

LAGRAWNA ACCUSED

Marian Coal Company Charges High-Handed Methods. Appeals to Commission

Attempts to Drive It Out of Business Alleged—Reparation of \$55,239 Asked.

Washington, Nov. 3.—A denunciation of the Lockawanna, Lackawanna & Western Railroad Company, in which it is charged with repeatedly attempting to drive a competitor out of business, and an arrangement of the so-called "anthracite trust" are contained in a complaint filed with the Interstate Commerce Commission to-day by the Marian Coal Company, of Wilmington, Del. Reparation amounting to \$55,239 is demanded.

The statement contains allegations of one of the most remarkable series of business harassments that ever figured before the commission. It charges that the Marian company has been subjected to unjust and discriminatory rates, "based on a subjective maintained through the directors of the Temple Iron Company," the directors of which were also directors of the railroads constituting the "anthracite trust," and alleges that the company was discriminated against in the purchase of water supply, and heating of fuel on a fire which threatened destruction of the Marian company's washery at Taylor, Pa.

The Marian washery is on a Lackawanna division switch, which also serves three collieries alleged to belong to the Lackawanna interests. The complaint states various acts preventing equality of conditions between the Marian and alleged favored competitors "who constitute the trust."

Some of the charges against the Marian company are that it attempted to compel the Lackawanna company to sell its product to the Lackawanna on an agreement as to restriction of output, that would have driven the Marian company out of business, and that the Lackawanna refused to quote rates for the Marian company, and that the Marian company was discriminated against in the purchase of water supply, and heating of fuel on a fire which threatened destruction of the Marian company's washery at Taylor, Pa.

Connecting carriers, the Marian company charges, not only effected the through rates that would absorb the prohibitive switching charges of the Lackawanna, but also the Lackawanna refused to quote rates for the Marian company, and that the Marian company was discriminated against in the purchase of water supply, and heating of fuel on a fire which threatened destruction of the Marian company's washery at Taylor, Pa.

ELECT HEPBURN PRESIDENT

Chamber of Commerce Urges Delay in Triborough Awards.

As Barton Hepburn, president of the Chamber of Commerce, and former controller of the currency, was elected president of the Chamber of Commerce yesterday, James G. Cannon, chairman of the executive committee, urged a resolution calling for the support of the chamber in the establishment of Hartman Park on the New Jersey side of the Hudson and the proposed construction of the Bronx Parkway.

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POTASH NEGOTIATIONS ADVANCE.

Berlin, Nov. 3.—While Chancellor von Bethmann-Hollweg has not yet replied to the last representations from the American interests adversely affected by the German potash legislation, there were indications that the negotiations had been favorably received.

BUSINESS TROUBLES.

The following bankruptcy petitions were filed in the United States District Court yesterday.

LITTFY & MACKSODA, manufacturers of kimonos and opera capes at No. 7 East 26th street, involuntary. Creditors: E. H. Benson & Co., 200 Broadway; J. H. Benson & Co., 200 Broadway; J. H. Benson & Co., 200 Broadway; J. H. Benson & Co., 200 Broadway.

THOMAS G. GALLARD, cotton and stock broker at No. 45 Exchange Place, who has been a partner in the firm of G. H. Ackert & Co., involuntary. Creditors: G. H. Ackert & Co., 45 Exchange Place; G. H. Ackert & Co., 45 Exchange Place; G. H. Ackert & Co., 45 Exchange Place.

WALTER WEISBERGER, clothing contractor at Nos. 85 and 90 West 4th street, involuntary. Creditors: J. H. Benson & Co., 200 Broadway; J. H. Benson & Co., 200 Broadway; J. H. Benson & Co., 200 Broadway.

TERESA P. ROBINSON, of No. 42 Broadway, involuntary. Creditors: J. H. Benson & Co., 200 Broadway; J. H. Benson & Co., 200 Broadway; J. H. Benson & Co., 200 Broadway.

RECORDS FOUND FALSIFIED

Report Criticizes French Fraternal Beneficial Society.

Albany, Nov. 3.—The report on the joint examination of the New York and Massachusetts fraternal societies known as the Union St. Jean Baptiste d'Amerique of Woonsocket, R. I., was to-day filed in those states. The examination was conducted by these states for the reason that the laws of Rhode Island give the insurance commissioner of that state no power to examine insurance societies of this character.

The Union St. Jean Baptiste d'Amerique was incorporated in Rhode Island as a literary society in 1901, and did business in Massachusetts in 1901 and in New York in 1906, and at the present time, in addition to such states, is operating in Maine, Vermont, New Hampshire, Connecticut, Illinois and Michigan. It has at present 205 councils, approximately 25,000 members and \$1,121,000 of insurance in force. Its membership is to a considerable extent, composed of French Canadian residents of those states. Its assets, at the time of the examination, aggregated \$92,485, and the amount of assets for the protection of members in lieu of a policy reserve was found by the examiners to be \$325,313.

The examiners say that while the society is perfectly solvent there has been negligence and misconduct on the part of some of its executive officers and that a portion of its assets and effects has been wrongfully disposed of. The examiners also found a falsification of records during the last two years of the issue of policy contracts not permitted by the laws of New York and Massachusetts; of disproportionately large investments in real estate and unauthorized loans on promissory notes without collateral; and of the total assets represented by two-thirds of the total assets of the society.

"BATHTUB TRUST" INQUIRY

Other Witnesses Corroborate E. L. Wayman, at Pittsburgh.

Pittsburgh, Nov. 3.—After four days of sharp questioning into the affairs, agreements and operations of the alleged illegal combination of enamelled ironware companies called the Bathtub Trust, Edwin L. Wayman was finally excused to-day by the government.

Correspondence between Wayman, as president of the combination, and the Iron City Supply Company, of St. Paul, was introduced to-day to show that Wayman insisted on the firm selling only the goods of the firms in the combination.

George H. Bailey, of the Bailey-Farrell Manufacturing Company, of this city, followed Wayman. He identified correspondence with the Day Manufacturing Company, of Warren, Pa., through which the latter company refused to sell to Bailey's firm unless it signed the jobbers' agreement.

John A. Kelly, secretary of the Iron City Supply Manufacturing Company, of Pittsburgh, whose firm did not go into the combination, identified the blue book of jobbers and told of Wayman's conversations with him about signing the agreement. Kelly also told of several meetings, at one of which, on March 23, at the Hotel Astor, New York City, several of the manufacturers raised objections to the agreement on the ground that it was illegal.

Witness further said the president, Francis Torrance, of the Standard Sanitary Manufacturing Company, one of the defendants in the case, was present at the meeting and advised to him that the jobbing firms that bought goods of his firm prior to June 6, 1910, declined to do so after he had refused to sign the agreement.

Mr. Kelly said that he had not yet signed the agreement, although Wayman "kept after me during May, June, July and August." The government attorneys and officers conducting the investigation left tonight for Chicago, where the hearing will be taken up to-morrow in the federal court.

From Chicago the hearing will be moved to Cleveland.

"DEATH AVENUE REPLY MADE

New York Central Presents Its Case to Public Service Commission.

DELAVAN TO LEAD FIGHT

Names of Rutland's Minority Committee Announced.

The personnel of the committee of minority preferred stockholders of the Rutland Railroad Company, which, as reported in The Tribune on Thursday, has been organized to try to secure the payment of back dividends on preferred stock, now amounting to over 150 per cent, was announced yesterday.

It is headed by Tompkins C. Delavan, who since 1904, when the Rutland Railroad was acquired by the New York Central, has been the leader in the various efforts made by the minority interests to secure the adjustment of the accumulated dividends on the preferred stock. The other members of the committee are John P. Calder, Ralph N. Shalvick and George N. Towle. Samuel Untermyer is counsel for the committee. Its assets, at the time of the examination, aggregated \$92,485, and the amount of assets for the protection of members in lieu of a policy reserve was found by the examiners to be \$325,313.

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Recent investigations into the transactions of the Rutland company covering a period of years have developed some very peculiar transactions on the part of certain of the directors during the time that the Rutland system was expanding by the acquisition of surrounding properties, particularly in connection with the acquisition of the Ogdensburg & Lake Champlain Railroad, the Chatham & Lebanon Valley Railroad and others. Our advice are that the dealings of the directors in the acquisition of these properties were such as to fully warrant the institution of suits against certain former directors of the Rutland company, and it is understood, will be offered to the public at 96 and interest. The syndicate includes the banking firms of Spencer Trask & Co., William Salomon & Co. and Kissel, Kinnear & Co., and the law firm of the National City Bank are said also to be interested in the operation.

The proceeds of the sale of the bonds will be used for retiring two bond issues, aggregating \$7,000,000 in amount, the cash required for the purpose being \$7,500,000. The bonds will be offered to the public at 96 and interest. The syndicate includes the banking firms of Spencer Trask & Co., William Salomon & Co. and Kissel, Kinnear & Co., and the law firm of the National City Bank are said also to be interested in the operation.

It will be the task of this committee to endeavor to right the wrongs under which the minority has been suffering in these years, and there will be no end in pressing forward suits with that end in view."

DETECTIVES GUARD WITNESSES

Threats of Death in Afterthought Copper Company Litigation.

St. Louis, Nov. 3.—While detectives stood guard to protect witnesses, whose lives were said to have been threatened because of their disclosures in the receivership suit against the Afterthought Copper Company and its parent, the Great Western Gold Company, allegations of fraud were made to-day in the testimony before Special Commissioner Joseph A. Wright.

The officers were present at the request of the commissioner, who had received information that an attempt would be made on the life of the man who is "doing the talking." The chief witnesses were Thomas H. Forster and George O. Rogers, stock and bond salesman, and among their allegations were these:

"That the Liberty group of mines, in Shasta County, Cal., which were the basis of the \$10,000,000 Great Western company, cost only \$1,500; that Theodore S. Henderson, vice-president of the Afterthought company, in selling stock for the Great Western, collected commissions of 50 per cent; that his agents were paid in due bills containing promises of stock, which he declared he would not honor without lawsuit; that the Liberty group of Great Western stock were fraudulently sold."

Parls, Nov. 3.—Three per cent rentes closed at 70 1/2. Consols closed at 104 1/2. The market was quiet and prices were rather firm on the Bourse.

Berlin, Nov. 3.—Trading was quiet and prices were rather firm on the Bourse.

GUARANTEED STOCKS.

(Furnished by E. H. Hatch & Co., No. 111 Broadway.)

HOLD DIRECTORS NEGLIGENT

Receiver Wants Five to Make Up Coleman Deficit.

Boston, Nov. 3.—There is a deficit of \$130,000 in the funds of the National City Bank of Cambridge, caused by the defalcation of its bookkeeper, George W. Coleman. Receiver James L. Bates has asked the United States courts to collect from five directors, on the ground that they were negligent in the discharge of their duties. The controller of the currency finds that two other directors, Charles G. Bancroft and Josiah H. Goddard, were elected and before the bank's failure, had no opportunity to examine the accounts, and, therefore, are not liable.

It is headed by Tompkins C. Delavan, who since 1904, when the Rutland Railroad was acquired by the New York Central, has been the leader in the various efforts made by the minority interests to secure the adjustment of the accumulated dividends on the preferred stock. The other members of the committee are John P. Calder, Ralph N. Shalvick and George N. Towle. Samuel Untermyer is counsel for the committee. Its assets, at the time of the examination, aggregated \$92,485, and the amount of assets for the protection of members in lieu of a policy reserve was found by the examiners to be \$325,313.

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THE MARKETS

ber and future, 35 1/2. Lead—London, 104 1/2. Tin—London, 110 1/2. Rubber—London, 110 1/2. Coffee—London, 110 1/2. Sugar—London, 110 1/2. Cotton—London, 110 1/2. Wool—London, 110 1/2. Hides—London, 110 1/2. Tanned skins—London, 110 1/2. Petroleum—London, 110 1/2. Petroleum—London, 110 1/2. Petroleum—London, 110 1/2.

TOTAL DOMESTIC RECEIPTS. Beans, bushels, 1,850; Corn, bushels, 1,850; Flour, bushels, 1,850; Grain, bushels, 1,850; Oil, bushels, 1,850; Potatoes, bushels, 1,850; Rice, bushels, 1,850; Sugar, bushels, 1,850; Tanned skins, bushels, 1,850; Tobacco, bushels, 1,850; Wool, bushels, 1,850.

EXPORTS. Corn, bushels, 2,500; Flour, bushels, 2,500; Grain, bushels, 2,500; Oil, bushels, 2,500; Potatoes, bushels, 2,500; Rice, bushels, 2,500; Sugar, bushels, 2,500; Tanned skins, bushels, 2,500; Tobacco, bushels, 2,500; Wool, bushels, 2,500.

CASH QUOTATIONS. Iron, No. 1, \$18.00; Steel, \$18.00; Coal, \$18.00; Cotton, \$18.00; Flour, \$18.00; Grain, \$18.00; Oil, \$18.00; Potatoes, \$18.00; Rice, \$18.00; Sugar, \$18.00; Tanned skins, \$18.00; Tobacco, \$18.00; Wool, \$18.00.

GENERAL MARKET REPORT. Wheat—Wheat, 110 1/2; Corn, 110 1/2; Flour, 110 1/2; Grain, 110 1/2; Oil, 110 1/2; Potatoes, 110 1/2; Rice, 110 1/2; Sugar, 110 1/2; Tanned skins, 110 1/2; Tobacco, 110 1/2; Wool, 110 1/2.

NEW YORK PRICES. Wheat, 110 1/2; Corn, 110 1/2; Flour, 110 1/2; Grain, 110 1/2; Oil, 110 1/2; Potatoes, 110 1/2; Rice, 110 1/2; Sugar, 110 1/2; Tanned skins, 110 1/2; Tobacco, 110 1/2; Wool, 110 1/2.

INTERIOR RECEIPTS. Wheat, 110 1/2; Corn, 110 1/2; Flour, 110 1/2; Grain, 110 1/2; Oil, 110 1/2; Potatoes, 110 1/2; Rice, 110 1/2; Sugar, 110 1/2; Tanned skins, 110 1/2; Tobacco, 110 1/2; Wool, 110 1/2.

SEABOARD CLEARANCES. Wheat, 110 1/2; Corn, 110 1/2; Flour, 110 1/2; Grain, 110 1/2; Oil, 110 1/2; Potatoes, 110 1/2; Rice, 110 1/2; Sugar, 110 1/2; Tanned skins, 110 1/2; Tobacco, 110 1/2; Wool, 110 1/2.

COTTON—Smaller crop estimates and the low price of the cotton have been the chief feature of the market. The market was quiet and prices were rather firm on the Bourse.

WHEAT—Wheat, 110 1/2; Corn, 110 1/2; Flour, 110 1/2; Grain, 110 1/2; Oil, 110 1/2; Potatoes, 110 1/2; Rice, 110 1/2; Sugar, 110 1/2; Tanned skins, 110 1/2; Tobacco, 110 1/2; Wool, 110 1/2.

GRAIN—Wheat, 110 1/2; Corn, 110 1/2; Flour, 110 1/2; Grain, 110 1/2; Oil, 110 1/2; Potatoes, 110 1/2; Rice, 110 1/2; Sugar, 110 1/2; Tanned skins, 110 1/2; Tobacco, 110 1/2; Wool, 110 1/2.

HAY AND STRAW—Hay, 110 1/2; Straw, 110 1/2; Grain, 110 1/2; Oil, 110 1/2; Potatoes, 110 1/2; Rice, 110 1/2; Sugar, 110 1/2; Tanned skins, 110 1/2; Tobacco, 110 1/2; Wool, 110 1/2.

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COFFEE—Trading quiet and prices easier. The market was quiet and prices were rather firm on the Bourse.

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FLOUR AND MEAL—Flour, 110 1/2; Meal, 110 1/2; Grain, 110 1/2; Oil, 110 1/2; Potatoes, 110 1/2; Rice, 110 1/2; Sugar, 110 1/2; Tanned skins, 110 1/2; Tobacco, 110 1/2; Wool, 110 1/2.

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EXPORTS. Corn, bushels, 2,500; Flour, bushels, 2,500; Grain, bushels, 2,500; Oil, bushels, 2,500; Potatoes, bushels, 2,500; Rice, bushels, 2,500; Sugar, bushels, 2,500; Tanned skins, bushels, 2,500; Tobacco, bushels, 2,500; Wool, bushels, 2,500.

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FLOUR AND MEAL—Flour, 110 1/2; Meal, 110 1/2; Grain, 110 1/2; Oil, 110 1/2; Potatoes, 110 1/2; Rice, 110 1/2; Sugar, 110 1/2; Tanned skins, 110 1/2; Tobacco, 110 1/2; Wool, 110 1/2.

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\$150,000; TOMATOES, nearby, box, 15-18 1/2; WATERMELONS, nearby, 10-12; CABBAGES, nearby, 10-12; CARROTS, nearby, 10-12; BEANS, nearby, 10-12; CORN, nearby, 10-12; FLOUR, nearby, 10-12; GRAIN, nearby, 10-12; OIL, nearby, 10-12; POTATOES, nearby, 10-12; RICE, nearby, 10-12; SUGAR, nearby, 10-12; TANNED SKINS, nearby, 10-12; TOBACCO, nearby, 10-12; WOOL, nearby, 10-12.

LIVESTOCK MARKET. CATTLE—Receipts, 2,500; Market, 110 1/2; Steers, 110 1/2; Hogs, 110 1/2; Sheep, 110 1/2; Poultry, 110 1/2; Eggs, 110 1/2; Butter, 110 1/2; Cheese, 110 1/2; Lard, 110 1/2; Tallow, 110 1/2; Hides, 110 1/2; Tanned skins, 110 1/2; Petroleum, 110 1/2; Petroleum, 110 1/2; Petroleum, 110 1/2.

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