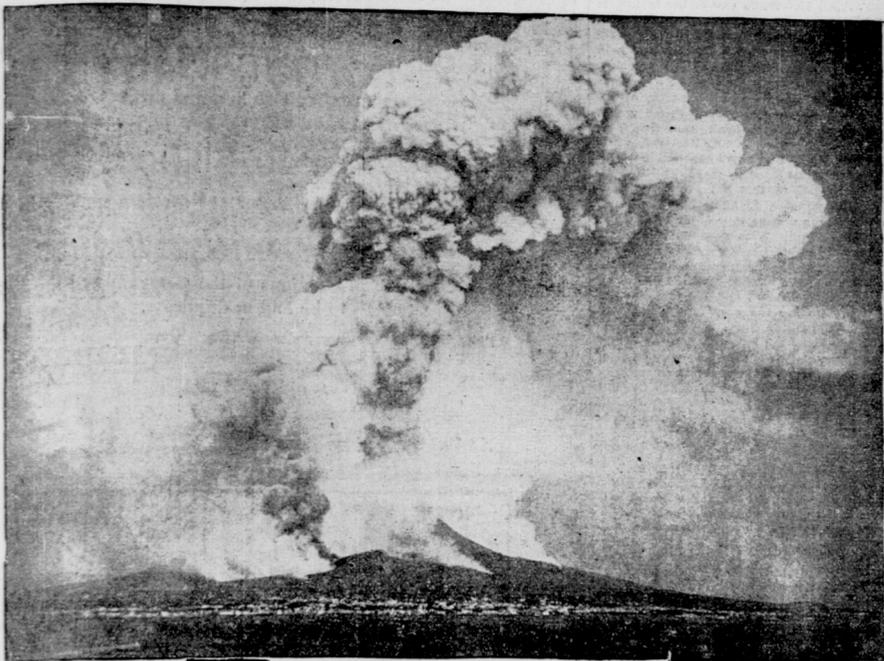
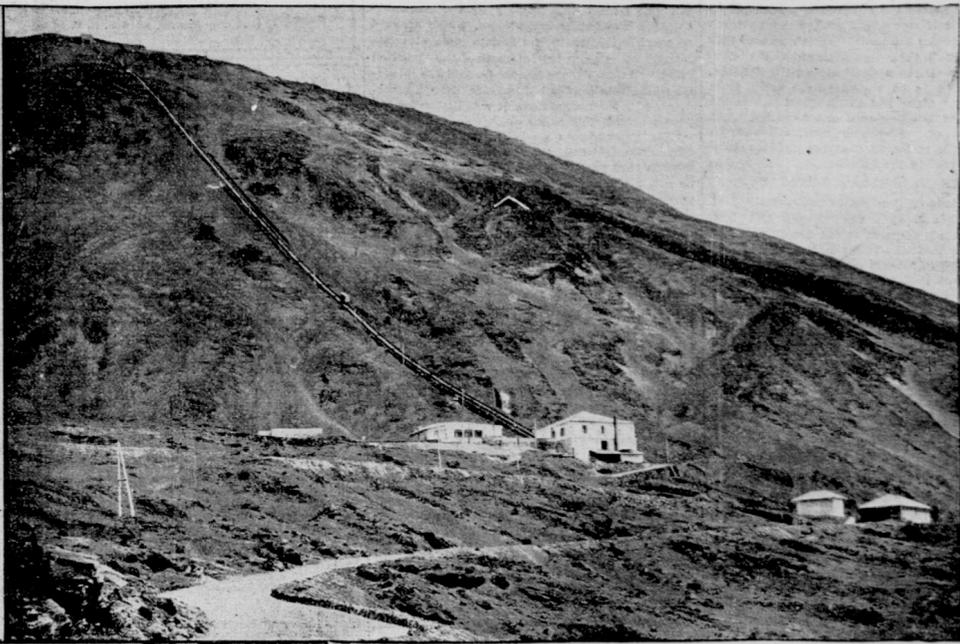




## TWO VIEWS OF VESUVIUS—THE FAMOUS VOLCANO ACTIVE AND SLEEPING.



VESUVIUS AS IT APPEARED IN ERUPTION IN 1872.  
The smoke ascended upward of five miles.



FUNICULAR RAILROAD AND OBSERVATORY.

### HAS NOT SURRENDERED.

### PRESIDENT ON RATE BILL.

### His Attitude Unchanged—Against the Knox Amendment.

[From The Tribune Bureau.]

Washington, April 10.—President Roosevelt discussed railroad rate legislation with a number of callers to-day, prominent among his visitors being Senators Spooner and Clapp, who may be said to represent different schools of thought on the subject. Neither Senator Spooner nor Senator Clapp would discuss the visit to the President. Senator Nelson, who accompanied Mr. Clapp to the White House, said they called to discuss another subject, but gave it as his opinion that a vote on the rate bill would be reached before the first of May. Other callers who talked with the President on rate legislation said that he expressed himself as well satisfied with the progress made thus far and predicted an agreement that would satisfy the friends of the administration.

Some of his visitors to-day volunteered the information, after their talks with the President, that he was considerably amused over the widely differing stories printed under the pretense of giving his latest "attitude" on the pending bill. One story depicted him as pledged to the Knox amendment, another said that he had sent word to influential Senators that he was for the Bailey amendment, and did not care who knew it, and still another said that he was for the original Hepburn bill.

"As a matter of fact," said one of the President's friends, "the President stands where he has stood all the time. He is for the Hepburn bill if it cannot be improved; he is for any amendment which will make it stronger, and against any amendment which will weaken it. As for the amendments thus far offered, I do not think I am violating any confidence when I say that the President likes the one introduced by Senator Long and is against the provisions of the one introduced by Senator Knox. He does not particularly object to the Bailey amendment, and if it were attached to the bill in such a manner that, were it declared unconstitutional, it could be lopped off without affecting the original law he would probably accept it without objection. He would very seriously object, however, were all the provisions of the Knox amendment incorporated in the bill. Whether the President will veto the bill if this or that amendment is attached against his advice is another matter over which the papers and some of the Senators seem to be at sea. Even to discuss the subject at this time is utterly foolish; for it is probable that the President himself would be unable to tell whether or not he would veto the measure until it is presented finally to him. He will cross that bridge when he reaches it. Even if the bill is finally passed does not meet with his entire approval, it may contain so much good that he will be willing to sign it rather than wait for another session of Congress in order more exactly to interpret his views."

### BAILEY MAKES REPLY.

### Defends His Rate Bill Amendment—Convinces Senator Hale.

[From The Tribune Bureau.]

Washington, April 10.—One of the most brilliant speeches of the railroad rate debate was delivered to-day by Senator Bailey, of Texas, who for more than four hours held the close attention of a full Senate and crowded galleries. Speaking in support of his contention that Congress has power to prohibit the granting of temporary injunctions by the subordinate courts and that there is no distinction between "judicial power" and "jurisdiction," Mr. Bailey quoted decisions in a manner which demonstrated his familiarity with his subject, and occasionally displayed exceptional ingenuity. Although seeking to disprove the contentions of Senators Spooner and Knox, Mr. Bailey devoted much time and energy to demonstrating the soundness of propositions on which he and his opponents agreed. As to the legal force of his argument, opinion differs. Those who have from the first accepted Mr. Bailey's contentions as sound regard to-day's effort as conclusive. Those who oppose the proposition that Congress can at will curtail the power of the judiciary, declare that the Senator from Texas said nothing new and failed to strengthen his position, and those who have not already decided for themselves the merits of the controversy maintain that a careful examination of the authorities cited by Mr. Bailey will be necessary to enable them to judge of the force of the argument. In some instances, notably in his criticism of Chief Justice Marshall, the Senator from Texas appeared to be actuated by that spirit of antagonism to the federal courts which has long dominated the opinions of those Southerners who

### SEIZURE ON OREGON.

### Customs Men Get Valuable Goods Smuggled on Battleship.

San Francisco, April 10.—Smuggled goods of considerable value, which were brought to this city on the battleship Oregon, were seized by the United States government inspectors to-day at a local freight shed.

Among the goods seized were pieces of valuable silk, many curios and expensive China sets, along with high priced specimens of ivory. The Custom House officials are pursuing the inquiry and expect to make other seizures. They have sent telegrams to many places asking that suspicious packages be intercepted and held until an investigation of the contents can be made.

### OHIO LAWS MAY BE DEAD.

### Gov. Pattison's Illness To Be Made Basis of Test Cases.

[By Telegraph to The Tribune.]

Cleveland, April 10.—All bills passed in the recent session of the Ohio Legislature and permitted to become laws without the signature of Governor Pattison are illegal and void, if decisions rendered by the Supreme courts of Massachusetts and Florida are followed in Ohio. Further, according to the decisions mentioned, Ohio had no Governor during the legislative session, as Pattison was so ill that he could not give personal attention to his duties. The highest tribunals in both Florida and Massachusetts have decided that the state constitutions require that each bill passed by the Legislature must receive the personal consideration of the Governor before becoming law. In the coming test suits of the Alken and Jones liquor laws it will be contended that the illness of Governor Pattison made it impossible to conform to this requirement, and that hence they are unconstitutional. This contention, if upheld, will invalidate all bills similarly permitted to become laws.

### STANDARD OIL LOSES.

### Middletown Agent Guilty of Selling Dangerous Product.

[By Telegraph to The Tribune.]

Middletown, Conn., April 10.—The jury in the Superior Court here to-day found the Standard Oil Company, through its local agent, John Boylan, guilty of selling a quality of kerosene oil which is dangerous and does not meet the requirements of the state law. As Boylan was merely the agent of the Standard Oil Company, and had no means of knowing that the oil which was furnished him was illegal and dangerous, State's Attorney Haines, who prosecuted the case, asked Judge Case to impose a minimum sentence, and the judge therefore sentenced him to jail for forty days and to pay a fine of \$25.

Thomas Spellacy and Charles E. Perkins, of Hartford, who had been hired by the Standard Oil Company to defend Boylan, gave notice of an appeal to the Supreme Court, and Boylan received his liberty under heavy bonds.

This case is one which has attracted much attention in this part of the country, and has been regarded as a test case, for the Standard Oil Company contended that the rather lax laws of Connecticut meant when they said that the oil should not be inflammable at a less temperature than 110 degrees Fahrenheit that the fire point of the oil should meet this standard.

State's Attorney Haines and Professor W. P. Bradley, of Wesleyan, the expert whom he called, contended that the statutes referred rather to the flash point, and a legal battle was fought over these points, and by the verdict of to-day the state won its first step toward getting better oil from the Standard Oil Company.

The whole contest was precipitated by the explosion of some bad kerosene in a lamp last January, which resulted in the death of a little girl.

### MOTHER KILLS CHILD, NOT CAT.

[By Telegraph to The Tribune.]

Roanoke, Va., April 10.—Mrs. William Floyd, intending to shoot a cat on the back fence late yesterday afternoon, accidentally shot her little three-year-old daughter in the neck, from the effects of which the child died this morning. The mother is prostrated with grief.

### PHILADELPHIA TO SEND \$5,000 TO JAPS.

Philadelphia, April 10.—Acting on the request of President Roosevelt, made some weeks ago, that relief be sent to the starving Japanese, a meeting of the Citizens' Permanent Relief Association was held to-day in the office of Mayor Weaver. It was decided to send \$5,000 to Japan for the relief of the sufferers.

Washington, April 10.—The State Department has received through the Red Cross, an additional sum of \$5,000 for transmission to the Japanese famine sufferers.

THE SOUTHWESTERN LIMITED is a luxurious train to St. Louis and Cincinnati by the New York Central Lines. Leaves New York every day at 2:04 p. m.—Adv.



PIAZZA MONTE OLIVETO, IN NAPLES, Where yesterday's disaster occurred. On the right in the foreground is the ancient palace used as the city postoffice.

### LYNCH CRY ON "L" TRAIN

### Negro Strikes White Woman—Riot on Crowded Car.

In a crowded car of an elevated train on Columbus avenue last night, Albert Trott, a West Indian negro, brutally struck Miss Isabel Oliver, an Alabama woman, living at No. 292 West 142d street, in the face, cutting her nose, blackening both her eyes, and knocking her down. The men in the car, fired with anger, attacked the negro, who fought desperately, amid cries of "Lynch him!" and "Kill the nigger!" A policeman had to draw his club to prevent the negro's being wrested from him and probably killed by the infuriated male passengers.

Miss Oliver was in the centre of the car holding a strap. Just in front of her was the negro, also hanging to a strap. As the train drew into the 72d street station the negro lurched backward against Miss Oliver, who said:

"You should be more careful."  
The negro replied profanely and insolently. Angered by his brutal remark, Miss Oliver replied: "Where I come from negroes are more polite. They know their place."

The negro then deliberately struck Miss Oliver a terrific blow in the face before any one could interfere. He followed the first blow with others, hitting her in both eyes and knocking her down.

In a second the car was in a turmoil. The negro attempted to escape, as the train had come to a stop at the station, but he was surrounded by an angry crowd of men, wildly shouting, and he was forced to defend himself. The car was jammed, and the men fought at such close quarters that many of the blows intended for the negro landed on men who were in turn fighting desperately to get at the colored man. The angry cries of the men, screams of fright from the women and the noise of the fray were heard all through the train. Passengers in the other cars were intensely excited.

The conductor tried to force his way into the car, but could not pass the dense mass of struggling and fighting men. The motorman blew his whistle several times for help.

Patrolman Slattery rushed up to the station and had to fight his way through a crowd of several hundred people. Drawing his club, he reached the side of the colored man, who, although overwhelmed with numbers, was fighting desperately. As Slattery started to take his prisoner out an attempt was made to wrest the man from the policeman.

In the station house Miss Oliver became hysterical and pulling a hatpin out of her hat made a lunge for the negro. Sergeant Stevenson jumped from behind the desk and caught the woman before she could accomplish her purpose. She says she will appear against the negro in the West Side court this morning.

### SUCCEEDS PRESIDENT HARPER.

[By Telegraph to The Tribune.]

Colorado Springs, Col., April 10.—The Rev. Dr. William F. Slocum, of Colorado College, has wired his acceptance of successorship to the late W. R. Harper, president of the Andrew Carnegie Foundation Fund. He was elected to the vacancy at a meeting of the trustees held in New York City last night. Dr. Slocum is a Massachusetts man and a Harvard graduate. He is about fifty years old. Prior to assuming the presidency of Colorado College in 1881 he had served the Congregationalist Church as pastor in Boston.

### WHALER WHO SOUGHT THE POLE DEAD.

[By Telegraph to The Tribune.]

Plainfield, Conn., April 10.—The death of William H. Johnson, of Lisbon, removes from active life one of the last of the American whalers who sailed so near the North Pole in 1847. Mr. Johnson ran away from home, determined to go on the cruise, and in the next few years rounded Cape Horn three times. In the California gold craze in 1849 young Johnson was on a vessel in Honolulu. He jumped from a pier and swam several miles to join a crew bound for the Golden Gate. In 1861 he enlisted in Company A, 18th Connecticut, and later spent one year in Andersonville Prison.

### MAXIM GORKY ARRIVES

### "Russia To Be a Republic Some Day," Patriot Assures Friend.

Alexey Maximovich Pleshkoff, Russian author and revolutionist, better known as Maxim Gorky, arrived yesterday on the Kaiser Wilhelm der Grosse with Madame Gorky and G. Boorenin, his secretary. He was met at Quarantine by a party of personal friends and several representatives of local organizations that sympathize with the radical movement in Russia. Most impatient to greet him was his adopted son, Nikolay Pleshkoff.

Having been arrested once last year for his relation to the revolutionary troubles in St. Petersburg, Gorky was again in danger after attending a meeting of his compatriots in Helsingfors, Finland, in February, when he escaped to Stockholm, Sweden, and then to Berlin. He was received with great enthusiasm in the German capital, but his friends were doubtful as to his safety, and early in March he went to Zurich, Switzerland, where he became temporarily a member of the colony identified with the revolutionary party. It was at Zurich that he declined to respond in person to the cabined invitations to visit the United States.

The deputation included also H. Gaylord Wiltshire, Leroy Scott, Abe Caham, Editor of "Forward"; Maurice Hillquist, of the Socialist party; Joseph Mandelkern, a lawyer; Dr. Maxim Romm, and Ivan Norodny, the exiled leader of



MAXIM GORKY. The Russian novelist and agitator, who arrived from Europe yesterday.

the military party to which Lieutenant Schmidt, who was recently executed, belonged. Gorky is thirty-eight years old, is 5 feet 6 inches in height, with a typical Slav countenance.

### NO TROUBLE AT CUSTOMS.

No trouble with the customs officials embarrassed Gorky's debarkation. He denied that he was an anarchist. He said he was a socialist, and added that what now passes in Russia as government is really anarchy, and to all that he is opposed.

The Kaiser Wilhelm reached her pier in Hoboken about 6 o'clock, and here a large number of Russians were waiting to welcome their countryman. Among them was Nicholas Tcharkofsky, the representative of the Social Revolutionary party, who arrived from London three weeks ago; Alexander Jonas and Algebron Leo, delegates of the Socialist party; Dr. P. S. Kaplan, Dr. C. H. Sitlowsky and S. O. Pollock, delegates of the Socialist Revolutionary party; Dr. Julius Hammer, Dr. L'Barra and L. Abelson, of the Socialist Labor party; Dr. M. Gurevitch, I. Abrams and A. Liesin, of the Russian Bund.

Ivan Norodny was on the pier as soon as the steamer docked, and held a conference with Tcharkofsky. When Gorky came down the gangplank, accompanied by his wife and young Pleshkoff, after the passengers had mostly disembarked, Tcharkofsky grasped his hand, and as they walked a few steps riverward the older man looked the younger in the eyes and said: "Gorky, do you bring us hope or tears?"

### HOPEFUL FOR RUSSIA.

Gorky shook the hand of his countryman and after a pause said: "I bring hope and certainty—certainly that Russia will yet be a republic." Before coming ashore Gorky, after first bagging to be excused on the plea of fatigue, received the representatives of the newspapers. He said he had worked twelve hours a day on the way over and wanted a few days' rest. "Recent events in Russia," said he, "have

Continued on eighth page.

### VOLCANO AGAIN RAGING.

### LIVES LOST IN NAPLES.

### Market Falls—Hundreds Reported Dead in Vesuvian Region.

Rome, April 10.—A dispatch from Naples to the "Tribuna" reports that five hundred persons have perished in the district between Ottaviano and San Giuseppe.

Naples, April 10.—The day broke fair, the eruption of Mount Vesuvius had diminished and the Neapolitans began to hope that the worst was over. The hope was shortlived. Early this morning the Mount Oliveto Market, which covered a plot of ground six hundred feet square, collapsed and fell upon two hundred or more persons, of whom twelve were killed, two mortally injured, twenty-four dangerously hurt and one hundred less seriously injured. Several of the dead were crushed beyond recognition. Only the firm action of the police and carabinieri prevented the crowd from overwhelming those who were engaged in the work of rescue.

The volcano resumed activity in the afternoon, and as night approached the fate of the villages and towns around the volcano seemed more hopeless. The fall of sand and ashes emitted from the crater increased. Even with the sun shining high in the heavens the light was a dim yellow, and the few people who remained in the stricken towns moved about like gray ghosts. The case of Torre del Greco is typical. For thirty hours the place has been practically deserted, but amid the ruins and semi-darkness, illuminated from time to time by vivid flashes of lightning, a few of the inhabitants go about, hungry and with throats parched with smoke and dust, seemingly unable to tear themselves away from what so recently were their homes. Communication by rail or tramway with Torre del Greco and Torre Annunziata is impossible, owing to the cinder, sand and ash deposits. Railway travel to and from Naples is much hampered by the same conditions, and a collision to-day resulted in the injury of about twelve passengers. Telegraphic communication with the towns furthest in the danger zone also is interrupted.

The stream of lava which started anew in the direction of Torre Annunziata reached the cemetery of that town, and then turned in the direction of Pompeii.

The troops are conveying provisions, surgical accessories and material for the relief of the injured near Ottaviano. A violent storm of sulphurous rain occurred to-day at San Giuseppe Summa Vesuviana and Saviano. The volcano is especially active at Cercola.

The fall of volcanic matter in the Vesuvian communes has been enormous. It is feared that the weight of ashes on roofs will cause the collapse of many more buildings, both here and in the towns and villages nearer the volcano.

The Minister of Finance, Signor Salandra, accompanied by a party of officials, and Torre del Greco. The Minister called on the inhabitants of the towns visited to co-operate with the troops in clearing the ashes from the roofs of houses. The Minister next proceeded to Torre Annunziata, where normal conditions are being resumed. Afterward Scafati, Terzigno and Pompeii were visited. An attempt to reach the ash covered town of Ottaviano was unsuccessful, owing to the impassable condition of the roads. The lava in the vicinity of Boscorene has formed a lake.

The party returned to Torre Annunziata amid a heavy fall of ashes. A large number of the inhabitants of that place are leaving it. The Minister and his party were unable to return to Naples overland, and proceeded to Castellamare on board a tug. Navigation is dangerous, the ashes darkening the atmosphere.

All the bodies of those who were killed in the church at San Giuseppe on Monday have been recovered, the number being 105. Search is being made of the houses at Ottaviano, where fifty bodies have already been found. It is believed that there are still many to be recovered.

King Victor Emmanuel and Queen Helena have forwarded to Premier Sonnino, who is here, \$20,000 for the relief of the sufferers.

Cardinal Prisco, Archbishop of Naples, to-day visited the people wounded by the fall of the Mount Oliveto Market, and gave them the benediction of the Pope. The Duchess of Aosta spent the entire day at the hospital. As she bent over a cot to give a cooling drink to a wounded child she felt a kiss imprinted on her