

DISBARS ISADORE L. PASCAL

APPELLATE DIVISION SAYS HE'S UNFIT FOR THE BAR

Advised a client to leave the State to Avoid a Criminal Trial and Then Committed Forgery in Indorsing a Check to Pay Stenographer's Fees.

Isadore L. Pascal, a lawyer, was disbared yesterday by the Appellate Division of the Supreme Court on two charges, one that he advised a client who was under indictment on a criminal charge and out on bail to forfeit his bail and not appear in court for trial when ordered. The other charge was that he received a check from a client drawn to the order of a stenographer for services in a case in which Pascal was counsel, indorsed the stenographer's name to the check and deposited it in his own bank account, subsequently appropriating its own use.

One of the complaints against Pascal was made by General Sessions Judge Malone. The client in the case was Harry L. Fahrenholz, who had been indicted for forgery in the second degree. Pascal advised his client to keep out of the jurisdiction of the court until some other Judge than Malone should preside.

Henry A. Gildersleeve, the official referee, reported Pascal guilty on both charges. The referee said that on the day Judge Malone set the case for trial, Fahrenholz, his wife and baby and a friend of the family met Pascal in the Criminal Court Building. Pascal told them that no further adjournment would be granted by Judge Malone, advised Fahrenholz to go to his mother-in-law's home at New Durham, N. J., and there remain a few days until some other Judge was presiding. Acting on this advice the defendant immediately went over to West Hoboken, N. J., to his sister-in-law's home.

Pascal contended that the suggestion to go to New Jersey came from Fahrenholz and he said he told his client if he determined to default he must take the consequences. The referee believed the testimony of other witnesses that the first suggestion to default came from Pascal. Ex-Justice Gildersleeve says that Pascal's statement is uncorroborated, while three persons testify against his version of the affair.

Pascal was attorney for William S. Blair in a case which was tried before a referee and in which Clarence R. Bonny was stenographer. The latter presented a bill for \$721 to Pascal, who got a check for the amount from his client. Pascal said he believed the bill exorbitant and his client told him to try to get it reduced. Pascal insisted that he didn't notice that the check was drawn to the order of Bonny until he saw it at the stenographer's office to obtain a reduction but didn't find it in.

Justice Ingraham says that Pascal had a small account at the bank in which he never had over a few dollars to his credit. The day he got the check he indorsed it with Bonny's name and took it around for deposit. The court says the lawyer intentionally indorsed Bonny's name in a disguised handwriting so that no one looking at the check would for a moment suspect that it was indorsed by the person who wrote Pascal's name on the back. Pascal admitted that he changed the handwriting because he thought he would have trouble putting the check through if it was suspected he indorsed Bonny's name.

The court says he acted with the avowed purpose of clearing his own bank, and indorsing the bank to assist it for deposit by simulating the handwriting of another person on the check. "There can be no doubt that this was a deliberate and intentional forgery," says the court.

The stenographer's check had been deposited for a week when Pascal, being unable to collect his money from Pascal, went to the client and was informed that the check had been turned over to the client. Pascal made out a check to his client for the \$721, but to do so he had to make a deposit.

This case was presented to the Grand Jury, which refused to indict Pascal, but the court said this could only have been upon the ground that there was no intent to defraud.

The respondent actually forged Bonny's name in indorsing.

The court concludes that "the whole transaction shows a lack of complete honesty and integrity and that it is conclusively established that the respondent is not a proper person to be a member of the profession."

ANOTHER WIRELESS INQUIRY

Sumner T. The Federal Authorities are Making an Investigation.

United States Attorney Henry A. Wise refused to say yesterday whether the Government was investigating certain wireless telegraph companies with a view to prosecution similar to that which resulted in the conviction of the officials of the United Wireless Telegraph Company. He admitted that William W. Tompkins, head of the New York Selling Agency, which was the fiscal agent for the United Wireless company, was being used to say for what purpose. It was understood that Tompkins had been brought to this city from the Atlanta prison where he is serving a year's imprisonment, to testify in the trial of George Graham Rice and his associates in B. H. Scheffels & Co. case, now in progress in the Federal Circuit Court before Judge Ray. Tompkins has been in the Tombs here for more than a week but has not yet appeared to testify. Report that he was taken from Mr. Wise's refusal to affirm or deny that a new Federal wireless investigation is on, it was surmised that such an investigation is in progress. Tompkins had had conferences at various times with both Assistant United States Attorney Stephenson and with John B. Stanchfield, Mr. Stanchfield was counsel for Col. Christopher C. Wilson, the convicted president of the United Wireless Telegraph Company, now serving a sentence of two years imprisonment at Atlanta. It has been said that Tompkins is willing to aid the Government if he can be assured of a pardon.

Several wireless companies have already been investigated in this week in various places. George H. Munroe was convicted last March of using the mails to defraud in the sale of stock of the British Wireless and other companies, and was sent to Atlanta for three years. Early in the present year (Amerson L. Spear, who is said to have been the chief promoter of the Continental Wireless Company, Montreal, Canada, was arrested on the same charge and released on \$7,500 bail. Spear has not yet been tried.

Convention to Evangelize.

The Men and Religion Forward Movement, holding conferences this week in New Orleans, Fort Worth and Columbus has entered upon preparations for a week's convention in New York. The date has not yet been fixed, but it is expected that it will be set soon. The campaign is, however, larger than a week's convention, and aims at one year's persistent work to get more old-fashioned religion into the heads and hearts of men and women. Services will be held during the convention here in many houses and in weather-permits in the streets.

TRUST COMPANY MUST PAY

Must Make Diligent Inquiry About a Check for \$125,000.

A judgment for \$201,587 against the Trust Company of America was ordered by the Appellate Division of the Supreme Court yesterday in a suit brought by Charles M. R. Ward in behalf of the creditors of the Hartman Manufacturing Company, a Pennsylvania corporation. The suit has been pending for eight years and has been before the Court of Appeals, which reversed a judgment for the defendant.

The suit was brought originally against the City Trust Company, predecessor of the Trust Company of America, on a check for \$125,000, which was drawn on the Hartman company by Frank A. Umstead, its president, and William L. Kiefer, secretary and treasurer. It was alleged that the officers of the company were indebted personally to the City Trust Company and that it was a fraudulent act against the creditors of the Hartman company to deliver the check to the trust company.

The trust company knew the funds represented by the check belonged to the Hartman company, it was alleged. The trust company's defense was that prior to the delivery of the check Umstead and Kiefer conceived a plan of consolidating several wire and nail manufacturing companies, of operating them together and selling out at a profit. They purposed to purchase the outstanding capital stock of the Hartman company first, valued at \$250,000, and by converting the stock to use it in buying control of other companies.

To enable them to complete their purchase of stock, Umstead and Kiefer borrowed \$125,000 from the City Trust Company, pledging as security the entire capital stock of the Hartman company. When they got ready to invest the capital stock, \$250,000, the two men delivered the \$125,000 check in question and then got back the stock.

The consolidation could be carried through the company was thrown into the hands of a receiver by petitioning creditors, but the trust company contended that Umstead and Kiefer acted in good faith and did their utmost to carry out the plan of consolidation. It was alleged that they got no personal benefit from the proceeds of the check.

Hamilton Odell, who was appointed referee, reported that if diligent inquiry had been made by the City Trust Company it would have discovered that the withdrawal of \$125,000 from the funds of the Hartman company would impair its capital, that the excess of its assets over its liabilities was small, that the amount of its capital stock and that it would render the company insolvent.

The judgment of \$201,587 includes interest on \$125,000 from 1901.

POSTAL SAVINGS BONDS

Government Will Purchase Them at Par From Persons Compelled to Sell Them.

WASHINGTON, Nov. 17.—Postmaster-General Hitchcock to-day authorized the statement that postal savings bonds offered for sale by persons compelled to relinquish their investment will be purchased by the Government at par. The Postmaster-General said that no depositor could be held responsible for the sale of postal savings certificates of deposit for postal savings bonds. Under the postal savings act the board of trustees is authorized to withdraw at any time 10 per cent of all postal savings funds on deposit in banks and post offices for investment in bonds and other securities of the United States. It is under this authority that postal savings bonds will be purchased from the holder.

In regard to the report that the market value of these bonds is 92 Mr. Hitchcock said that nothing could be more misleading than the statement that the market value of these bonds is 92. The actual sale at that price was an offer the other day by a New York broker to purchase \$200 of the bonds for par, which was not accepted by the holder.

Hitchcock said that postal savings bonds were not intended for speculation. The purpose of the board of trustees was to give the depositor the opportunity for permanent investments in the securities of the national Government. By the purchase of a twenty dollar postal savings bond the depositor put his money in a safe place and the Government became the creditor of the nation. On the first issue of bonds \$5 per cent was on the registered form, showing the name of the depositor and the amount to be returned to him if he should die and not to use them for speculative purposes.

FIRE AT SUFFRAGIST MEETING

It Was in the Hot Air Pipes and Only Produced Smoke, a Panic Averted.

PORTGHEESLE, Nov. 17.—The coolness and courage of the greater number of a crowded assemblage of suffragists at the Colwell Opera House prevented a fire panic to-night while Mrs. Margaret Chubb, which was speaking. In several of the hot air pipes connecting heat from the furnace ignited and the smoke filtered into the big auditorium where 2,000 people were gathered. An excited man in the upper gallery shouted "Fire!" and there was an immediate exodus of scores of women who ran down the stairs, throwing away their wraps. An uneasy movement was visible throughout the rest of the audience, when Mayor John K. Sage advanced to the front of the stage and calmed the people. His statement that only a few pennant shells were burning in the registers and there was no danger. The opera house employees also did good service in restoring order and stopping the rush through the corridors.

A few minutes later a burst of smoke from a register in the middle of the house renewed the panicky feeling and the Mayor advised those who wished to leave to do so quietly. The fire in the registers and speaking was suspended for a few minutes. He again reassured the audience. A few people walked to the doors, but no one went out. The fire in the registers was extinguished and there was no more trouble.

Miss Irene Millholland said jocularly when she began her talk that the fire had been caused by the anti-suffragist apostle of the Divine Fatherhood, prophet of the human brotherhood, his memory will abide an inspiration and joy.

In Memory of Dr. Bradford.

MONTAILE, N. J., Nov. 17.—A life-size bust in bronze of the Rev. Dr. Amory H. Bradford by J. Scott Hartley, has been placed in a niche in the vestibule of the first Congregational Church, of which he was the first pastor. The tablet reads: "Amory Howe Bradford—1836-1911. A memorial by the First Congregational Church, Montclair, N. J. His set and arrested on the same charge and released on \$7,500 bail. Spear has not yet been tried.

MUST DEFEND HOODOO NOTE

\$30,000 OBLIGATION BY MRS. AL ADAMS GOOD ON FACE.

Given to a Clairvoyant for Protection Against Evil and Then Repudiated—Sue Through Out of Court Improperly, the Appellate Division Says.

A new trial was ordered by the Appellate Division of the Supreme Court yesterday in a suit by Marguerite Gilbert, an alleged clairvoyant, against Mrs. Isabella V. Adams, widow of Al Adams, on a note for \$30,000 which Mrs. Adams says she gave for the "protection of my family by some mysterious power" to be exerted by Mrs. Gilbert. The note was not to be paid until after the death of Mrs. Adams, she alleges.

When the suit was heard in the lower court the complaint was dismissed, the trial judge holding that the note was not payable until after the death of Mrs. Adams. In ordering a new trial the Appellate Division says that the note may be collected before or after the death of Mrs. Adams.

The note, which was executed January 23, 1907, read: "I, Isabella Adams, hereby acknowledge my indebtedness to Marguerite Gilbert for services rendered by her, for which I promise to pay her the sum of \$30,000, and in the event of my death I hereby authorize and direct the payment of the same out of the funds of my estate."

Mrs. Adams refused to pay the note on the ground that it was given without value received and that the "mysterious power" which Mrs. Gilbert professed to be able to exercise to forestall and prevent various dangers of defendant's family threatened danger to members of the Adams family has not been called upon up to this time. She alleged further: "The plaintiff herein is by profession a palmist and clairvoyant; at various times prior to January 23, 1907, Mrs. Gilbert stated and represented that she possessed supernatural power and could forestall impending dangers threatening various members of defendant's family; she further represented that dangers did threaten members of defendant's family, particularly that said dangers would especially befall the children of the defendant and arrange and provide Mrs. Gilbert with a fund or sum of money which should be available at, and only at, defendant's death, which money was to be used by Mrs. Gilbert for the sole purpose of protecting defendant's children from said alleged dangers which would beset them at her death."

Mrs. Adams told the court that at the time she had faith in Mrs. Gilbert's professed powers, being deceived thereby, and was induced to execute the \$30,000 note upon fraudulent representations. She says she rescinded the agreement and demanded the return of the note. In the Appellate division opinion, Justice Clarke declared that the note is a usual promissory demand note, which if valid and payable at all is payable at any time and that the law and in the event of my death I hereby authorize and direct the payment of the same out of the funds of my estate" are surplusage and in no degree affect the promise to pay. Mrs. Adams put in all the defenses she chooses, as in any suit over a promissory note which the maker repudiates.

SWINDLE FOR MRS. HOBART

Hogus Signatures of Signers of the Declaration Offered for Her Purchase.

PATERSON, N. J., Nov. 17.—It became known here to-day that Mrs. Joanne Hobart, widow of Vice-President Garret A. Hobart, came near being the victim of a swindle recently in which she was to pay \$1,200 for a set of supposed original signatures of signers of the Declaration of Independence. She intended to give the document to the New Jersey Historical Society. She said to-night: "A man called at my house and submitted to me a roll of linen on which there were signatures purporting to be those of the signers of the Declaration of Independence. I was very much interested in them, for I thought it would be an appropriate gift for the New Jersey Historical Society, and I was inclined to purchase them for that purpose. As I was not sure of the authenticity of the signatures I showed them to several gentlemen who I thought would know. They doubted their genuineness and I found an expert in New York to whom I submitted them. He at once pronounced them forgeries, and accordingly I returned the roll to the parties who had offered it to me.

Benjamin of New York, a dealer in autographs, recalls that he had some correspondence with Frank H. Percy of Bath, Me., a few years ago in regard to a set of original signatures of the signers of the Declaration of Independence. They turned out to be forgeries and the matter ended. Two years ago a similar set was offered at an auction in Philadelphia, but was withdrawn when denounced as a forgery. Mr. Benjamin believes that it was one of these sets that was offered to Mrs. Hobart. It was of a brown linen roll and several of the signatures were good imitations. In reply to inquiries Percy wrote that a person called on him at an auction in Philadelphia, but was withdrawn when denounced as a forgery. Mr. Benjamin believes that it was one of these sets that was offered to Mrs. Hobart. It was of a brown linen roll and several of the signatures were good imitations. 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