MELLEN SAYS HE FORCED NEW HAVEN TO ITS KNEES

Virtually Bought Off by Offer of Vice-Presidency, After Threatening Rate Cut.

TELLS STORY WITH RELISH

Testimony Frequently Interrupted by Clashes of Counsel Over Introduction of Evidence—Former President Taft May Be Witness.

NEW YORK, October 21.—Although Charles S. Mellen, formerly president of the New York, New Haven and Hartford Railroad Company, was characterized by Frank L. Schwarzer, the Federal attorney, as a "frankly hostile witness" during the continuation of his testimony to-day at the trial of the eleven New Haven directors under the Sherman law, the attorney succeeded, nevertheless, in introducing through Mr. Mellen what is deemed some of the most important evidence against the defendants contained in the government's case. Mr. Mellen frankly conceded that the early competition between the New Haven and the New York and New England, which it subsequently absorbed, was of the cut-throat variety. He testified that it was a state of rivalry between the Boston and Maine and the New Haven that led to the famous Corsair agreement, by which the two roads agreed to keep out of each other's territory. He identified minutes of the board of directors meeting of the New Haven, whereby steps were taken to enter into agreement with the New York Central to keep the roads from entering New York City. He told how the New Haven had secured control of two of the New York and New England's connections with New York City and cut them off.

With evident relish, he related the story of having, as manager of the New England, brought the New Haven to its knees by threatening a rate-cut and of making such a "nuisance" of himself that he was virtually bought off by the New Haven with an offer of the vice-presidency of the road, which he accepted. This was in 1899.

FINISHES HIS RECITAL OF NEW ENGLAND SITUATION

All this came after the witness had finished his recital, begun yesterday, of the New England railroad situation in 1890, at the time of the enactment of the Sherman antitrust law. His testimony was frequently interrupted by clashes of counsel over the introduction of some of the evidence.

The attorneys for the defense fought to keep out of the records the ancient minutes of the New Haven board, which R. V. Lindabury described as "dead, dusty and moribund." They were signed by William D. Bishop, a former secretary of the New Haven, now dead, and although the witness identified Bishop's signature, Mr. Lindabury contended there was no proof that what is had recorded might not have been erroneous.

Judge Hunt ruled, however, that it was enough that the signature had been identified, and that the minutes came from the shelves of the corporation.

Attorney Schwacker went back with the witness to the so-called tripartite agreement of 1872 between the New Haven, the New York Central and the New York and Harlem River, whereby the three roads entered New York City at the present Grand Central Station terminal and shared the expenses of the terminal. This was intended, the government contends, to prevent the entrance of other New England roads into New York, and the Federal attorney then proceeded to show through the witness how the New York and Harlem Road, which had connections with the New York and New England at Brewsters, was an alleged victim of this agreement.

Mr. Mellen identified minutes of the New Haven directors, dated February, 1893, which recorded the appointment of a committee headed by George McCulloch Miller to take up the New York and Northern matter with the New York Central. William Rockefeller was recorded as among those present.

PAYS NEW YORK CENTRAL FOR SHARE IN TERMINAL

He identified minutes of a meeting held a week later, in which it was revealed that the New York Central had secured control of the New York and Northern, and that in consideration of its perpetual participation under the tripartite agreement, the New Haven would pay the New York Central an additional $500,000 as its contribution toward the expenses of the terminal.

Coming to the Corsair agreement, which took its name from an erroneous statement that it was signed on J. P. Morgan's yacht, the Corsair, Mr. Swacker had the witness identify minutes dated March 4, 1892, authorizing a committee consisting of Messrs. Morgan, Rockefeller and Bishop to meet a committee from the Boston and Maine "to make such future arrangements as would promote their mutual interest."

This resulted, according to minutes of meeting one week later, in the ratification of the Corsair agreement, by which the Boston and Maine agreed not to acquire new lines south of the Boston and Albany line, and the New Haven, on the other hand, was not to acquire lines north of that boundary.

Possibility that former President William Howard Taft would be called by the government was suggested to newspaper men today in a note passed over to their table by one of the defendant's counsel. Attorney R. L. Batts said, however, that there was no intention of doing so at the present time. The suggestion was that Mr. Taft would be needed to tell of conferences between him and Lewis Cass Ledyard, one of the defendants, over the acquisition of Boston and Maine stock by the New Haven, and in the matter of the limitation of the inquiry into New Haven affairs begun during the latter part of Mr. Taft's administration. The government alleges that Mr. Ledyard used his influence with the administration to confine the inquiry to the relations of the New Haven with the Grand Trunk Railway of Canada.

GERMANS REFUSE PLEA OF WHITLOCK FOR MISS CAVELL

(Continued from First Page.)

possible our plea for delay. . . . We emphasized the horror of executing a woman, no matter what her offense, and pointed out that the death sentence had heretofore been imposed only on actual cases of espionage, and that Miss Cavell was not even accused by the German authorities of anything so serious.

"I further called attention to the failure to comply with Mr. Conrad's promise to inform the legation of sentence. I urged that, inasmuch as the offenses charged against Miss Cavell were long since accomplished, delay in carrying out the sentence could entail no danger to the German cause. I even went so far as to point out the fearful effect of a summary execution of this sort upon public opinion both here and abroad, and, although I had no authority for doing so, called attention to the possibility that it might bring about reprisals.

"The Spanish minister forcibly supported all our representations, and made an earnest plea for clemency. Baron von Der Lancken stated that the military governor was the supreme authority in matters of this sort, and that an appeal from his decision could be carried only to the Emperor, the Governor-General having no authority to intervene in such cases.

"After some discussion, he agreed to call the military governor on the telephone and learn whether he had already ratified the sentence, and whether there was any chance for clemency.

"He returned in about half an hour, and stated that he had been to confer personally with the military governor, who said he acted in the case of Miss Cavell only after mature deliberation, that the circumstances in her case were of such a character that he considered the infliction of the death penalty imperative, and that he must decline to accept your plea for clemency or any representation in regard to the matter. . . .

CONTINUE TO APPEAL TO EVERY SENTIMENT

"Even after Baron von Der Lancken's very positive and definite statement that there was no hope, and that under the circumstances 'even the Emperor himself could not intervene,' we continued to appeal to every sentiment to secure delay.

"The Spanish minister even led Baron von Der Lancken aside in order to say very forcibly a number of things which he would have felt a hesitancy in saying in the presence of the younger officers and of Mr. Deleval, a Belgian subject.

"His Excellency talked very earnestly with Baron von Der Lancken for about a quarter of an hour. During this time Mr. Deleval and I presented to the younger officers every argument we could think of. . . .

"Unfortunately our efforts were unavailing. We persevered until it was only too clear that there was no hope of securing any consideration for the case. We left shortly after midnight, and I immediately returned to the legation to report to you.

(Signed) "HUGH GIBSON."

Counselor of Legation Deleval reported to Mr. Whitlock that on the failure of the German authorities to reply to Mr. Whitlock's request on August 31 that Mr. Deleval be permitted to see Miss Cavell in order to have all necessary steps taken for her defense, another letter was dispatched on September 10, to which a German reply on the 12th refused the request, but referred him to Attorney Kirschen, who had been assigned for the defense.

LAWYERS NOT ALLOWED TO SEE THEIR CLIENT

Attorney Kirschen, Mr. Deleval reported, states that lawyers defending prisoners before a German military court were not allowed to see their clients before trial, and were not shown any document of the prosecution, but that trial was developed so carefully and slowly that it was possible to have a fair knowledge of all the facts and present a good defense for the prisoner.

"I informed Mr. Kirschen," Mr. Deleval's report continues, "of my intention to be present at the trial so as to watch. He dissuaded me from taking such an attitude, which, he said, would cause great prejudice to the prisoner, because the German judges would resent it and feel that it was almost an affront if I was appearing to exercise a kind of supervision on the trial."

Mr. Deleval's report says that after the trial he learned from other sources the following:

"Miss Cavell was prosecuted for having helped English and French soldiers, as well as Belgian young men, to cross the frontier and go to England. She admitted by signing a statement before the day of the trial, and by public acknowledgment in court that she was guilty of the charges, not only that she had helped these soldiers to cross the frontier, but also that some of them had thanked her in writing when arriving in England.

"This last admission made her case more serious because if it had only been proved she had helped soldiers to traverse the Dutch frontier, and no proof was produced that those soldiers had reached a country at war with Germany, she could only have been sentenced for an attempt to commit the crime and not for the crime being duly accomplished.

"As the case stood the sentence fixed by the German military law was the sentence of death.

"When she was asked why she helped these soldiers to go to England she replied that she thought that if she had not done so they would have been shot by the Germans. Therefore, she thought she only did her duty to her country in saving their lives.

"The military prosecutor said the argument might be good for English soldiers, but that it did not apply to Belgian young men, who would have been perfectly free to remain in the country without danger to their lives."

Herr Kirschen made a good plea for Miss Cavell, says the report, but the military prosecutor asked the court for a death sentence for Miss Cavell, and eight others of the thirty-five persons on trial. The court did not seem to agree, and judgment was postponed. The trial lasted two days, ending October 8.

Mr. Deleval's request on the 10th for permission for an English clergyman to see Miss Cavell was denied, the report says. He was told she could see the three Protestant clergymen attached to the prison.

EARNEST LETTER OF APPEAL BY MINISTER WHITLOCK

The letter sent by Mr. Whitlock to Baron von Der Lancken by Mr. Gibson on the night of the 11th follows:

"Your Excellency,—I have just learned that Miss Cavell, who is a British subject and consequently under the protection of my embassy, was this morning condemned to death by sentence of court-martial. Without going into the causes which led to such a severe sentence, and one which, if all the reports which have reached me are correct, is more severe in this case than in all others which have been tried by the same tribunal, I hope to be able to appeal to the sentiments of humanity and generosity of His Excellency, the governor-general, on behalf of Miss Cavell, in order that the sentence of death which has been passed against her may be commuted and that this unhappy lady be not executed.

"Miss Cavell is the head nurse of a surgical institute of Brussels. She has spent her life in alleviating the sufferings of others, and at her school have been trained numerous nurses, who, throughout the world, in Germany as in Belgium, have kept watch at the bedsides of patients. At the beginning of the war Miss Cavell gave her services to German soldiers as well as to others.

"Failing other reasons, her humanitarian career is of a nature to inspire pity for her, and in advance, to secure her pardon.

"If the information given me is correct, Miss Cavell, far from hiding herself, with laudable frankness admitted all the facts laid to her charge, and the information she supplied was the cause of aggravating the sentence passed upon her.

"It is with confidence and hope of its being favorably received that I pray Your Excellency to present to the governor-general my request for grace in favor of Miss Cavell.

"I take this occasion to renew to Your Excellency assurances of my high consideration.

(Signed) "BRAND WHITLOCK."

The British Foreign Office in a note to Ambassador Page, asking him to express to Mr. Whitlock and his staff the British government's grateful thanks for their efforts in behalf of Miss Cavell, says:

"Sir E. Grey (the British Foreign Minister) is confident that the news of the execution of this noble English woman will be received with horror and disgust, not only in the allied states, but throughout the civilized world.

"Miss Cavell was not ever charged with espionage, and the fact that she had nursed members of wounded German soldiers might have been regarded as a complete reason in itself for treating her with leniency.

"The attitude of the German authorities is, if possible, rendered worse by the discreditable efforts successfully made by officials of the German civil administration at Brussels to conceal the fact that the sentence had been passed and would be carried out immediately.

"There efforts were, no doubt, prompted by a determination to carry out the sentence before an appeal from the finding of the court-martial could be made to a higher authority, and show in the clearest manner that the German authorities were well aware that the carrying out of the sentence was not warranted by any consideration. Further comment on these proceedings would be superfluous."

KILLED IN BIPLANE FALL

LYNN, MASS., October 21.—J. Chauncey Redding, of Melrose, and Philip Bulman, of Malden, were killed to-day by the fall of a biplane in which they were riding. Redding, who was the manager of the Saugus Aviation School, was operating the machine. Bulman was his mechanician. The accident apparently was due to the collapse of the wing framework.

Both men were buried to a depth of two feet in the soft mud of a marsh, and were dead when taken out.

STATE SHOULD LOOK AFTER ALL DISCHARGED PATIENTS

Supervision After Leaving Insane Asylums Strongly Urged by Dr. William F. Drewry.

Patients discharged as cured from the State asylums for the insane should be looked after so that they will not relapse, Dr. William F. Drewry, superintendent of the Central State Hospital, Petersburg advises in recommendations accompanying his annual report, submitted to Governor Stuart yesterday.

"It has been truly said regarding a patient discharged from a State institution," he says, "that the State has put him on the right road and there abandoned him in the night and storm.

"It is small wonder that many readmissions are noted annually. There is neither economic sense nor humane consideration in such treatment of our State hospital patients. From the standpoint of public economy alone there is ample justification for giving our furloughed and discharged patients a good start and suitable 'follow up' attention, so as to aid in prevention of a recurrence of their diseases, for often a second or third admission means permanent State care."

RECOMMENDS A SOCIAL SERVICE DEPARTMENT

He recommends a social service department, co-operative in its plan and constituting an "integral part of the State's hospital system as the remedy.

Dr. Drewry directs attention to the fact not generally known that "voluntary" patients are received and treated in the hospitals for the insane. He says:

"Only a few patients have yet taken advantage as they should of the new statutory provision for admission without formal commitment. As soon, however, as it is generally known that persons in the incipient stages of mental disease may go to our State hospitals without going through the process and publicity of legal commitment by a justice and two physicians, many will, doubtless, seek the early treatment provided, thereby preventing in many instances permanent insanity.

"The new law providing for emergency admission of extreme cases should also be resorted to more frequently as a means of early treatment and of avoiding commitment to jail."

BEGAN YEAR WITH DEFICIT OF $15,734

The financial statement for the year shows that the institution received from the auditor for the year's maintenance $168,333.28, and from other sources, exclusive of moneys received from sales and amounts refunded, the sum of $112.09. The expenditures for the year amounted to $178,262.70, which is $9,817.33 in excess of receipts. The new year was begun accordingly with a deficit of $15,734.25.

The accumulated indebtedness of the hospital to October 1, is $25,551.58.

There were in the hospital October 1, 1914, 1,646 patients. During the year 596 were added, making a total of 2,242, or 106 more than in the previous year. They came from every city except Charlottesville, and from all except eight counties, chiefly in the Southwest.

NOVEMBER 25 IS NAMED AS THANKSGIVING DAY

President, in Formal Proclamation, Calls for Usual Observance in United States.

MANY REASONS FOR PRAISE

Able to Assert Our Rights and Rights of Mankind Without Breach of Friendship, and at Peace While Most of Europe Is at War.

WASHINGTON, October 21.—President Wilson to-day, in a proclamation designating Thursday, November 25, as Thanksgiving Day, called attention to the fact that the United States has been at peace while most of Europe has been at war.

"We have been able to assert our rights and the rights of mankind without breach of friendship with the great nations with whom we have had to deal," said the President.

The text follows:

"It has long been the honored custom of our people to turn in the fruitful autumn of the year in praise and thanksgiving to Almighty God for His many blessings and mercies to us as a nation. The year that is now drawing to a close since we last observed our day of national Thanksgiving has been, while a year of discipline because of the mighty forces of war and of changes which have disturbed the world, also a year of special blessing for us.

"Another year of peace has been vouchsafed us; another year in which, not only to take thought of our duty to ourselves and to mankind, but also to adjust ourselves to the many responsibilities thrust upon us by a war which has involved almost the whole of Europe. We have been able to assert our rights and the rights of mankind without breach of friendship with the great nations with whom we have had to deal, and, while we have asserted rights, we have been able also to perform duties and exercise privileges of succor and helpfulness which should serve to demonstrate our desire to make the offices of friendship the means of truly disinterested and unselfish service.

ABILITY TO SERVE INCREASED BY A GRACIOUS PROVIDENCE

"Our ability to serve all who could avail themselves of our services in the midst of crisis has been increased, by a Gracious Providence, by more and more abundant crops; our ample financial resources have enabled us to steady the markets of the world and facilitate necessary movement of commerce which the war might otherwise have rendered impossible, and our people have come more and more to a sober realization of the part they have been called upon to play in a time when all the world is shaken by unparalleled distress and disasters.

"The extraordinary circumstances of such a time have done much to quicken our national consciousness and deepen and confirm our confidence in the principle of peace and freedom by which we have always sought to be guided. Out of darkness and perplexities have come firmer counsels of policy and clearer perceptions of the essential welfare of the nation. We have prospered while other peoples were at war, but our prosperity has been vouchsafed us, we believe, only that we might the better perform the functions which war rendered it impossible for them to perform.

"Now, therefore, I, Woodrow Wilson, President of the United States of America, do hereby designate Thursday, the twenty-fifth of November next, as a day of thanksgiving and prayer, and invite the people throughout the land to cease from their wonted occupation and in their several homes and places of worship render thanks to Almighty God.

"In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the city of Washington this twentieth day of October, in the year of our Lord, one thousand nine hundred and fifteen, and of the independence of the United States of America the one hundred and fortieth.

"By the President:

"Woodrow Wilson.

"ROBERT LANSING,
"Secretary of State."

ELEVEN NURSES GRADUATE FROM ST. LUKE'S HOSPITAL

Dr. W. Russell Bowie Makes Address at Commencement Exercises at Jefferson Hotel Auditorium.

Eleven graduates of the Training School for Nurses, of St. Luke's Hospital, received the honors of the institution at the annual commencement exercises in the auditorium of the Jefferson Hotel last night. Dr. Stuart McGuire presided at the exercises, which were attended by a large gathering of people.

After prayer by Rev Wesley Baker, Dr. McGuire made a brief address. He introduced Rev. W. Russell Bowie, D. D., pastor of St. Paul's Church, who delivered the address to the graduating class. Dr. Bowie told the young women of the great field which was before them in their life's work, and paid a high tribute to the nurse, who devotes her life to alleviating suffering and relieving distress.

Dr. W. Lowndes Peple, Dr. McGuire's associate, administered the nurse's oath to each of the graduates, and Miss Robertson, superintendent of the hospital, presented the St. Luke's pins.

The graduates marched to the auditorium preceded by the pupil nurses in blue uniforms, and Miss Robertson, the superintendent; Miss Edmunds, assistant superintendent, and Miss Driver, head nurse. After the graduating exercises there followed a reception and dance.

The members of the graduating class were: Misses Josie Ashley, of North Carolina; Rosa Miller, of Virginia; Allah Morton, of Virginia; Nannie Quarles, of Virginia; Marian Couch, of Virginia; Alberta Read, of West Virginia; Mary Zimmerman, of Canada; Mildred Tucker, of Virginia; Elma Williamson, of North Carolina; Pattie Hargrave, of Virginia, and Martha Baylor, of Virginia.

Mr. Moore Observes Birthday.

Auditor of Public Accounts C. Lee Moore is to-day celebrating his fifty-third birthday anniversary. He will hold an informal reception at his home, and his associates in the State offices have arranged to call to extend their felicitations and wish him many happy returns of the event. Auditor Moore is a happy subject for congratulations, being in the full vigor of health and in the prime of a public career that has been notably successful.

DEATHS IN VIRGINIA

Funeral of Mrs. Munce.

The funeral of Mrs. Lelia Gilliam Munce, wife of John Sinclair Munce, will be held this afternoon at 3:30 o'clock from the residence, 2324 Monument Avenue.

The officers and directors of the Society for the Prevention of Cruelty to Animals will attend the services in a body. Mr. Munce is president of the organization, and Mrs. Munce had long been a member of the board of directors.

John C. Swann.

[Special to The Times-Dispatch.]

TRENHOLM, VA., October 21.—John C. Swann, aged seventy-two years, a Confederate Veteran, died at his home near here early this morning after a brief illness. Mr. Swann is survived by his wife, Sue R. Swann, and the following children: George W., Annie, Grace and Elsie, all of Trenholm; A. M. Swann, Roanoke; J. P. Swann, Ashland; Mrs. J. F. Davis, Richmond, and John Swann, Mercedes, Tex. The following brothers and sisters survive Mr. Swann: G. A. and R. T. Swann, Mary L. and Delia A. Swann, all of Trenholm; Rev. P. Swann, Goshen, and Professor George Swann, Hopkinsville, Ky. Mr. Swann was a deacon in the Muddy Creek Baptist Church, where the funeral and interment will take place on Friday afternoon at 3 o'clock. The services will be conducted by Rev. J. R. Taylor.

James H. Diggs.

[Special to The Times-Dispatch.]

BEDFORD CITY, VA., October 21.—James H. Diggs died this morning at 12:45 o'clock at his home on Jeter Hill, after a lingering illness. Mr. Diggs was born in Lancaster County in 1852, for many years was extensively engaged in the lumber business in Virginia and North Carolina, and a partner of Erwell Williams, of Lynchburg. He owned considerable property in this State, North Carolina and Florida. Mr. Diggs came to Bedford about two and a half years ago, hoping to benefit his health, and purchased his home on Jeter Hill, of the late Judge E. C. Burks, of the Virginia Court of Appeals. He is survived by his wife, who was Miss Lucy Ward, of Leesville, Va., and three children, viz: J. Eubearn Diggs, of Columbia, S. C.; Charles L. Diggs, of Durham, N. C., and a daughter, Miss Mary L. Diggs, now at school at Point Lousa, Cal. The funeral service will take place from the residence on Friday morning at 11:30 o'clock, conducted by Rev. Hugh C. Smith, of the Baptist church, of which he was a member. The interment will be at Spring Hill Cemetery, Lynchburg, conducted with Masonic ceremonies.

William C. Bruin.

[Special to The Times-Dispatch.]

ALEXANDRIA, VA., October 21.—William C. Bruin, sixty-two years old, a retired Southern Railway locomotive engineer, died last night at his home here. Because of ill health he resigned about three years ago, after serving on the road for thirty-five years in the capacity of an engineer. He is survived by his wife and six children. He was prominently identified with various Masonic bodies, including Acca Temple, Mystic Shrine, Richmond.

Thomas B. Pleasants.

[Special to The Times-Dispatch.]

AMHERST, VA., October 21.—Thomas B. Pleasants, aged fifty years, died suddenly on Wednesday morning at his home near Pedlar Mills, in this county. He is survived by his widow and several children. The body was buried this morning in the family graveyard. The services were conducted by Rev. E. T. Robinson, a Baptist minister.

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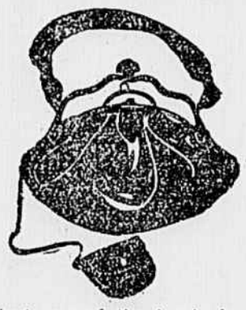

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The Seed Wheats we offer are from the best and most productive crops grown in the finest wheat-growing sections of Virginia, and are carefully recleaned by us to remove all impurities and small and inferior grains, so as to supply our customers only with plump and well-developed seed wheat, which should yield considerably more per acre than ordinary wheats imperfectly cleaned. All of our Seed Wheats are selected from good yielding crops, which with our methods of cleaning, makes the Seed Wheat which we offer very much superior to ordinary seed wheat.

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