MAYOR REPLIES TO GARBAGE PROTEST

Plans Further Converse With Staten Islanders on Disposal Plant Project.

WON'T BE ODORS, HE SAYS

Mayor Mitchel wrote a long letter yesterday to Nathan A. Smyth, a lawyer at 60 Broadway, who resides at Dongan Hills, Staten Island, in answer to a personal communication in which Mr. Smyth took the Mayor to task because there was no public hearing on the matter of locating a garbage disposal plant on Arthur Kill, Staten Island, and also for the Mayor's statement that there was no truth in the reports that the people of Staten Island were up in arms over this proposition.

Nothwithstanding the explanation made by the Mayor, it is his purpose, it was learned yesterday, to have further converse with residents of Staten Island on the subject. He has invited a number of them to meet him at the City Hall to-day for a discussion of the proposed new garbage disposal plant. After reviewing the situation generally, the Mayor refers to the fact that Staten Islanders got no public hearing on the location of the plant on Arthur Kill. He says:

"Every one knew that should the Board of Estimate accede to the request for a public hearing after the dissolution of the existing injunctions, such hearing would serve only as a means of permitting the service of a new injunction. Moreover, the merits had been argued and reargued in court, and every fact which could be adduced at a hearing before the Board of Estimate had already been presented in the legal proceedings and had been before the members of the Board of Estimate for some time. Delay meant the loss to the city o fthe opportunity of securing an infinitely more favorable contract and the establishment of a satisfactory and inoffensive plant.

Denies There'll Be Odors.

"The contractors under the terms of the contract awarded propose to install what is known as the Cobwell system for the disposal of garbage, and I am told that it is the most modern system of its kind known to science. I am assured that the system to be installed will be operated without smell or odor of any kind."

After mentioning that a similar plant is in successful operation at New Bedford, Mass., and that public officials there say that the plant emits no offensive odors or gases and that the commissioners of public works of Los Angeles, Cal., which also has one of these plants, testify to the same success in operation, the Mayor says:

"From the foregoing facts I believe that the Board of Estimate was entirely justified in assuming that it has secured the sort of disposal plant that the people of this city are entitled to. Not only will there be no odors or gases emitted at the plant, but there will be none from the garbage in transit from the city dumps to the plant, because the Street Cleaning Commissioner is given ample authority under the terms of the contract to compel the contractor to use such devices for the transportation of garbage as to make it entirely inoffensive."

After referring to the financial consideration—the city will receive $900,000 from the contractors during the next five years—the Mayor takes up the matter of public feeling in Staten Island.

"You resent," he says, "the suggestion that public opinion in the Borough of Richmond has been accelerated in this matter. Yet this is undeniable. Do not misunderstand me. I do not mean that there is not at present a genuine and popular feeling against the establishment of the plant. I have no doubt that there is. I mean that this feeling, springing from the mistaken belief that the plant will prove a nuisance, was in the first instance fomented in the interests of the owners of the present plant who, in court and out of court, have done all in their power to prevent the award of this contract to a new bidder.

Van Name's Position.

"Notions concerning the new plant, which are mistaken and false, as I have shown you by what I have said above, were put into the minds of the people of Richmond.

"There is another thing that you must remember. You were not without a representative voice and vote in this matter of the garbage contracts. Your Borough President, Mr. Van Name, was a member of the committee on street cleaning of the Board of Estimate and as such signed, with Mr. McAneny and Mr. Connolly, the report recommending the plan of the garbage contract and specifications which had been adopted. These specifications left Staten Island open as a site for the plant. Later your Borough President voted in the Board of Estimate for the award of the contract to construct the plant on Riker's Island, in the face of the same kind of mistaken opposition by the people of The Bronx and by the Borough President of The Bronx, now offered by the people of Richmond and the Borough President of the Borough of Richmond.

"President Van Name thought the plant good enough to place even nearer to the populous districts of The Bronx than it will be to the populous district of Richmond. He was quite right in that judgment. Please remember, also, that the plant will be located at a considerable distance from any existing residences or development; in a district remote and isolated, where factories and plants are now located.

"I believe the people of Staten Island are unduly alarmed over this situation. If I had thought for one moment that the erection of this plant would create a nuisance I would not have voted for the award of the contract or the erection of the plant either in the Borough of Richmond or elsewhere in the city of New York."

SALVATION FUND $387,904.

Army Workers Still Hope to Raise $500,000 Desired.

The hands of the big clock in front of the Salvation Army's training school and headquarters, 50 Broad street, yesterday at noon registered $387,904, the grand total for the campaign to date. The hands had been moved forward $1,894 since the day before. The workers in the campaign still have hopes of reaching the half million dollars sought for the training school for Salvation Army officers.

The largest single contribution of the day was $8,000, given by Miss Anna Rogers for the children's department. There were several other large contributions which aroused the enthusiasm of the workers. The campaign will be brought to an end either to-day or tomorrow, it was said, at headquarters.

Woman Burned to Death.

HIGHLAND FALLS, N. Y., April 18.—Miss Sarah Drew, 63, set fire to her dress while raking up and burning leaves in her yard to-day and was burned to death. The body was taken to the home of Mrs. Charles Mandigo, her sister.

MELLEN SUES NEW HAVEN ROAD FOR $138,222.89

Money Claimed Under Agreement Signed With Company When He Retired From Its Presidency—Was Promised $30,000 Annually for Five Years.

Charles S. Mellen, ex-president of the New Haven Railroad, filed suit against the road in the Supreme Court here yesterday to cover $138,222.89 under an alleged agreement to pay him $30,000 a year for five years after he retired from the presidency in consideration of holding himself ready to give the benefit of his advice when called on during that period. If Mr. Mellen's claim on this contract is upheld he will be entitled to sue in the future for $90,000 additional if the money is not paid voluntarily.

In the suit brought yesterday Mr. Mellen sues for only $60,000 under the alleged agreement to pay him $30,000 a year, but he asks $78,222.89 under a further agreement to pay all the expense of defending any civil or criminal proceeding brought against him. Homer S. Cummings of 115 Broadway, member of the Democratic National Committee for Connecticut, brought the suit as attorney for Mr. Mellen. Service of the papers was accepted by Frank E. Hall in behalf of the treasurer of the New Haven road at the Grand Central Terminal.

The complaint sets forth that on July 18, 1913, the plaintiff "entered into an agreement with the New York, New Haven and Hartford Railroad Company whereby the plaintiff in consideration of the sum of $30,000 per annum agreed with the defendant to hold himself in readiness at all times during the term of five years from and after the date of ceasing to be president of the New Haven Railroad, at the request of the directors of said company, to meet with them at such times and places as they should reasonably require and give them the benefit of his information regarding the affairs of the company and of his services."

Mr. Mellen alleges that he retired as president of the road on September 1, 1913, under the resolution dated July 17, 1913. He says he has "at all times carried out and performed the terms and obligations of his part of the contract, more particularly from September 1, 1913, to August 31, 1914, and there is now due him the sum of $30,000."

Similar allegations are then made as to the year following, for which Mr. Mellen asks $30,000 more. The complaint then recites that in the contract the defendant "agreed to hold the plaintiff harmless from all loss, cost and expenses incurred by him in defending himself against any existing or future proceeding against him whether civil or criminal in any court or tribunal on account of the matters arising out of his acts as president of the New York, New Haven and Hartford Railroad Company or of the corporations by it controlled or in satisfying by payment of money any judgment, decision, order or decree against him."

Mr. Mellen alleges that he was "obliged to and did incur loss, cost and expenses by virtue of divers actions and proceedings, civil and criminal, brought against him arising out of his acts as president of the New York, New Haven and Hartford Railroad Company and its subsidiary companies, which loss, cost and expense to date amounts in the aggregate to $78,222.89."

The agreement in question is signed in behalf of the railroad by Arthur E. Clark, secretary of the company.

The complaint sets forth finally that no part of the sum due the plaintiff has been paid, although payment has been demanded.

"ARTISTIC COSTS" ON OPERA DISK DUTIABLE

Federal Decision Is Given Against the Victor Talking Machine Company.

The Victor Talking Machine Company has lost a decision in the United States Court of Customs Appeals involving the question of whether or not so-called "artistic costs" should be included in the appraised dutiable value of imported records. The court holds, in sustaining an opinion by the Board of General Appraisers, that the cost of noted opera singers and musical organizations must be taken into account by the customs officials in assessing duty. The talking machine firm contended that the tariff act did not provide for the assessment of duty on these "artistic costs."

The Victor concern sent representatives to Colombia and South America to have certain opera singers transfer their art to American made disks taken to South America for the purpose. The disks were blank when shipped from this country, but when returned they bore the record of the vibrations produced thereon, either by the human voice or musical instruments.

When these disks were entered at the Custom House the appraising officials included in the dutiable value the salaries, reaching large sums, and other compensation given the artists for the reproductions. The Victor company objected to this action and appeal was made to the customs tribunals.

Customs officials were of the opinion yesterday that the decision just rendered would have many ramifications, including the cost of foreign talent employed in preparing motion picture films.

TIRE MERGER AGAIN REPORTED

Denial That Goodrich Company Is Interested in Plan.

A merger of four or five of the smaller tire companies, including the Lee Rubber and Tire Company, according to reports yesterday, is under consideration. No confirmation of these reports could be obtained. Connection with the rumored plan was officially denied by the B. F. Goodrich Company, although that company was named in the reports.

It was learned on good authority, however, that the Lee company had been approached in regard to the price of its stock, and it is understood that other of the smaller companies, which are doing business of between $2,000,000 and $6,000,000 a year, are being considered.

DEED FOR POST OFFICE SITE.

Draft of Bill for Eighth Avenue Property Sent to House.

WASHINGTON, April 18.—The draft of a proposed bill authorizing the acceptance on behalf of the Government of a correctionary deed to the new post office site between Thirty-first and Thirty-third streets on Eighth avenue, New York city, was sent to the House to-day by the acting Secretary of the Treasury.

The new deed is to cover more in detail the reservations of the railroad companies from which the land was acquired, relating to the sub-surface use of the property for station use.

Supt. Austin Leaves L. I. Road.

J. B. Austin of Garden City, L. I., for five years superintendent of the Long Island Railroad, has resigned, to take effect to-morrow, when he will become vice-president and general manager of the Globe Steamship Company of New York. C. D. Baker of Freeport, L. I., will succeed Mr. Austin.

OFFERS $10 BILLS FOR $1 AND GOES TO COURT

Guest at Biltmore Finds Street Crowd Too Sceptical to Buy Real Money.

Sometimes ordinary mortals earn $10 bills; sometimes—very rarely—they find them in the street; but yesterday morning any one who happened to be passing Fifteenth street and Third avenue could have bought a real one for $1.

This distorted condition of affairs was discovered by Policeman O'Neil as he was riding to the Oak street station at 6 A. M. on a Third avenue surface car. Observing from the car window an excited crowd shouting and circling wildly about an evident centre of interest, he alighted in haste and started to investigate. He discovered:

One neatly dressed man, clad in a blue serge suit, gray spring overcoat and a becoming felt hat, posing as an auctioneer, holding a handful of $10 bills which he was eagerly beseeching any one in the assemblage to purchase at the bargain price of $1 each.

Large crowd—at least seventy-five persons—all sceptical, but each one shouting encouragement to his neighbor to buy one of the tens so it could be inspected at first hand and give the would-be purchasers an idea concerning the safety of the investment.

Policeman O'Neil heard:

"That's counterfeit. Nobody in New York ever offered a bargain like that 'less there was something wrong!"

"Naw! He's crazy! I'm going to take a chance."

As the one real sport in the crowd was pushing forward O'Neil thought it was time for him to take a hand, and after inviting the prospective purchasers to be on their way took the auctioneer to a place of comparative safety—the East Twenty-second street police station. There he said he was James Crede, secretary to a business house in Jacksonville, Fla. He is staying at the Hotel Biltmore.

"Are you a philanthropist?" asked Magistrate McQuade in Yorkville court when the auctioneer was arrigned before him.

"No," was the answer. "Say, Judge, did I sell many of 'em?"

"I am informed that every one was too sceptical to buy," answered the Magistrate. "Why don't you hire a secretary for the remainder of your stay in the city? Discharged."

CUBA MAY BUILD SHIPS.

Government Sees Need of Passenger and Freight Vessels.

According to Harold I. Smith, representative of the Munson Steamship Line, who has just returned from a visit to Cuba, that country will continue to be prosperous for at least ten years.

"The sugar planters in their finances are well off because of the advanced price of raw sugar, in which commodity they are paid for their sugar cane," says Mr. Smith. "American capital, quick to see chances of speedy returns, is pouring into the country and is welcomed by the merchants and farmers. Cubans give all credit to Americans for their recent advancement.

"What is most lacking in Cuba is transportation facilities, and this applies not only to Cuba but also to steamship transportation to and from Cuba. Steamship accommodations for tourists are at a high rate and the Cuban Government is seriously considering the building of several passenger and freight steamships of a tonnage of ten to twelve thousand tons. Besides passenger steamships there is a lack of freight boats to handle the country's immense sugar crops. Freight charges formerly 30 cents are now $1.50 a bag of 320 pounds. In this project the Government believes that millions of dollars will be saved to the Cuban planters in freights alone in the course of a few years."

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SUPERVISION IS URGED FOR SCHOOL MEETINGS

Agents Likely to Be Employed to Report Any Overstepping of Free Speech.

A policy of strict supervision over all popular meetings in public school houses is likely to be adopted by the Board of Education. The board will probably employ an agent, or agents, to keep an eye on the meetings and report immediately any overstepping of the proper bounds of free speech. The school authorities will then be in a position to revoke without parley and dispute any permit whose terms have been violated.

Isidor M. Levy, chairman of the board's committee on the care of school buildings, said yesterday:

"The permit for the Labor Forum in Washington Irving High School will expire next month. We have already held up the permits for another year which were requested by the Bronx Forum, the People's Institute of Brooklyn and other organizations, pending the adoption of a definite restrictive policy.

"There is no doubt that it would be wise for the Board of Education to have its own paid agent who would devote himself to visiting all the community centres in school buildings and supply us with official information of what went on. It would then be unnecessary for us to depend upon the differing statements of outside observers as to what they heard or saw. There is no provision now for the employment of such an investigator, but I think it could be arranged."

Mr. Levy's committee will meet next week to consider last Sunday night's stormy meeting of the Labor Forum in the Washington Irving High School and the assertion of George Creel that it shouldn't worry any one if James Maurer did say in the same room on April 9, "To hell with the Stars and Stripes!" Carl Beck, director of the Labor Forum, said yesterday he had received no invitation to appear before the committee and that he and his friends were still demanding a public hearing.

Mr. Beck did not assert that Mr. Creel's remarks were incorrectly reported, but he said the utterance regarding Mr. Maurer was unfairly robbed of its context in the published reports.

"Mr. Creel's words," Mr. Beck said, "were in effect, 'It shouldn't worry any one if Mr. Maurer said "To hell with the Stars and Stripes!"' What should cause worry is the conditions in the State or nation that caused him to say it. I regret that Mr. Creel said even this, but I can't make a man go over all his speech with me in advance.

"We want a public hearing and if we don't get it organized labor will kick the bucket over. I mean that figuratively, of course; I mean that a delegation will go down to the Mayor and ask for a fair hearing."

George A. Wheelock of the United Real Estate Owners Association, who heard Mr. Creel talk on Sunday night, has sent a letter of protest to President Willcox of the Board of Education.

WILL TRY TO RUSH FREIGHT.

Steamship Agents and Trunk Line Officials Hold Conference.

A meeting of steamship agents and officials of the Trunk Line Association was held yesterday morning to discuss minor details in the adjustment of embargo regulations, at the request of the Eastern Conference Committee, of which E. E. Clark of the Interstate Commerce Commission is chairman.

There have been complaints from the railroads that ships were not ready at the times the orders called for delivery of freight, and complaints from steamship men that they had been held up by failure to deliver freight. These complaints were discussed and it was agreed that everything possible to obviate similar delays would be done. The meetings will be held, it was announced, as they seem necessary.

HEWLETT RECTOR QUITS AFTER FIGHT

The Rev. W. P. Kemper Differs With Vestry on Method of Church Government.

ILL HEALTH ALSO FIGURES

HEWLETT, L. I., April 18.—Five years of contention between the vestrymen of Trinity Protestant Episcopal Church here and their rector, the Rev. William Poyntell Kemper, have ended in the resignation of Mr. Kemper. He announced his decision from the pulpit on Sunday, and it has been accepted by the vestry. But the rector feels that he has won what he was fighting for and that his successor will have an easier task than he had.

For forty years the church has existed under the Congregational form of government. When Mr. Kemper took charge of the parish five years ago he decided that it was anomalous for a Protestant Episcopal church to be managed according to the rules of another denomination. Friction with the vestry developed from his efforts to make the changes that he insisted upon and is the cause of his resignation, although ill health figured in the formal announcement. Mr. Kemper said to-day:

"There really hasn't been much antagonism, but in order to get the facts straight I will say this:

"For years certain things had been done on a Congregational basis, and it was my business to see that they were done according to the canons and forms of our own church. For instance, the vestry had never made a financial statement. There is no binding rule about it, but there ought to be such a statement every three months, and certainly once a year. I at last succeeded in getting the statement, although I was opposed. With a Methodist and a Presbyterian among its members the makeup of the vestry was rather peculiar, and as the older members were used to the old ways it is perhaps not surprising that I had trouble in making the necessary reforms.

"Another thing—there was a music committee which insisted on selecting all the music, singers, &c., without consulting me, although in the Episcopal Church the music is an integral part of the formal service and is under the control of the rector, as I insisted it should be in Trinity Church.

"Then there was the matter of the sexton. The vestry thought they were to boss him. I told them the sexton must be under the direction of the rector, and they rebelled. They took these matters to Bishop Burgess and he told them I was right. I think they see it, too, now.

"The major part of the congregation feel that I have been fighting their battles, but there is no question about the vestry being against me, with the exception of one man. I told them that even if they wanted me I wouldn't stay for $10,000 a year. I'm going to Pennsylvania and camp for five months. I feel as if I had been on the firing line."

Mr. Kemper's resignation was dated to take effect on June 1, but he may entrust the parish to a "supply" until then. His salary is $2,200 a year, with the use of the rectory. The church has about 300 members and an endowment of $55,000.

The vestrymen are Divine Hewlett, senior warden; Benjamin C. Vandewater, junior warden; Carlton Macy, president of the Queens Borough Gas and Electric Company; ex-Judge William E. Jay, Charles H. Simonds, Campbell Locke, Joseph P. Hewlett, Eugene P. Bicknell and Henry Otis Chapman.

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TWO MORE ARRESTS IN TOBACCO FRAUD

Kentucky Dealer and New York Wholesaler Accused as Men Higher Up.

FALSE RECORDS ALLEGED

In the arrest yesterday of M. R. Cotton, a tobacco dealer of Louisville, Ky., and Dominico Suraci of the State Leaf Tobacco Company, Inc., of this city, the Federal authorities believe that they have reached some of the men higher up in the tobacco frauds through which the Government has lost large sums in taxes on cigars and cigarettes. Cotton and Suraci are not charged with evading the payment of internal revenue taxes, but with recording sales of leaf tobacco in such a way as to make it possible for small cigar manufacturers to whom they sold to defraud the Government of the taxes on the cigars.

Hitherto the defendants gathered in by the internal revenue agents have been small tobacco dealers and cigar and cigarette manufacturers. About seventy-five of these were arrested in Manhattan alone, and at least two-thirds of the number, it is said, received their supply of leaf tobacco from the State Leaf Tobacco Company, Inc., which in turn was supplied by the firm of Cotton & Hall of Louisville, of which the defendant Cotton is a member.

The Louisville concern, according to Assistant United States Attorney Emilio Yaselli, does a million dollars worth of business a year, and in the month of July, 1915, alone sold 5,614,070 pounds of leaf tobacco.

A third defendant, Emil Berger, a tobacco dealer in this city, was named in the complaint charging Suraci and Cotton with conspiring to make improper records in their books. Berger, however, was not arrested.

According to Assistant United States Attorney Yaselli, the firm of Hall & Cotton instead of recording their sales to the State Leaf Tobacco Company made it appear through their books that the tobacco was really being delivered to a third concern in this city which does a comparatively small tobacco business. Several fires in the establishment run by this concern, Mr. Yaselli said, were held accountable for the loss of some of the tobacco supposed to have been received by it.

In the meantime, Mr. Yaselli said, the State Leaf Tobacco Company, Inc., was able to dispose of the tobacco received from the Louisville concern without record and the cigarmakers who bought the tobacco were able to sell their untaxed cigars without arousing suspicion.

An internal revenue agent who was sent to Louisville to investigate the affairs of Hall & Cotton reported that Cotton was hurrying to this city on business. It was through this tip that the Federal authorities were able to arrest Cotton and Suraci together. They were arraigned before United States Commissioner Houghton and held in $5,000 bail each for further examination. They were represented by former Assistant United States Attorney Carl E. Whitney, who supplied bail bonds for his clients.

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FIFTH AVENUE AND 44TH ST., NEW YORK

CITY OFFICIAL KILLS HIMSELF IN A VAULT

Glens Falls Chamberlain's Accounts Showed Discrepancies, Auditors Declared.

GLENS FALLS, N. Y., April 18.—After serving Glens Falls as City Chamberlain since 1910 and having been reelected on March 21 for a term of two years, Sterling F. Higley killed himself in the vault of his office in City Hall at noon to-day with a pistol.

Discrepancies amounting to about $12,000 were recently found in his accounts by auditors of Loomis, Suffern & Fernald of New York. Higley was about 40 years of age.

Three notes left on a desk by Higley, one directing her not to open the vault door but to summon a policeman, were overlooked by his assistant, Miss Kathleen Kelleher, when she returned from luncheon, and as she swung open the door the lifeless body, the head covered with an overcoat, met her view. With considerable effort, the young woman summoned Mayor Reed and other city officials, and the Coroner and physicians were called in, but death had been instantaneous.

In the other notes Higley requested that his brother, H. H. Higley, president of the First National Bank of Norwich, N. Y., be notified, and that his funeral be private.

Higley recently told friends that he had invested large sums of money in real estate and amusement ventures which proved unprofitable.

Among those surviving him are a widow and three children and a sister, Miss Mary Higley, a teacher in the schools of New York city.

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