

JUDGE AWAITS BRIEFS. MORE COMPLICATIONS.

Bank Cases Heard—Permanent Williamsburg Trust Co. Receivers.

Albany, Dec. 14.—Further complications were added to-day to the disputes over the receivership of certain of the banking institutions in New York City which suspended business during the recent financial disturbances. Two phases of the controversy came up for argument before the separate Supreme Court Justices, both in the 2d Judicial District, Justice Howard, at Albany, and Justice Betts, at Kingston.

Before Justice Howard preliminary arguments were heard, following a request in behalf of the Attorney General for an adjournment on orders issued by Justice Smith, at Elmira, and Justice Carr, at Brooklyn, to show cause why the trial of the actions brought by Attorney General Jackson for the permanent receiverships of four Brooklyn banks should not be changed from Ulster County to Kings County.

Justice Howard ordered counsel to submit briefs by Saturday in all the cases involved before him, and replies to these briefs are to be handed to the court by Thursday, December 26.

The institutions involved in the proceedings before Justice Howard are the Williamsburg Trust Company, the Borough Bank of Brooklyn, the Brooklyn Bank and the International Trust Company. On Thursday last Justice Betts made permanent the temporary receivers of the Brooklyn Bank and the International Trust Company.

To-day at Kingston Justice Betts set aside the orders granted by Justices Smith and Carr staying further proceedings in the Williamsburg Trust Company case and appointed permanent receivers.

The proceedings before Justice Howard, it is announced here, will not be affected by Justice Betts' action, the attorneys appearing in favor of the change of venue declaring that the real issue in the actions begun by the Attorney General is the question as to whether the banks are solvent or insolvent. This point, it is stated, will be contested by the Attorney General's office, its contention being that the Attorney General is the proper officer to determine the question of solvency. The first case to be taken up here was that of the Williamsburg Trust Company. Ex-Governor Frank S. Black, William N. Dykman and William P. Reid, vice-president of the Williamsburg Trust Company, appeared in favor of the change of venue, while it was opposed by Attorney General Jackson, with Deputy Attorney General Dolson. The last named declared that the proposal was an "effort to prevent Justice Betts from continuing to do his duty," as he declared that Justice Betts had had these cases before him and should be permitted to dispose of them and not be interfered with by a Justice in the same judicial district. He requested an adjournment.

Attorney General Jackson declared that counsel for the Williamsburg Trust Company had promised to present a plan for the rehabilitation of the institution. He said that certain depositors of the trust company had appeared before him and declared "that counsel had misrepresented and deceived them and they did not desire a change of venue."

"The Attorney General," interrupted Mr. Dykman, "promised me delay before he seized the patronage which has almost degenerated into plunder. I suggested that the Attorney General select a receiver from the depositors and he would serve for nothing—select from the depositors' counsel for the receiver and he would serve for nothing. The next day in Kingston they applied to Mr. Justice Betts for temporary receivers in six cases."

"The object of the Attorney General in this proceeding has been patronage and plunder," declared Mr. Dykman with some heat. "His tactics have been to malign the depositors and directors. Deputy Attorney General Mackey, who has been interested in these cases, has also appeared as attorney for one of the receivers."

Mr. Dykman severely criticized the Attorney General for his tactics in going outside of New York City to have temporary receivers appointed for New York institutions and appointing as temporary receivers upstate residents.

Deputy Attorney General Dolson, replying, declared: "These gentlemen are here for no benevolent purpose, but on behalf of discredited directors, to prevent the vigilant and honest Attorney General of the state from continuing his investigation and from making further disclosures of criminality and neglect."

Ex-Governor Black believed that Kings County was the proper place for the case to be tried for the convenience of the witnesses. "We are here because we wanted to come here," said Mr. Black. "We do not want some strained construction of judicial courtesy to throw us out of here. If we wanted to go before Justice Betts we could have done so."

"There are many considerations in the interest of Justice which might compel the attorney to have this matter decided in a county outside of Kings County," said Mr. Jackson. "We might want it outside of Kings so as to have it free from the influences the old directory might bring to bear. This motion is not made in good faith, but to prevent the naming of a permanent receiver."

ATTORNEY GENERAL ASSAILED.

Counsel for Borough Bank Accuses Him of Unfair Tactics.

Paul Grout, counsel for the Borough Bank of Brooklyn, made a bitter attack last night upon Attorney General Jackson and Deputy Attorney General Dolson, both of whom appeared before Justice Howard, in Albany, to argue against a change of venue from Ulster to Kings County in the matter of the motion to make the temporary receivers for the closed Brooklyn banks permanent. In a statement which he made, Mr. Grout, after reviewing briefly the argument at Albany, said: "Some of the statements made by Mr. Dolson are false and are designed to prejudice the application of the bank made before Justice Howard at Albany to-day, and are in line with the tactics of the Attorney General's office to prevent the trial of this action in Kings County, where it properly belongs, and to further the efforts of the Attorney General's office to deprive the depositors of a large part of their assets by forcing them to pay exorbitant fees for the receivers and their attorneys and at the same time to prevent the bank from reopening."

DEATH BLOW TO CHICAGO SCALPERS.

Chicago, Dec. 14.—Judge Kohlsaat, in the United States Circuit Court to-day entered the final decree in the suit of sixteen railroads against fifty-two ticket scalpers, in accordance with the recent decision of the United States Supreme Court, holding the business of railroad ticket scalping illegal. The litigation was begun in Chicago three years ago.

ON THE DEATH OF ARCHIBALD A. HILL.

At a meeting of the board of managers of Normal College Alumnae House resolutions were adopted expressing sympathy with Mrs. Archibald A. Hill on the death of her husband at San Diego, Cal., on November 23.

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VAN WYCK TO AID BAPST. Both Made Permanent Receivers of Williamsburg Trust Company.

Kingston, N. Y., Dec. 14.—After setting aside orders granted by two other Justices of the Supreme Court, staying further proceedings in the Williamsburg Trust Company case, Justice Betts to-day appointed ex-Supreme Court Justice Augustus Van Wyck, of Brooklyn, co-receiver with Frank L. Balist, of Buffalo, and Attorney General William P. Mackey appeared as usual for the Attorney General. Karner, Mann & Gore appeared for the depositors' committee, and asked adjournment for a few days in order that the depositors' committee could select names to submit to the court in case permanent receivers were to be appointed. Up to this time, Mr. Mann said, the depositors had relied on the directors for formulating a plan of reorganization, and had remained passive, but now they realized that the directors were not engaged in efforts of this kind. John J. Kuhn appeared especially to inform the court that presiding Justice Walter Lloyd Smith, of the Appellate Division, Third Department, had granted an order staying proceedings pending the determination of a motion for change of venue from Ulster to Kings County, which was made this morning at Albany. Mr. Mackey said this was merely an order granted by a Judge in chambers attempting to stay proceedings before a regular special term. Mr. Kuhn thereupon produced a similar stay granted by Supreme Court Justice Carr at Brooklyn on Friday afternoon, after a hearing at which the Attorney General had been represented. Mr. Mackey stated that the Ulster special term had granted an order vacating the stays, which would be served shortly. These orders, he said, would be a rebuke to sharp practice, with which he personally was unacquainted. Such practice he characterized as "shysterism."

Mr. Kuhn called attention to a resumption plan contained in the bank's answer to the Attorney General's complaint, by which the total payments required on resumption would be \$1,542,000. He charged the Attorney General with trying to keep this institution in the hands of a receiver and Receiver Bapst with belittling the assets. Mr. Mackey began reading the report of Receiver Bapst.

"Is he reading this on the hearing of the motion in which stays have been granted?" asked Mr. Kuhn.

"I presume he is reading it at the request of the court," said Judge Betts.

Mr. Kuhn gathered his overcoat, hat and papers together. "I ask the stenographer to take notice of the fact of my withdrawal from court," he said, and he left the courtroom.

At the close of Receiver Bapst's report, Judge Betts said he would continue Mr. Bapst and associate former Justice Augustus Van Wyck, with him, requiring of each a \$300,000 bond. Mr. Mann renewed his application for a co-receiver from among the depositors to serve without compensation, which was denied.

The case of the Jenkins Trust Company, of which John Mulhall is temporary receiver, was next taken up. Hugo Hirsch, appearing for depositors, with Almet Lanson, of counsel, said he had a definite, comprehensive and tangible plan for resumption. Every director was ready to resign should the Superintendent of Banks require it. By this plan the company would need for the first month \$1,512,000 in cash, and according to the plan this had all been provided and a surplus of \$156,000 in cash. To assist the plan the directors, not one of whom had withdrawn any deposits before the company closed, have subscribed \$100,000 cash and will leave \$300,000 of their deposits with the bank for one year without interest. Affidavits had been made by persons whose paper the bank held, that they would pay \$225,000 immediately on resumption, and that on stock and bonds \$370,000 could be realized at once.

Counsel for the depositors this afternoon gave further details of the plan of reorganization of the Jenkins Trust Company. The plan is based on certificates of deposit by which depositors will become entitled to a certain part of their deposits each month. The Guarantee Trust Company submitted a report that the Jenkins Trust Company had \$1,770,156 on the counter and that only \$1,512,377 was required on the day the company opened its doors. Counsel for the depositors declared that the liquidation of the company's securities by the receivers worked an injustice to the depositors. Deputy Attorney General Mackey stated to the court that the depositors' scheme was incapable of being carried out, and that he doubted the legality of the certificate plan.

Justice Betts announced that any plan looking to any reasonable degree of success for the reopening of the Jenkins Trust Company and the Hamilton Bank would meet with favor. He stated that if the plan proposed was feasible he would adopt it. He directed that the Superintendent of Banks examine the company's affairs and the plan for the reopening, and make a report to him on December 23.

THE BANK RESERVES.

Highest in West and South—Mr. Ridgely's Table.

Washington, Dec. 14.—The following table prepared in the office of the Controller of the Currency shows the percentage of legal reserve and the percentage of total cash held by the national banks from which reports have been received up to to-night, compared with the figures from the same banks on August 22. Reports from twenty-seven reserve cities and six states are included in the table. A comparison of the figures will show which cities have been paying out reserves most freely and which have felt compelled to protect themselves by greatly increasing their reserves and cash means. It will be noticed that the lowest comparative reserves are in central reserve cities and larger reserve cities of the eastern part of the country. The greatest increase in reserves and cash means is in the cities of the South and West, notably Birmingham, Savannah, Galveston, San Antonio, Indianapolis, St. Paul, Wichita and San Francisco. The first two columns give the percentage of legal reserve on hand on the dates mentioned, and the second two columns show the percentage of cash on hand, etc., on those dates.

Table with columns: City and State, Aug. 22, Dec. 14, etc. showing percentages of legal reserve and cash on hand for various cities like New York, Boston, Philadelphia, etc.

KNICKERBOCKER RECEIVERSHIP DELAY.

The hearing of arguments for the permanent receivership for the Knickerbocker Trust Company, which is to have taken place yesterday before Justice Clark, of the Supreme Court, at St. George, Staten Island, was postponed to December 28. The adjournment was to give the reorganizers an opportunity to work out their institution further opportunity to work out their plans. The united committee's plan is now before Superintendent Williams of the State Banking Department.

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MUTUAL RESERVE UP. NO INJUNCTION DECISION. Purposed Change, Says Counsel, Would Save the Company. Judge Ward, in the United States Circuit Court, heard arguments yesterday on the application of certain of the policyholders of the Mutual Reserve Life Insurance Company to make permanent a temporary injunction restraining Archibald W. Hatch, a former justice of the Supreme Court, from exercising his powers as trustee of the company.

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