

BAR OUT E. F. HUTTON & CO.

STOCK EXCHANGE GOVERNORS SUSPEND FIRM FOR A YEAR.

Rule Against Splitting Commissions Held to Have Been Broken, but the Firm Does Not Take That View—It Will Be Shut Out Through Other Means.

E. F. Hutton & Co., one of the most active firms on the New York Stock Exchange, was suspended for one year by the governing board of the exchange following a long meeting of the board on Wednesday afternoon. No question of solvency or financial responsibility of any kind is involved in the suspension. The offense was an infraction of the rules of the exchange which forbid splitting of commissions.

For many weeks the governors of the exchange had endeavored to correct a practice which they consider has lately become an increasing evil. Various firms had employed men simply to bring in business, and it was suspected that the business getters got much of their business by giving to their customers out of their large salaries rebates on the commissions supplied by the customers.

In the course of the investigation of brokerage houses suspected of a violation of the rules it was learned that Homer J. Barrett, one of the employees of the Hutton firm, got a salary of \$1,000 a month. The firm was asked to explain, and Franklyn L. Hutton, board member of the firm, volunteered a complete explanation. He told the officers that he had considered the business proper, disclosed all the details of the arrangement with Barrett and offered to discontinue the business if the board considered that it was against the rules of the exchange.

Because of Mr. Hutton's candor many of the governors favored dismissal of the case with a thirty-day suspension, which is the lightest penalty the governors can impose. The maximum for the offense is five years. After a heated argument a compromise was reached on one year. The firm had this to say about it: "This firm is not in a position to be charged by the committee on commissions as has been suspended from the privileges of the New York Stock Exchange for one year."

Charge that the said Franklyn L. Hutton, general partner in the firm of E. F. Hutton & Co., represented upon the Exchange, has been, through the said firm of E. F. Hutton & Co., guilty of violating section 1, Article XXIV, of the constitution relating to commissions. Specification is, that the said firm of E. F. Hutton & Co. did enter into an agreement of arrangement during the early part of the year 1909 with one Homer J. Barrett, who was in the employ of said firm, to pay to said Homer J. Barrett a salary of \$1,000 per month because of the fact that said firm had been by the business sought or procured for by said Homer J. Barrett during the preceding three years in a sum amounting to about \$20,000 per year and said firm paid said Barrett said salary in accordance with said agreement from May 1, 1909, to April 30, 1910, and said Franklyn L. Hutton, through the said firm of E. F. Hutton & Co., thereby violated the provisions of section 1, Article XXIV, of the constitution of the Exchange.

These charges are the result of a case which came before one of the committees some weeks ago in which it was found that said Barrett was employed at a salary of \$1,000 per month in full for his services. The matter was brought before the governing committee and our reply to this committee was a general denial of the above charges. The governing committee has been fit to apply the rule governing commissions in this connection and has construed it as a violation of the commission law.

In the intention of the above firm to continue in their business and to give the same service and despatch and consideration to their clients as heretofore, and this suspension will in no way operate against the interests of their friends and customers who have favored them with their accounts. Any evasion of the commission law was of a technical nature and not intentional, and there has been no intention of commissions, as has been rumored.

The members of the firm are Franklyn L. Hutton, E. F. Hutton, George A. Ellis, Jr., and Edward H. Jones. It has branch offices in New York, London, and 300 Madison Avenue and 340 Broadway, this city, and in Los Angeles, San Francisco, Coronado and Pasadena, Cal., and Washington, D. C. Its Washington office has been one of the busiest of all branch offices and men very prominent in politics are said to have been customers.

James Livermore, the stock and cotton plunger who ran up a showing and ran it down among the members of the firm's customers. He had a private office in the house while his operations were successful. The firm will continue in the grain and cotton business and will do business in stocks through other houses until the suspension is removed.

MISSISSIPPI BONDS.

Holders of the Repudiated Article Object to Listing of the New.

Edward L. Andrews, an attorney with office in the Broad-Exchange Building, has written to George W. Ely, secretary of the Stock Exchange, opposing the listing of a proposed issue of bonds of the State of Mississippi. The letter, which is written on behalf of the Corporation of Foreign Bondholders of Louisiana, says: "Before the civil war Mississippi issued 4 per cent bonds to raise money for the payment of its subscription to the stock of the Planters Bank of that State and also issued its 5 per cent bonds in payment of its subscription to the stock of the Union Bank of that State. The issue of bonds was sold in the United States and England at about par and to the amount of \$7,000,000. They are believed to be held in nearly equal amounts in the States. A number of coupons on these bonds were paid. Subsequently the State was declared in default and the bonds were repudiated. A popular vote was taken upon the question of paying the bonds which resulted in the unqualified repudiation of the State debt. Thereafter the Supreme Court of the State decided that the bonds were valid and binding obligations of the State. Nevertheless the coupons were not paid.

"It is the belief of many years, without making any proposition of compromise or abridgment, Mississippi now makes an appeal to investors in public securities to invest their savings in that Commonwealth. It seems unnecessary to make any statement on this subject to the New York Stock Exchange, leaving the matter to the discretion from this simple statement of the effect of such misconduct of the State upon the credit of all classes of American securities must be equally apparent."

The Wall Street "Evening Sun." The Wall Street edition of THE EVENING SUN contains all the financial news and the stock and bond quotations to the close of the market. The closing quotations, including the "bid and asked" prices, with additional news matter, are contained also in the night edition of THE EVENING SUN.

GOSSIP OF WALL STREET.

The Stock Exchange authorities have been endeavoring for some time to curtail the activities of the business getters; that is, those men who are employed by houses for no other purpose than to bring business to a firm. Even employees who expect to get along most of course do whatever they can to bring business to the firm, just as such action is advisable for every employee of any concern whatever. But for those men who have not been taken into firms as members of the firm, and the question has arisen as to why they are not made partners after they have demonstrated an ability to increase the firm's business. The general answer is that a partner must make no inducements to customers in the way of shading or restraining while the employee is not so restrained. The firm which has a member arbitrating commissions may be speedily disciplined the firm which without the knowledge of its members has an employee splitting commissions. It must be held for violation of the rules of the exchange.

Brokers in the official coteries of the Stock Exchange say that they have long been suspicious of the payment of extravagant salaries to employees of various firms. Some of these employees get more money than do any of the partners. And very often these employees have no position with the firm that requires any work except executing orders to customers. The merits of securities or even searching for customers in the various circles to which the business getters have admittance. The exchange authorities suspect that more than one big account comes into an office on a secret understanding between the business getter and the customer, and the customer will receive a rebate from the business getter and that the firm pays the business getter an extravagant salary in the knowledge that most of the salary goes back to the customer.

The suspicion that commissions are split in this manner is hard to verify. The firm members invariably insist that the firm has no knowledge of any rebates and the employee stoutly maintains that there is no rebate in any of his transactions. One suggestion that the governors have lately had under consideration is that every employee receiving a salary above \$5,000, for instance, should be made a partner, so that the firm would be responsible for all his transactions. Other members of the board think the limit should be \$10,000. Others have raised objections that have up to the present been effective in preventing an enactment of such a rule.

Apart from the unexpected suspension of the firm of E. F. Hutton & Co., the principal matters of current interest were the big break in May wheat and the official announcement of the sale of St. Paul bonds in Paris. The break in wheat was altogether the more unexpected and more important. The May option declined 3 cents a bushel to a price 3 cents below that of a week ago and it cents below that prevailing earlier in the month. It was a collapse of speculative operations on the bull side, but the collapse was due undoubtedly to the grain by the speculator who had held it all winter in the expectation of much higher prices this spring, and every one knew that the result of the liquidation must be a great increase in grain exports, with a consequent great improvement in foreign trade.

Despatches from Chicago said that Mr. Patton had disposed of his line of wheat. Men here who have been associated with Mr. Patton said that his holdings of wheat had not been heavy at any time while he has been engaged in the cotton speculation and did not believe that much of the decline in the wheat market was due to liquidation of his holdings. Nevertheless, though very heavily interested in May cotton, Mr. Patton has spent most of his time this month in Chicago. He has been at the headquarters of the wheat speculation and has got most of his information on cotton movements by telephone and telegraph.

Concurrently with the official announcement of the sale of St. Paul bonds in Paris it was reported that negotiations for the sale of \$10,000,000 Southern Pacific securities were well under way. Bankers supposed to be interested in any Southern Pacific financing would neither confirm nor deny the report. It was said, however, that announcements of the sale of bonds abroad might soon be expected in addition to the sale of all those which are known to have been sold in the negotiations this month. Those concerning this negotiation are known to be in progress are \$10,000,000 Missouri, Kansas and Texas and about the same amount of St. Louis and San Francisco.

The management of the Consolidated Exchange, following a time honored custom, again resisted the temptation to keep open and do all the business on a day when the Stock Exchange is closed. It decided to close the exchange on Saturday, as soon as it became known that the governing committee of the Stock Exchange had taken similar action.

PULLMAN CO. RUNS HOTEL ONLY Denied That It Is Engaged in the Transportation Business.

CHICAGO, May 26.—If you rent a berth in a Pullman car and go to bed to wake up in the morning and find you have not left the station where you boarded the train you must be satisfied. The Pullman Company has given you a night's lodging and that is all it contracted to do. The Pullman Co. does not transport "hotels" and does not transport passengers, it was explained at the hearing today before the Judges of the United States Circuit Court.

The Pullman Company's motion for a preliminary injunction restraining the Interstate Commerce Commission from reducing the price of berths was argued before Judges Groscup, Baker, Seaman and Kohlsaat.

It was L. W. Legg, counsel for the Chicago, Milwaukee and St. Paul Railroad, who told what the Pullman Company considers its real duty to the public. "Suppose I get a contract No. 63 providing for the transportation of 100,000 passengers. I get in my berth in the Union Depot here in Chicago and go to sleep, I wake up in the morning and find that I am still in the Union Depot, and I to be satisfied. I say to the Pullman Company, 'You are concerned you are,' replied Mr. Legg. "The Pullman Company does not enter into any contract to transport any one. All the Pullman Company does is give you a night's lodging."

Assistant Attorney-General W. S. Kenyon referred to the sayings of "Mr. Dooley" to support his claim that upper berths are not as desirable as lower berths.

Barge Canal Contract Awarded. ALBANY, May 26.—State Superintendent of Public Works C. Stevens to-day awarded barge canal contract No. 43 to H. S. Korbaugh, Inc., of Philadelphia, for \$1,000,000, and barge canal contract No. 73 to E. M. Graves of Cleveland, Ohio. The contract No. 43 provides for the improvement of the Erie Canal in Monroe county and contract No. 73 for the dredging of the Hudson River between Northumberland and Stillwater.

Business Troubles. A creditors' petition in bankruptcy has been filed against the Weinstein & Maher Clothing Company of West Fourth Street. Liabilities are \$92,745 and nominal assets \$67,400.

ST. PAUL BONDS SOLD IN FRANCE

Will Be Admitted to the Official Quotation of the Bourse.

The official announcement was made yesterday that negotiations for the sale of \$10,000,000 St. Paul debentures to Paris bankers had been closed. Kuba, Loeb & Co. announce that they have closed negotiations with a group of the leading French banks, including the Banque de Paris et des Pays-Bas, the Credi-Lyonnais, the Societe Generale pour favoriser le Developpement du Commerce et de l'Industrie en France and the Comptoir National d'Escompte de Paris, covering a sum of Chicago, Milwaukee and St. Paul Railway company 4 per cent, fifteen year debenture bonds for 250,000,000 francs (\$50,000,000). The bonds will be in denominations of 100 and 2,500 francs and will be admitted to the official quotation of the French Bourse, the consent of the French governmental authorities thereto having been obtained. The bonds will be issued entirely in foreign denominated. The probable issue price is 97 per cent.

J. Henry Schroeder & Co. of London were associated with the Paris banks in the negotiations. William Nelson Cromwell, of Sullivan & Cromwell, attorneys for the French banks, said yesterday that the number of individuals who had bought the bonds, which means that the issue will probably have a widespread circulation among small investors. The bonds were also made payable in pounds sterling. They bear interest at 4 per cent, and mature June 1, 1925.

This is the second official announcement of the conclusion of recent negotiations for the placing of large issues of American railroad securities abroad. The first announcement was that of the sale of \$10,000,000 Big Four debentures, made on Wednesday. It is understood that negotiations are well advanced for the sale of \$10,000,000 Missouri, Kansas and Texas bonds and an equal amount of Southern Pacific bonds to Paris bankers. A report that the final details of the Missouri Pacific deal had been arranged was declared to be untrue by the local bankers who are conducting the negotiations, although it was intimated that an official statement would be issued by the bank within a few days.

WHEN HOCKING POOL BROKE.

Banker Had to Hurry and Recover Some of His Loss.

Frank J. Roe, vice-president of the Mechanics and Metals National Bank, said yesterday the transaction of his bank with the defunct Hocking pool firm of J. M. Fiske & Co. failed after the collapse of the Hocking pool. In January he was testifying before Referee Seaman Miller at a continued hearing of J. M. Fiske & Co. at his offices at 2 Rector street. The bank had given Fiske & Co. a credit of \$100,000 on the morning of January 19. When rumors came that the firm was going to the wall Mr. Roe hastily notified the paying teller to stop certifying for the firm's office, where he received a batch of securities. He took these back to his bank without even looking at them. "I was glad enough to get anything," he said, "because they had already taken \$75,000 out of the \$100,000 credit before my orders to refuse to certify. The rest of this batch of securities was sold for \$170,000, according to testimony at a previous hearing.

Mr. Roe produced a list of the transactions of Fiske & Co. with the bank between January 3 and the time of the firm's failure. It was not satisfactory to Mr. Roe, counsel for the creditors' trustee, because it did not show the price received for the securities of the various lots which the bank had held as collateral. Mr. Roe promised to furnish what was wanted at the next hearing, on May 31.

CUTS DOWN BOND ISSUES.

City May Be Able to Get Along With \$600,000 This Year.

The committee of the Board of Estimate consisting of President Mitchell of the Board of Aldermen, Comptroller Prendergast and Borough President McAnery appointed to cut down the applications of the various departments for corporate stock issues will make its report at to-day's meeting of the board. The committee has put the department heads through a series of questions to make them show warrant for the stock issues they had asked for and as a result will be able to recommend to-day a reduction in the estimates of fully \$25,000,000. It is believed that the board will issue for this year for improvements already authorized can be kept below \$60,000,000. The Board of Estimate will hold public hearings on Wednesday and Thursday on the revised corporate stock budget.

NOTES T. D. SULLIVAN MADE.

Judgment for \$2,200 Taken Against Him and Thomas L. Reynolds.

Four judgments aggregating \$2,200 against Senator Timothy D. Sullivan and Thomas L. Reynolds were filed in the County Clerk's office yesterday. They were obtained in the City Court on notes signed by Senator Sullivan in favor of Reynolds and induced by him to Peter J. Deane. The notes are dated \$2,200, \$1,000, and the three others on February 10, 1909.

Mr. Reynolds is in the real estate business at 39 East Forty-second street and has had chief offices at 100 West 47th street. He is a real estate investor for years.

Premier Rutherford of Alberta Resigns.

OTTAWA, Ont., May 26.—Premier Rutherford of Alberta has resigned, and it is understood that Judge Sifton, a brother of Clifford Sifton, former Minister of the Interior in the Laurier Cabinet, will succeed him.

New Bank President.

S. D. Seudder has been elected president of the Jefferson Bank. Harman Broedel, the retiring executive, retains a large interest and remains a director.

Court Calendars This Day.

Supreme Court—Appellate Division—Hess vs. Supreme Court—Special Term—Part I.—Motion calendar called at 10 A. M. Part II.—to be called at 10 A. M. Part III.—to be called at 10 A. M. Part IV.—to be called at 10 A. M. Part V.—to be called at 10 A. M. Part VI.—to be called at 10 A. M. Part VII.—to be called at 10 A. M. Part VIII.—to be called at 10 A. M. Part IX.—to be called at 10 A. M. Part X.—to be called at 10 A. M. Part XI.—to be called at 10 A. M. Part XII.—to be called at 10 A. M. Part XIII.—to be called at 10 A. M. Part XIV.—to be called at 10 A. M. Part XV.—to be called at 10 A. M. Part XVI.—to be called at 10 A. M. Part XVII.—to be called at 10 A. M. Part XVIII.—to be called at 10 A. M. Part XIX.—to be called at 10 A. M. Part XX.—to be called at 10 A. M. Part XXI.—to be called at 10 A. M. Part XXII.—to be called at 10 A. M. Part XXIII.—to be called at 10 A. M. Part XXIV.—to be called at 10 A. M. Part XXV.—to be called at 10 A. M. Part XXVI.—to be called at 10 A. M. 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