

PROBING A MONOPOLY.

HEARING IN THE CASE AGAINST THE AMERICAN TOBACCO COMPANY.

A WITNESS VIRTUALLY ADMITS THAT HE WAS FORCED TO DISCONTINUE THE SALE OF CIGARETTES MADE BY ANOTHER COMPANY—THE SECRETARY OF THE TRUST ON THE STAND.

The trial of the quo warranto proceedings against the American Tobacco Company was resumed before Vice-Chancellor Reed in Newark yesterday, and the session proved to be the most interesting of any yet held.

The first witness called was J. M. Kinney, formerly a Newark tobacconist. He said that he had sold the American Company's goods until his contract, under the consignment plan, was annulled because he offered for sale cigarettes made by another



JOSIAH BROWN.

corporation. When he called upon the company's representatives he was told to sell out the goods he had on hand, and he did so, placing them in open competition with the Trust's goods.

A skilful passage-at-arms between the opposing counsel took place during the examination of J. Frank Crawford, who was until December, 1894, engaged in the tobacco business in Newark. Mr. Crawford was cool and collected under a fiery examination by Thomas N. McCarter, Jr., one of the counsel for the complainants, but as the lawyer progressed he eventually got the witness into a corner, from which he was only extricated by the skilful objections of R. V. Lindabury, one of the Trust's attorneys.

Mr. Crawford declared that he had signed the consignment agreement and that he had also kept a supply of Admiral cigarettes, but there seemed to be such a tight demand for them that he soon



THOMAS N. McCARTER, JR.

gave them up. He reiterated this last statement several times, until Mr. McCarter inquired if the witness had not had a conversation with some of the officials of the Trust. Crawford replied that an agent had advised him not to display an Admiral cigarette poster. He admitted that this advice had considerable weight in leading him to discontinue the sale of the Admiral cigarettes.

After a brief cross-examination by Mr. Lindabury, Thomas N. McCarter, Sr., took the witness in hand and asked him what was his impression of the consignment agreement. Mr. Crawford replied that it was the impression that consignees to handle any goods not made by the American Tobacco Company.

"What do you mean by the impression?" asked Mr. McCarter.

"The general impression of the trade," was the witness's answer.

This reply aroused the attorneys for the defence, and there was an objection made at once. The Vice-Chancellor, however, agreed to admit the testimony on this point if it could throw any light on the case, as he considered it one of great importance. He then asked Crawford whether he meant jobs handling the American Tobacco Company's goods, or all jobs, when he referred to "the trade." The witness answered that it was the general impression of jobs generally that the clause meant that consignees were only to deal in goods made by the Trust. The testimony on this particular point was then overruled.

Mr. McCarter argued long and eloquently for the admission of the evidence, as it would only prove to be corroborative. He declared that the Trust intended to shut out all cigarettes not made in the factories it controlled, and it was conceded by all that such was the case until the suit had been started. The Vice-Chancellor was firm, however, and the examination of witnesses proceeded.

Two Patterson dealers who had signed the offensive agreement were called, but their testimony was of little consequence.

AN OFFICIAL ON THE STAND.

Josiah Brown, the secretary of the defendant corporation, proved to be brimful of facts relating to the trust, but he guarded them in such a way as to cause the attorneys for the complainant no end of trouble. He began by reciting the history of the company, and quoted the price list of the company at the time the consignment plan was adopted. He gave a list of the cigarette firms in the country previous to that time, and said that some of these had been bought out by the Trust, some were still manufacturing, while others were in the hands of factories. At this last statement a smile ran around the faces of the lawyers, and even the witness could not forbear looking pleasant over the fact that some of his factories were in such a melancholy predicament.

He was asked about the product of the various firms in 1893, and he said that he could not remember, but he knew that in 1899 his company made about 2,000,000,000 cigarettes.

The witness was asked for a copy of the bylaws of the Trust, but he was unable to produce any other than the minutes of the company.

In 1891, the corporation was formed, the officers were James B. Duke, president; John Pope, first vice-president; D. S. Kimball, second vice-president; Charles G. Emery, treasurer, and William H. Butler, secretary. Previous to March, 1892, the company had no consignees, so the agreement could not furnish a list of consignees whose names had been revoked. Since that time, however, he was able to recall the names of those who were affected, by reference to the list of all the consignees.

To this, Mr. Fuller, of counsel for the defence, objected, on the grounds that it was not the province of the court to go into the business secrets of the corporation. Such a course, he said, would be an injustice to the company and also to the firms who do business with it. It was injurious and

IRRELEVANT AND HE HOPED THAT THE BUSINESS AFFAIRS OF THE COMPANY WOULD NOT BE LAID BEFORE THE PUBLIC.

The objection was overruled, and Mr. Brown, list in hand, began to enumerate the firms to whom the company refused to sell its product. The first was the American Grocery Company, of America, Ga. The agreement with this firm was revoked on December 3, 1892, in accordance with a provision in the agreement, by which the company reserved the right to terminate the contract for violation of its

terms. He was unable to say why the contract with this firm was annulled, but he thought that it was likely because the American company had cut prices. In response to a question as to how the company treated the firm of the agreement, he replied that sometimes it was considered as a firm, and sometimes as a company's representative.

The next firm to suffer revocation of the agreement was J. F. L. Armfield & Co., of Mount Vernon, N. Y. The company had contracted against the goods of the American Tobacco Company, and besides, purchased in extremely small quantities. The contract was terminated by the company on May 26, 1893, but who was reinstated less than two months later. The list of those whose names had been terminated contained a large number of names of tobacco dealers all over the country. In most cases the witness was unable to recall the reason why the company had cut the prices. The majority of the names on the list were of companies who were not allowed to purchase goods from the company, but was allowed no discount or rebate.

L. Bernstein, of No. 91 Canal-st., New-York, was examined by the Trust. Three times within two years he was cut out of the list, and was frequently reinstated. Bernstein, the witness said, was almost invariable in the matter of chopping prices. The list of the American Tobacco Company's cigarettes was \$2.50, and Bernstein, who is a jobber, was several times caught selling at 20 cents a thousand, and Bernstein was given a \$300, on which he was allowed a commission of 35 cents a thousand, with an addition of two cents a thousand if he made returns within ten days.

THE TRUST'S CHARITY.

"Under your agreement you had a right to forfeit the consignment of goods," said Mr. Edmonds, of counsel for the complainant.

"I had, but we did not exercise it," was Mr. Brown's reply. "We never exercised it in any case."

"That because of your charitable feeling toward your customers?" was the next query.

Mr. Brown modestly admitted that he supposed it had, but reiterated his former answer, explaining that the company never exercised its right under the agreement. Of course, when a customer owed the company money, the commissions were not paid.

Berchatsky, who was examined by the Trust, discovered the violation on June 15, 1893, and the agreement was immediately terminated. The books showed that he had sold 200,000 cigarettes, and he was given a \$300, on which he was allowed a commission of 35 cents a thousand, with an addition of two cents a thousand if he made returns within ten days.

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TRAGEDY AFTER A WEDDING.

A BRIDEGROOM KILLED BY A FAST TRAIN AT HIS WIFE'S SIDE.

THEY WERE CROSSING THE TRACK TO EVADE RICK-THROWING FRIENDS—BRIDE MAY NOT SURVIVE THE SHOCK.

Elizabeth, April 8 (Special).—Daniel Maginly, chief mate of the freight steamer Edward Clark, which plies between New-York and Elizabethport, was married this morning at St. Patrick's Church, in this city, and three hours later, when about to take a train to start on their wedding trip, he was killed by a passing train.

Maginly had been married for several years and was a highly respected and estimable and attractive young man of about twenty-seven years, who lived at No. 210 Clark Place, Elizabethport. Miss Galligan's widowed mother died about two years ago, bequeathing her property to her daughter and son. The wedding would have been held before, but for the mother's death. Miss Galligan finally fixed the date for this morning.

The ceremony was performed at a nuptial mass by Father Martin Gessner, pastor of St. Patrick's, in which parish the bride had been brought up from childhood. The best man was Harry Dunn, of this city, and the bridesmaid was Miss Ella Callaghan, of New-York. After the marriage the bridal party repaired to the bride's home, where a wedding breakfast was served. The couple received the congratulations of their intimate friends.

They were to take a train on the Jersey Central at Elizabethport for New-York, whence they were going to Buffalo and Niagara Falls. Learning that a crowd of their acquaintances had gathered at the station to give them a warm send-off with old shoes and rice, they determined to evade the fun-loving throng by the daisy decorated coachdriver to the Pennsylvania Railroad station.

They alighted at the station, purchased tickets for New-York and then mounted the stairs leading to the elevated platform on the railroad trestle. Owing to the fact that the new station is in course of construction, passengers for eastbound trains are allowed to take the stairs leading directly from the station to the platform for westbound passengers, and then to pass through two gates to the other platform. Two fences, with gates, separate the east and west bound tracks.

It happened that the 5:07 a. m. Southern express was about due, and John Burns, the usher, whose duty it is to open and shut the gate leading to the east platform, was on the other side to help the usher there to load the baggage on the Southern train. Maginly, seeing there was no one to open the gates, took his bride by the arm and pushing the west sliding gate, as it was not locked, they stepped out on the tracks.

At that minute the eastbound Philadelphia flyer, train No. 6, which races every day with the Royal Blue Line train on the Jersey Central from Philadelphia to New-York, swept around the curve and was seen approaching at lightning speed.

Maginly opened the second gate, helped his wife to cross the track and then paused to close the gate to the west platform. He was looking back and told him to go back, but he evidently became confused. The huge locomotive, rushing along at a speed of sixty miles an hour, barely grazed his wife's skirts, and it caught the unfortunate young husband squarely on the track. His body was sent whirling through the air forty feet, grazing the head of a track laborer, John McGinnis, in his flight.

Maginly fell on the outer edge of the platform, smashing his thick glass globe and badly bending the iron framework that supported it. The body dropped to the ground, and the train, passing by the side of the track, Death was instantaneous. The man's neck and most of his ribs were broken.

The bride uttered a heartrending scream when she saw the accident and then fell upon her face in a faint. She was taken to the hospital, but her condition is so serious that she is not expected to survive.

Maginly's body was carried to the baggage room and placed in a coffin. The investigation is being conducted by the coroner. Maginly was about forty years of age and had been employed on the steamer Clark nearly twenty years.

A WOMAN KILLED BY A TRAIN.

New-Brunswick, April 8 (Special).—Mrs. Annie A. Deemer, living at No. 35 Franklin-st., Newark, was killed by a train on the Jersey Central at the French-st. crossing at 7:30 o'clock this evening. The woman's neck was broken. Her body was placed in an ambulance and taken to the morgue. She was about thirty-five years old.

James Leahy, a brakeman, was cut in two yesterday in the Central Railroad yard in Jersey City. Leahy was twenty-eight years old and lived at No. 15 Ocean-ave., Jersey City.

FOUR WOMEN MANAGERS RESIGN.

TROUBLE IN THE DOMESTIC TRAINING SCHOOL.

ASSOCIATION OF ORANGE.

ORANGE, April 8 (Special).—There has been some friction in the management of the Domestic Training School Association, and four of the managers of the association, Mrs. Wilson Farrand, Mrs. Edith M. Newell, Mrs. Sarah L. and Mrs. Edward L. Kellogg, have resigned. They allege that there has been mismanagement in the conduct of the association. Mrs. Katharine B. Gallison, the president of the association, declares that the stories of mismanagement are malicious falsehoods, and that there is no reason for any such action on the part of the women. The Board of Directors of the association has always been conducted in accordance with parliamentary rules, and that there has been no real cause for any dissatisfaction.

The difficulty arose from the disposition of the funds received from the loan exhibition. Some of the women who were present at the exhibition, and who had contributed a portion of the money should be expended in the furnishing of the house of the association in a manner fitting the occasion. This money has been appropriated at a meeting of the association held a week ago. The women in question were not present at the meeting, and in which the thing was done, and for this reason tendered their resignations.

MEDALS FOR LONG SERVICE.

Governor GEORGE BESTOWS TROPHIES OF MERIT UPON MEMBERS OF THE 20 REGIMENT.

PATERSON, April 8 (Special).—Governor Greaves reviewed the 20 Regiment, N. G. N. J., at the armory last night and presented long-service medals to a number of militiamen. Three thousand people witnessed the ceremonies. The Governor was attended by his military staff in full uniform.

After the review and dress parade the regiment was formed in hollow square and the Governor presented the long-service medals. Corporal Henry S. Engle, of Company E, Hackensack, who has served twenty years in the guard, received a gold medal.

Other recipients were: Corporal J. H. Parker, of Company A, Hackensack, who has served twenty years in the guard, received a silver one for four and a half years' service. The following received bronze medals for ten years' service: Lieutenant-Colonel Edward W. Hine, quartermaster; Lieutenant John T. Hiron, Captain Terrence J. Murphy, Company I, Basking Ridge; Lieutenant Albert Van Dyke, Company C, Newark; Lieutenant John C. Barrett, Company H, First Lieutenant Edward A. Smith, Company B, Second Lieutenant Frank R. Stokes, Company A; Commensary-Sergeant James S. Buckley, First Sergeant James S. Robinson, Company H; First Sergeant George H. Copeland, Company H; First Sergeant Percival W. Smith, Company G; Sergeant E. G. Gismond, Company E; Sergeant Joseph C. Bernard, Company I, and Private John H. Dougherty's Cup, a trophy annually put up for the company which has the highest percentage of promotion by rifle teams from each company.

AN ALLEGED SWINDLER ARRESTED.

HE IS WANTED IN SEVERAL PLACES FOR GIVING WORTHLESS CHECKS.

Atlantic City, April 8.—John A. Noe, who is said to have travelled all over the country swindling people, was arrested early this morning on a requisition from Pennsylvania, where he is wanted on charges of forgery, fraud and false pretences. The charges are preferred by a publishing company of Philadelphia, for which Noe has been canvassing. He is also wanted for numerous other complaints. Among them being a publishing company in New-York City.

Noe arrived here eight days ago and announced that he was a travelling book agent. He secured a room at the best hotel in the city, and seemed to have plenty of money. A few days ago he drew in cash and went to a bank in Ovid, Mich., which check for \$100 was cashed at the Atlantic City National Bank by a teller who was not a resident of the city. The detective who made his head through the smaller following of Noe, the prisoner is said to have given bogus checks to hotels and restaurants in Ovid, Mich., where he has a wife and family.

WILL NOT TRY CRIMINAL CASES.

AN ELIZABETH JUDGE PUTS A NEW INTERPRETATION ON THE VOORHEES LAW.

Elizabeth, April 8 (Special).—Judge McCormick today, in the Union County Court, decided that he would not try any more criminal allegations in the Court of Quarter Sessions, holding that, by the passage of the law abolishing lay judges, the Court was to try all the cases, and that the law which would have to deal with all such cases, as he would accept no pleas and would merely fix the amount of bail in cases brought to his notice. This means that all prisoners not able to get bail for trifling offences will have to stay in jail until the Grand Jury shall have acted on their cases, and this will entail much extra labor on that body and also on the post jury.

Senator Voorhees, the framer of the law, differs with Judge McCormick in his construction of it, and in the Quarter Sessions as heretofore without a jury. The Judge, however, says he won't do it, and that settles it.

CHARGES AND COUNTER-CHARGES.

JERSEY CITY ALDERMEN SAY THINGS TO EACH OTHER—MOTION TO INVESTIGATE THE CITY CLERK.

The meeting of the Jersey City Aldermen on Tuesday night of last week, was not a pleasant one. Alderman McCarthy, although a Republican, is unfriendly to City Clerk Woolley, who is following the custom that has prevailed in the City Clerk's office since its institution of making searches and collecting a fee of \$1 for each search, as he gives a guarantee with every search, and assumes the responsibility for an investigation of the allegation that clerks employed by the city made the searches. The resolution was defeated.

Alderman McCarthy demanded an explanation from President Simpson as to why he had been removed as chairman of the Amusement License Committee. A debate was stopped by a motion to adjourn. Alderman McCarthy was angry, and shouted that he would not attend the meeting until the adjourn had been carried.

"That shows you are guilty."

"When asked for an explanation by some citizens, McCarthy said that President Simpson had sent to the Academy of Music and demanded two seats. The demand was not complied with, and a few days later an order was issued for the removal of McCarthy. McCarthy had opposed it, and he thought that the removal of McCarthy was a punishment given by the public school children.

Alderman Vermilyea explained that he was removed from the committee with McCarthy, and had informed the president that one or two days later McCarthy would be removed. McCarthy arose from the latter's interference last week when Barnum's dress visited the city. The usual license fee of \$20, and that sum McCarthy charged only \$10, he said.

TOWNSHIP OFFICIALS ARE OUT.

RESULT OF THE "GREENWOODS" EXPOSURES AND THE ELECTION OF A REPUBLICAN COMMITTEEMAN.

Lyndhurst, April 8 (Special).—At a meeting of the Union Township Committee last night a successor was appointed to Michael N. Ritchie, the township counsel, whose name figured prominently in the famous Union Township "greenwoods" case. The committee also abolished the office of Marshal, filled by Thomas F. McKenna, who was charged by a fellow-township with "protecting" the "greenwoods" men, and who was indicted for "conduct unbecoming an officer." Mr. Ritchie was not present to learn his fate, but Mr. McKenna made a hard fight to retain his office, and argued the matter with the committee.

Charles Hewitt, a Democratic member of the committee, tried to have Ritchie and McKenna dismissed several weeks ago, as told in The Tribune, but he was opposed by the two other Democratic members of the committee, John Kehoe and William Brandenburg. In the mean time the spring election was held; Brandenburg was succeeded by Charles R. Searle, a Republican, and, on the successful Republican ticket, under the head of appropriations, was the success of the Board of Health salary.

Keating's resolution as a basis, Mr. Searle and McKenna were elected to the office of Marshal last night moved the abolition of the office of Marshal. He was supported by Mr. Hewitt, but Chairman Kehoe thought McKenna should be retained, and so did McKenna himself, who said that since his appointment the township had been freed from "bums, loafers and burglars." He expressed the opinion that the popular vote of the Marshal appointment need not prevent his retention. McKenna and Hewitt thought differently. Chairman Kehoe put the question, there were two votes for dismissal and nine against, and the Marshal was out of office.

No discussion over a successor to Mr. Ritchie. The appointment went to James V. Miller, of the Rutherford law firm of Shafer & Miller.

The Board of Health followed the Township Committee meeting, the Board being composed of Messrs. William C. Searle, Chairman John Kehoe, the latter offered a resolution that McKenna be appointed health inspector, his fellow members, Mr. Searle, in the chair, and Mr. Hewitt in a minority, the resolution went through. McKenna received \$100 a month, and at the recent spring election McKenna was elected constable by a narrow margin, being the only man on the Democratic ticket who polled 500 votes.

HEAVY REGISTRATION IN BAYONNE.

Tuesday was the only day allowed in Bayonne for the registration of voters for the election which is to be held next Tuesday, and the Boards of Registry and Election were in session all day.

The lists of electors for the election with City Clerk Hamilton show that the total registration had sprung is greater than for any previous election. The total is 17, subdivided as follows: First Ward, 956; Second Ward, 1,047; Third Ward, 1,067; Fourth Ward, 58; Fifth Ward, 50.

CALDWELL'S DEMOCRATIC TICKET.

Caldwell, April 8 (Special).—The Democrats of this place, which is the birthplace of President Cleveland, made these nominations last night: Mayor, Charles Caldwell; Board of Health, John S. Isaacs, Baldwin, Assessor, W. H. Bush; Commissioners of Appeal, S. B. Bond and Benjamin Kirk.

HONORS FOR FATHER HENNESSY.

THE PRIEST'S BODY TO BE BURIED UNDER THE TOWER OF THE CHURCH WHICH HE HAD BUILT.

The body of Father Patrick Hennessy will be buried in front of St. Patrick's Roman Catholic Church, at Grand-st. and Bramhall-ave., Jersey City. The spot selected is between the altitudes of the tower.

Father Hennessy was exceedingly popular with all who were helped by his congregation. It is a class, and was the result of several members of the congregation that the body will be laid at rest alongside the church which he had erected. Father Carr, his successor, has secured signatures to a petition requesting the Mayor and Aldermen to grant permission to the congregation to confer this honor on the body of the late Father Hennessy, who died over a quarter of a century, and had done so much for the alleviation of the sufferings of the poor and the redemption of the souls of the city. The Board of Aldermen has unanimously consented to this unusual request, and Mayor Wanser will sign the resolution.

THE RECTOR'S FRIENDS WIN.

WARDEN AND VESTRYMEN WHO MADE COMPLAINTS AGAINST HIM ARE DEFEATED FOR RE-ELECTION.

Matawan, April 8 (Special).—The trouble at St. Mary's Church in Keyport which has resulted in the resignation of the rector, the Rev. W. H. Bean. A committee of the members of the parish made formal complaint to the Bishop against the rector, charging him with drunkenness. The Bishop, after hearing the charges, vindicated Mr. Bean. The yearly meeting and election was held at the church on Monday evening, and the Rev. W. H. Bean, who had been elected rector, was re-elected. The Rev. W. H. Bean was elected to succeed John L. Hammer and Vestrymen, who had been defeated because of his

CAUGHT BETWEEN COGWHEELS.

While at work yesterday morning in the boiler shop of the Standard Oil Company, at Constable Hook, John Antonovitz, a Polish laborer, was caught between the cogwheels of a revolving mechanism. Before he could extricate himself or his fellow-workers could assist him he was drawn into the machinery, and he was killed. He was unconscious when the machinery was stopped, and died within an hour.

An unfortunate man leaves a widow and several children.

A YOUNG JAIL BREAKER.

THE BOY WHO WITH HIS SISTER ROBBED CHILDREN, ESCAPES TWICE.

TWO PRISONS IN JERSEY CITY PROVE INCAPABLE OF HOLDING HIM—HE WILL BE SENT TO THE COUNTY JAIL.

John Timothy, the boy in custody with his sister in Jersey City for numerous thefts and highway robberies in strapping well-to-do children of their parents, bids fair to leave the late Jack Sheppard as a jail breaker. He has three attempts to escape and twice succeeded in getting outside the prison. Unfavorably for the young scamp, his absence was quickly detected, and he was pursued before he had a minute's start.

John is eleven years old. His sister, Mamie, who is two years his senior and was arrested for the robberies, insisted that she was wholly responsible for the crimes. John, she declared, was an innocent, thoughtless, irresponsible boy who was completely under her power and did what she told him to do without the slightest idea that he was doing anything wrong. The police credited the girl's story, and she was released. John was sentenced to the County Jail for three months, but he was again arrested for the same crimes. The frank manner of the girl and her inclination to assist the police in recovering the booty influenced them to be indulgent to the children. It was anticipated that their tender years would excite mercy, and they would be either sent to some charitable institution or be surrendered to their parents, who contemplate removing to England.

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