreement dividing territory with the Boston and Maine came up, and it was shown by Mr. Mellen that it was the Corsair agreement at all but one signature at the home of the late J. P. Morgan.

Mr. Swacker did not pursue that line, but turned to his maps and with Mr. Mellen showed the gradual spread of the New Haven lines over the New England, starting with the little 500-mile line.

Extending the Main Line.

First came the spread due to taking over the New York, Providence and Boston steamship Company. Then came the Boston and Maine and its leased lines to extend the thin red line. After that there was a diversion, while Mr. Swacker had the witness show the growth of the Boston and Maine when it took over the Connecticut River road. After that came the Old Colony Railroad as well as the steamboat Company of that name, all of them during 1892 and 1893, when Mr. Mellen was either general manager of the New York and New England or second vice-president of the New Haven, in charge of traffic.

Mr. Swacker confined his witness to these data all through the day, which meant, as he said later, that Mr. Mellen will be on the stand for some time in his first appearance. How long he will be there when it comes to tell about the years from 1908 to 1912, which was president, Mr. Swacker could not estimate.

Mr. Mellen did not have an opportunity to testify at any great length at any time. All Mr. Swacker would ask him was if he recognized a signature to a document, whereupon the said document would be offered in evidence and an argument would follow. It was remarked that the greater part of the argument was with Judge Hunt instead of the Government's attorneys.

In the course of the argument the judge used an illustration in making a ruling which was taken to establish the procedure for the trial. The defence was objecting strenuously to the admission of the old South line's agreement. The objections were written and read many times.

We may never best illustrate by talking of what I conceive to be an elementary rule," said Judge Hunt. "If you combine for the purpose, let us say, of murder to form an association, and it runs along, and years after its original inception men come into it and carry on its purpose, they are not indicted, charged and convicted as if they were a conspiracy, provided always that it is shown beyond a reasonable doubt, the measure of proof is shown in criminal cases, that the original combination existed and that the particular individuals charged to have come into the combination came into it within the period of the statute of limitation. But if it is proved that the original statute existed and that the original combination existed and that the one charged came into it within the period, then that one so charged is indicted and convicted even though the original combination existed and that the original combination existed just before he came into it."

The agreement went in with its amendment of 1887 and the letter of 1897, showing that it was still alive.

Quers by Mr. Lindabury.

Mr. Swacker found his witness getting away from him later when the minutes of the directors' meeting of November 2, 1894, were introduced into evidence. This had to do with the withdrawal of a Western railroad from the Old Colony road. The company was in view of having acquired a favorably graded and completely ap-

TROOPS AND SLEUTHS RUSHED TO THE BORDER

Special Investigators to Find Out Who Is Behind Mexican Bandits—Another Regiment Sent to Harlingen, Tex.

WASHINGTON, Oct. 22.—As an immediate result of the Mexican raid near Brownsville yesterday, in which three United States soldiers were killed, Secretary Garrison today ordered the Twenty-eighth Regiment of Infantry to Harlingen, Tex. This regiment is now at Galveston. It will operate on the border under Major-Gen. Funston's orders.

The Twenty-third Infantry, now at Jacksonville, Fla., in connection with the national rifle matches, will be returned to Galveston to be in reserve in case more troops are needed on the border.

Following a conference between Attorney-General Gregory and Secretary of War Garrison it was announced today that a large additional number of special investigators from the Department of Justice will be sent to the border districts to cooperate with the military forces. They also were taken on recommendation of Gen. Funston, who expressed the opinion that more men were needed to ferret out the identity of the raiders and their organizations, if such organizations exist. The War Department will also be directed to do all it can under the existing situation.

The Governor of Texas has not called on the Federal Government for aid, so that the Federal Government does not exist and the State authorities are ready to take control. The military forces are therefore limited to patrolling duty.

George C. Carstairs, representing today a former report from Capt. Frank McCoy who brought up additional forces and dispersed the band which made an attempt to cross the border at Ojo de Agua early yesterday. Capt. McCoy's report follows:

"Band was trailed through the chaparral by the border patrol, where they were recrossed before daylight. The band's tracking is estimated at from 25 to 100 miles to the smaller hill. From other sources, I believe the band was organized and operating with the Delacosa band at Corles ranch and Rio Bravo. No evidence is known to be present, but some ten in this raid were present, as in the former raid in the same village, having been in neighborhood of Anzuéduz in the month of August, 1915, and 'Viva la Independencia' in hat and coat, and in the month of August, 1915, the home of George Dillar was attacked and burned at the same time as the raid on the border. Wounded were sent to field hospital at Harlingen, Tex. All believed will recover."

WOULD INVADE MEXICO.

Brownsville Citizens Threaten to Wipe Out Bandits.

Brownsville, Tex., Oct. 22.—Strong talk was heard here today of organizing a force of citizens to cross into Mexico at the next instance of banditry and wipe out the lawless bands there, being held behind closed doors this afternoon. The import of the meeting is not known, further than that it has to do with reprisals for the two recent bandit raids near Ojo de Agua, which resulted in the death of six Americans and the wounding of eleven others.

pointed line from New York to Boston upon which freight could be moved at a minimum expense its interest had been materially changed.

"This is the time the Boston rates were extended," asked Mr. Lindabury of the witness.

"Over the whole Old Colony territory," replied Mr. Mellen.

"Over the whole territory," repeated the lawyer.

"Yes," replied the witness, "a large extension in rates was made in favor of the public throughout the whole territory."

It was explained that the rates known as the Boston rates were less than the rates of the New York and New Haven had charged this after they had taken over the line.

Q. (Mr. Sacker). How long had this Western arbitrary agreement existed against the public before you got the Old Colony? A. Oh, for many years.

Q. How long had that whole territory that you alluded to continued to enjoy the Boston rate? A. I think they enjoy it today.

Q. You don't mean to imply by that that there has not been a subsequent increase of rate to that territory? A. Only so far as the trunk lines are concerned, the rate has increased by the New Haven road.

Q. But the public has had an increase, is that right? A. I should not like to say that. What the trunk lines have done with their tariffs, but the tariffs from Chicago east of that territory in my judgment haven't been materially changed in many years.

The court adjourned until Monday morning after one or two more documents were put in.

WAR HURRIES GIRL'S SUIT.

Miss Reich, Seeking \$100,000 From Banker, Needed in Berlin.

The far reaching effect of the war in Europe has extended even to a breach of promise suit in New York county. This was shown in the Supreme Court yesterday when Justice Finch marked for immediate trial before him a \$100,000 action brought by Miss Bessie Reich of Berlin against Frank H. Moody, a banker of 25 Wall street, who lives at 227 Riverside Drive. Justice Finch took this action because of Miss Reich's plea that if the trial was delayed she would be forced to abandon her suit and go to her mother in Berlin.

Hornblower, Miller, Potter & Barie, counsel for Moody, who opposed the trial of the suit at once, got an order from Justice Erlanger directing Miss Reich to show cause on Monday why the trial should not be stayed until additional testimony in the case is obtained from Berlin.

Miss Reich brought her suit in 1913, alleging that Moody met her in Berlin in 1908 and promised to marry her as soon as he returned to New York. He failed to do so and then Miss Reich learned for the first time that Moody was married.

GIRL STOPS PASTOR'S WEDDING.

Charge Branch of Promise and Clergyman Puts Off Marriage.

Boston, Oct. 22.—Invitations for the wedding of the Rev. Charles C. Wilson, rector of the Church of Our Saviour in Roxbury, and Miss Mary Clark, daughter of Louis Crawford Clark, a retired New York banker living at Burlington, Vt., have been recalled.

The marriage was to have been tomorrow, but was called off because of a letter asking reparation for alleged breach of promise, being sent to the clergyman by a Burlington lawyer.

The client is Laura Louise Johnson of Minneapolis, who was a student at the University of Vermont two years ago, when Mr. Wilson was assistant rector at Burlington. Mr. Wilson said that the proposed marriage was postponed until he was vindicated by a trial of the proposed suit.

'PUBLIC BE DAMNED' IDEA IS DEAD—GARY

Secrecy Is Past, He Tells Steel Men, and Publicity Must Rule in Business World.

CHEAP LABOR A DANGER

CLEVELAND, Ohio, Oct. 22.—Judge Elbert H. Gary, chairman of the board of the United States Steel Corporation, in an address delivered here today before the American Iron and Steel Institute, of which he is president, spoke optimistically of prospects in the steel trade.

Judge Gary said that many years ago the phrase "the public be damned" had been ascribed to a business man of great prominence, which had caused a feeling of prejudice exceedingly harmful to business in this country, but that he was doubtful if the statement had ever been made.

"Whatever the truth in regard to this well-remembered and misquoted expression, it is no doubt true that the sentiment which it conveys has in days gone by existed in the minds and affected the conduct of a considerable number of the leading business men of this country and other countries during the various periods of their history," he admitted.

"The business men of this country, particularly those engaged in the iron and steel trade, have reason to be thankful that the days of such a sentiment are over, and that we are now prospering," he said.

"We are at peace with all the world and it seems likely that the day upon which the period of this kind of sentiment will be continued. We sincerely hope and pray that the wars which are raging in Europe may soon be brought to a close, and that the prevention of prolonged wars in the future."

"Apparently, we are to have a period of industrial peace in this country. Many of the antagonisms, which have hitherto been so hurtful and which have prevented natural business growth, have disappeared, and we have an opportunity to progress in accordance with its deserts."

"The total wealth of the United States, according to the last published figures, is more than one-fourth of the aggregate of all the nations, and it is rapidly increasing. Many of us believe that we may become and remain the leading nation, financially, commercially and industrially, provided nothing unnecessary is done by our people to prevent the progress which has been made."

At the close of the war, we may expect in this country a prolonged and experienced, especially if we do not have protection against the results of cheap labor and the results of the war in other countries, which are inevitable.

He added that in the past men of probity and high standing had held private corporations, but that the public or quasi-public corporations, to be literally private, and that the public had no greater right to inquire into the affairs of such corporations than it had to question the personal matters of the individual or family. He said that acting on these grounds there had been instances where corporations without facts which directly affected the public interests, and even though no rule was violated, widespread harm had been done. For a period of years the bad, so-called, good with the bad, was antagonized to an extent which materially interrupted its normal and legitimate progress, occasioned in part through suspicion created by failure to take the public into the confidence of great corporations.

Judge Gary concluded that it was impracticable to draw a definite line between the facts which should be given to the public and those which may be considered private.

Were the people of the warring nations informed as to the results of the strife now raging abroad, they would rise up in such vigorous protest as to compel the men in control to find some way of bringing to a termination and to evolve a basis which would prevent future wars, was the concluding statement of the speaker.

WANAMAKER OPENS UNIVERSITY IN STORE

Philadelphia Employees.

PHILADELPHIA, Oct. 22.—A new and advanced step in higher educational work, which may extend its influence to places of employment throughout the United States, was inaugurated today at the Wanamaker store when John Wanamaker presented his employees with a new hall and fifteen classrooms, which will serve as a nucleus for a university.

For more than eighteen years employees of the Wanamaker store have been able to advance themselves along educational lines through the medium of courses provided by the John Wanamaker Commercial Institute. Now it is proposed to give employees courses in higher education, comparable with the best universities in the United States.

All of the classes in advanced educational work in the store will be brought together under the direction of the proposed university, and many new courses will be added. The aims of the new educational movement are set forth as follows:

First—Matters of health, mental and physical; second, development of the receptive, the reflective and the executive intellectual powers; third, education for technical efficiency in work; fourth, character development and education in things spiritual and ethical; fifth, thrift and the financing of personal lives of employees; sixth, development of taste, ability to recognize and appreciate beauty and fitness in all forms; seventh, the wise use of letters.

The new hall donated for the university project will be known as University Hall. It is located on the eighth floor and the auditorium has a seating capacity of 1,200, while the stage seats 600 persons. The hall will be used for lectures and student gatherings.

In presenting the hall and classrooms Mr. Wanamaker said that the real America of the future is what its boys and girls shall become by academic and vocational training.

BOGUS 'PUNCH' FOOLS MANY.

Collection of Civil War Cartoons Put Out by Truth Society.

New York readers of London Punch were surprised yesterday to see what seemed to be current copies of the paper on sale a day ahead of time. Many bought and found they had got a compilation of cartoons which appeared in Punch during the civil war, when the relations of England and this country were strained.

The reproduction is bound in the familiar cover of Punch. At the top in red ink is the caption "As England Saw U. S. Shown In—" The title, Punch, is used to complete the meaning. Below in a red box is the sentence, "Some famous and forgotten cartoons that the present generation of Americans should see. Reproduced by the American Truth Society, 1133 Broadway, New York."

Many thought the thing under the impression that they were getting the genuine Punch. One of the full page cartoons represents Mr. Mitchell, the Irish liberator, in a jail, and the British lion. The society explains that Mr. Mitchell was the grandfather of New York's present Mayor.

PRODUCTS BIG TRADE WAR AFTER PEACE

City Bank's "Americas" Expects Worldwide Struggle for Business.

CALLS MOVIE STAR LURER OF HUSBAND

Wife Wants Ruth Austin to Pay \$25,000 for Ex-Banker's Lost Love.

SAYS RIVAL DERIDED HER

Miss Ruth Austin, a moving picture actress 22 years old, appeared before Supreme Court Justice Pennington and a jury yesterday as defendant in a \$25,000 suit for alienation of affections brought by Mrs. Anna Mitchell, whose husband, James Murray Mitchell, was a well-to-do Wall Street banker until he lost his fortune in 1913.

Mrs. Mitchell said that her married life was happy until her husband met Miss Austin in 1913. They lived at the Waldorf, Gotham and other hotels and she had automobiles and valuable jewelry. Her husband lost his affection for her suddenly, she said, and told her to take her three children and go home to her mother. Mrs. Thomas B. McGovern of Pelham Manor.

Mrs. Mitchell said she first learned the identity of the woman who had supplanted her in her husband's affections when dining at Healy's in May, 1912. She heard a woman at an adjoining table say to a companion: "There's Murray Mitchell, and the woman with him is his wife." Not long afterward her husband said to her:

"I tell you, and I am willing to say it in the presence of any member of your family, that I will not support you any longer because I am in love with another woman who has become enough for both of us."

Mrs. Mitchell charged that Miss Austin once derided her over the telephone. She heard a woman at the Hotel Collingwood, testified that Mitchell and Miss Austin lived at the hotel from February to April, 1914, as "Mrs. and Mrs. Austin." They were about sixteenth street, who is Mrs. Mitchell's brother, told of following Mitchell and Mrs. Austin to a hotel. They were about to register when they saw him, and separated hurriedly.

During the trial yesterday afternoon Mrs. Austin became convinced that she had seen one of the jurors somewhere. This was Richard C. Patterson, an engineer. Mrs. Austin, after thinking hard, remembered that Mr. Patterson was a close friend of Mrs. Mitchell's brother and that he had gone to the Collingwood Hotel and made inquiries about her.

After a conference between attorneys and the court, the juror was taken out of the box. The trial proceeded with eleven jurors. The defence will be heard on Monday.

INTERBOROUGH FIGHTS MOTORBUS COMPANY

Asks Estimate Board Not to Grant Franchise to Rival Concern.

The Interborough Railway Company, through its counsel, William D. Guthrie and James L. Quackenbush, asked the Board of Estimate yesterday not to grant a franchise to the New York Motorbus Company. The offer of the latter corporation to run buses through thirty-one miles of New York streets had been approved by the Estimate Board's franchise committee.

The New York Motorbus Company and the Fifth Avenue Coach Company, operator of the city's transit system, are in a bitter fight, and the coach company was turned down by the franchise committee. The coach company is owned by the Interborough.

At yesterday's hearing Mr. Quackenbush said that the Interborough could not stand competition with motor buses below Harlem and that the result would also be a loser as partner in the dual rapid transit system.

"The city must decide the motorbus question generally, we should be no as its vested interest in strap hangers," remarked Bainbridge Colby, attorney of the New York Motorbus Company.

McAney asked Messrs. Guthrie and Quackenbush if they would have protested if the Fifth Avenue Coach had been accepted. Mr. Quackenbush replied:

"If the Fifth Avenue Coach Company got this proposed franchise and was to enter into a franchise with the Interborough, I should recommend to the Interborough that it throw its interest in the coach company out of the window rather than continue the operation of motorbuses."

"But the coach company was an eager bidder for the franchise," said Mr. Colby. "I would want the competition, but you also wanted to be the competitors."

A public hearing on the motorbus question generally was scheduled for November 3 and a public hearing on the New York Motorbus Company's application for November 18.

EDELSTEIN OWES \$56,918.

Theatre Manager's Assets Amount to \$30,000.

Joseph Edelstein, theatrical manager of the Lyceum Theatre, yesterday manager of the People's Theatre and other playhouses on the Bowery and East Side, has filed bankruptcy schedules showing liabilities of \$56,918. His assets, amounting to \$36,968, consist of a half interest in the scenery and fixtures at the National Theatre and the Kessler Theatre, \$2,000 in the People's Theatre and others, \$30,800 judgment against Jacob Adler, \$119, and a note, \$150. Part of the liabilities were incurred jointly with Boris Thonshesky, Jacob P. Adler and Max H. Wilber.

Among the creditors are Max Kourer, banker, \$21,200; A. L. Kass, banker, \$6,000; Max E. Wilber, \$8,750; Mutual Alliance Trust Company, \$5,160; Security Bank, \$5,000, and the Germania Bank, \$5,000. It was said that 100 shares of stock of the People's Theatre Company were given to the Germania Bank as collateral security and were sold at auction for \$5.

7,000,000 TIES FOR RUSSIA.

To Be Used in Double Tracking Riga to Moscow Railroad.

LITTLE ROCK, Ark., Oct. 22.—Arkansas lumber mills will furnish approximately 7,000,000 feet of red oak timber to the Russian Government within the next few weeks, it was announced here today. Gen. B. W. Green of this city has closed a contract with a Russian purchasing agent for 6,000,000 red oak railroad ties and L. P. Coleman has an order for 1,000,000 additional ties.

The ties are to be used in double tracking the Riga to Moscow railway. The two orders amount to approximately \$2,500,000.

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FIVE INDICTED FOR SING SING ESCAPES

November Jury in Westchester County to Delve Into Prison Management.

WHITE PLAINS, N. Y., Oct. 22.—The Westchester county Grand Jury today indicted five prisoners who escaped from Sing Sing. District Attorney Weeks had personal charge of the investigation, which was confined exclusively to the escapes.

No effort was made to take testimony regarding the administration of Warden Osborne of the Mutual Welfare League, but it is said that when the November Grand Jury is sworn in efforts will be made to delve into the actual working of the prison management under Mr. Osborne. No alone will focus attention on the management of the prisoners be inquired into, but every detail of the prison management will be investigated.

It took the Grand Jury only about five minutes to find an indictment against each man who escaped from the prison. Testimony was given by several keepers, Principal Keeper Fred Turner and John Flanagan, a long term prisoner. Flanagan was brought to White Plains by Keeper Fox to tell what he knew about the escape of Donald O'Day. He told about various privileges being extended to O'Day, which made it possible for him to escape.

The five men indicted are Louis E. Pridock, known as the prison flit, who was sentenced for thirteen years; Rocco Scialzo, a white slaver, who was sentenced for five years; and three others who were sentenced for various terms.

Luther C. White, former superintendent of industries at Sing Sing, who was removed by Warden Osborne, refused to add any comment on that matter today except to say that he had no official knowledge of why he was removed. Pridock, in the prison, he said, had told him his discharge came about because he was "disloyal" to Warden Osborne's administration.

John Gorkansky, the prisoner whose skull was fractured in a row yesterday, was said to be improving today, but he is not out of danger.

Should There Be A New Marriage Ceremony For Ministers' Wives?

An astonishing question, astonishingly answered with eight new marriage-ceremony promises for ministers' wives. A woman who knows has daringly written an article on what a church has the right to ask of its minister's wife that promises to be the most-talked-of article in church circles this winter.

It is in the November LADIES' HOME JOURNAL

15 Cents—Now On Sale—Everywhere

ALSO IN NOVEMBER "THE THREE THINGS"

BY MARY RAYMOND SHIPMAN ANDREWS