

MUTUAL TICKET NOT READY.

TRUSTEES TO MEET AGAIN TO-DAY TO CHOOSE MEN.

New Suit Against McCurdy for an Accounting of Money Spent on Vouchers Approved by Olyphant and for Money Misapplied on Supply Account—A Reply.

The Mutual Life Insurance trustees will meet this afternoon to complete the administration of the trust, which must be filed in Albany to-morrow. The original intention was to name it on Thursday last, but owing to difficulties in getting a new set of vouchers first to the meeting and then to-day. No hint of the makeup of the ticket was given out yesterday. There was much speculation as to whether Henry H. Rogers would consent to have his name on it, but no inkling of his decision was obtainable.

The law department of the Mutual yesterday served the complaint in the second suit brought against ex-President Richard A. McCurdy under the advice of Joseph H. Choate. The documents were served on Nicoll, Anable & Lindsay, Mr. McCurdy's counsel, late in the afternoon. The suit is for an accounting, largely for the funds drawn from the Mutual's treasury on vouchers approved by Mr. Olyphant, chairman of the expenditures committee, in sums of \$25,000 at a time. The sums aggregated in several years more than \$300,000.

Before the Armstrong committee Mr. Olyphant testified that, following a practice which ended when he assumed the chairmanship, he drew these vouchers but did not expend the money obtained on them. The money was turned over to different officers of the company. The only entries in the company's books regarding these funds, which were supposed to supply the needs of the "Yellow Dog" fund, were thus represented by the vouchers. The complaint holds Mr. McCurdy responsible for the expenditures of these sums of money.

The complaint also holds Mr. McCurdy responsible for money paid for supplies which were not furnished. It has been testified that the padded stationery bills amounted to about \$100,000 a year and that they extended over a period of something like eighteen years. Large sums were drawn from the treasury on the vouchers for stationery and afterward returned as cash and then disbursed for various secret purposes.

The complaint in this action eliminates from the accounting sought any items brought in other actions against Mr. McCurdy. Being a definite sum is made, but it involves probably \$1,500,000, if not more.

Calvin Tomkins yesterday answered President Peabody's reply to Mr. Tomkins' attack on the management of the Mutual. Mr. Tomkins said: "My charge that the management is unwilling to give a true account of the affairs of the company is fully established by the acts of the so-called 'Housecleaning Committee,' whose whitewashing procedure caused the resignation of one of its members (Stuyvesant Fish) during the early stages of the procedure, and the refusal on the part of the management even yet to publish the full details of the report of the committee. It is also to be noted that the more recent damaging exposures of mismanagement do not come from within the company, but have been brought to light by the investigations of the District Attorney's office."

Mr. Tomkins repeated his assertion that the agency for the company is "disintegrated" and says a change can be brought about only through a radical change of the makeup of the board. He said:

"The present board is discredited as a body. The incoming board should include few, if any, of the present trustees. I John De Witt, who is in the game yesterday as counsel for the policyholders for whom Mr. Tomkins speaks. Mr. Warner telegraphed for publication from his summer home."

"It seems to me immaterial whether or not Mr. Rogers is included in the Mutual's administration ticket. A pirate ticket with Mr. Rogers would be more than a Chad-band ticket without him."

The *Cyclopaedia Americana* says: CHADBAND, Rev. Mr.—A personage in Dickens's "Bleak House." He is a hypocritical minister who is to be humble and to despise the world, but is in reality extremely selfish and self-confident.

Some of Mr. Warner's friends were glad to learn that he had been reading while on his vacation.

ATTACK OUR INSURANCE LAWS.

Life Companies Ready With Criticisms and Advice for New Jersey Legislators.

THENTON, N. J., July 16.—The select committee of the Senate which is investigating the business of life insurance carried on in New Jersey resumed its sessions in the Senate Chamber to-day with the examination of members of the Banking and Insurance Department. In the recess since the last session William H. Corbin, counsel for the commission, had gathered together a quantity of documentary evidence, which he laid before the committee in the form of exhibits.

The most interesting part of this evidence consisted of replies received from several insurance companies to a circular sent out by the committee requesting information upon a variety of topics and inviting such comment as the companies might care to make.

Several life insurance companies express their opinion of the Armstrong investigation and the consequent legislation in New York. From the tenor of these replies, including some hints from the Jerseymen, it is evident that the New York laws do not sit well with insurance circles. The general trend of the replies was that the New York laws are too drastic and harsh, if not wholly destructive, especially to the smaller companies, which might find it impossible to continue in business.

The Buffalo Insurance Company's communication criticized the New York laws as being not only unalloyed but foolish. The company expressed a hope that New Jersey would preserve its name for conservatism. Publicity was suggested as the remedy for all the evils in the insurance business, upon the theory that legislation could never correct bad management.

Mr. Corbin summarized the recommendations of the Buffalo Life as being "no legislation, good management and publicity."

The Hartford Life sent a self-congratulatory communique to Schwarschild & Sulzberger. A bond of \$50,000, covering the fine, pending an appeal of the case to the United States Circuit Court of Appeals was filed.

It is practically a friendly proceeding, because both sides are anxious to have a decision of the higher courts on the rebate question.

Cop Gets Writ to Recover \$5 Fine. Supreme Court Justice White in Brooklyn yesterday granted a writ of certiorari in the case of John Kraus, a patrolman, who has begun an action against Police Commissioner Bingham to recover a fine of \$5, which he contends was unjustly deducted from his salary. Kraus was appointed to the force on May 11, 1905. Elizabeth Rohn filed a complaint against him for a bill. He was tried before Deputy Commissioner Bingham and fined \$5. Which Commissioner Bingham reduced to \$5. Kraus alleges that the Deputy Commissioner had no jurisdiction, as the debt was contracted before he became a member of the force. The writ is returnable to-morrow.

Other witnesses called were Henry F. Galpin and Elliot Harden, two of the bank examiners, and David R. Fackler of New York, who for many years has been acting for the department. In 1892 Mr. Fackler wrote a report entitled "The Duty of the Hour" in which he recommended that a limit be placed upon insurance companies by fixing a maximum of assets at \$200,000,000. He said there had been three methods suggested for accomplishing this end. One is by limiting the amount of insurance in force, another by limiting the amount of new insurance, as was done in New York, and the third by limiting the amount of assets.

CAMPAIGN IN WELLS-FARGO.

PRICE OF THE STOCK BOOMS ON BUYING FOR CONTROL.

Harriman Supposed to Be Entrenching Himself, for Battle, With the Surplus That the Company Won't Distribute as Dividends—Suggested in a Bombproof.

The minority stockholders' committee of Wells, Fargo & Co. put out a long circular yesterday replying at length to the statements made by the management in a circular letter sent out ten days ago. The circular says:

The issue is between E. H. Harriman on the one hand and the entire body of 1,900 stockholders on the other. Mr. Harriman now dominates the company, although he had only ten shares of stock when this controversy began in February last, apart from the holdings of the Southern Pacific Railway. We contend:

1. That the condition of the company, the nature of its assets and all matters affecting its condition should now be made known to the stockholders. The company should be no longer run as a one man concern, nor as though it were the private property of Mr. Harriman.

2. That the general body of stockholders be liberally represented on the board of directors in place of the mere nominees of Mr. Harriman.

3. That this company, which is admittedly earning 30 per cent., and is actually earning over 40 per cent., and which has accumulated an admitted surplus of 140 per cent., above its capital, and an actual surplus of far more, ought to pay at least 10 per cent. dividends. The withholding of the dividend serves to depress the value of the stock and to deprive only the purposes of those who want to acquire it cheaply and who can best accomplish that result by curtailing dividends.

The existing surplus has been a convenient source of supply for those who may want to borrow. We are assured that no part of the surplus is loaned to directors—which may mean that it is not at the moment being so loaned or that it is loaned through brokers. The stockholders will be better able to judge of the accuracy of that assertion when they are given a voice in the management and the opportunity to learn something of the way in which their property has been administered. No stockholder knows to-day of what the assets consist, and we are confronted with the amazing spectacle that no information is obtainable.

The circular says that the stock of the company was selling at 230 when the movement began. Since then, it alleges, "Mr. Harriman, through Hjalmar H. Boyesen, has been travelling around New England in search of proxies and offering 1200 per share to stockholders who refused their proxies." Mr. Boyesen is connected with the law firm of Sullivan & Cromwell, attorneys for the company. The circular adds:

A few weeks ago Messrs. Kuhn, Loeb & Co., who are the bankers for Mr. Harriman, sent \$100,000 to Springfield, Mass., to be used for the purchase of stock. This desire to acquire a large amount of the stock is a clear indication that is emphasized in the circular. We urge you, however, not to sell your stock. We believe it to be intrinsically worth more than \$400. We already represent over 50 per cent. in number of the stockholders. We expect to be able to vote a clear majority on August 9, but as we cannot tell what stock the management may buy in the meantime, and thus revoke existing proxies, we are anxious to secure as large a support as possible.

While Mr. McGowan will give out the letter to-day he will not call a special meeting of the board to act upon it. He expects that the board will meet in the morning and that the matter will be granted a telephone franchise to an independent company was fraught with too much importance to the interest of the public to have any steps taken by the Board of Estimate in the absence of Mayor McClellan.

"We told the Acting Mayor," said Mr. Littleton, "that we would not insist on the promise made to us that a special meeting of the board would be called as soon as the New York company was heard from, but we feel that we are entitled to know what reply was made by the company, because the answer would be called as soon as the thirty day resolution by the board was that if the New York company refused to ask for a franchise our petition would be taken up and considered. We contend that in consequence we are entitled to see the reply. Otherwise, for all we can know, the sealed envelope contains nothing but blank paper."

Mr. McGowan left the City Hall last evening and announced that this determination and announced that he would make the letter public to-day. He decided to do this after consultations with Comptroller James W. Litten, counsel to the Atlantic Telephone Company, who reported that threats were made of mandamus proceedings if Mr. McGowan persisted in keeping the company's answer secret until September.

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COURT SCORES CONDUCTORS.

Man Arrested in Williamsburg for Mistake in Transfers.

Charles Menkes, a tailor of 117 Avenue C, armed with a ferry transfer instead of a bridge transfer, boarded a Nostrand avenue car in Brooklyn which crossed the Williamsburg Bridge. When half way across the conductor, Philip Feltin, told Menkes the transfer was not good on that car and demanded another fare. The conductor then laid Menkes arrested.

When the case came before Magistrate Finn in the Essex Market police court yesterday morning, a lawyer from the Brooklyn Rapid Transit Company appeared and said his client did not wish to press the charge.

"That is the way with you," said Alderman Max S. Levine, who appeared for the prisoner. "When a poor man gets on a car and he has a fight with one of your conductors you have him locked up all night and then the next morning you say you do not care to press the charge. It is merely a move to avoid prosecution for false imprisonment."

Magistrate Finn said that he was not engaged in the disposition of cold market fares for the Brooklyn Rapid Transit Company and discharged the prisoner. He said to the lawyer for the company:

"You had better advise the conductors on your road that I ever met. When a friend of mine and myself were boarding a crowded Brighton Beach car the other day I asked the conductor if there were any seats."

"Any seats?" he said with a sneer. "Any seats? Yes, lots of them—on the roof."

NO EGGS TO BACK THE DRAFTS.

Bank in Louisville Appears to Have Been Taken In.

Sheriff Hayes has received an attachment against the German Insurance Bank of Louisville, Ky., for \$2,200 in favor of George M. Rittenhouse & Co. of this city, which was granted on the ground that it is a foreign corporation. George M. Rittenhouse & Co. allege that on March 1 they paid \$900 to the German Insurance Bank on a draft accompanied by a forged bill of lading of 31 cases of eggs. The draft they had discounted and which they paid, believing it to be genuine, and that on February 28 Brown & Rittenhouse paid \$1,412 to the bank on a draft accompanied by a forged bill of lading for 128 cases of eggs.

ALTON REBATE CASE APPEALED.

Friendly Action to Get Higher Court's Ruling on Rebate Law.

CHICAGO, July 16.—Judge Peter S. Grosscup granted the Chicago and Alton Railroad Company, John W. Faithorn and Fred A. Wann writs of supersedeas late this afternoon staying the collection of fines, aggregating \$50,000, assessed against the three by Judge K. M. Landis on charges of granting illegal rebates to Schwarschild & Sulzberger. A bond of \$50,000, covering the fine, pending an appeal of the case to the United States Circuit Court of Appeals was filed.

It is practically a friendly proceeding, because both sides are anxious to have a decision of the higher courts on the rebate question.

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TEN CENT FARE FIGHT UP.

NEW VARIATION OF FLIMFLAM.

William F. Sheehan Declares That the Companies Can Charge It to Coney Island. Ex-Lieutenant-Governor William F. Sheehan declared yesterday morning before the State Board of Railroad Commissioners that the 10 cent fare of Coney Island was in accordance with law and added "political self-seekers may shriek against it, but it stands on the statute books and you gentlemen can't change it." Bird S. Coler, Borough President of Brooklyn, who was present, only smiled.

The blue eyed friend of the last Democratic candidate for the Presidency was at the moment a little bit nettled over the remark of Stephen C. Baldwin, the Borough President's counsel, that railroad presidents were addicted to the habit of employing counsel of great political prowess "to enable them to shirk their first duty, which is to the public, and to the railroad."

After hearing an affidavit from President Winter of the railroad, in which he declared that his company was doing the public a favor in charging only double fares when the charters to the old steam railroads under which the Coney Island roads are operated allowed it to charge three cents a mile, and the presentation of the Nassau Electric Railroad Company's case by William J. Carr, the commission ordered counsel for both sides to file briefs within ten days.

At the afternoon session of the commission, W. F. Reeves, assistant engineer of the Interborough Railway Company, said that the company was already at work on the construction of the station which is to be built on the east side of Eighth avenue at 180th street. There is already a station on the west side of that avenue and last year a law was passed compelling the erection of a station on the east side. Ex-Assemblyman Joseph Bethell made complaint that the company was not obeying the law.

The newspapers did not get the information from him rejoined the lawyer. Secretary Willis Holly of the Park Board then stepped up on the bridge and said to the Magistrate:

"If they are going to set up that defence I will submit proof that they did notify the daily papers."

Counsel for the prisoners said he would admit that they had given the information to the newspapers. He said that they had "imposed a fine of \$5 on each defendant," and announced the Magistrate.

The lawyer professed the fines under protest and said he would take an appeal. The giant quietly stood at attention during the argument, and when it was over passed through a big crowd on the street and got into an automobile and was driven off.

33 FINE FOR MACHNOV.

Also for Young Mr. Hammerstein—Loud Talk About an Appeal.

Machnov, the giant, came near bumping his head into the cluster of electric light bulbs that hangs from the ceiling in the Yorkville police court yesterday when he walked up to the railing in front of Magistrate Cornell. Police Captain Ferris charged him and William, son of Oscar Hammerstein, with giving an exhibition in Central Park on Sunday without a permit from the park authorities.

Hammerstein and his counsel declared that it was an outrage to arrest two peaceable individuals who had gone to the park for a few minutes. They said that they gave no exhibition and had not courted publicity.

"They notified the newspapers beforehand that they were to appear in the park, and this drew a big crowd," went on the captain.

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TOWN HALTS P. R. R. TRAINS.

Borough of Wilkinsburg Wants Express Run at Ten Miles an Hour.

PITTSBURG, July 16.—Trouble of long standing between the borough of Wilkinsburg and the Pennsylvania Railroad broke out afresh to-day when Burgess Arthur Stuart and Chief of Police Dorran at a conference decided to enforce an ordinance cutting the speed of all trains to ten miles an hour.

The borough of Wilkinsburg has a mile and a half of Pennsylvania tracks and three miles have been doing the distance in three minutes. The new ruling will increase the running time to nine minutes through Wilkinsburg, to say nothing of the loss of time checking from forty miles an hour to ten then regaining the momentum after passing through the borough.

Mayor Stuart has ordered Chief Dorran to arrest every engineer breaking the speed limit, and if matters become serious the ordinance, according to Mayor Stuart's interpretation, empowers the authorities to arrest President Cassatt.

Kennedy

112 CORTLAND ST.

Sweater Knit Bathing Suits, The Newest Fad, at 3.98 Worth 7.00.

Heavy Bathing Suits, 98c

of Blue cotton, two pieces, with fancy mercerized trimmings.

Comforts for the hot days at mid-summer prices.

Knee Drawers, 49c.

Nainsook, Crepe, Balbriggan, &c.

Men's Underwear, 39c.

Values 50c to 75c; broken sizes.

Neglige Shirts 1.49, worth 2.50

" " .98, " 1.50

" " .59, " 1.00

All have been sharply reduced.

James McCreery & Co.

Shirtwaists.

On July the 17th

Imported and original models of hand embroidered Linen Waists and French Lingerie Waists, at extremely moderate prices.

Finely tucked Mull Waists, with long or short sleeves. Made in workrooms on the premises.

6.00

Twenty-third Street

NEW VARIATION OF FLIMFLAM.

SPRINTING JEWELLER OVERTAKES MAN WHO GOT 85 ON A FAKE PURCHASE OF CLOCKS.

A man went into the jewelry store of Harry Zimmerman at 300 Columbus avenue yesterday and, saying that he was a butcher up the street whose name he gave, picked up a couple of clocks to hang up in his market. Then he said he wanted to get a fifty dollar bill changed because a customer was waiting for it at the store. When Zimmerman said he couldn't change it, the purchaser said he wanted to borrow \$5 in change long enough to go back and square up with his customer.

Zimmerman let him have the money, and then he grew suspicious. He watched and when the man didn't go toward the meat market, he gave chase. The man saw him coming and tried to board the wrong side of a Columbus avenue car. He didn't succeed, and then jumped into the rear of a passing delivery wagon, urging the driver to pick up his horse. The driver, a negro, was too much frightened to disobey, but Zimmerman, who is middle aged and doesn't look like a sprinter, caught up after a run of four blocks.

The man then handed back the \$5, pleading with Zimmerman to let him go, because he said he had just lost his wife and was in a market on the way to his horse. The driver, a negro, was too much frightened to disobey, but Zimmerman, who is middle aged and doesn't look like a sprinter, caught up after a run of four blocks.

The prisoner said he was Abraham Worthenschlag, 41 years old, of 387 West 129th street. In the west side police court Abraham Cohen, a stationer of 2243 Broadway, said he played the same trick on him a week ago and got \$5. The prisoner was held in \$1,000 bail for an examination. He said he was an ex-Tammany election district captain in Harlem.

TO BE TRIED FOR TATTOOING. Many Boys Incur Danger of Blood Poisoning—Artist in Tears.

Charles Wagner, the Bowery tattoo artist who was summoned to appear in the Essex Market police court Saturday on the complaint of Francisco Spedico, the court shoeshiner, was held yesterday afternoon for trial. Spedico's eleven-year-old son Daniel visited the office of Wagner several days ago and went home gauntly tattooed.

Officer Deibert of the Gery society asked that Wagner be held in order that a test case could be made to see if a stop could be put to the promiscuous tattooing of East Side children without the consent of their parents. It is said that many boys place themselves in a position to contract blood poison by the operation. It is alleged that the tattooers, in order to stimulate business, tell the children that the process will make them strong.

Magistrate Finn placed Wagner under \$100 bail, but the prisoner broke down and started weeping and placed a small amount of change, including a number of coppers, on the bench, saying it was all the money he had.

"Pick that money up, quick. People might think this was a crap game," said the Magistrate. The prisoner was then paroled on his promise to appear in court when summoned.

Missed Train; Fell From Elevated. William Gannon, 28 years old, of 2232 Fulton street, Brooklyn, died in the Brooklyn Hospital yesterday morning of injuries sustained by falling from the elevated railroad at Fulton street and Vanderbilt avenue shortly after midnight. Gannon ran up the stairs of the station at that point anxious to get the train just drawing into the station. It started before he reached the station platform, and while trying to jump on the platform of the rear car he missed it and fell through the girders to the street below.

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