PART II.
PAGES 13 TO 16.

New-York Tribune.

SATURDAY,
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CORDAGE DIRECTORS SUED.

BREACH OF TRUST AND MISCONDUCT CHARGED AGAINST THEM.

THE RECEIVER OF THE COMPANY ASKS THAT A DECREE BE ISSUED AGAINST EACH FOR AN AMOUNT EQUAL TO THE INJURY OCCASIONED TO THEIR TRUST.

Edward F. C. Young, as receiver of the National Cordage Company, has begun a suit in the United States Circuit Court against James M. Waterbury, Caleb P. Marsh, Chauncey Marshall, Frank T. Wall, Elisha M. Fulton and Willard P. Whitlock, alleging breach of trust and misconduct upon the part of the defendants as officers and directors of the company, and asking that they be made to account for their management of its affairs. The bill of complaint recites that the National Cordage Company became a duly organized corporation under the laws of the State of New-Jersey on July 20, 1887, its objects being to manufacture and sell cordage and binder twine and other similar commodities. The defendants, with Michael W. Wall, Daniel B. Whitlock and John A. Tucker, who is now dead, became the owners of nearly all the capital stock of the company, and caused themselves to be elected officers and directors. The capital stock of the company, as limited by the certificate of incorporation, was $2,500,000, and the company was to commence business with $1,000,000. The defendants were owners of various mills for the manufacture of cordage, etc., and on or about August 1, 1887, they caused leases for the term of ninety-nine years of the several mills to be executed to the National Cordage Company. Sub-leases were then given to the respective owners of the mills, it being provided that the mills should be used solely for the manufacture of twine and cordage for the Cordage Company. The amount of product and its price was to be fixed by the Cordage Company.

The defendants, says the complaint, utterly failed to perform their duties as officers and directors of the various institutions combined under the title of the National Cordage Company, and were guilty of breaches of trust. For the purpose of increasing the capital stock and in order to sell it in the market, the complaint alleges, the defendants caused the preparation of fictitious and fraudulent statements regarding the assets of the company. A committee composed of the defendants made a report that the value of the profits and surplus assets of the company amounted to $18,000,000, and that the capital stock should be increased to $15,000,000. The defendants, continues the complaint, did increase the stock of the company by the addition of 88,000 shares of common stock and 50,000 shares of preferred stock, and this was a fraud upon the purchasers of the stock as well as upon the creditors of the National Cordage Company.

The bill of complaint further alleges that the defendants divided large sums of money among themselves from the proceeds of the sale of stock, this unlawful division being in excess of $4,000,000, and being fraudulently alleged to be in payment for properties and mills to be transferred to the National Cordage Company. Mr. Young also asserts that the defendants, in 1890 and 1891, speculated with the company's funds in hemp and other materials, and lost about $5,000,000, and he charges Willard P. Whitlock and Elisha M. Fulton with having wrongfully converted certain insurance moneys, the property of the National Cordage Company, to their own use. The defendants, he says, caused dividends to be paid when the receipts did not warrant the payment, and by reason of all these acts on the part of the defendants "the entire capital and a large part of the property and effects of the said National Cordage Company was rendered worthless, the funds pledged to creditors disappeared, and the corporation became insolvent."

Mr. Young asks that a decree be issued against each of the defendants for an amount equal to the injury occasioned to the trust administered by them by reason of the wrongful acts alleged.

ARREST OF A STOCK BROKER.

JAMES S. STANTON ACCUSED OF EMBEZZLING THE PROCEEDS OF A BOND SALE.

James S. Stanton was arrested yesterday at No. 16 Broad-st. by Deputy-Sheriff Henning, on an order of arrest signed by Justice Goodrich in Kings County, in a suit brought in the Kings County Supreme Court by Alfred D. Partridge against Stanton to recover $3,315. The plaintiff alleges that Stanton has wrongfully converted and embezzled the money, which is the proceeds of a sale of bonds intrusted to him as a broker and in a fiduciary relation. The plaintiff alleges that on December 1, 1895, he employed Stanton as his broker to sell for him, on a commission, four first-mortgage bonds of the par value of $1,000 of the Kanawha and Michigan Railway Company. He alleges, further, that he instructed Stanton not to sell the bonds for less than $620 each, and to invest the proceeds in fifty shares of the preferred stock of the Toledo and Ohio Central Railroad Company, at $73 per share.

Partridge charges in his complaint that on December 13, 1895, Stanton sold the four bonds of the Kanawha and Michigan Railroad Company for $3,320. The legal commission which Stanton could claim, according to Partridge, was $5. Partridge brought an action to recover $3,315, being the amount for which the bonds were sold, less $5 commission. The plaintiff says, in his complaint, that the defendant never purchased the Toledo and Ohio stock, as he was instructed to do, and has converted the money to his own use.

Stanton was released in $2,500 bail. Burr, Coombs & Wilson, of No. 48 Broadway, are counsel for the plaintiff.

PRICES IN THE MARKETS.

FRUITS AND VEGETABLES AT REASONABLE FIGURES—POULTRY AND GAME.

In the fruit market Delaware peaches can be had for 60 cents a basket; Kentucky peaches, 20 cents a dozen; Maryland peaches, 60 cents a basket, and Jersey peaches, 75 to 90 cents a basket. Table apples cost 35 cents a dozen; summer apples, 60 cents to $2 40 a barrel; hothouse grapes, 65 cents a pound; Tragedy and Burbank plums, 30 cents a dozen; Japanese prunes, 30 cents a dozen; California cherries, 60 cents a pound; raspberries, 12 cents a pint; blackberries, 15 cents a quart; new dates, two pounds for 25 cents; red bananas, 30 cents a dozen; yellow bananas, 20 cents a dozen; wildgoose plums, 22 cents a dozen; Delaware grapes, 35 cents a basket, or 8 cents a pound; huckleberries, 10 cents a quart; new green cocoanuts, 12 cents each; Jenny Lind muskmelons, 10 to 20 cents each, or $3 50 a crate containing 25; grape fruit, 15 cents each; mangoes, 50 cents a dozen; pears, 45 cents a dozen; oranges, 50 cents a dozen; Moore's early grapes, 30 cents a small basket; lemons, 25 cents a dozen, or $4 50 a box; Niagara grapes, 20 cents a basket; currants, in crates of 25 to 30 quarts, $2, or 8 cents a quart at retail.

In the fish market new green smelts cost 20 cents a pound; large live lobsters, 18 cents, and small lobsters, 16 cents; live cod, 10 cents; market cod, 7 cents; cod steaks, 12 cents; large dressed eels, 18 cents, and small dressed eels, 14 cents; Long Island kingfish, 25 cents; Long Island brook trout, 80 cents; red snappers, 20 cents; pickerel, 15 cents; fresh-caught salmon trout, 18 cents. Canada trout, 20 cents, wild brook trout, 25 cents; Kennebec salmon, 18 cents; striped bass, 20 cents; pan bass, 14 cents; butterfish, 10 cents; weakfish, 8 cents; porgies, 6 cents; whitefish, 10 cents; large white perch, 15 cents; small white perch, 12 cents; chicken halibut, 16 cents; large halibut, 22 cents; large black bass, 18 cents; small black bass, 12 cents; haddock, 6 cents; Southern Spanish mackerel, 25 cents; large sea bass, 14 cents; small sea bass, 8 cents; soft-shell crabs, 40 cents a dozen; hard crabs, $2 40 a hundred; frogs' legs, 60 cents a pound; crab meat, 35 cents a pound; prawns, $1 40 a gallon, and scallops, $2 a gallon.

Half a spring lamb can be had for 20 cents a pound; hindquarter of spring lamb, 25 cents; forequarter, 20 cents; spring lamb rack chops, 25 cents; loin chops, 35 cents; saddle chops, 25 cents; leg of lamb, 25 cents; shoulder and breast of lamb, 12 cents.

Green corn costs 30 to 50 cents a dozen ears; cucumbers, 4 cents each; cauliflower, 40 to 80 cents a head; carrots, 20 cents a dozen; red and white cabbage, 12 to 18 cents a head; Lima beans, 20 cents a half peck; Jersey oyster plant, 12 cents a bunch; sweet potatoes, 15 cents a quart; new potatoes, 10 cents a quart; peppers, 20 cents a dozen; parsley, 4 cents a bunch; French artichokes, 25 cents each; Jerusalem artichokes, 12 cents a quart; mushrooms, 50 cents a pound; mint, 4 cents a bunch; lettuce, 4 cents a head; chervil, 5 cents a bunch; new beets, 7 cents a bunch; string beans, 8 cents a quart; asparagus, 70 to 95 cents a bundle; Southern tomatoes, 25 cents a pound; beefsteak tomatoes, 7 cents each; turnips, 25 cents a half-peck; spinach, 12 cents a half-peck; table celery, 70 cents to $1 50 a bunch; leeks, 4 cents a bunch; knot celery, 7 cents; egg plant, 10 to 22 cents each; escarole salad, 5 cents a head; dandelion salad, 7 cents a quart; watercress, 5 cents a bunch, and chiccory, 3 cents a head.

On the poultry market Philadelphia capons are worth 30 cents a pound; Western capons, 28 cents a pound; Philadelphia spring roasting chickens, 25 cents; State roasting chickens, 20 cents; breakfast broilers, 17 cents; Vermont ducks, frozen, 18 cents; spring ducklings, 25 cents; Vermont geese, frozen, 11 cents; Boston spring goslings, 25 cents; wild mongrel geese, 25 to 30 cents; boiling turkeys, 14 cents; roasting turkeys, 25 cents; wild turkeys, 30 cents; Philadelphia fowl, 18 cents; State fowl, 16 cents; salad fowl, 12 cents, and celery fed ducklings, 28 cents a pound.

Egyptian quail sell for $1 75 a dozen; Philadelphia white squabs, $3 50 a dozen, and dark squabs, $2 00 a dozen; tame pigeons are $1 50 a dozen; English snipe, $3 a dozen; English partridge, $3 50 a dozen; golden plover, $3 50 a dozen; grass plover, $3 a dozen; snowbirds, 50 cents a dozen; reed birds, 95 cents a dozen; German partridge, $1 50 a pair; corn snipe, 50 cents a dozen, and woodcock, $1 50 a pair.

STATEMENTS BY THE STRIKERS.

THE FORMER ADAMS EXPRESS COMPANY EMPLOYES DEMAND THE RIGHT TO BELONG TO A UNION—MR. WEIR SAYS THE WORST TROUBLE IS OVER.

The work of the Adams Express Company's striking drivers and helpers has settled down to going over their old routes and trying to divert the business of the company into the hands of other companies. They assemble daily at Ledwith Hall, Forty-fifth-st. and Third-ave., and report progress. They say they are crippling the business of the company in this way.

They were much elated yesterday over the announcement that Master Workman Kelly of District Assembly No. 49, Knights of Labor, would call out all the drivers and helpers of the Adams company in all the Eastern cities unless the men out here and those discharged were reinstated. The strikers fully expect that this general strike will be ordered on Monday.

President T. C. Weir discredits any such proceeding. He isn't giving the announcement a thought, he says, as he does not believe the company's employes in other cities would go out if called upon to do so.

The traffic of the company was being better handled yesterday, according to Mr. Weir, than on any day since last Saturday. He is confident that he has passed through the worst part of the trouble.

The strikers yesterday gave out the following statement, addressed to the public and the patrons of the company:

We, the employes of the Adams Express Company, wish most respectfully to bring to the notice of the shipping public in general the reasons that led up to the present difficulty:

First—We claim, as American citizens, the right to belong to any organization that we see fit, as long as it does not conflict with the business of the Adams Express Company, and if, after many years of service, we are unfortunate enough to be discharged, we would like to know the reasons why.

Second—The present difficulty was not brought about for the purpose of getting any increase in wages or any less hours of labor; but knowing as we do your friendly feeling toward the late employes of the company, we know you will appreciate our efforts to maintain our manhood.

Third—We only ask for the reinstatement of those men who were discharged since June 1 for being members of our labor organization.

P. S.—The ee committees having waited on the President and no concessions being made, we were compelled to take the present action.

Another committee of strikers in Jersey City, consisting of James Bedford, W. C. Johnson, H. M. Cannon and J. Cunningham, make the following statement regarding their difficulties with the company:

We are not striking for more wages or less hours, although both are bad enough, but we want recognition of our order. Men have been discharged "right and left" without apparent reason, and have struck to protect themselves from this continued cutting down.

The company hires a "helper" and puts him on a wagon with a man making $75 a month. Then after he is broken in they discharge the $75 man and put the helper in charge at a salary of $50.

This kind of work has been going on for a long time and was virtually the cause of our forming protective organizations. The matter has now come to a head and we must have our societies recognized by the company. A committee has been appointed to wait on the president of the company in this city and request him once more to make the concession we ask for. If he does not we will notify our brother organizations in every city throughout the United States where the Adams Express Company has offices and a general strike will be ordered. We are confident the company has lost a great amount of their business since the strike, as merchants tell us they are shipping their goods through other companies.

Reports have been circulated that the men have depredated the company's property, but this we wish to emphatically deny. We have not interfered in any way with the men now employed by the company and who have taken our places, nor do we intend to; we simply want recognition of our order, and until that is conceded us we will continue this strike.

BELLEVUE'S NEW CHAPEL.

IT WILL SOON BE COMPLETED AND WILL BE DEDICATED IN THE PRESENCE OF ITS FOUNDER, MISS ANNIE LEARY.

The work on the new Roman Catholic chapel at Bellevue Hospital is still going on slowly. The chapel has been in course of construction now for nearly two years, and is nearly completed. It is a gift to the Charities Department from Miss Annie Leary, and is for the use of the inmates and patients of Bellevue Hospital. The chapel occupies the corner of the grounds at Twenty-eighth-st. and First-ave., and when finished will be one of the handsomest buildings of its kind in the country.

For a number of years the Roman Catholics at the hospital have worshipped in the library of the Protestant Episcopal Chapel of the hospital, but in about a month and a half, or possibly sooner, all this will be changed, and the Catholics will have a house of worship of their own. The building is of the same graystone of which the main buildings of the hospital are built, and the entrance is over a bridge leading from one of the male wards. The chapel is not a large one, but the interior decorations are beautiful. The reredos is placed at the Twenty-eighth-st. end of the building, and is of white Italian marble, and on each side are two white Italian marble altar pieces. Above the reredos is a large stained-glass window representing Christ healing the sick. The base and sides are done in scroll work of vines and grapes. Above the window are three arches of passion flowers. Along the sides of the chapel are a number of windows representing the various nations, natives of which are usually to be found in the wards of the hospital. The main figure in each window is the patron saint, and at the top is the coat of arms of the nation.

Miss Leary is at present in Newport, but it is expected that she will return to New-York in time for the dedicatory services. The chapel will be in the care of the Carmelite Order. One of the reasons that its completion has been delayed so long is that much of the material has been imported, and another that Miss Leary has made many changes in order to make the chapel what she believes it should be.

WOMEN ACCUSED OF HIGHWAY ROBBERY.

ONE OF THEM, IT IS ALLEGED, THREATENED THE COMPLAINANT WITH A KNIFE.

Henry D. Burgdeisen, a cigar manufacturer of No. 657 Broadway, Brooklyn, complained to the police of the East Fifty-first-st. station Thursday night that he had been robbed by two women in East Forty-third-st. He gave an accurate description of the women, and Captain Stalnkamp and Detective Quinlan recognized it as that of two women they had for some time suspected of being "badger thieves." Burgdeisen said that the women stopped him in Forty-third-st., between Madison and Fifth aves., and that one of them threw her arms around his neck and held him while the other rifled his pockets of $17. He tried to cry out, but the woman who had hold of him showed a knife and said she would use it if he did not keep quiet.

The captain and the detective found Annie Nelson, twenty-five years old, and Annie Ward, twenty-seven years old, who said they lived at No. 220 West Seventieth-st. and No. 416 West Seventeenth-st., respectively, in Sixth-ave. at Fortieth-st. and arrested them. Burgdeisen identified the Nelson woman as the one who robbed him and the Ward woman as the one who showed the knife.

When the women were arraigned in the Yorkville Police Court yesterday they denied the charge, and said they could prove an alibi. Burgdeisen, for family reasons, preferred only to make a charge of disorderly conduct against the prisoners. The Magistrate said that the complainant was not doing his duty as a citizen, and that he regretted his inability to compel him to make a complaint of robbery. Both women were sent to the Workhouse.

CHARGES OF CLUBBING INVESTIGATED.

Inspector Cortright yesterday investigated the complaint made against Patrolman George W. McDermott, of the Mercer-st. station, by the ex-convict, McCarthy, who asserted that he was brutally clubbed and falsely arrested. McDermott had several witnesses, who said that McCarthy was drunk and disorderly and that he resisted arrest. The Inspector refused to entertain charges against the policeman.

Patrolman John J. Bannon, of the Mercer-st. station, was placed on trial before Commissioner Andrews yesterday on charges of clubbing Michael J. Gildea, a waiter, in front of the Dairy Kitchen, in Fourteenth-st., on the night of July 29. Gildea's complaint was that he went to the Dairy Kitchen to collect some wages due him. The manager refused to pay him and ordered him out. He refused to go, and Policeman Bannon was called and ejected him. A little later, while he was standing in front of the restaurant, Gildea said, Bannon came along, and, without provocation, clubbed him severely, afterward arresting him on a charge of intoxication and disorderly conduct. In Jefferson Market Court the next day Gildea was discharged.

Gildea was reluctant yesterday to testify against Bannon. He said he did not wish to press the case any further.

Several witnesses testified to seeing Gildea clubbed. The accused officer, T. B. Smith, proprietor of the restaurant, and Mr. Jones, the manager, testified that Gildea was fighting drunk, and that the policeman used no more force than was necessary.

ROBERT HILLIARD DISCHARGED.

TESTIMONY ABOUT HIS ARREST ON A BROADWAY CAR.

Robert Hilliard, the actor, who was arrested Thursday night at Herald Square by Policeman Urquhart of the West Thirtieth-st. station, on the complaint of James McDonald, of No. 761 Seventh-ave., the conductor of a Broadway car, was arraigned in Jefferson Market Court yesterday morning on a charge of disorderly conduct.

Hilliard gave his age as thirty-nine and his address as No. 136 West Thirty-seventh-st. He pleaded not guilty to the charge. When the case was called, McDonald told Magistrate Brann that Hilliard, with a woman and several men, had boarded the car at Twenty-third-st. at about midnight. He said that all in the party paid their fares until he came to Hilliard, and that the actor refused to pay his fare and the fare for the woman, on the ground that he had already paid fares on a Lexington-ave. car, and that he was not going to pay another. McDonald said that it was against the rules of the company to accept transfers uptown from the Lexington-ave. cars at Twenty-third-st., and that he told Hilliard he would either have to pay again or be put off. Then, he declared, Hilliard became abusive and threatened to whip him. He called the policeman when the car reached Herald Square, and he asserted that Hilliard threatened to whip the policeman also, but finally went to the station.

"Well, officer, how about that?" asked Magistrate Brann, turning to Urquhart.

"He did not threaten to whip me at all," replied the policeman. "He went quietly with me and offered no resistance. I saw him do nothing disorderly, and only arrested him on the complaint of the conductor."

"What did you mean by telling me that the prisoner wanted to whip the policeman?" asked the Magistrate of McDonald.

McDonald stammered a little, and then denied that he had made any such statement. He said that Hilliard had been very abusive to him. When the Magistrate asked what Hilliard had said, the conductor remarked that he "disremembered," except that Hilliard had said, "If you lay hands on me I will whip you."

McDonald admitted that the Lexington-ave. road was a part of the Broadway road.

The defendant asked for an adjournment of the case until afternoon, saying that he wished to wait until his counsel, Assistant District-Attorney McIntyre, could come up from Long Branch. The request was granted and Hilliard was paroled. In the lobby he had a talk with a reporter, and said: "We had been attending the first production of 'Under the Polar Star' at the Academy of Music, and we caught what we thought was a Broadway car at Fourteenth-st. There were no lights on the car to show what line it belonged to, and as I have been in Europe all summer I did not know the intricate system of transfers the cable company is now using. When the car turned into Twenty-third-st. our entire party was surprised. In the party were William Walsh and Arthur G. Peacock, two newspaper men, and Marshall P. Wilder. We got off the car and took the next car. This conductor wanted to make me pay another fare and I refused. Then he became abusive and threatened to throw me off the car. I told him quietly that he had better not try it. Then he seized a brake handle and threatened to strike me with it, but I told him that I would lick him if he laid his hands on me. I was not disorderly, and I had the sympathy of the whole crowd. Several gentlemen whom I did not know handed me their cards and offered to testify in my favor when I came to court."

When the case was called in the afternoon McDonald did not appear, although Magistrate Brann waited until almost 3 o'clock. Hilliard was then arraigned and recited his story to the Magistrate. He complained of his treatment by Sergeant Daly in the West Thirtieth-st. station.

William Walsh, a newspaper man and a friend of Hilliard, corroborated the latter's story, as did C. A. Helfer, a real estate agent, of No. 257 West One-hundred-and-thirty-fifth-st., who said that he did not know Hilliard, but as a passenger on the car had witnessed the outrageous treatment of the defendant and wished to testify for him.

Magistrate Brann said that McDonald evidently knew that he had a weak case or he would have appeared to press the charge. He then honorably discharged Hilliard from custody. The latter said that he would sue the railroad company for damages.

COMPLAINTS OF THE BROADWAY LINE.

THE CHIEF GRIEVANCES OF PASSENGERS—STATEMENTS OF THE GENERAL MANAGER.

For a long time people have been complaining of the way the Broadway streetcar line is managed and of the indignities to which the passengers are subjected, but of late the complaints have been even more numerous and more serious. One of the greatest causes of complaint at the present time is the fact that at night it is extremely difficult for would-be passengers to tell to what part of the city the cars are going. A person standing on the corner of a downtown street finds it almost a physical impossibility to tell whether an approaching car is a Broadway car, a Lexington-ave. car or a Columbus-ave. car. The only distinguishing marks of the cars of these different lines are not very large signs painted in different colors on the tops and on the front dashboards. Persons desiring to board one of these cars makes a guess that the one he boards is the one which he wants, and in most cases does not discover his error until the car reaches the point where it branches off in a different direction from the one in which he wishes to go. There is only one method for him to pursue then. He must get off the car and wait for another and pay an extra fare for the privilege of riding on it. There are no transfers in such cases.

Another cause of complaint, of which much has been heard lately, is the discourtesy and brutality of the car officials. Complaints of this kind are of daily occurrence, and in many cases they are aired in the police courts. The experience of Robert Hilliard appears to have been only that of hundreds of other persons who ride on the Broadway cars.

With a view to learning whether the officials of the Metropolitan Traction Company had considered the matter, and if so what they proposed to do about it, a Tribune reporter called at their offices, in the Cable Building, at Broadway and Houston-st., yesterday. President Vreeland was absent, but H. M. Littell, the first vice-president and general manager of the company, talked freely, and said the company did not for a moment wish people to think that it would not do everything possible for their comfort. Mr. Littell has held his present office only two days, and he said that under the circumstances he had not had an opportunity to look into the things complained of. He said that the Metropolitan Traction Company wanted its lines so managed that the public would find a positive pleasure in patronizing them. "But, of course," continued Mr. Littell, "it is a great system and it is difficult to do just what we desire in all cases. I was of the opinion that the cars of the different lines could be readily detected at night, especially as Broadway is well lighted. I have been with the company so short a time that if I can keep up the great work accomplished by my predecessors I shall be extremely gratified.

"It is one of the rules of the company that the conductor of a car of the Broadway system shall always inform passengers when getting on whether it is a Broadway, Lexington-ave. or Columbus-ave. car. If the passenger finds that he is on the wrong car it is the business of the conductor to stop it immediately for him to alight.

"The company's employes are expected to be courteous to passengers and act in a gentlemanly manner. Where they fail to obey the company's orders they are punished. It must not be supposed that complaints sent to the company are pigeonholed. They are always fully investigated. The trouble is, however, that in the case of many complaints we cannot identify the offender. The complainant omits to take the number of the conductor. All the conductors wear a badge for this purpose solely. We do not require the number of the car or the time, so long as we have the number of the conductor.

"It should be remembered that some of the men are sorely tried at times. Two instances of the kind came under my observation this morning. A passenger hailed the open car in which I was seated, and because it happened to run four or five feet past the crossing he berated the conductor soundly. The latter did not know me, but he made no reply to the irate passenger at all. The passenger was certainly in the wrong. Then a woman got on the car, which started up before she had taken her seat, and she abused the conductor. All he said in reply was that she was on the car before he started it. We wish to do everything we can to please our patrons, and if there are any improvements which we can adopt we shall be only too happy to make them in the future, as the company has in the past."

MURRAY HILL BANK REORGANIZATION.

The signatures to the plan sent out to depositors for the reorganization of the Murray Hill Bank are coming in faster than had been looked for. The statement published in yesterday's Tribune that there would be an entire new Board of Directors elected and that President Hopkins would step out in case of resumption was verified yesterday. The Superintendent of Banking, F. D. Kilburn, is away at present and will not return to the city until next Friday. Meanwhile no steps can be taken toward appointing a receiver for the bank, and by the time of his return the bank's officers fully expect to have completed the preliminaries for resumption.

DIAMOND DEALERS FAIL.

THE TROUBLES OF LEOPOLD WEIL & CO. ATTRIBUTED IN PART TO THE SILVER CRAZE.

Leopold Weil & Co., manufacturing jewellers and diamond dealers at No. 51 Maiden Lane, failed yesterday, with liabilities said to be about $125,000. They have transferred the greater part of their stock and outstanding accounts to their principal creditors, the largest being Joseph Frankel's Sons.

Hays & Greenbaum, attorneys for the firm, said that the immediate cause of the failure was that a number of banks shut down on discounts, refused to renew paper, and insisted upon being paid a considerable amount on account. In addition to this some individuals holding the firm's paper adopted the same tactics and demanded payment. Then again, the firm was asked to renew customary paper under discount. A bank threatened suit, and as others were likely to follow the firm felt that it was impossible to continue with litigation staring them in the face, so they turned over a large portion of their stock and some accounts to their largest creditor, Joseph Frankel's Sons, to secure them for goods purchased and borrowed money, and made a similar transfer to some other creditors to secure loans.

The silver craze, the attorneys said, undoubtedly started the firm's trouble. The firm heretofore did a business of about $500,000 a year, but since January 1 their entire sales have only been $90,000. Their expenses, however, kept on right along, and they had also to bear losses from bad debts. Hays & Greenbaum said that the entire liabilities are about $125,000, which was less than on January 1, and that the amount due for merchandise was comparatively small.

A committee will be appointed to go over the affairs of the firm and decide upon a basis of settlement. The value of the assets remains to be seen. On January 1 this firm claimed assets of $350,000. The partners are Leopold Weil, who founded the business in 1878, and Joseph Koch, who joined the firm in 1885.

Later yesterday Deputy-Sheriff Mulvaney took charge of the firm's place of business on executions from Platzek, Stroock & Herzog, for $13,673, in favor of the following creditors: Oppenheimer Bros. & Veith, $4,299; Albert Lorsch & Co., $3,463; Wallach & Schiele, $3,461; Stern Bros. & Co., $2,350.

THE DIFFICULTIES OF OVINGTON BROS.

ATTACHMENT PROCEEDINGS FOLLOWED BY A GENERAL ASSIGNMENT FOR THE BENEFIT OF THE FIRM'S CREDITORS.

Ovington Brothers, whose stores at No. 330 Fifth-ave., in this city, and Nos. 38 and 40 Flatbush-ave., Brooklyn, were seized on Thursday under an attachment for $20,000 obtained by G. W. Borgfeldt & Co. from Justice Beach, made a general assignment yesterday, for the benefit of their creditors, to Henry Morris Haviland, a lawyer, of No. 19 Whitehall-st. The assignment was forced upon the firm by the levying of the attachment.

The preferences amount to $36,000. The preferred creditors are the Long Island Bank, $12,000; Mary White Ovington, $5,645 18; Georgia M. Ovington, $5,636 72; Adele O. Merritt, $5,525 67; Helen D. Kingsbury, $5,245 10; Irene H. Ovington, $3,426 88; John W. Chadwick, $1,188 60; Sarah O. Randle, $572 57; Louise Ovington, $519 59; Isabel T. Evans, $380 51; Florence R. Barlow, $164 73, and Henrica B. Wright, $157 95. The preferences are all for money lent.

OTHER BUSINESS COMPLICATIONS.

Schedules of Warren E. Smith, manufacturer of clothing at No. 841 Broadway, show liabilities $99,068, nominal assets $309,100, actual assets $39,100. The liabilities are personal debts of $7,755, notes, $10,431; contingent, as indorser on notes of Warren E. Smith Company, F. A. Hoyt & Co., Philadelphia, and W. A. Benedict & Co., South Norwalk, Conn., $80,882. The assets consist of stock of Warren E. Smith Company, nominal $113,600, but of no actual value; fire loss, policy not collected, nominal and actual, $11,000; four and a half acres, with buildings, at Greenwich, Conn., nominal $20,000, actual $13,500; interest in F. A. Hoyt & Co., Philadelphia, nominal $60,000, actual $10,000; interest in a mortgage, nominal and actual, $5,000.

Deputy-Sheriff Lipsky has received another attachment against the Susquehanna Water Power and Paper Company, of Hartford County, Md., whose office is at No. 38 Park Row, with works at Conowing, Md., where a receiver has been appointed, in favor of the West Virginia Pulp Company, for $3,252. A portion of the business of the former company was the making of paper pulp for interlining.

Peter F. Meyer has declined the appointment as one of the receivers of the Archer & Pancoast Company, gas fixtures, of Nos. 18 and 20 West Twenty-fifth-st., and Judge Pryor yesterday appointed Francis Higgins in his place. He is also receiver of the North River Bank.

SEARCHING FOR BED ROCK.

THE DRILLS OF THE RAPID TRANSIT ENGINEERS IN CENTRE-ST. ATTRACT BEWILDERED CROWDS.

The four hand well-drills that are now at work along Centre-st., taking borings for the building of the rapid transit tunnel, were the subject of much curiosity yesterday. Drill No. 1 is at Centre and Chambers sts., drill No. 2 at Reade and Centre sts., drill No. 3 at Duane and Centre sts. and drill No. 4 is in Pearl-st., between Centre and Elm sts. The drills are rather small affairs, and are worked by two men. At every foot a sample of the material through which the drill is being pushed is taken and inclosed in a divided box, to help the engineers by showing them through what material they will be obliged to go to get to bed rock.

There was nothing particularly interesting in the work that was being done by the drills yesterday afternoon, but at no time were any of them without a surrounding crowd of admiring and bewildered spectators. The men in charge of the machines were evidently accustomed to being the central objects of interest, for they kept stolidly at work and paid no attention to the crossfire of questions that was going on around them.

As soon as bed rock is reached the drills will be transferred to points further up the line of the tunnel. The tunnel is to run through New Elm-st., Lafayette and Astor places and Fourth-ave. to Forty-second-st. New Elm-st. itself is not yet in existence, but a commission is now sitting to condemn property for the street. It will not take more than three weeks, in all probability, to complete the preliminary work, but after that is finished it will be at least a month before the complete set of plans is finished.

CLEARING HOUSE CERTIFICATES.

The National Bank of Commerce has placed with the Clearing House Loan Committee an application for Clearing House certificates, the application to be used at the discretion of the committee in case any other banks should require certificates. The amount also has been left for the committee to name, the Bank of Commerce having no need of any certificates for its own use and not being at all sure that the time has arrived when any bank will call for them.

ACCUSED OF TRAINING BOY THIEVES.

The police of Battery Park have at last got a case against Lawrence Lutterer, known as "Young Irish," a newsboy, seventeen years old, whom several boys arrested for picking pockets around South Ferry have accused of having taught them to steal. Lutterer was arrested in Battery Park last Thursday night by Officer James Whalen, who had been looking for him since Sunday last, when Martin Conway, a farm laborer recently employed at Yorktown, was robbed of $17 while asleep in the park. There was evidence that Lutterer was the thief. The latter was arraigned yesterday in the Centre Street Court, before Magistrate Mott, who remanded him until to-morrow.

Lawrence Connolly, a newsboy, ten years old, who was arrested a week ago Sunday for picking a man's pocket at South Ferry, confessed to Agents King and Murray, of the Gerry society, that he had been picking pockets for two years, and that Lutterer had taught him and other boys how to do it, and exacted from them a part of their ill-gotten gains whenever he knew of their getting anything. Half a dozen other lads arrested for picking pockets in the park have made similar confessions.

NOTHING KNOWN OF A BLACK LIST.

The published announcement that the surface roads of the large Eastern cities were to enter into a combination scheme of black-listing employes who had been discharged, in order that they should not be re-engaged by any road, was yesterday discredited by all concerned. Secretary Lynch, speaking for President Vreeland, of the Metropolitan Traction Company, characterized the announcement as "all rot." He said he had heard nothing of such a plan.

MR. HACKETT SUFFERS FROM OVERWORK.

A report that Charles W. Hackett, chairman of the Republican State Committee, was seriously ill yesterday was in a way an exaggeration. Mr. Hackett suffered since last Monday from exhaustion following long periods of work at the State headquarters, in the Fifth Avenue Hotel, and his physician directed that he quit business for a week or so in order to recuperate. It was decided that Mr. Hackett would find the needed rest by a sojourn at Manhattan Beach. Mrs. Hackett and her son came from their home in Utica, and yesterday afternoon accompanied Mr. Hackett to the Oriental Hotel, Manhattan Beach.

IN FAVOR OF THEODORE MOSS.

A RECOMMENDATION THAT THE CUSTODY OF HIS GRANDCHILDREN BE AWARDED TO HIM.

General Wager Swayne filed his report as referee in the Supreme Court yesterday, recommending that the custody of the grandchildren, Beverly and Randall Keator, should be awarded to Theodore Moss, the theatrical manager. The children were claimed by their father and stepmother, Mr. and Mrs. Thomas R. Keator, and the case had come before the court several times.

Keator's first wife was a daughter of Theodore Moss. The Keators lived with Mr. Moss at No. 543 Madison-ave. until the death of Mrs. Keator, in 1891. After the death of his wife, Keator left his children with their grandparents, who are deeply attached to them. In 1892 he married Mrs. Jennie Fernandez Crimmins, the divorced wife of Thomas E. Crimmins, a contractor. Keator wanted his children, but Mr. Moss refused to surrender them, on the ground that Mrs. Keator was not a fit person to have charge of them. Justice Gildersleeve, in the Superior Court, heard the case on habeas corpus proceedings instituted by Keator, and awarded the children to Mr. Moss. Mr. Keator then began a new action in the Supreme Court, and General Swayne was appointed referee to take testimony.

In his report General Swayne says:

The petitioner (Mr. Keator) has no means beyond his current earnings. The respondent (Mr. Moss) and his wife, by their wills, have made provision for Randall and Beverly Keator, by which they receive the share of a child in their estate. It would be contrary to the welfare of the two children to transfer them from the custody of the respondent to the custody of the petitioner. The writ of habeas corpus should be dismissed.

A motion was made to Justice Beach yesterday by Howe & Hummel for the confirmation of the referee's report. Justice Beach told the lawyers to make the motion to Justice Pryor, who had heard the original action. The application will be made to Justice Pryor in a few days.

A BABY CANNOT BE HELD IN PAWN.

JUSTICE BEACH SO RULES IN CASE OF THE DASH INFANT, DETAINED FOR HIS BOARD BILL.

Justice Beach in Special Term, Part II, of the Supreme Court, yesterday ruled that a baby could not be held in pawn. This ruling was made when Melinda Jackson, a colored woman, of No. 210 East Ninety-seventh-st., claimed she had the legal right to hold Egbert Dash, twenty-one months old, until a bill of $100 for his board had been paid.

The baby was left with Mrs. Jackson by its parents, Egbert and Jessie Dash, and Mrs. Jackson alleges that they agreed to pay her $10 a month for the child's board. A few days ago the parents of the child decided to go to housekeeping, and Mrs. Dash asked for her boy. Mrs. Jackson refused to surrender him unless she received $100 which she said was due for his board. William R. Randall, on behalf of Dash, then obtained a writ of habeas corpus compelling Mrs. Jackson to produce the baby in court. Mrs. Jackson took the baby to Mr. Randall's office on Thursday and waited for him for several hours while he was in court waiting for the baby to be produced. The result of this mistake was that Justice Beach signed an order requiring Mrs. Jackson to appear yesterday and show cause why she should not be punished for contempt of court for not producing the child on Thursday.

Mrs. Jackson appeared with the baby yesterday before Justice Beach, who dismissed the contempt proceedings when he heard her explanation. Mrs. Jackson told the Court that Mr. and Mrs. Dash owed her $100 for the board of the baby and she thought she had the right to hold the child until she was paid.

"No, you can't do that," said Justice Beach.

Mr. Randall said that Mrs. Dash asserted that she had paid Mrs. Jackson in full.

"Well," remarked Justice Beach, "if Mrs. Dash owes you anything you may sue her; but you can't hold the baby for that reason."

Mrs. Jackson then gave the baby to his mother, who hugged and kissed him.

COTTON STILL GOING HIGHER.

SHARP ADVANCES IN LIVERPOOL AND THIS MARKET—BAD CROP ACCOUNTS CONTINUE.

The steady rise in cotton, which has been going on now for about five weeks almost uninterruptedly, continued yesterday, and the highest prices of the year were recorded on the local Cotton Exchange. When the gong sounded at 3 o'clock the net advance of the day had been 24 to 29 points, and the closing figures were very near the best, though the tone was called barely steady. Cotton is now only about a cent a pound under the point reached last October on the big bulge, which culminated in October in a grand smash. Now, as then, the cause of the rapid uplift is the poor crop reports; but the marked difference in the situation from last year lies in the fact that the world's counted supplies of cotton are 1,500,000 bales under what they were last year at this time.

Prices in the local market started off with a jump of 7 points in August and 13 to 20 points in the rest of the list, and before the first hour was gone had worked up until the deliveries showed a net gain of 25 to 30 points, August selling at 8.44, January at 8.48 and March at 8.57. There was a reaction of 10 points or so from this level, but on a bullish weather map and good buying for long and short account by brokers for Wall Street, Chicago and the South, and specially heavy purchases said to be for a Philadelphia cotton exporting firm, one of the largest in this country, the market moved up strong again and closed almost at the top. August opened at 8.25, sold between 8.25 and 8.44 and closed at 8.40; January opened at 8.35, sold between 8.48 and 8.31 and closed at 8.44, or 26 points up; March opened at 8.45