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CAULDWELL ACCUSED

EX-SENATOR CHARGED WITH MISAPPROPRIATING FUNDS.

Daughters of the Late Jason Rogers Say He Has Converted to His Own Use \$200,000 From Their Father's Estate. He strenuously Denies the Charge.

New York, Nov. 18.—William Cauldwell, one of the trustees of the estate of the late Jason Rogers, the millionaire locomotive builder, of Paterson, N. J., was arrested yesterday afternoon on Broadway, but subsequently released on \$10,000 bail. The arrest was made on an order issued by Justice Lawrence of the supreme court.

The application was made in consequence of a suit against Mr. Cauldwell and Thomas Rogers, as trustees under the will of Jason Rogers, brought by the heirs, Mrs. Mary J. Westfield and her sister, Flora E. Rogers, to recover from Cauldwell and their brother, Thomas, the sum of \$212,480.85, which they say was the deficit missing from the estate on Jan. 1, 1888. This sum, they say, either Cauldwell or their brother, or both jointly, have appropriated to their own use.

When Jason Rogers died in Morrisania on Aug. 23, 1885, he left an estate valued at \$2,000,000, which was divided into trust estates for the sons, who are co-defendants, whose removal is also asked for, and the daughters, who are plaintiffs. Columbus B. Rogers, a brother of the testator and an original trustee, resigned in 1886, and Cauldwell was substituted. It is alleged that since that time he has acted with Thomas Rogers and William Stillaber, Jr., a trustee but lately appointed, and to whom, although a co-defendant, no mismanagement or wrongful act is imputed.

In May last, the complaint states, an accountant was employed to examine the books and accounts of the two trustees, which got an exhaustive overhauling in the office of Hamilton Wallis, the attorney for the plaintiffs. From this examination the plaintiff,



WILLIAM CAULDWELL.

Mrs. Westfield, swears it was discovered that in 1880 Cauldwell began to withdraw large sums from the estate for his own use, and which on the books were put down as "call loans." In an account which the trustees presented to the surrogate of Westchester county on Sept. 23, 1888, the complaint says, they charge themselves with \$75,778.86, but in that statement he is alleged to be untrue, from the fact that Cauldwell had paid to himself various sums not charged in the accounts, always called "call loans."

On Dec. 15, 1888, Mrs. Westfield charged, her brother, Thomas Rogers, admitted to her attorneys that he had discovered defalcations on the part of Cauldwell and that the latter had confessed to him that such was the case. Rogers and the plaintiff's attorneys then got Cauldwell to transfer the Hotel Empire and 21 lots on Jerome avenue to the trustees of the estate. On an effort to cover the alleged defalcation, Mrs. Westfield declares that these properties were practically valueless as securities, being sold for less than their full value, and that Cauldwell's equity in them was next to nothing.

By the decree of the surrogate of Westchester county on March 16 last, the complaint says, the two trustees' debts were to have been paid \$50,000 each from the estate. These payments have never been made, and the reason, the plaintiff says, is that the trustees, or one of them, has embezzled \$12,480.85 of funds that appear on the checkbook stubs as "loans" to Cauldwell.

Cauldwell's Denial. In an answer filed to these charges, Cauldwell, through his attorney, E. H. Benn, denies that he took from the estate the sum of \$212,480.85, but admits that he did take \$212,500. There was, he says, no evidence to show that he had embezzled the funds of the estate, or that there was any deficiency. On the contrary, he, as one of the trustees, borrowed from the trust funds previous to Dec. 15, 1888, \$197,000 in all. He assigned as security for this amount a property to the value, over and above all liens, of \$308,000. In November and December, 1888, so he asserts, he borrowed \$16,250, giving as security property worth \$19,000 over and above all incumbrances, the entire sum amounting to \$212,250. He says he regarded this as an investment, or change of securities, and that all the transactions were made in good faith and with no intention to defraud.

William Cauldwell was prominent in politics in Morrisania, where Jason Rogers died, and his eldest daughter is the wife of his co-trustee, Thomas Rogers. He was a member of the Erie enterprise, and after his first marriage, in 1848, he occupied a portion of the first house erected in Morrisania by his father. He was elected supervisor of West Farms in 1857 and was re-elected 15 times, until the town was annexed to New York in 1874. In 1867 Mr. Cauldwell was elected to the state senate, and in 1870, while he was at one time filling the offices of senator, president of the board of education, president of the board of trustees of Morrisania, treasurer of a horse railroad and chairman of the board of supervisors, he resigned the latter place. He also represented the First district of Westchester in the legislature in 1874, where he prepared and had passed an amended annexation bill.

American Locomotives for Finland. Philadelphia, Nov. 18.—The Baldwin Locomotive works have within the past few days looked orders for 24 locomotives. The orders include 22 locomotives for the government state railway of Finland, the first order of any magnitude that has ever been placed in this country from that country. Another order is for 24 heavy cross-gauge locomotives for the government of Brazil, while the third order is from the Grand Trunk railway of Canada and is for ten locomotives.

Peter Croser Indicted. Trenton, Nov. 18.—It leaked out here last night that the Mercer county grand jury has found a bill of indictment for embezzlement against Peter W. Croser, the secretary and treasurer of the Mechanics' and the Mercer Mutual Building and Loan associations. Croser is absent from the city, and the authorities have no knowledge as to his whereabouts.

THE RULES.

SECTION 1. The Primary Election in this county at the call of the county chairman not later than 10 days before the Republican State Convention each year, subject to the provisions of rule 9, as to 30 days notice.

SECTION 2. Said Primary Elections shall be held in each township and borough at the places where the general elections are held.

SECTION 3. At least fifteen days before the said Primary Election it shall be the duty of the committee-man in each township or borough, to see that a convenient and suitable place is provided for the holding of said Primary Election and select proper election officers for holding the same. Should the committee-man in any township or borough fail or refuse to attend to his duties ten days before the said Primary Election, then, upon the written request of five Republican voters it shall be the duty of the county chairman to remove the said committee-man failing to perform his duty and appoint a new one to fill the unexpired term.

SECTION 4. The following officers shall be voted for at the said Primary Election. Seven county committee-men, county officers, state and district conferees and state delegate and one township or borough committee-man for each township or borough (who shall only be voted for in the election district in which he resides), and not more than one nomination shall be made for each county office.

SECTION 5. The county chairman shall be elected by the county committee from among their number at their organization.

SECTION 6. Any Republican who shall be a candidate for any office named in article fourth must submit his name to be voted for at the said Primary Election.

SECTION 7. Twenty days before the said Primary Election each candidate shall notify the county chairman of his candidacy, who shall provide a sufficient number of ballots for each township and borough with all the names of the candidates and the several offices printed or written thereon. Each voter shall designate his choice of candidates by a cross X marked opposite the name of the person for whom he wishes to vote. The printing and distribution of the same to be paid for by the said candidates in such ratio as the county chairman may direct. Such payment to be made at the time the name shall be placed on file with the county chairman, and any candidate not making payment as above may be left off the ballots.

SECTION 8. The said Primary Election Board shall consist of three Republican voters, viz: one judge, one inspector and one clerk, who shall severally take and subscribe in the presence of each other the oath prescribed by the Act (the Assembly regarding the holding of the Primary Elections in the State of Pennsylvania).

The above and foregoing rules were adopted at an adjourned Republican convention of delegates held at the Court House in the Borough of Milford, Oct. 19, 1897.

LEROY KIPP, Secretary,
WM. DUSENBURY, Secretary,

SECTION 9. It shall be the duty of the county chairman and township committee-men to give due notice thirty days before the Primary Election to each member of the county committee and the public of the day and date of the Primary Election and they shall designate the offices for which candidates shall be voted for at said election.

SECTION 10. Any legal voters other than Republicans wishing to vote at Republican primaries will be granted the privilege of voting provided they swear to vote the Republican ticket at the next general election; any Republican not of age at the time of holding the said Primary Election, but will become of age before the General Election, shall be eligible to vote at the primary election.

SECTION 11. The Primary Election polls shall be opened at 5 o'clock p. m. and closed at 8 p. m.

SECTION 12. It shall be the duty of the Primary Election Board to write down the name of each voter casting his ballot at the Primary. Said poll list and ballots to be kept by the Judge of Election in each township and borough at least one year. If at any time the county chairman or members of the county committee desire to inspect said poll list they shall have the privilege so to do, in the presence of one of the election board of said township.

SECTION 13. After the polls are closed and the votes have been counted the election board shall make a return duly certified and signed by the Primary Election board, of the number of votes cast for each candidate. These returns to be enclosed in a sealed envelope and sent to the county chairman by United States mail or in person by the Judge or Inspector of Election forthwith.

SECTION 14. On the first Wednesday, following the said Primary Election, at 2 o'clock p. m. at the Court House in Milford, Pa., the county chairman, in the presence of at least five reputable Republicans shall organize a canvassing board of three Republicans, duly sworn to by law, open and count the votes as recorded in the several returns, announce the result and certify the nominations to the proper officers.

SECTION 15. All alterations and amendments to the foregoing rules must be suggested by two thirds of the members of the county committee at a regular meeting of the same to the county chairman. Said alterations or amendments to be approved or rejected at the next Primary Election, and not to be in force until so approved.

Adopted by the convention of delegates held Oct. 19, 1897.

Provided these rules shall not apply to officers elected at the delegate and mass convention held in September, 1897, during their term of office.

J. H. VAN ETTEN, Chairman.
LEROY KIPP, Secretary.

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