

New Move To Prove Mellen Arrest Illegal

HIS COUNSEL ENTERS TWO DEMURRERS

Main Contention Is That State Has Not Connected Mellen Directly

JUDSON REFUSES TO JOIN ISSUE

Special Demurrer Sets Forth 19 Counts Why Railroad Man Should Be Freed

The second step to save former President Charles S. Mellen of the New Haven railroad from being tried on the charge of criminal responsibility for the Westport wreck, was taken today when Attorney Homer S. Cummings filed two demurrers in the criminal superior court.

When arguments on the demurrers were started this afternoon Attorney Cummings wanted State's Attorney Judson to join issue. He had stated that the state's information was insufficient to hold Mellen and he wished the state to declare the information sufficient.

Judge Tuttle stated that he was not sure what the practice was and he would look the matter up before giving a decision.

The demurrers are as follows:

GENERAL DEMURRER. Saving and reserving all manner of exceptions to irregularities, illegality and informality heretofore existing, the defendant, Charles S. Mellen, in contesting the charges and pleas and saying that the said information and matters therein contained are insufficient in law.

SPECIAL DEMURRER. Saving and reserving all manner of exception to the irregularities, illegality and informality heretofore existing, the defendant, Charles S. Mellen, in addition to the general demurrer herein filed, specially demurs to the information and says the same is insufficient in law and for causes demurrer specially assigns as follows:

1. Said information fails to state with sufficient certainty the mode and manner in which the deceased came to death.

2. Said information fails to state facts showing the commission of manslaughter by any act of the defendant.

3. Said information does not state with sufficient certainty the crime which is alleged the defendant committed to enable the defendant to properly prepare his defense.

4. In so far as the information alleges criminal negligence it is defective in that there are no allegations of any duty on the part of the defendant with respect to the said Jane Doe and of a violation of such duty resulting in her said death.

5. Said information does not fairly give to the defendant notice of the facts which will be attempted to be proven against him.

6. It does not appear how or in what way or by what means the defendant caused the said fire and smoke to come in contact with said Jane Doe.

7. It does not appear in what way the defendant brought or kept the deceased in contact with the said fire and smoke.

8. It does not appear by what means said fire or smoke was caused.

9. It does not appear that the defendant in any way caused said fire or smoke.

10. Said information contains no allegation of any act which the defendant, Charles S. Mellen, as president of the N. Y., N. H. & H. R. R. Co., did or permitted which caused the said Jane Doe, who was in a car then burning, to be choked, suffocated or burned as in the information set forth.

11. It appears from the information that the Jane Doe there referred to was by means of the smoke and flames thereof choked, suffocated and burned, from which choking, suffocating and burning she instantly died and said information contains no allegation showing in what way the defendant, Charles S. Mellen, president of said railroad company, caused the said Jane Doe to be in said car or in the fire then burning therein, or in any way connecting the defendant individually or as president of said railroad company with said fire which it is charged caused the death of the said Jane Doe.

ing and burning she instantly died and said information contains no allegation showing in what way the defendant, Charles S. Mellen, president of said railroad company, caused the said Jane Doe to be in said car or in the fire then burning therein, or in any way connecting the defendant individually or as president of said railroad company with said fire which it is charged caused the death of the said Jane Doe.

12. Said information contains no allegation of any act or omission by the defendant which caused the death of the said Jane Doe there referred to.

13. It appears from said information that the said Jane Doe was choked, suffocated and instantly killed by means of a fire then and there burning in a car and not of the defendant, Charles S. Mellen, as president of the N. Y., N. H. & H. R. Co., or of the death of said Jane Doe by means thereof.

14. The acts set out in the information in the description of the offense show that under some circumstances those acts do not constitute an offense.

15. The said information fails to charge the offense attempted to be set forth with such clearness and certainty as to apprise the accused of the crime for which he is called to answer and to enable the jury to deliver an intelligent verdict, the court to render a proper judgment and the accused to plead his conviction or acquittal in bar of another prosecution for the same offense.

16. Said information contains no allegation showing any connection between the assault therein referred to and the death of said Jane Doe.

17. It appears from the information that the choking, suffocating and burning of the said Jane Doe was by a fire then burning in a car in which she then was and not by reason of an assault made upon her by the defendant.

18. Said information contains no allegation showing any connection between the assault therein referred to and the fire then burning in said car and which is alleged to have caused the instant death of the said Jane Doe.

19. Said information charges the defendant, Charles S. Mellen, with having committed manslaughter in his official capacity as president of the N. Y., N. H. & H. R. Co.

FIREMEN NEAR EXPLOSION TO SAVE TREASURE

Car Laden With Vast Amount of Currency and Ammunition In Flames

DESPERATE DASH TO CITY SAVES CARGO

Ignorant of Their Peril, Firemen Join Trainmen and Quell Flames

That members of the Bridgeport fire department joined with express messengers and train men in a desperate fight against flames threatening a car laden with explosives and a vast amount of currency, in the Bridgeport station before daybreak yesterday, because generally known today when the nature of the contents of the car was divulged.

In the car were many shipments of paper money, consigned to the U. S. treasury department at Washington, to be replaced with new paper money, or to go through the federal laundry, the innovation by which used bills which have not been torn, are freshened and disinfected.

But with the shipment of treasure was a load of explosives, also consigned to Washington. Had the flames reached there, there inevitably would have been a tragic result.

The amount of money in the car is not known. Sometimes the shipment in this particular car reaches as much as one million dollars, according to express officials. Rarely is it less than \$100,000.

This train left Boston the previous night with one car especially assigned to pick up the currency and ammunition going to the federal government. Large cases of explosive shells were taken on at New Haven. All the bills collected for some weeks and in transit to the mint at Washington for redemption were in packages in the car until Stratford was reached where the crew also engaged in battle with the flames which had spread through the interior of the top.

The train was decided upon to be stopped at Stratford where at the station the chemical truck was in waiting. With the fire-fighters busy in the car a large force of clerks, alerted as to the explosive contents and money quickly removed the precious cargo, while the firemen were left in ignorance of their danger.

The ammunition boxes were all removed without the fire reaching their contents. A new car was substituted and the train proceeded. The firemen slept in blissful ignorance of what they had been through as they fought the spread of the flames. Members of the train crew say there was enough explosive to have wrecked the train and station.

U. S. WAITING FOR CARRANZA TO INVESTIGATE

Lull In Benton Probe Only Temporary On Part of America

REBEL LEADER'S MEN INQUIRE INTO CASE

English Papers Point to Change In Policy of This Government

Washington, March 5—The apparent lull on the part of the United States in pursuing its inquiry into the death of William S. Benton, a British subject, and into the mysterious disappearance of Gustav Bauch, an American citizen, is only temporary, according to those well informed on the intentions of the Washington administration. "The government, it was believed today, was merely awaiting the outcome of the investigation instituted by General Carranza."

Outwardly, it was apparent that Carranza's determination to supply information about the Benton case, though technically denying the United States the right to ask it, was favorably received here. His prompt ordering of the inquiry into the Bauch case likewise was welcomed.

Upon the result of the investigation and Carranza's subsequent action depend in a large measure the policy which the American government will pursue toward the Constitutionalist. Much evidence of a conclusive character about Benton's death already has been gathered. Should the Carranza inquiry contravert the important points satisfactorily proven here it is unlikely that the President will remain silent on the question. There is every likelihood too that if Bauch was wrongly murdered, as reported, a satisfactory explanation of the incident and the punishment of the offenders will be demanded.

Persons familiar with the inaccessibility of the territory in which Carranza will be isolated for the next 20 days or more during his overland journey to Chihuahua City do not expect that there will be any report on the subject for another fortnight.

Though the Huerta government has promised a full and complete explanation of the reported killing of Clemente Vergara, an American citizen, near Hidalgo, Mex., nothing of a satisfactory nature has as yet been received by the state department. Gov. Colquitt's efforts to obtain the extradition of those responsible for Vergara's disappearance are being watched here with much interest.

GOV. COLQUITT IS "GOING THE LIMIT"

Dallas, March 5—Gov. O. E. Colquitt of Texas, announces he has wired the Mexican Federal authorities in Leon State, Mexico, for the extradition of Apolonio Rodriguez and the five Mexicans, charged jointly with him with the kidnapping of Clemente Vergara, after a half hour of inquisition is based on a charge of horse theft. Vergara was afterward killed.

Gov. Colquitt said: "I have just begun my fight to uphold the rights of the citizens of Texas. To say I am going the limit to protect the Americans in Texas from any harm from foreign invasions but mildly expressed it."

The State of Nuevo Leon is practically controlled by the Mexican Federal, although there are scattered bands of rebels there. Gov. Colquitt's requisition will have to go to the Huerta governor at Monterrey.

NO DAMAGE DONE IN FIRST NAVAL BATTLE

Nogales, Mexico, March 5—The first naval engagement of the present Mexican revolution ended yesterday at Topolobampo, after a half hour of effective firing between the rebel gunboat Tampico and the Federal gunboats Morelos and Guaymas, which steamed down from Guaymas for the attack.

The Tampico remained at Topolobampo after its crew had mutilated and turned the little vessel over to the Carranza forces. The rebel and Guerrero arrived off Topolobampo and opened fire at long range. The Tampico remained inside the harbor while the Federal ships took positions out in the Gulf of California.

The Tampico's guns seemed to have a longer range than those of the Federal gunboats and the latter drew away. No damage was done on either side.

English Paper Sees U. S. Shift Front

London, March 5—The policy of the United States toward Mexico today again occupies leading place in the editorial columns of the English newspapers. The Evening Standard "discovers" a marked change in the whole trend of American foreign policy. "Instead of 'haughty isolation' based on the strict letter of the Monroe doctrine the United States is now becoming anxious to stand well with the European powers. The government at Washington is apprehensive lest it become involved in intervention in Mexico, Japan might seize the occasion to carry ambitious designs on the Philippines and Hawaii, it so affects and believes that Europe, if so disposed, could lay an embargo on Japanese ambitions."

TO RENT above St. Vincent's hospital, cottage, hen house and barn, also 2 small farms for sale. J. A. Keenan, 123 Harmony St. a*P

"WAS MY LIFE OR HIS," WIFE TELLS POLICE

Threatened and Starved, She Says, Until Driven To Killing.

NEW BRITAIN WOMAN SHOOT'S HER HUSBAND

Without Food Three Days and In Constant Fear of Death, Her Story.

New Britain, Conn., March 5—Fearing that her own life was to be taken, Mrs. Theresa Sato Ruffino, aged 33, shot and killed her husband, Luciano Ruffino, aged 39, at their home, 181 Lafayette street, at 8:10 o'clock this morning. She is being held by the police on a charge of murder.

According to the woman, she and her husband had quarreled for a week, during which time she says, he threatened to kill her on numerous occasions. She also charged him with trying to starve her to death and told the police she had partaken of no food for three days.

For the past four or five nights, Mrs. Ruffino says, her husband slept with a loaded revolver under his pillow, telling her he intended to use it to take her life.

When they arose this morning, they continued their quarrel of several days standing and the woman alleges her husband reached under the pillow and drawing the revolver announced that he would kill her on the spot.

He repeated the gun without carrying his threat and when a few minutes later he started towards her with a hostile attitude, she grabbed the revolver and placing it against his back, fired one shot.

That same day, witnesses to the shooting although the Ruffinos' four children, whose ages range from 11 years to one year, were in an adjoining room.

Mrs. Ruffino ran out of the house following the shooting and appeared at police headquarters where she asked that her husband be arrested for beating her. In the meantime, the police had heard of the shooting and the woman was placed under arrest and informed that her husband was dead. She took the announcement calmly and made no comment other than to say that it was a case of his life or hers.

The Ruffinos are natives of Sicily and came to this country nine years ago. They lived in New York state for five years and then moved to this city. Besides the four children who lived with them, they have a child who is living with Ruffino's mother in Sicily.

20 TO 25 YEARS FOR ASSAULT ON GIRL OF THIRTEEN

Judge Tells Negro, to Thank Heaven He Lived in North.

Hartford, March 5—"I sentence you to not less than 20 years and not more than 25 years in state prison and you may thank me for giving you five or more or less temperate zone," said Judge William Case in the superior criminal court today in passing sentence on Everett Brown, colored, 28 years of age, who was found the guilty of jury after thirteen minutes deliberation of the charge of criminal assault.

His victim is Mary Stankiewicz, who was 14 years old on January 12 and who will become a mother in about three months.

In his argument, State's Attorney Hugh M. Alcorn said that the fact that Brown lived north of the Mason and Dixon line was the reason he had a trial and Judge Case cautioned the state's attorney not to continue further on that line.

"Have you anything to say?" inquired the judge of Brown. "Now is your opportunity. It will be a good long time before you have another," said the inmate, who mumbled a reply.

BANK CASHIER OF GREENWICH UNDER ARREST FOR THEFT

William Ferris Charged With Embezzlement of \$1,500 From Institute

Greenwich, Conn., March 5—William L. Ferris, for a quarter of a century in charge of the bookkeeping of the Greenwich Savings Bank as cashier and bookkeeper, was arrested at the bank today charged with embezzlement of \$1,500 of the bank's funds.

ONE JUROR ILL BUT VERDICT IS RENDERED

Because of the illness of Juror John M. Burr of Monroe, it was necessary today to proceed with only 11 jurors in the suit of the C. A. Christenson Co. of Minneapolis against Benjamin Bleir of this city. The depleted jury returned a verdict in favor of the Christenson Co. for \$432. This action was brought to recover payment for flour said to have been ordered by the defendant.

RESIDENT URGES IMMEDIATE REPEAL OF TOLL EXEMPTIONS

CHAUFFEUR THOUGHT ROGERS SAFE AND THREW ON POWER

Driver of Death Car Tells His Version of Fatality to Coroner Phelan

Several Witnesses Testify That Driver Brought Car to Slow Speed

Progress of the investigation by Coroner John J. Phelan into the death of Charles Rogers was favorable to Phelan today when the Whiting Manufacturing company's automobile, today, for it was asserted by witnesses that the chauffeur had used every available means to prevent the fatality of Tuesday evening.

Coroner Phelan with witnesses today carefully went over the ground in person as is his usual custom. He learned that it was 7:30 p. m. when the fatality occurred and that Derby had turned into Park avenue from Hanover street, and was driving north near the middle of the car tracks on Park avenue with the Blue Ribbon garage, Fairfield avenue, as his destination.

It was said by the driver and supported by the testimony of a witness, Timothy B. J. Murphy, of 154 Clinton avenue, who crossed just ahead of the machine, that as he neared the southeast corner of Park avenue and State street, his car was traveling at a rate not exceeding 20 miles per hour and probably nearer 15 miles. Murphy rode a motorcycle and was considered a good judge of speed.

According to Derby and two boys, Mrs. Chas. J. Murphy, 540 State street, and Morris Rockowitz, 759 State street, as the Whiting car crossed, the intersecting tracks Derby blew his horn, and as he approached Rogers, who stood between the tracks in the path of the car, about 20 feet north of the State street crossing, Derby blew his horn insistently and slowed down almost to a complete stop and ran so slowly that the boys could easily walk abreast of the machine.

Rogers was facing the west as he either lurched or stumbled and fell directly in front of the forward left mud guard of the machine which struck him in the left side. Derby testified that the instant before striking Rogers he believed Rogers intended to swing away from the path of the car and he had again thrown on his power, with the result that Rogers fell beneath the wheel and was run over before the machine was stopped.

Some contradiction in belief was been disclosed by Detective George Fox, who secured the witnesses in the case, as to the matter of an approaching truck in the background. Derby, of the belief that the car had already rounded the curve as Rogers was struck, while the two boys who were crossing State street diagonally to ward the truck store believe it was still 50 feet distant from Rogers who might have easily crossed in front of it. Coroner Phelan before closing the inquest will secure the testimony of the motorist.

Information has been conveyed to the coroner that the empty flask Rogers had may be accounted for in the fact that he collected such flasks for evidence. It has not been ascertained definitely in which direction Rogers attempted to go or why he stood so far above the crossing.

STRATFORD CHURCH FILLED AT FUNERAL OF MR. CORNWALL

Many File Past Bier for Farewell View of Familiar Features

The obsequies of Rev. Nathaniel Ellsworth Cornwall, for nearly 22 years rector of Christ church, Stratford, were held this afternoon in the historic Stratford edifice, with an attendance that filled the church to overflowing.

Rev. Chauncey B. Brewster, D. D., bishop of the Diocese of Connecticut, pontificated, assisted by Rev. Alexander Hamilton of Woodbury, Rev. E. B. Sniffen of Stratford, and Rev. Allen E. Beeman, archdeacon, of Fairfield.

Following a brief prayer service at the rectory, the remains were borne to the church. The bearers were selected from the wardens and vestrymen of the church, Walter Wilcoxson, John E. Holmes, George H. Booth, Charles F. Judson, Gilbert Y. Edwards and A. DeForest Wheeler.

The casket of black broadcloth was interred in banks of floral tributes. The body of the venerable pastor was robed in black cassock, white surplice, and white stole. Many of the parishioners as well as other fellow townsmen filed past the bier.

Rev. Mr. Hamilton opened the services at 2:30. After he had read the first three sentences, Rev. Mr. Sniffen read the Psalm. Archdeacon Beeman read the lesson, and Bishop Brewster recited the creed and invoked the blessing. The choir sang two hymns.

Following the dismissal of the congregation, a guard of honor, selected from the congregation, remained beside the coffin, which will lie in the church until tomorrow morning, when the remains will be taken to Woodlawn cemetery, Stamford, for interment.

NATIONAL HONOR DEMANDS ACCEPTANCE OF VIEWS HELD BY ENGLAND AND POWERS

Washington, March 5—Immediate repeal of the clause in the Panama canal bill which exempts American shipping from payment of tolls for passage through the canal was urged upon the members of both Houses of Congress in joint session today by President Wilson in person. The request was based, he said on the fact, as claimed by Great Britain and the other powers of Europe and the world, that the clause contravened the wording of the Hay-Pauncefote treaty and was against the national honor and reputation for generosity of the United States.

In sustaining his request, the President said: "I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure."

The whole speech, the shortest the president has yet delivered, containing but 420 words, is given herewith.

Repeal Of Exemption Clause Necessary For Nation's Honor

"Gentlemen of the Congress: "I have come to you upon an errand which can be very briefly performed but I beg that you will not measure its importance by the number of sentences in which I state it. No communication I have addressed to the Congress carries with it graver or more far-reaching implications to the interest of the country and I come now to speak upon a matter with regard to which I am charged in a peculiar degree, by the constitution itself, with personal responsibility.

"I have come to ask for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls and to urge upon you the justice, wisdom and the large policy of such a repeal with the utmost earnestness of which I am capable.

MISTAKEN ECONOMIC POLICY "In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

"But I have not come to you to urge my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation and that interpretation precludes the exemption I am asking you to repeal.

"We consented to that treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a nation to interpret with too strained or refined a reading of words of our own promises just because we have power enough to give us leave to read them as we please.

DEMANDS FULL CONFIDENCE "The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong and so once more deserve our reputation for generosity and the redemption of every obligation without quibble or hesitation.

"I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure."

The Panama tolls question has been a subject of dispute for nearly two years. Diplomatic correspondence between Great Britain and the United States found the question unsettled when President Taft left office.

Except for an assurance to James Bryce, then British ambassador, when he left the United States a year ago, that the question would be taken up in the regular session of Congress, President Wilson has never directed any official communication to England on the tolls question.

The President recently told callers he had never discussed the matter formally or informally with the British Ambassador here, Sir Cecil Spring-Rice, because he believed the obligation on the part of the United States to repeal the exemption clause was one which this government itself should realize without outside influence or pressure.

Administration leaders in both House and Senate have assured the P resident that, with the delivery of a message by him showing that national circumstances had arisen since the measure was last debated, the President's suggestion for repeal would be met with prompt action.

Of 74,000 locomotives inspected last year by the Interstate commerce commission, more than 48,000 were found defective.

Students of Hopkins academy, Hadley, Mass., learn to work concrete as a regular part of their course in agriculture.