

ALMOST PASS POWER GRAB LACKS ONLY TWO VOTES.

Put Back on To-day's Calendar and Likely to Pass.

Albany, May 2.—After one of the most sensational fights of the season the amended Niagara power "grab" bill now bearing the name of Senator Cassidy failed of passage in the Senate today by two votes. This failure was interpreted to mean either that an effort to force the bill through on the report that Governor Higgins had read the bill and approved it, later decided by the Governor, or else that the financial arrangements incident to the passage of such a measure had not been successfully made.

The latter theory found the more supporters because on every vote except the final test the friends of the measure had enough and to spare, but on this test, even Senator McCarren, who had voted steadily to kill all the amendments introduced to modify the character of the bill, voted against it. He made an ineffectual effort to change his vote after the result had been announced, and failed. Then the bill was put back on the calendar by another motion that was carried only on an unexpected ruling of Lieutenant Governor Bruce that excited general surprise. Thus as a result of all the finesses the friends of the measure have the bill ready to pass to-morrow if the proper arrangements are made.

The fight against the bill was made by Senators Marks and White. Senator Cassidy alone led the fight in the speechmaking, but the taking of votes was attended to by more experienced hands. Senator Marks made the first assault. "This bill has had a few little jokers shooshed into it without a hearing," he said. "It now contemplates granting rights without any argument. In the case of railroads the Railroad Commission passes upon the condemnation plans, but in the case of power companies under this bill there is no body under heaven to pass on their plans. It lays the burden of proof upon the person whose land is taken and makes the property owner pay the expense of a commission. In no other circumstance does the condemnation law allow the taking of private property for private purposes."

SENATOR WHITE JOINS ATTACK. Senator White joined in the attack upon the bill, saying: "Of all the bills introduced in this session, this one, for the monopoly of its provisions, should have the first prize. No bill has aroused such general opposition, and the Senator introducing it has not shown any public good to be accomplished by it. Its purpose is to give electric power companies the right of eminent domain, which is in the right of the people to take private property for public use or good."

Senator Marks, who sat in a corner with Senators Fage and Brackett, then began an assault on the measure by a series of amendments, all of which helped to demonstrate the character of the bill, since its sponsors refused them all. The first amendment was lost by a vote of 17 to 25. The next amendment, exempting New-York City from the provisions of the bill, was lost, 16 to 28. The next added a section that would make necessary a special legislative act to take water from Niagara River. This was lost, 17 to 28. Lieutenant Governor Bruce then refused to put any more amendments, and the vote on final passage was taken, and amid great excitement, it was announced that the bill had failed by a vote of 24 to 19, 26 votes being necessary to pass a bill.

On the last rollcall Senator McCarren, who had voted with the group which favored the measure and opposed the amendments, voted against the bill on the final test, and after the result attempted to change his vote. This would have made the total only one short of the required number, and Senator White objected, and the chair sustained the objection. Then there was a moment of hesitation, after which Senator Cassidy moved to reconsider the vote by which the bill had failed, and this was carried by 25 to 16. Senator White made a point of order that twenty-six votes were necessary to do this, and the chair ruled against him. This ruling created some surprise, but was sustained by the opinion of the more experienced of the legislators. This put the bill back on the calendar, and it can and probably will be passed to-morrow, when the satisfactory arrangements are made.

THE GOVERNOR DENIES A REPORT. Governor Higgins' attention was called to a report to the fact that his name had been used in connection with the bill. "You are at liberty," he said, "to quote me in the most unqualified manner as saying that this bill has never been submitted to me, and that I have never committed myself on this proposition. The effort was made to send me a delegation from the Niagara, Lockport and Ontario Company to come to me and ask me to declare myself while speaking at Lockport. I declined, although they told me that was the only way I could carry Niagara County. I have never committed myself, and anyone saying so is misinforming."

The detailed statement of the vote is as follows: Ayes—Amble, Brown, Brant, Cassidy, Coggeshall, Cullen, Ewing, Fancher, Fechter, Fitzgerald, Foley, Frawley, Gardner, Goodsell, Hagedorn, Hawkins, Keenan, Kehoe, L'Hommedieu, Malby, Martin, Prime, Rirdan, Wilcox—24.

Noes—Armstrong, Brackett, Carpenter, Cobb, Cooper, Cordis, Drescher, Gales, Hinman, Lewis, Marks, McCarren, Page, Raines, Sage, Stevens, Tully, Warnock, White—19.

Absent—Barnes, Eisters, Grady, Hill—4. Not voting—Aldis, Davis—2.

Senator Lewis voted against sending the bill back to committee, but on the final vote joined those against it.

COLOR LINE ON CAPE COD.

White Citizens of Harwich Plan "Jim Crow" Schools.

Boston, May 2.—The town of Harwich, on Cape Cod, is planning for "Jim Crow" schools. The citizens there are disturbed over the rapid increase of negroes on the cape, especially in view of the steady decrease in the white population of many of the towns.

In that town a negro colony had been established and multiplied rapidly for the last two decades, and the colony has become so large that Harwich people are making plans to get the "brave" population out of the schools, and would restrict "brave" immigration if they could.

REPUBLICANS BOLT GAS. NINE LEAVE CAUCUS.

Remaining Senators Adopt Bills After Making Price 80 Cents.

Albany, May 2.—The lobby succeeded in breaking up the caucus of Republican Senators to consider gas to-night, and nine of those present left the meeting rather than be pledged to vote for the bills introduced by the Stevens committee. When it was proposed to turn the conference into a caucus the nine Senators who left the room were Brackett, Brown, Cassidy, Coggeshall, Davis, Fechter, Gardner, L'Hommedieu and Hinman. Senators Amble and Wilcox did not attend the conference, but they were understood to stand with the bolters. Senator Armstrong, while remaining in the caucus, is understood to oppose 75-cent gas.

The Senators leaving the caucus were not in entire accord in their sentiment with respect to the bills. Senators Cassidy and Coggeshall were opposed to all the bills, Senator Brackett said he left the meeting because he would not be caucused on the State Commission bill, and was ready to beat all the bills rather than let that pass. Senators Davis, Brown, Fechter and Gardner are understood to be opposed to 75-cent gas. Directly after the nine left the room, the motion to make the bills party measure was carried by a vote of 21, including the proxies of two absent Senators, Carpenter and Eisberg. This was done after the 75-cent gas bill was amended to read 80 cents.

As the meeting broke up Senator Raines was seen passionately denouncing the action of the bolters to Senator Cooper, of Brooklyn. "Those people," he said, "are not worthy of the name of Republicans. They are not Republicans."

FOR FIGHT OVER REDUCTION.

The main fight developed on the reduction of the price of gas, and it was on this proposition that the majority of the bolters took issue and departed. In this list are the men who have steadily opposed all gas legislation in the present session—the Brooklyn Senators, and Gardner and Buffalo Senators, Davis and Fechter, and L'Hommedieu and Cassidy, of Niagara power fame. Opposed to the State commission bill, but ready to support all other bills, were Senators Cobb, Brackett and Hinman.

Senator Brackett explained the situation of the bolters thus: "We have all left the caucus because we were unwilling to be caucused on one or several of the bills. I am ready to vote for all bills except the commission bill, but ready to vote against all to defeat that bill if it is necessary."

To the nine bolters should be added the name of Prime, Wilcox, Amble and McEwan. Senator Hill is in Europe, and Senator Barnes is ill. Senator Armstrong, who, in conference, opposed the 75-cent gas bill, stayed in caucus, and is said to be willing to abide by the result.

At the close of the meeting Senator Raines declared that he would have twenty-six Republican votes for the bill, but this is doubtful. He showed every evidence of his intense indignation at the desertion of so many Republican Senators. What is to be expected now is that the Tammany members will decide, on the orders of the organization, to make political capital by voting for the bills and claiming credit for their passage. Their opposition to the commission bill will probably kill it unless a special session is called.

The three bolters, Brackett, Amble and Cobb, are understood to favor the 75-cent gas bill, but the majority of them say privately that they expect to vote for the bills and that their sole excuse will be that the committee has adopted three of the provisions which are called by the Mayor, namely 75 cent gas, more frequent inspection of gas meters and the permission for the city to use its surplus water for power purposes as provided by the Tompkins bill. The minority has used to-day to submit its report, but it is generally assumed that this will be the character of the document.

JEROME'S COMMENT. An interesting comment on the gas report was supplied by District Attorney Jerome, who was in Albany to-day, and said:

I have really read but little of the report, but judging from the published accounts, it seems to me a good report. There is one aspect of the question that seems to me, living as I do in a tenement district, of great importance, which has not been touched upon anywhere. The reduction in substantial degree of the cost of gas to the people of this district is of vast importance. The average tenement family consists of six people in three rooms. The situation here in summer in New-York, with a climate that is really tropical in its character, is something that appeals to me. Now, if you can get the price of gas reduced materially so that the red hot stove is banished and gas is used for cooking, much has been accomplished. Pursuant to the carrying of coal in the district in the question of the storage of coal is no small matter in the district in which I live. Of course, you out of the carrying of coal in the district in the hear a good deal about it. I have told you that but all that sort of talk, but I tell you that any material reduction in the price of gas means more to the people of the city district than people in the rest of the city realize.

WILL NOT SIT WITH FELLOW STUDENT.

Class Leaves Room When Boy Who Shot Hazer Enters.

Lancaster, Penn., May 2.—The students of Franklin and Marshall College to-day executed their threat to ostracize Oscar Gingrich, of Lebanon, who recently shot a fellow student while being hazed, by leaving the classroom on his entrance. A majority of the students re-lined away from services at the chapel this morning because of the presence of Gingrich, naming because of the presence of Gingrich. The faculty has not yet taken any action.

AT NUMBER 400 FIFTH AVENUE. Expensive solitaire diamonds sold on slight commission. Mermod, Jaccard & King—Adv.

A CHICAGO POLICE PROTECTED "CARAVAN" LEAVING THE FREIGHT YARDS.



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THE RECORD OF A BUSY DAY AT ALBANY.

The Interborough Steinway franchise measures were checked, temporarily at least, in the Assembly, being recommended to the Rules Committee. An attempt may be made to pass them in the closing hours of the session. The Senate passed over Mayor McClellan's veto the bills taking the franchise giving power from the New-York City Board of Aldermen. The Tully measure, increasing the State Railroad Commission from three to five members, passed the Senate. Governor Higgins said that the calling of an extra session depended on gas legislation and the Hooker case. For details and minor legislative news see page 2.

J. W. ALEXANDER'S REPLY ATTACKS JAMES H. HYDE.

Equitable's President Defends His Acts as Trustee.

The assertion that James Hazen Hyde never had gone into any underwriting syndicate in which President Alexander of the Equitable Life Assurance Society was not an equal participant was the latest contribution to the underwriting literature yesterday. The Frick committee, when it got to investigating that phase of the Equitable's difficulties, would find, said one of Mr. Hyde's friends, that the underwriting transactions, which had been going on for many months, would concern Mr. Hyde and Mr. Alexander equally.

"Mr. Hyde never went into a deal without setting aside exactly the same amount of stock for Mr. Alexander," said his friend, "and Mr. Alexander when he went into a deal, always apportioned to Mr. Hyde exactly the same securities as were allotted to him."

Emphatic denial was made yesterday by James W. Alexander, through his secretary and by his lawyers, that he had been asked to resign as president of the Equitable by the Frick committee. Assertions equally emphatic came from the Hyde side that pressure had been brought to bear on Mr. Alexander from several individual sources, urging him to resign his place in the interests of harmony.

WORK OF THE FRICK COMMITTEE. The Frick committee met again secretly. Senator Knox, counsel to the committee, was in the city and kept in close touch with Mr. Frick. While the committee was meeting the story grew that at Monday's session, when President Alexander appeared before the body, the advisability of his retiring was urged on him strongly. He could hold office at best only a short time, and if his continuing to hold it would keep alive the controversy which was hurting the Equitable so badly, it would be in keeping with his duty to the Equitable to retire, the arguments ran, according to the story.

At first Mr. Alexander refused to deny this story at all. Later his secretary was empowered to say that "there was no truth in the statement that the Frick committee had advised his retirement, and that he did not intend to retire."

"At no time has there been any quarter any suggestion that Mr. Alexander should retire," said he. "He does not intend to retire. He does not acknowledge that there is any difficulty in the Equitable of which he is the cause."

The report that Mr. Alexander was to get out was followed by a conference between him and his lawyers, lasting most of the afternoon, with William B. Horabower, ex-Judge William N. Cohen and Messrs. Alexander and Colby all met in the offices of Bainbridge Colby in the Equitable Building, where they went over the situation carefully. Afterward it was said that no special significance attached to the meeting.

MR. ALEXANDER ANSWERS MR. HYDE. In reply to Mr. Hyde's amended petition in the Lord action, Mr. Alexander has filed with Justice Maddox some new affidavits. Mr. Hyde's latest affidavit contains "much that, as I am advised by counsel, is wholly immaterial, impertinent and scandalous," says Mr. Alexander's affidavit, with the addition that the presentation of Mr. Hyde's new papers is "manifestly for no legitimate purpose."

"I have declined to be drawn into any controversy with regard to matters which I am advised are of no relevance," goes on Mr. Alexander, "but I do not intend to permit the unfounded assertions of this affidavit to pass without contradiction." He adds:

"The allegation in the affidavit of Mr. Hyde that since the beginning of this action Mr. Tarbell and myself have in violation of any agreement or of any pledges renewed any agitation to take away from the stock the rights reserved to it by an alleged agreement of all the parties is absolutely false. Pursuant to the resolution of the board of directors adopted at a meeting held on April 25, 1904, at which the pending amended charter was adopted, C. B. Alexander, one of the counsel for the society, has, I am informed, done all in his power to procure the approval of the board of directors of the proposed amended charter, for which charter James H. Hyde voted and to which, as president of the Equitable Life Assurance Society, I instructed to take charge of and defend this action on behalf of the defendant society, has urged upon the court in the strongest possible way the denial of any injunction restraining the final approval of said charter."

DENIES DERELICTION AS TRUSTEE. In another affidavit, Mr. Alexander takes up the statement read by Mr. Hyde to the directors in which he told of the difficulty between himself and the president. Mr. Alexander says:

"I do not admit the truth of the statements contained in said communication of Mr. Hyde to the board, but, on the contrary, I assert that in many respects they are absolutely contrary to the truth; and, under advice of counsel for the society, I decline to be drawn into any controversy with regard to matters which I am advised are of no relevance."

Continued on second page. OLD POINT COMFORT, RICHMOND AND WASHINGTON. Six-day tour, May 6, via Pennsylvania Railroad. Last of the season. Rate, covering necessary expenses. \$20. Old Point Comfort only, special trip, \$12. Consult ticket agents.—Adv.

CHICAGO MOB RIDDEN.

MANY SHOT IN STREET.

Strikers Riot in Heart of City—Split in Employers' Ranks.

Chicago, May 2.—The death of one man and the injury of scores of others was the immediate result of to-day's fighting between the striking teamsters and their sympathizers on the one side and the police and the non-union men on the other. There were riots in all parts of the city. Men were clubbed and stoned almost to death within a square of police headquarters, and five miles away men were shot down in the streets.

At a hundred places there were assaults and fights in the streets. Blood was shed in State-st., in the heart of the shopping district, and furious riots took place almost in the doorways of the leading hotels. Non-union men were pelted with stones, bricks and every other conceivable sort of missiles. They were dragged from their wagons, beaten, clubbed and stamped upon. The mobs that followed the wagons which they rode were ugly in the extreme, and but for the splendid services rendered by the police the list of dead to-night would be twenty instead of one.

In return the non-union men, although hopelessly outnumbered in every struggle, fought desperately. In several instances they drew their revolvers and emptied them into the crowds that pressed around their wagons, pelting them with stones and threatening their lives. The colored drivers especially were quick with their weapons. Large numbers of the non-union drivers carried heavy clubs, and they swung them with terrific effect throughout the day. As far as can be ascertained to-night the list of injured numbers in the neighborhood of forty, but it is far short of being accurate. Many men who were in the mobs that attacked the wagons were down before the clubs of the police and of the wagon guards, but they were carried away by their friends, and there is no chance of learning their names or of even guessing at their number.

The outlook for to-morrow is for more fighting, and there is not the slightest evidence of the approaching end of the strike.

The strike situation assumed a new aspect to-day, and the interests opposing the teamsters are not as united as heretofore. The cause of this slight disunion is the Team Owners' Association, which has contracts with the railroad companies and many of the large firms throughout the city to transfer their merchandise. Until to-day it was supposed that the Employers' Association and their allies were firmly bound together in the fight for supremacy against the teamsters.

The Team Owners' Association, which employs none but union teamsters, flatly refused this afternoon to make deliveries to any of the firms involved in the strike, when ordered to do so by the Employers' Association. When the employers received this ultimatum they warned the team owners that unless the request that no discrimination be made in deliveries were granted an effort would be made to have all existing contracts between team owners and the business houses and the railroads cancelled.

Yesterday the Employers' Teaming Association sent word to the large team owners that they desired to know where they stood in the present fight. Many of the members of the Employers' Association have contracts for the delivery of coal with the team owners, who have so far failed to make any deliveries since the strike.

The team owners yesterday would not give a definite reply as to what could be expected of them. This afternoon at the Union League Club a meeting was held between representatives of the Employers' Association and the large team owners. It was the desire of the members of the Employers' Association to bring as much pressure to bear upon the team owners as possible, and with this view they had invited to the conference representatives of the railroads entering the city. The team owners stated they would not attempt to deliver coal to any firm where a strike is now in progress, giving as reasons for their refusing that their own men would be called out and they would be involved in the trouble, with which they considered they had no direct concern. They were informed that if they would not make deliveries their contracts with the business houses, amounting to millions of dollars annually, would be cancelled. This did not change their attitude, however, and they persisted in their refusal to take part in the strike.

An exception to the general attitude of the Team Owners' Association was made by the Central Supply Association, a large concern which employs 250 teams. The officers of this company declared that they would make deliveries wherever their contracts called for them, irrespective of strike conditions. The Commission Team Owners and the Lake Transportation Team Owners' associations have taken a similar stand.

ONE THOUSAND MORE GUARDS. To-day the employers informed Mayor Dunne and Chief of Police O'Neil that they intended to move to-morrow 1,885 wagons, owned by them and the different express companies and manned and the different men. This made necessary a call for non-union men of 1,000 additional policemen, but after the conference at the Union League Club the employers modified their plans and informed the City Hall officials that they would only increase very slightly the number

PAINT WORKS BURNED.

Newark Plant Destroyed—Damage \$250,000.

Newark, N. J., May 3.—Cawley & Clark's big paint works on the Newark meadows were destroyed by fire early this morning. The loss is estimated at \$250,000. The plant of the E. H. McCormick Leather Company near by was badly damaged.

HAVE PEPPERY TIME.

Tammany Captain Sprinkles Condition Over Malone Dinner.

Martin Lynch, one of the district captains under P. H. Malone, the Tammany leader of the Eighth Ward in Brooklyn, showed last night that he was a real village "cut up." About six hundred loyal Democrats were eating and drinking in honor of Mr. Malone when Mr. Lynch suddenly cast about into the air a couple of pounds of the best red pepper.

He stopped them, the others did the rest. A mighty sneeze went up from four hundred throats, and for half an hour there were sneezes in every key and every degree of intensity. The six hundred guests tried to express their thoughts of Mr. Lynch in words as burning as the pepper, but the sneezing epidemic robbed them of their protest of all force and dignity. When the pepper had been washed from six hundred snarling throats the dinner proceeded.

There is a perfect sensation of relief following a dose of Bohn's Laxatives.—Adv.

Continued on second page.

ALL POLAND IN REVOLT. SIXTY DEAD IN WARSAW.

A General Strike Proclaimed—Official Reports Misleading.

Warsaw, May 2.—The May Day death roll was sixty-two, including ten persons who died in the hospitals in the night. Probably two hundred were wounded. According to an official statement, the dead, not including those of the wounded who died in hospitals, numbered thirty-one. In Lodz, according to an official report, four women were killed.

Crowds gathered at the 10th District police station this morning, where thirty victims, men and women and three children, were awaiting identification. The throngs were dispersed by Cossacks.

Minor disturbances occurred to-day in different sections of the city, but no casualties have yet been reported.

All day long infantry and cavalry patrolled the streets, which were crowded with people, who did not spare criticism of what was generally termed wanton slaughter. The popular irritation could not be concealed. The soldiers were evidently nervous, and outbreaks which would have resulted in repetitions of yesterday's terrible scenes were only averted by the evident desire of the authorities to prevent a clash, coupled with the fear inspired by the soldiers' bullets. The population is most bitter against the military, and the government officials expect many attempts at revenge on the officers commanding the troops.

ATTEMPT TO HIDE THE LOSSES. The Polish press is silent on the subject of yesterday's happenings. The official Russian paper prints a short and entirely inaccurate report. The Governor General of Warsaw is said to be greatly upset by the turn of affairs.

The Nationalists have arranged the usual demonstrations for to-morrow, the 14th anniversary of the proclamation of the Polish Constitution, and disturbances are highly probable. The workmen are in an ugly and uncertain mood. The hands at all the factories struck to-day, and the committee of the Social Democratic party of Poland and Lithuania has issued a manifesto proclaiming a general strike.

The movement here and in other cities is rapidly spreading, and 75,000 persons are on strike in Lodz. Cossacks are patrolling Warsaw by companies on account of the danger to smaller detachments.

Reports conflict regarding the beginning of yesterday's encounter in Jerusalem-st. According to the most generally accepted version, the authorities had forbidden workmen marching in procession, to carry red flags, but the workmen decided to ignore the order. When the procession reached Jerusalem-st. the police ordered the workmen to stop, but they refused to do so, and a police officer thereupon fired a revolver, giving a signal for the infantry to fire. It appears that in other cases the demonstrators were the aggressors, but that in this instance the soldiers fired first.

BRUTALITY OF THE TROOPS.

In this encounter the troops also used the butts of their rifles and their bayonets and swords. Many women and children had their heads and limbs broken. Some of the injuries were of a terrible nature, and there were cases where the soldiers entered the courtyards of houses and attacked those hiding there.

When the troops fired after the bomb was thrown near the Vienna Railroad Station, four persons were killed and seven were wounded. All the windows in the neighborhood were shattered. The bomb struck the head of a Cossack's horse, blowing the animal and rider to atoms and killing two other Cossacks and two women. In Zombkoff-st. hussars fired two volleys into the crowd.

At Lodz workmen attacked the police with bombs and were charged by dragoons and Uhlans, who cut off the bomb throwers, drove them into a house, surrounded it and then fired upon those inside, killing three persons and wounding many. A woman who was looking out of a window was shot by a Cossack.

While practically there were no disturbances in the Jewish cities on the Polish border of Southwestern Russia, dispatches this morning say that the people are in a state of panic. The streets are filled with moving patrols. The still owners at Byelostok, forty-nine miles from Grodno, fled in fear of their lives. The situation is especially strained at Borisoff and Gomet.

At a church service in Kalisz yesterday the congregation began singing patriotic songs, whereupon soldiers and police entered the building and attacked the people, wounding many of them. A free fight ensued in which weapons were wrested from the police, shots were exchanged and stones were thrown. A dragoon, a woman and a man were killed inside the church, a squadron of cavalry was summoned and dispersed the crowds. The church was closed for reconsecration.

There was an explosion in the police station of Minsk yesterday evening, and a crowd fired on a detachment of Cossacks. The troops replied, and order was soon restored.

A SPECIMEN OF CENSORSHIP.

Kalisz's Official Might Supervise the Governor's Proclamation.

St. Petersburg, May 2.—The Governor of Kalisz has issued a proclamation gravely denouncing "rumors concerning disturbances at Kalisz on Monday," and at the same time exhorting the people to be tranquil in order to "avoid further sacrifice of life."

Kalisz, May 2.—In an encounter yesterday between police and soldiers and workmen participating in a big religious procession a bullet penetrated the walls of the church, killing a woman, who was praying. Quiet prevailed to-day.

FRANCE'S NEUTRALITY.

Admiral Jougoueres Sails from Saigon to Watch the Coast.

Saigon, May 2.—Rear Admiral Jougoueres, the French naval commander here, sailed from Saigon to-day on the second class cruiser Guichen. His destination was not announced, but it is presumed his departure has to do with the preservation of French neutrality.

CHINESE BANDITS BUSY.

Russian Scouts Report Thousands Moving Across Border.

Hua-Shu Pass, May 2.—Staff Captain Shubersky, who has returned here after a reconnaissance on the Mongolian frontier, reports that thousands of Chinese bandits under Japanese leaders are moving beyond the border.

After the Easter morning service all the