

JAIL FOR ICE DEALERS IS MR. WHITMAN'S PLAN

Declines Aid at Hearing That Might Lead to Immunity from Criminal Prosecution.

OLD MONOPOLY REVIVED

State, County and City Working in Harmony to End Extortion—Aldermen Would Oust Trust from Piers.

The offers of help from the attorneys of the ice trust at the hearing before Magistrate Appleton on the alleged conspiracy to manipulate the ice trade were cut short yesterday by Mr. Whitman in a way that showed clearly his purpose to bring criminal actions against those responsible for the curtailment of the supply to the independent dealers and the increase in price during the recent hot spell.

"Inasmuch as the Knickerbocker company will be deeply concerned in the coming hearings," F. R. Savidge, attorney for Wesley M. Oler, said, "I desire to state that his officers will gladly accept without subpoena to assist Mr. Whitman."

"Are you willing to stipulate that these things will be done without claims for immunity at any subsequent proceedings?" Mr. Whitman asked curly, before Mr. Savidge had a chance to exhaust the list of all the things his clients would do to help the people's case.

"Yes," he said, after a moment's hesitation. "We expect to be able to show that so far were Mr. Oler and his associates from being responsible for the shortage that they did their best to alleviate conditions caused by the excessively hot weather."

It was said by a representative of the District Attorney's office that the present investigation is to be considered as a step ahead of the ice prosecutions of 1906. Whereas civil penalties were supposed to be sufficient at that time, it was said that the ultimate aim of the present action would be to bring the matter down to prison sentences.

Aim to Get Jail Sentences. "The former effort to break the ice trust failed of its purpose," said this official, "because it simply resulted in a re-adjustment of the bookkeeping methods so as outwardly to conform with the law."

"But as a matter of fact the same old business is being carried on in the same old way under different names. You can't hurt a big corporation—they are simply charged to operating expenses, new books are started, another group of men is designated to carry on the business and the profits roll in as before."

"There is only one thing to do to break up this trust business," he said, "and that is to send the individuals to jail. Either that or create a public necessary commission, with power to fix the price of commodities at figures that would be established by free natural competitive conditions. We are going to push the present ice proceedings to one of these two results."

The present complaint against the ice men starts with a review of the ice trade since March, 1899, alleging that at that time 80 per cent of the available ice in Maine and along the Hudson was controlled by the (old) Knickerbocker and the Consolidated Ice companies.

The story tells these companies agreed to form a monopoly of the ice trade, and organized the American Ice Company under the laws of New Jersey, with authorized capital stock of \$20,000,000, and then went about the unlawful restraint of trade.

The recital describes the various legal actions leading up to the breaking up of this trust and the fixing of the American Ice Company in the sum of \$5,000. It states that at the time the company controlled 85 per cent of the supply of natural ice available for New York and 40 per cent of the capacity of the artificial ice plants.

The complaint charges that on or about the 5th day of May, 1911, Wesley M. Oler, Thomas Pettigrew, Robert N. Bavier, Edward J. Reilly, Harry Bester, George W. Westall and other persons did within the county of New York conspire to continue in the monopoly of the sources of supply of ice.

Same Old Trust, Complaint Says. The information goes on to say that the ice manufacturing company was formed to operate all of the artificial ice trade of the American Ice Company, and the (new) Knickerbocker took over all of the natural ice trade of that company or its subsidiary concerns, and that the stock of these two new corporations was received by the stockholders of the disbanded corporation in exchange for their holdings. On May 5, it is alleged, the American Ice Securities Company, a New Jersey corporation, controlled a

majority of the stock of the American Ice Company. The complaint asserts that the men mentioned have conspired and are maintaining in effect the self-same monopoly created and conducted by the American Ice Company which was declared unlawful by the courts. The sources of information is given as the minutes of the grand jury, former court actions, the certificates of incorporation of the various companies mentioned and their annual reports.

Mr. Whitman said that he expected it would take fifteen or twenty days for all of the case to be presented. An adjournment was taken until 1:30 o'clock this afternoon.

The Board of Aldermen yesterday got about the "anti-ice trust wagon." A resolution was introduced by Alderman Drescher calling upon the Sinking Fund Commission and the Dock Commissioner to abolish the leases of the city piers to all dealers charging more than \$2 a ton at the bridge for ice. Although the aldermen were in favor of the sentiment expressed by this motion they amended it so as to make it practical, and the embargo was simply placed on the renewal of leases to those dealers charging more than \$2, since many of the present leases have a long time to run.

GET MADMAN IN THE PARK Big Negro, Playing War Game, Puts Up Desperate Fight. Sam Track, a negro, who said he served with a regiment in the Philippine Islands after the Spanish-American War, will be sent to Ward's Island Hospital for the Insane this morning, following his arrest in Central Park on Monday. He was removed from the tennis courts to Bellevue Hospital on that day after a struggle, which required the efforts of four mounted officers and a patrolman.

Monday morning a number of pedestrians were attracted to a bonfire behind a clump of bushes near the tennis courts. Suddenly he grabbed the tennis racket and was seen to jump from behind one tree to dodge behind another. There were shouts of "Charge!" There were other shouts of "Fire!" Still other noises sounded like a human voice imitating the discharge of a firearm.

More park idlers gathered and watched the fire and the eccentric figure. It was seen that the man acting so strangely was a negro, six feet tall and rather heavy set. Suddenly he grabbed the tennis racket and was seen to jump from behind one tree to dodge behind another. There were shouts of "Charge!" There were other shouts of "Fire!" Still other noises sounded like a human voice imitating the discharge of a firearm.

HEAT HIT INSURANCE COMPANY. The recent spell of hot weather raised the mortality record considerably, as is shown in the latest report of the Metropolitan Life Insurance Company. During the first fifteen days of the month, the number of claims paid to beneficiaries of policyholders who had died in that time was 2,100, which was the same figure in 1910 the number was 1,473.

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The new 4 1/4s, the \$5,000,000 issue put out last January, the average return to the city being 100.504, made their high record of 104 1/2 on June 1. They sold on Monday up to 104 1/2 and closed at 104 1/2, and yesterday dipped as low as 102 1/2, closing at 102 1/2. The trading in this issue on the New York Stock Exchange is in the temporary certificates, the city authorities having insisted that the new bonds be engraved by the New York Bank Note Company, the lowest bidder, and the Stock Exchange management having declined to list the issue if the bonds should be engraved by that corporation.

Four Per Cents Also Declined. While the principal trading was in the 4 1/4 per cent issues, the sales of certificates amounting to \$47,000 par value and of the old bonds to \$47,000, the 4 per cent issues also declined, but to a smaller extent, and on light trading, while the 4 1/2s of 1907 closed unchanged at 105 1/2.

When the weakness of the 4 1/4 per cent bonds became apparent, it was at first reported to be due to alleged plans of the city to bring out another issue at an early date, but it was soon found that no new issue was imminent and that the break reflected the liquidation of the extensive holdings of a dealer whose operations for the rise had been conducted on a much larger scale than was warranted by his ability to furnish margin.

Before the city sale, in January, a large short interest, estimated as high as \$150,000, had been created in the bonds "when issued," and when the bids were opened and it seemed likely that the bid of a syndicate for "all or none" would be successful there was active covering of shorts on the belief that the syndicate would exact a high price from operators who should come to it for bonds with which to settle their short contracts. Although the syndicate offer failed of acceptance, the bonds continued to advance on their investment merits, and the various banks widely extending the possible market for them, gave a strong impetus to the price.

The dealer mentioned, convinced that the bonds would move to a much higher level than they have yet attained, bought heavily of them, his aggregate commitments being probably \$5,000,000 and rumored to be \$15,000,000, and his purchases, of course, acting as a factor in advancing the market quotations. In his operations he had dealt with several banks, pledging one block of bonds with one bank and using the proceeds to obtain more bonds, with which he secured a loan from another bank. It was only a day or two ago that any of the banks concerned became aware that he was dealing with any other institution, and when the facts developed the banks called upon him for additional margin, which in his already overextended condition he was unable to furnish.

The banks thereupon began to call the dealer's loans, for their own protection, and the knowledge of the fact caused the decline in price on the Stock Exchange. The liquidation of the loans, it is understood, was conducted outside the Stock Exchange, at figures based upon the prices made on the Exchange and said to have been about one point under those prices.

Controller Explains Stock Budget. Controller Prendergast said yesterday the recent authorizations on account of what is known as the corporate stock budget did not mean that there would be a sale of corporate stock.

Mr. Prendergast declared there was very often a misconception in relation to the Board of Estimate authorizations, that it frequently happened that expenditures on account of authorizations were frequently six months to two years off. He said it had been the habit of preceding administrations to authorize expenditures for the next year, but to make them for the year following.

Orders Funds Distributed. A distribution of the funds of the Mutual Reserve Life Insurance Company, an insolvent corporation, was ordered yesterday in a decision handed down by the United States Circuit Court of Appeals. The higher court affirmed the final decree in the case of James C. Robinson and Reuben O. Scoville against the corporation, and the opinion of the special funds created for the benefit of stockholders could be distributed among them prior to satisfying all obligations of the company toward its creditors.

In writing the majority opinion Judge Lacombe said the higher court was at first inclined to take the position that a reserve fund created by the members of the association could not be made immune from the claims of general creditors, but that later the court found sufficient authorities maintaining that such funds could be created for the benefit of living members or their beneficiaries.

"We are not persuaded," Judge Lacombe continued, "that by misapplication of funds received from the members who came in from reorganization under the level premium plan the members of this association have by subsequent acquisition acquired any rights against that specific fund; the evidence falls satisfactorily to show such divisions."

Judge Noyes, in a dissenting opinion, said a corporation may create special funds for the benefit of its stockholders or members, but it must first meet its obligations to its creditors, and he made reference to many cases in which the assets of a corporation constitute a trust fund for the payment of its debts.

NOISE COST DRIVER'S JOB Edwards Dismisses Him for Slamming Ash Cans and Abusing Citizen. Commissioner Edwards dismissed from the Department of Street Cleaning yesterday Joseph Melver, driver at stable 8, West 18th street, on the charge of slamming ash cans and being abusive to a citizen at 19th Street and St. Nicholas avenue at 2:30 p. m. on July 4.

It was brought out at the hearing that a citizen remonstrated with Melver because of the noise he was making, but the driver paid no attention. The citizen then asked him for his cart number, in order that he might report him to the commissioner. The driver's report was: "Ask the horse."

Commissioner Edwards said it would expedite matters greatly if citizens reported such matters marked "personal" the cart numbers of drivers who insist upon making noise.

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The indications are that there will be considerable cloudiness over much of the country during the next few days, with probably a heavy shower in the south Atlantic and Gulf States, the Mississippi and Ohio valleys and the Lake region, moderate variable winds and light showers in the Rocky Mountain and south plateau regions. In the middle Atlantic and New England states the weather will be fair to moderate, with probably showers in the intermediate regions. Moderate temperatures will continue in practically all districts from the Atlantic coast to the Rocky Mountains and the Mountain region Wednesday and Thursday.

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