LOAN CO. INQUIRY DELAYED.

CUNNEEN STEPS IN IN BUILDING LOAN BANKING CO. CASE.

Referee Says New York Building-Loan Banking Company Is Insolvent, and Cunneen Takes From Herrick Chance to Say Who Shall Get Receiver's Pickings.

ALBANY, July 28.—Herculean efforts are being made either to prevent or to dictate the appointment of a receiver for the New York Building-Loan Banking Company of New York City. Startling revelations regarding the management of the company are promised in detail when arguments are had before the Supreme Court on the question of whether a receiver shall be appointed.

Nearly $9,000,000 of assets are involved. The company claims a surplus of nearly $250,000, but Referee Farren, appointed by Supreme Court Justice Herrick, says that there is a deficiency of over $300,000, and his arraignment of the management of the company is merciless.

Whether criminal proceedings are to follow is a question for the future. The lapses of management complained of are flagrant, and the amounts of money involved are large. The company's officers have been fighting for months to escape the meshes of the law which have been cast toward its management by the State Banking Department.

Last December, when Supt. Kilburn of the State Banking Department, through the then Attorney-General, John C. Davies, announced his intention of asking for the appointment of a receiver of this company on the ground of its insolvency, the company, through its attorneys, secured a writ of prohibition from Justice Herrick restraining these two State officials from proceeding further pending the order of the Court.

Finally Justice Herrick decided to appoint Referee Farren to investigate and report on the financial condition of the company. Mr. Farren's report was filed with Justice Herrick on July 18. Justice Herrick had set to-day as the time for a hearing on the question of appointing a temporary receiver based upon Mr. Farren's report.

After the referee made his report Justice Herrick thoroughly examined it and was prepared at the hearing to-day to announce his decision as to whether or not a temporary receiver of the company should be appointed. What was his consternation then, when, on opening court at the appointed hour, this morning neither the Attorney-General or any representative of the Attorney-General's department nor any attorney or representative of the building loan company was present in court!

The attorneys for the company had feared the appointment of a receiver by a Republican Supreme Court Justice, and had alleged before Justice Herrick, when asking for a writ of prohibition and the appointment of Referee Farren, that not only was the company solvent, but that the Republican Attorney-General and the Republican Superintendent of Banks had conspired to wreck the company in order to let the Republican Attorney-General, before his term of office expired on Jan. 1 last, secure the appointment of a receiver and the fat financial pickings which go with such a commission.

Justice Herrick said that he would see that the company had fair play, and this action threw the question of applying for a receivership into the hands of a Democrat, Attorney-General Cunneen.

Every one knows that David B. Hill was responsible for Mr. Cunneen's nomination for Attorney-General and that the attorneys for the company, Alec C. Eustace and Col. David C. Robinson, both of Elmira, are not unknown to Mr. Hill either politically or personally.

Those familiar with the political situation in this vicinity are also aware of the many political contentions which have existed between Justice Herrick and Mr. Hill. Referee Farren used to be in Justice Herrick's law office.

In view of the fact that this receivership and the attorneys' fees would be worth in the neighborhood of $150,000, those familiar with Democratic political conditions were not surprised to learn to-day that Attorney-General Cunneen had transferred the application for a receiver for the company from Justice Herrick to Justice P. Henry Dugro of New York city.

While it is believed that the transfer of the application for the appointment of a receiver from Justice Herrick to Justice Dugro is made mainly for the purpose of securing a friendly receiver, at least from a political standpoint, it was intimated to-night that the officers of the company would endeavor to persuade Justice Dugro to turn down Referee Farren's report, which declares the company insolvent.

Referee Farren spent from Jan. 5 last until July 18 in conducting an exhaustive examination of the affairs of the company and in preparing this report, in which he declared that a receiver for the company should be appointed.

On the opening of court this morning a letter was submitted from the Attorney-General, saying that he had stipulated that the venue in the action be changed from Albany to New York county. The letter reads:

> Being in New York on some business I met the attorneys for the New York Building Loan Banking Company. They requested that the argument of the motion before the Albany Special Term noticed for Tuesday be postponed, contending that the report of the referee contains some grave errors, that the matter was important from every point of view and that it was not fair to them to compel them to go into the argument of the motion without more opportunity for preparation than they have been given. I felt that if this argument were addressed to you you would undoubtedly grant the postponement. I also felt that it would be unjust to ask you to defer your vacation in order to hear this motion in August, and I did not want to delay it until September.
>
> In view of these circumstances I arranged to change the venue to New York county, where it really should have been laid in the first place, as the principal office and place of business is here. And as the courts are to be continued here during the month of August I have arranged with Mr. Justice Dugro to hear the argument of the motion for a receiver on Aug. 10 accordingly have taken orders severing the special proceeding from the action, changing the venue of the action to New York county and continuing the injunction until the hearing and decision of the motion for a receiver. The venue of the special proceeding for the appointment of a referee remains in Albany.

The letter was dated in New York city yesterday and was received by Justice Herrick this morning.

In view of the fact that Attorney-General Cunneen, at the last moment, saw fit to go to New York city and make arrangements to have the action looking toward the appointment of a receiver removed to New York before Justice Dugro on Aug. 10, Justice Herrick to-day postponed until 10 o'clock on Saturday next his action on the application for a receiver and on Referee Farren's report.

The officers of the company, which has offices at 111 Fifth avenue in New York city, are Paul Worms, president; Mark Eustace, vice-president; Winslow E. Buzby, secretary, and Paul O. Wiedemann, treasurer.

On Jan. 1 last the company reported to the State Banking Department assets of $8,861,066; amount loaned on bond and mortgage, $4,669,057; real estate purchased for and leased to members, $3,905,847; due shareholders, installments, $2,555,092; due shareholders, single payment shares, $386,806; prior mortgages conditionally assumed, $5,100,003; earnings undivided, surplus and reserve fund, $262,065. On Jan. 1, 1902, the company had 11,709 shareholders, and operated in New Jersey and in New York, Kings, Queens, Westchester and Richmond counties. It has about $5,000,000 in mortgages in force in New York State.

The substance of Referee Farren's report was made public to-day for the first time. The referee refers to the organization of the company in 1890, and says that none of its stock has ever matured; that it does a second mortgage business, the prior mortgages being in some cases as many as three, and has at present very few properties which are not now incumbered with prior mortgages; that the officers of the company, except one, hold very little stock, the treasurer and secretary both having borrowed money on theirs; that the president of the company recently turned in about $9,500 of his stock on the purchase of certain property, although he had not filed his stock for withdrawal, and there were many unpaid withdrawals then filed.

The referee finds that in its relations with the Metropolitan Building Company (in which the president, first vice-president, secretary and treasurer were interested, and under an agreement with which is made large payments to the building company) the banking company's officers must have acted for the purpose of securing the banking company's money for their own private use, and the referee cannot find words sufficiently strong to condemn these practices. The referee finds that in some cases the alleged loans were in reality sales of the property, and characterizes this as a peculiar, if not suspicious, condition of affairs.

The referee finds that the company created a so-called "real estate sinking fund," with $14,000 profits on sales of real estate and $150,000 or $160,000 by appraisal of certain real estate in Yonkers, and has unlawfully used portions of this fund in the declaration of dividends; that the company had filed false reports to the Banking Department in 1900, 1901 and 1902; that in 1902 such report was false by failing to include in the real estate of the company the amount of $669,000, in reality real estate, but carried as mortgages; also by reporting as interest due and accrued $85,000, when it only had $49,000, and in reporting taxes, insurance and repairs advanced at $51,000, while it only had $36,000.

He also finds that the company failed to report due and unpaid taxes in 1902 of over $63,000.

The referee finds that part of the property of the company has already been sold for unpaid taxes, and criticises the company for such a condition of affairs. He finds that the company kept no permanent record of withdrawals, and that this failure is a subject not only for criticism but of suspicion that the withdrawals have been unlawfully paid out of order; that the expenses for 1902 amounted to about $128,000 and were not justified by the amount of business done; that the company reported during 1902 that it received $843,000 for dues and invested $544,000, but its actual loans were only $45,000; that the salaries of the treasurer and secretary have increased from 1892, when they were $100 a month each, to salaries of $100 a week for the treasurer, and $137.50 a week for the secretary, and that each now has an assistant.

The salaries of the other officers per week are: Paul Worms, president, $125; M. S. Eustace, first vice-president, $112.50; Henry A. Taylor, second vice-president, $70; Carl Fischer, assistant treasurer, $50; J. A. Trapnell, assistant secretary, $60.

The referee finds that the company has been at a large expense in floating its stock, it having cost it $64,000 to float the class "W" stock; that the company is now the owner of over $3,000,000 of real estate, and that in the years 1901 and 1902 it was carried at a loss of $69,000, with some taxes yet unpaid.

The referee criticises the company for the failure of the treasurer to keep a separate record of the income and outgo on each separate parcel of real estate and criticises the company for permitting Henry W. Allen, a former officer, to resign in the spring of 1902, and at the same time paying him a six months' salary of $3,000 in advance.

The referee finds that the company failed to report to the Banking Department in 1902 a loss of $12,845 on its real estate sales; that if the company had charged off the premium on the $669,000 of real estate (wrongfully carried as mortgages), it would have been unable to pay any dividend on any stock in 1902, unless out of its alleged surplus; that the company wrongfully declared dividends on its prepaid stocks in 1902, it having failed to credit any dividend to installment stocks; that it has made false reports to its members by including the item of mortgages on its own real estate among its other mortgages; that the referee personally examined all the properties in dispute, and, after a careful consideration of all the facts, finds that the company is insolvent by $317,467.31. He concludes with this statement:

> "I am of the opinion, upon all of the facts produced before me upon the hearing, and after a careful consideration thereof, that a large part of the investments of said company are excessive, and that its management has been neither prudent nor conservative, but has been, in fact, extravagant and reckless; and that for the protection of its shareholders, as well as the general public who might be induced to become shareholders, the company should not be allowed longer to continue its business."

Attorney General Cunneen has gone back to Albany. Justice Dugro said yesterday afternoon that he remembered telling Mr. Cunneen that he would probably be in the city until Aug. 11, on which date the Justice expects to sail for Europe. Justice Dugro added that he knew nothing about the proceedings or the motion for a receiver.

Justice Dugro is now sitting in Special Term, Part I., where litigated motions are argued, but his term there will expire on Friday. Next week Justice Freedman will be sitting in that court, and on Aug. 10, Justice McCall will take a week at hearing the motions. It would be unusual for Justice Dugro to hear a motion of the kind referred to in Mr. Cunneen's letter when another Justice is sitting, unless a special arrangement to that end were made. It is probable that Mr. Cunneen was under the impression that Justice Dugro would still be sitting next month when he said in his letter that the motion for a receiver would be presented before him.

O'CONNELL TO FIGHT HOPPER.

Said to Have C. F. Murphy's Backing in Fight Inside Tammany.

Delegates from five of the independent Democratic clubs of the Thirty-first Assembly district, who are opposed to Isaac A. Hopper, the present Tammany leader, met last night at the Massasoit Club rooms, 125th street and Seventh avenue, and nominated Daniel J. O'Connell, an inspector in the Custom House in Cleveland's first Administration, to lead the fight against Hopper at the primaries in September.

The clubs represented were: The Sagamore, the Massasoit, the Monroe, the Devan Association and the Carondolet Club.

John E. Brodsky, one of Hopper's former supporters, was chairman of the meeting. He said it was time the district had a new leader and since all the clubs had got together there was no reason why Hopper could not be defeated.

Atmore L. Baggot of the Massasoit nominated O'Connell and Dr. B. G. Cook of the Monroe Democratic Club put in nomination Elias J. Levy. O'Connell got fifteen ballots to Levy's ten. O'Connell's nomination was then made unanimous.

Hugo Kanzler, former president of the Harlem Democratic Club, introduced a resolution pledging the support of all the clubs for the candidate. O'Connell is vice-president of the Sagamore Club. It was announced that the fight against Hopper has Charles F. Murphy's approval, and O'Connell said last night that he believes he can beat Hopper.

STRASBOURGER TO SLATER.

You're Sore Over Not Going Back to Senate, Says Leader to Opponent.

Tax Commissioner Samuel Strasbourger, Republican leader of the Thirty-first Assembly District, gave out a statement last night, charging that former State Senator Samuel S. Slater, who has announced himself as a candidate for the leadership of the district in opposition to Strasbourger, is making a fight because he was turned down for the nomination for Senator last year. Slater says thet his fight is made because many Republicans in the district are dissatisfied with Strasbourger's leadership, in which, he says, there is too much one-man power. Strasbourger, in his statement, says he has never made any move in the district without first consulting prominent Republicans and that Slater would be in the ranks following him unquestioningly as of old but for the fact that it was deemed best not to send him back to the State Senate.

APPEAL IN LABOR GRAFT CASE.

COMMENTS FROM JEROME ON THE HORIZON OF GRAFT.

He Says That in the Labor Unions It Is Merely a Reflection of What We Find in Public Life—Labor Men Disavow It—Mrs. Murphy Has More to Tell.

That the revelations of labor graft growing out of the trial of Lawrence Murphy, former treasurer of the Journeymen Stonecutters' Union, have stirred working men was demonstrated yesterday, when a number of laboring men, led by a man named Nelson, called on District Attorney Jerome to protest that, however corrupt certain influential members of labor organizations may be, the rank and file of the workers were honest men, and should not be confused by the authorities and the newspapers with the "grafters," who, they admitted, are at the present time in control of some of the organizations and using them for the purpose of extorting money from employers of labor.

There is to be an appeal in Murphy's case. Only a very small part of the story that Murphy and his wife have told their lawyer, John F. McIntyre, got into evidence at Murphy's trial. Mrs. Murphy was not allowed to tell all she knew, Judge Newburger holding that in a trial for larceny such testimony, while very interesting, was hardly relevant. Mrs. Murphy called on Mr. McIntyre yesterday and declared that she was ready to give all the information in her possession to the authorities if they wanted it.

"I would like to tell the truth about those men who went on the stand and convicted my husband," she said. "Those were the very men that got that money. They bled my husband for every cent he had, taking it little by little, and the fact is, that of the large amount of money he was accused of misappropriating, only a few dollars were ever used by him. I saw men go on the stand and swear he had never given them a cent when I saw those men come to him day after day and get money. They gave him no peace, and he, thinking they would stand by him, met all their demands. One man in particular went on the stand and swore he had never had a cent from my husband. I saw Lawrence give that man $500.

"There is nothing left for me now but to even up this account somehow. They have taken my husband away from me and our five little children and sent him to jail for their own crimes. I will gladly tell the District Attorney the names of the men who got this money, and will give the dates and circumstances of the payments. I was in my husband's confidence, and I know the facts."

District Attorney Jerome is much interested in the revelations in Murphy's trial, but District Attorney Clarke of Kings has declined to say whether he means to take any action or not. Mr. Jerome has not finished his examination of the minute book of the stonecutters' secret committee, and would not discuss this matter yesterday. After the visit of the laboring men to his office Mr. Jerome said that he felt that in justice to the honest labor union men he ought to say something to indicate that he has no notion in his head that all labor union men are grafters.

"Nelson and these other man," said Mr. Jerome, "said they thought I ought to say something on this subject, and perhaps they are right, because revelations of corruption have followed so close upon one another during the past few weeks that the public is probably beginning to get the idea that all men who belong to labor unions are grafters, which, of course, they are not.

"Now, in the matter of this Murphy trial, I have not talked with District Attorney Clarke of Kings yet, but I have had talks with Mr. Nott who prosecuted Murphy, and have examined the minutes of the union, and all the matters brought out at that trial are under consideration.

"In prosecuting men for extortion, it is far more difficult than is generally known to get clear legal cases against them. In the Cummings case, in which the opinion was written by Justice Parker, the demand of a union for waiting time and for fines was declared to be perfectly legal. The Curran-Galen case, which prevailed before the Cummings decision, made this act of extortion a criminal conspiracy. But as the meter now stands, union men have a right to refuse to work with non-union men, and have a right to demand waiting time and fines from employers.

"Under the circumstance there is no use going ahead prosecuting men for doing what the Court of Appeals has decided is perfectly legal. In the Barondess and Parks cases the circumstances are different. There the charge is that the men as individuals made the demands for money, and on receiving it applied it to their own use. Any number of cases are presented to me by men who have suffered from the labor unions, which the complainants say are similiar to the Barondess case, but when I come to investigate them I find there is no resemblance.

"If the law was different a man's freedom of contract would be impaired. Men have a right to fight for what they think are their rights by economic force. In time the labor unions in this country will get by the corrupt stage they have now reached. Unions are a comparatively new thing in this country. In England they reached the stage we are now at and in time passed it, until they are in splendid shape to-day. The corruption among the labor unions is only a reflection of the corruption that permeates civil government. How often are the men that are put up as the candidates of the people for office the real choice of the people? Rarely. The honest member of the labor union should not suffer too much for the faults of the grafter. The laboring man is entitled to all he can get in the way of short hours and big pay. Every man will hire labor as cheaply as he can and get as much work as he can out of it. On the other hand, every laboring man wants as much pay as he can get for as little work as possible. Each fights for his own interest, and as long as they use economic force they are entitled to fight. But the moment they try violence or criminal methods, that moment they should be suppressed.

"This corruption in the labor unions, as I said, is simply a reflection of what we find in public life. Every one who has studied our public life is appalled by the corruption that confronts him on every side. It goes through every department of the National, State and local governments. Does anybody suppose for a moment that the deliberations of our State Legislature are influenced by considerations of the public good?

"And this corruption in public life is a mere reflection of the sordidness of private life. Look what we find on every side of us—men whacking up with their butchers and grocers, employers carrying influential labor leaders on their pay rolls, manufacturers bribing the superintendents of establishments to buy their goods.

"Let me give you an instance of this. A friend of mine, a professional man, took charge of a big factory where tin cans were manufactured. He was a successful executive and could make more tin cans and better cans cheaper than any of those who had preceded him. But he went to the owners of that factory and told them he would have to quit. They asked him why and he said: 'I can make the best cans in the world, cheaper than any body else and can make more money for you than anybody ever made for you, but to do it I have got to bribe the superintendents of every customer on your list, and I was brought up on old-fashioned notions, and I cannot and will not do it.'

"He would have quit, too, but about that time the canning trust came along and bought his employers out, thus settling that problem."

PARKS WANTS CHANGE OF VENUE.

Asserts That Because of Jerome Interviews He Can't Get a Fair Trial Here.

When Samuel J. Parks and Timothy McCarthy, the business agents of the Housesmiths' Union, were arraigned yesterday in the Court of General Sessions to plead to the charges of extortion, ex-Magistrate Brann appeared for them and announced that he would make an application to the Supreme Court to-day to have their trials take place outside of New York county.

Mr. Brann said that he had learned that a special panel of jurors was to be summoned in a day or two to try the men in the General Sessions and for that reason he desired the District Attorney to know that he intended to apply for a change of venue on the ground that the statements printed in the newspapers as coming from District Attorney Jerome had made it impossible for his clients to get a fair trial here.

Assistant District Attorney Rand will be on hand to-day to fight the application for a change of venue.

Judge McMahon adjourned the cases until the application is passed on.

The hearing of the charge of assault made by James Lawson against Parks was adjourned to to-day by Magistrate Ommen in the Tombs police court. The adjournment was made at the request of District Attorney Jerome, who said that he would appear personally for the prosecution.

STRIKERS MUST OBEY LAW.

Judge Says He Will Send Them to Jail if They Use Violence on Workers

POUGHKEEPSIE, July 28.—For two weeks about three hundred and fifty employees of the De Lavel Separator Works have been on a strike because fifty of their number had not been taken back after a lock-out. The company had no trouble in procuring men to take their places, and the union men have followed them home nights, calling them "scabs" and other names.

On complaints made by the non-union men thirteen strikers were arraigned before City Judge Morschauser in the City Court here this afternoon. Nine of the men gave bail to await the action of the Grand Jury for violating section 675 of the Penal Code, and four others gave $500 bonds to keep the peace.

In disposing of their cases City Judge Morschauser said:

"This is an outrage on the men and on the public and will not be tolerated by this court. It may as well be understood at the beginning of this strike that we will not tolerate any violence or work of this kind. People have got a right to walk the street without being interfered with.

"If any of you come before me again while out on bail you might as well know now that you will go to jail. I will send them there as fast as they come, even if I fill the whole jail. The public and the rights of the people have got to be protected, and as long as I am on the bench this will be carried out."

UNPAID DUES CAUSE STRIKE.

Shiman Bros.' Workmen Quit Because One of Them Owed the Union.

Because an employee of Shiman Bros., manufacturing jewellers at 14 John street, is in arrears for dues to the International Jewelry Workers' Union, twenty-five of the firm's employees went on strike yesterday.

Shiman Bros. do not run a union shop, but the majority of their sixty-five workers are members of the union. On Saturday last a man who introduced himself as Mr. Koeppicus, secretary and business agent of the International Jewelry Workers' Union, called on the firm and said that William Greenfield, one of their workmen, had not paid his dues to the union, and that unless the firm compelled Greenfield to pay up or discharged him a strike would be declared.

Shiman Bros. refused to be dragooned into acting as collectors for the union, and the strike was declared. Only twenty-five of their employees went out, and as the rush work for the holiday season has already been finished, Shiman Bros. are not worrying about how long they stay out.

A NON-UNION MAN PERSECUTED.

Can't Make Purchases at Stores and Needs a Police Guard When He Walks Home.

ELIZABETH, N. J., July 28.—Because several non-union men recently hired at the Crescent shipyards were induced to leave town, or had not the nerve to stay on account of the treatment they received, the non-union men now employed there eat and sleep in a vacant building within the yard. They do not venture out, even at night. The company supplies them with meals and beds.

One non-union man, however, insists on going to and from his work every day. He is completely ostracised. The newsboys on the street will not sell him a paper. He cannot buy tobacco at a store where his identity is known. He lives on Staten Island, because he could not obtain a boarding house in Elizabeth. He has been sent away from one house on the island because the union men threatened to "black-mark" the place. He is hailed as "Scab" as he leaves his work at night under the protection of two policemen and proceeds to the ferry.

CONCILIATION BOARD SLOW.

That Is the Excuse Given by Coal Miners for Remaining on Strike.

WILKES-BARRE, Pa., July 28.—The striking mine workers, who went out because a driver boy was discharged, again refused to return to work this morning, and when told that their grievance would be adjusted by the board of conciliation, replied that the board was too slow and that they could not wait.

DEVERY TRIES THE LAW AGAIN.

Direct Proceeding to Break Into Tammany Executive Committee.

Big Bug Bill Devery has instructed his counsel, James, Schell & Elkus, to begin an action in the Supreme Court to compel his recognition by Tammany as executive committeeman for the Ninth Assembly District, and they served notice yesterday on Steuer & Hoffman, counsel for Tammany Hall, that Devery will apply on Aug. 6 to the Justice sitting in Special Term, Part I., of the Supreme Court for a peremptory writ of mandamus commanding Tammany Hall and every member of its General Commitee to recognize him as the duly elected and constituted executive member for the Ninth. A copy of the notice was also served on every member of the Executive Committee.

In the papers on his application Devery sets out that his name has been wrongfully omitted from the list of executive committeemen, whereas he was regularly elected and named by the Ninth district General Committee as its leader and executive member. He has no knowledge of any official protest against his election, he says, yet he has not been permitted to exercise any of his functions or duties on the executive committee.

Supreme Court Justice Freedman will be sitting in Special Term, Part I., on Aug. 6, and in view of the recent decisions of the higher courts against Devery it is unlikely that Justice Freedman will be able to decide the motion in the Big Bug's favor.

SEYMOUR CLUB REVIVES.

Former Councilman Frank Goodwin elected 200 new members to his Horatio Seymour Club last night, in preparation for his campaign against Devery this fall for the leadership of the Ninth. The light of the Seymour Club went out with Goodwin's ambitions, last year, when Devery snowed Goodwin under at the primaries. The rejuvenation of the club began last night. Goodwin announced himself as the next leader of the district.

IRON WORK TO START ON AUG. 3

EMPLOYERS ARE ADVERTISING FOR A THOUSAND MEN.

The League Issues an Open Letter to Sam Parks's Housesmiths Giving Them One More Chance—Men Hired Now Will Get Union Wages and Steady Work.

The Iron League has decided to give the Housesmiths and Bridgemen's Union one more chance to sign the arbitration agreement of the Employers' Association. In the meantime the league is advertising for 1,000 iron workers to go to work under the arbitration agreement. An eight-hour work day, union wages and steady employment will be guaranteed to each of them, no matter what action the union may take. They must individually sign the agreement first.

The league also prepared a letter, a copy of which will be sent to the union and to each individual iron worker who can be reached. The letter recites the failure of the conference on Saturday and continues:

> Notwithstanding the fact that we are advertising for men, we have decided before taking extreme measures to ask for a committee of your officers, Executive Board and seventy-five others to meet with us on Saturday next at 12 o'clock noon, at the Building Trades' Association, 1123 Broadway, in order that we may set before your committee more fully the advantages of the joint arbitration agreement.
>
> We, therefore, call upon you to be present at the meeting of your union on Friday night, July 31, to see that such a committee as we have asked for is appointed to meet us. Whatever the result of the request, we propose to start our work on buildings on Aug. 3, with men who will work under the joint arbitration agreement.
>
> THE IRON LEAGUE.

A number of hoisting engineers signed individual agreements yesterday and went to work. Among them it was said were fifty employed by the Pelham Hoisting Company. It will be several days, it was said, before all the work is ready.

Charles L. Eidlitz, president of the employers' association, which has been negotiating matters in connection with the rejection of the agreement by the Amalgamated Portable Hoisting and Safety Engineers' Union last week, said that there was evidence that the vote rejecting the agreement was taken at a snap meeting of a minority of the members after the agreement had been accepted and the majority had gone away. It was believed that this was done through the influence of the Parks faction of the Housesmiths' and Bridgemen's Union.

Mr. Eidlitz said that the new Horseshorers and Sheathpilers' Union, which was formed on Monday and signed the arbitration agreement, had grown from a membership of ten on Monday to seventy-two yesterday. A local union of 150 men in Jersey City, whose members work here, had made application to join it.

James J. Daly, chairman of the new Board of Delegates, representing unions which signed the agreement, said yesterday that these unions would make no trouble in case of the employment under the arbitration agreement of individual members of unions which had refused to sign it.

TO FIGHT UNIONS TO THE END.

An Employers' Council Formed in Marion, Ind.—May Close All Factories.

INDIANAPOLIS, July 28.—The organization of an "employers council" at Marion, formed along the lines of the non-union union, has been followed by a declaration of war by the labor unions, and there is a probability that many of the leading factories in the city will be closed.

Soon after the council was formed a strike was ordered in the Gemmer Engine Company's plant, and this was followed by a strike in the National Sweeper Works, both of which had been "open" plants, but which the labor leaders determined to organize as soon as the Employers' Council was formed.

The managers of the two concerns called upon the Council for assistance and men were secured and the plants put in operation. The union men began to intimidate the workmen, and for two weeks the police have been escorting the strike breakers to and from their work. This morning the strikers appeared on the streets and followed the men and their guards with tin horns and other noise-making instruments.

Hundreds of union labor sympathisers gathered on the streets and taunted the non-unionists and cheered the union men. Notices were sent out for a meeting of the employers' council, and 100 manufacturers and business men assembled and discussed the situation.

It was decided to carry the fight against the unions to a finish and to this end permanent headquarters were opened and C. F. Watts was put in charge.

Every effort will now be made to make all the factories "open" at once, and the members of the council signed an agreement to dismantle their factories if the civil authorities do not afford protection to the non-union men whom they intend to employ.

OBITUARY.

Daniel Hoagland Carpenter, 75 years old, one of the oldest citizens of Maplewood, N. J., died there on Monday. Mr. Carpenter had written several books dealing with the history of the early settlers of the Colonies. For many years Mr. Carpenter was in the lumber business, with a steam mill in Bethune street, this city, and furnished material for many of the finest old buildings in New York, among them, it is said, the residences of William B. Astor and A. A. Low, the Fifth Avenue Hotel and the Brick Church. In 1867 he moved to Maplewood. On June 22 Mr. and Mrs. Carpenter celebrated their fiftieth wedding anniversary. His wife and five children survive him.

Mrs. Isabella Brooks Rutherfurd of New York died on Monday night at her summer home in Cooperstown. She was born in Sault Ste. Marie, Mich., 77 years ago and was a daughter of the late Col Brooks, U. S. A. She was the mother of John A. and Walter Rutherfurd of the Broad street brokerage firm of John A. Rutherfurd & Co., and of the Rev. William Walton Rutherfurd, assistant rector of the Church of the Transfiguration. The interment will be in Saratoga.

Charles H. See, who was for many years connected with the Livingstone Nail Company of New York, died in his home at 204 Grafton avenue, Newark, N. J., late on Monday night. He was 65 years old. Mr. See was a native of New York city and served throughout the civil war in the Seventy-first New York Regiment. A daughter and two sons survive him.

Gen. Thomas N. Waul died yesterday at his home near Greenville, Tex. He opposed Sam Houston for Governor in 1859, and was one of the electors-at-large on the Breckenridge and Lane ticket in 1860. In the civil war he raised 2,000 troops, which were organized as Waul's Legion. He was afterward made president of the Texas Bar Association.

Capt. Henry A. Haber, aged 66 years, died at his home at Eddyville, near Kingston, yesterday. He was a well-known steamboat owner on the Hudson, having built the steamboats Ettie Wright, Elting Anderson, Glenerie, G. A. Schultz and H. A. Haber.

The Weather.

Showers and thunderstorms prevailed yesterday in the vicinity of Lakes Superior and Michigan and in Texas and Florida; elsewhere the weather was fair.

There were no storms moving and only moderately low pressure occupied the upper Mississippi Valley and the Southwest, and moderately high pressure spread over the Middle and South Atlantic coasts.

There was but slight change of temperature, but the conditions favored slightly warmer weather for this section to-day.

In this city the day was fair, nearly stationary temperature, wind fresh to brisk and shifted from northwest to southeast; average humidity, 53 per cent.; barometer, corrected to read to sea level, at 8 A. M., 30.10, 3 P. M., 30.07.

The temperature yesterday, as recorded by the official thermometer, is shown in the annexed table:

	1903.	1902.		1903.	1902.
9 A. M.	62°	73°	6 P. M.	71°	77°
12 M.	70°	84°	9 P. M.	69°	73°
3 P. M.	72°	84°	12 Mid.	69°	73°

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW

For eastern New York, eastern Pennsylvania, New Jersey and Delaware, warmer to-day, with showers in the afternoon or by night; to-morrow showers and fresh south winds, becoming west.

For the District of Columbia, fair, warmer to-day, showers to-night and to-morrow, fresh southwest to south winds.

For New England, fair and warmer to-day, except showers in northwest portion; to-morrow showers, fresh south to southeast winds, becoming southwest.

For western New York, showers to-day and probably to-morrow, cooler to-morrow, fresh to brisk south winds, becoming west.

THE 21ST SEMI-YEARLY SALE

BYCK BROS.

SMART CLOTHES

begins this morning. Prices are from

ONE-THIRD TO ONE-HALF LESS THAN THEY WERE YESTERDAY.

AT BOTH STORES:

DOWNTOWN, S. W. Cor. Fulton and Nassau Sts.

UPTOWN (Open Evenings), 154 to 164 East 125th Street, near 3rd Ave.

BYCK BROS.

NOTE—Another store will be opened by us early this Autumn, at 31 Cortlandt St., just a step from the Sixth Ave. "L" Station.

AQUEDUCT WORK ALL RIGHT.

EXPERTS DON'T AGREE WITH THE MERCHANTS' ASSOCIATION.

The Burr Commission Turns Down Their Charges and Suggests Few Changes—Mayor and McDonald in Another Spat—The Latter Gets More Time.

The long-expected report of William H. Burr and John R. Freeman, the engineers appointed to investigate the work on the Jerome Park reservoir, was received yesterday by the Aqueduct Commissioners.

It vindicates the Commissioners and the reservoir contractor, John B. McDonald, and ignores the charges made by the Merchants' Association, that the work was not being properly or honestly done.

The report on the treatment of the bottom of the reservoir is based on the examination of three different areas of 100 square yards each. To carry out the recommendations of the experts relative to the bottom of the reservoir some modifications of the original plans will be necessary. Those modifications were ordered yesterday by the Commissioners.

The report stated that the entire rock bottom is composed of gneiss, varying in texture, but for the most part dense and sound. This class of rock, the report says, is likely to be fissured and to be subject to serious leakage. It is recommended, therefore, that the entire rock surface be thoroughly cleaned, and that the crevices and fissures thus revealed be filled with a rich concrete containing nothing larger than one-inch stone, or if they be small, with cement mortar.

The side walls already built, the engineers report, are well built, and thoroughly satisfactory. Mention is made of several leaks, but attention is called to the fact that the stone work, where these leaks are, has not yet been pointed.

Referring to a long list of cracks furnished by the Merchants' Association, the report says:

> From present appearances, we are unable to give entire credence to the cracks having been of such large dimensions as stated in this list. We have, as a matter of experience, often noted the tendency to overestimate the dimensions of cracks. There is no present appearance of continuity in these cracks to indicate that they are serious as affecting the tightness or stability of the wall.
>
> In a supplementary report the experts declare that the fine crushed rock screenings, from the rock excavated on the reservoir site, used in the mortar are as satisfactory as sea sand, notwithstanding the complaints of the Merchants' Association.

After the reports had been read, Comptroller Grout said:

> I am particularly gratified at the report from these engineers, which shows that there is no basis for criticism. It is also a matter of gratification to me to have this report to the effect that these walls are sound—sound as can be expected in the present stage of progress. I say that because the engineers in my department have watched this wall from day to day and have repeatedly called my attention to the fact that they believed it to be a sound wall. In other words, I regard this report as a complete justification.

Contractor McDonald's request for an extension of his contract time from Aug. 1 of this year to June 1 of 1904, in which to finish the west half of the reservoir was not granted by the commission at yesterday's meeting. The Commissioners, instead, passed a resolution, prepared by the Corporation Counsel, extending the time in which the west half must be finished to Dec. 30, 1903, and giving the contractor until Dec. 30, 1904 to finish the eastern half.

Before that resolution was passed the Mayor and the contractor had another set-to.

"I don't believe," said the Mayor, "that you can finish that work inside of three or four years. You say that if you can have until next June on the west half you will finish the other half a year later. In the west half you have only 50,000 cubic yards of rock and 150,000 cubic yards of earth to excavate, but in the east half you have 750,000 cubic yards of rock and 850,000 cubic yards of earth to get rid of. If it is going to take another year for the less excavation how are you going to finish in the time you say?"

"There are more hills in the east half than in the west," said the contractor, "and, therefore, there are more points of attack at which the excavation may be rushed. I am going to increase my plant and working force and work nights."

"I don't believe you can do it," was the Mayor's final rejoinder.

H. D. Dumont was the only representative of the Merchants' Association at the meeting. He didn't have anything to say.

The next move of the Merchants' Association will be probably to go before the District Attorney of Westchester county and start its typewriters at the Croton Dam.

District Attorney Jerome, who got back to town yesterday, said that the investigation into the charges against the Aqueduct Commission had not been dropped, but he would not say what the next step would be. Others said that all the testimony taken will be presented to the July Grand Jury and that that body will be asked to inspect the new Jerome Park reservoir.

Subway Pipe Calkers' Strike Settled.

The strike of the pipe calkers and tappers in the Subway was declared off yesterday after a conference in the office of General Contractor John B. McDonald. The strikers wanted an increase from $3 to $3.50 a day. Under the settlement they will receive $3.50 a day or $18 a week. The difference is due to the fact that in many cases they do not get a full week's work.

The Finest Toilet Soap.

Glenn's Sulphur Soap will outwear two or three cakes of ordinary "perfumed" soaps. It sweetens and beautifies the skin and is a specific for skin diseases. Sold by all druggists.

Hill's Hair & Whisker Dye, black or brown, 50c.

With the money one spends with us there's money saved to spend on one's vacation.

Homespun Suits now $12.00; Tennis Trousers, $3.50; Negligee Shirts, $1.00 to $3.50; Bathing Suits, $2.50; Tennis Shoes, $2.50; White Yacht Caps, 50c.; Hosiery, 25c.

All in a Suit Case, $3.85 & $5.

Hackett, Carhart & Co

Three BROADWAY Stores. Cor. 13th St. Cor. Canal St. Near Chambers.

WESTERN COAL MINERS WIN.

Operators Grant an Increase in Wages and Advance the Price of Coal.

INDIANAPOLIS, Ind., July 28.—President John Mitchell of the United Mine Workers telegraphed from Pittsburg, Kan., to-day that a settlement had been reached between the miners and operators of Missouri, Kansas, Arkansas and the Indian Territory, and that a new wage scale had been signed. Under the new agreement the miners will receive seven cents per ton advance on run of mine coal and eleven cents advance on long well mines.

There are now 35,000 union miners in the four States organized and affected by the agreement. They will secure a daily wage increase of from 25 to 40 cents. Something like $10,000 more per day will be disbursed by the operators in the districts. The operators announce an increase of 50 cents a ton in the price of coal.

ERIE'S LABORERS STRIKE.

Leaders Use a Red Flag and Gather Up Section Hands on a March.

SHARON, Pa., July 28.—Three hundred laborers employed by the Erie Railroad Company struck this morning, without notice, for an advance in wages. They have been receiving $1.35 for a day's work, and demand an increase of 15 cents. The strike was precipitated by a gang of section hands who were working south of this city. Hoisting a red flag, the strikers marched along the railroad, gathering up a few strikers at a time until about two hundred and fifty men had joined them.

THE NORTH-WESTERN LINE

The Black Hills Yellowstone Park

and a score of other places of interest to the tourist are reached by the complete train service of the Chicago & North-Western Ry. Especially low rates now in effect from Chicago and all points east