

CHICAGO ROADS APPEAL ASK FOR A REHEARING.

Washington, April 26.—A petition for rehearing in the Chicago traction cases was filed today in the Supreme Court of the United States...

The petition is signed by John G. Johnson, John S. Miller, Joseph R. Auerbach and Breinard Tolles, counsel for the companies. In their brief in support of their contention they say:

Only at rare intervals does a case involving such vast financial interests as the present controversy come before even the Supreme Court of the United States, and rarely, if ever, has such complete disaster resulted from one of its decisions.

Not only the investments of those who have been interested in these corporations time out of mind, but investments lately made upon the faith of what had been recognized for nearly forty years as the sole possible interpretation of the act of 1865, amounting to scores of millions of dollars, are to all intents and purposes obliterated...

For the future nothing was left in doubt. The act not only operated to extend the life of the corporations, but also to vest in them during their extended life all the powers and authority expressed in their charters and which had become vested in them under the terms of their charters.

CHICAGO READY TO ACT. Attempts to Settle Traction Question To Be Made Next Week.

Chicago, April 26.—Attempts to pave the way for a settlement of the traction question are to be renewed in the near future. The transportation committee of the city council will meet to renew its efforts. Special authority was given for this purpose at the last meeting of the council.

HATCH REINSTATED ON CHANGE. Deposed Member of Bankrupt Firm Has Settled His Obligations.

A Sanford Hatch, the board member of the former firm of Hatch, Hatch & Co., which failed August 5, 1905, was reinstated yesterday to membership on the New York Stock Exchange, having settled his obligations. At the time of the failure the firm proposed to settle on a basis of 40 cents on the dollar, but the general creditor rejected this proposition and forced the firm into bankruptcy.

HARDMAN PIANO LEADER OF QUALITY

Experts everywhere state that the unequalled tone and brilliancy of the Hardman piano is due to the fact that it is made of the finest materials and by the most skillful workmen.

CARNEGIE ON STANTON. Pays Tribute to Lincoln's War Secretary at Kenyon College.

Gambler, Ohio, April 26.—Stanton Day, in honor of the memory of Edwin M. Stanton, was observed at Kenyon College today. An oil portrait of Lincoln's War Secretary, presented to the college by Colonel John J. McBook, of New York, was unveiled. Andrew Carnegie, who has given \$60,000 to endow a chair of economics in memory of Stanton, made the principal address.

In his address Mr. Carnegie said, in part: In estimating Stanton as War Minister many have been justly lavish in their praise of his unflinching energy, tenacity and unconquerable will in the performance of the arduous duties of a war minister, characteristic of an exceedingly able man, but a just estimate of him can only be made when the world he lived in is taken into account.

The Western rivers were patrolled by Confederate steamboats. Improved ships of war. The Navy Department had no plan for destroying these and opening the river to the national commerce. Stanton knew Charles Ellet, bunder of the Wheeling, Fairmount and other bridges, an engineer of great ability, who had suggested rams for naval warfare.

Ellet was called to Washington for conference on March 26, and although Russia and our own Navy Department had long before rejected Ellet's idea of rams, he adopted them, and sent Ellet to Pittsburgh, Cincinnati and New Albany to convert ordinary river steamboats into powerful rams. This was accomplished, and the rams approached Memphis on June 5, destroyed the enemy and captured the city next day.

The Secretary of the Confederates early took possession of Norfolk and the navy yard. Secretary Stanton asked the Navy Department if the fleet could not attack Norfolk, but was met with the suggestion that the army should assault it by land. The Merrimack appeared and sank the frigates Congress and Cumberland on the Chesapeake coast. That night Stanton called a conference with the Secretary of War and the Secretary of the Navy to discuss the matter.

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CARNEGIE GIFT TO NEGRO COLLEGE. Boston, April 26.—A conditional gift of \$25,000 to the Carnegie to Morris Brown College, Atlanta, was announced here today by the Rev. R. D. Stinson, vice-president of the college. Mr. Carnegie has just written to the Rev. Mr. Stinson promising this sum toward the erection of an industrial building at the college after a certain amount, not made public, has been raised there by Mr. Stinson. The college was founded in 1851 by the negroes of Georgia.

CARNEGIE GIFT FOR MÜHLENBERG. The Rev. Dr. J. A. W. Haas, president of Muhlenberg College at Allentown, Penn., announced at a dinner of the Lutheran Social Union at the Assembly, Brooklyn, last night, that Andrew Carnegie had offered to give \$20,000 to the college if \$25,000 more were raised.

NON-UNION MEN BEATEN. Two Iron Workers Set Upon—Strikers Accused of the Attack.

Trouble between union and non-union ironworkers has broken out at the Glenwood power house of the Central Hudson Railroad at Yonkers. Two workmen have been roughly handled by men said to represent the unions. The strike has been on for more than a year, and the American Bridge Company has been employing non-union labor to do the work. At the power house the two non-union workers were set upon and badly beaten by a gang of eight or ten men. The trouble was brewing, and an appeal was made for police protection. This was readily given, and the company also imported detectives from this city. Armed guards are plentiful about the structure, and the union men are being placed until he is satisfied that the non-union men are working. No trouble is expected until the main body of strike breakers is expelled.

BELMONT NOT WORRIED. "LET COURTS DECIDE." Interborough Head Gives Reasons For Not Paying on-Sinking Fund.

August Belmont, president of the Interborough company, said yesterday that while the subway system earned 3.64 per cent net for the fiscal year ended October 31 last, the earnings this year are 5 per cent or better, and Mr. Belmont intimated that there could not be any conveyance over the 1 per cent payment to the sinking fund from this time on. When Mr. Belmont was asked yesterday to make a statement with reference to the contention of the Controller that the interest rental on bonds should not be charged to operating expenses, he said:

It is almost a waste of time to discuss the point raised by the Finance Department. The easiest way to arrive at a clear understanding of doubtful points is to leave them to the courts. We do not discuss the contract as it is in its features as vague. We took the contract as we found it, and we are not going to discuss it. It is clear that the 1 per cent payment to the sinking fund was not to be paid by the tenant until his property was sold. The contract is a contract for the use of the subway, and the 1 per cent payment is a charge for the use of the subway. There is not a dollar of water in it. Moreover, the present controversy cannot continue long, as the net earnings of the subway are better than 5 per cent at this time, and we are improving all the time.

The first year of operation included many extraordinary expenditures. We had a strike, which cut down our traffic and involved extra expenditures. None of these things are interfering with charging the charges as they are nominal. Next year payment will be paid on the earnings this current year, and would be paid for the last year of the earnings.

The Controller, under the contract, always has access to the books of the Interborough company. A person's statement, contrary to our bookkeeping that we wish to conceal. George W. Wickersham, counsel to the Interborough Rapid Transit Company, made the following statement: A good deal of misapprehension seems to exist in the public mind with respect to the question of how the sinking fund is to be paid. The Interborough Rapid Transit Company with respect to payment of rental for the subway.

The statement furnished Controller Metz by Mr. Belmont to prove that the Interborough company is not liable for the 1 per cent payment to the sinking fund for the year ended October 31, 1905, is a statement to harmonize in spirit with the statement made to the State Railroad Commissioners. The greatest discrepancy is in the item covering the cost to the Interborough company of the operating lease obtained from John B. McDonald. Mr. Belmont's statement to the Controller makes the cost of the lease \$12,100,000, while the item in the statement to the State Railroad Commissioners which seems to cover the lease is \$2,575,751. This is a difference of more than \$9,500,000. The figures furnished to Controller Metz are as follows:

Table with financial data: Capital stock to acquire subway lease, \$12,100,000; Cost of real estate, \$1,221,205; Cost of subway equipment, \$719,800; Total capital investment, \$13,041,005.

Advocates of municipal ownership yesterday thought they saw a fine opportunity for the city to evict Mr. Belmont and at once take over and operate the subway. There is not the slightest probability that any such thing will be done. There is a provision in the contract for taking over the subway if the tenant refuses to abide by the conditions in the instrument, but a misunderstanding as to the meaning of certain clauses would hardly furnish reason or opportunity for the eviction of Mr. Belmont. Section 2 of Article I of the contract says:

In case of default of the contractor in paying the interest on the bonds of the Interborough company, or in neglect of the contractor faithfully to observe, keep or fulfill any of the conditions, obligations and covenants of the contract, the city may, at any time, give notice to the contractor of at least ten days, and take possession of the road and equipment, and use the same for the operation of the subway for the full unexpired term of the lease or such shorter period as may be determined by the city. The contractor shall be bound to maintain the road and use of the equipment for the full unexpired term of the lease, after the payment of necessary expenses of operation, the said annual rental and paying over the balance, if such there be, to the contractor.

ASSEMBLY PASSES MERRITT BILL. May Block Pending Ryan-Belmont Merger if Made Law.

Albany, April 26.—Assemblyman Merritt's bill compelling railroad companies to obtain the consent of the State Railroad Commission before they can merge, stock, bonds or franchises passed the Assembly unanimously today. The measure is aimed at future combinations similar to the Ryan-Belmont merger. It should become a law in August if it is not vetoed by the Governor. The bill is the work of the New York traction interests.

MR. HARRIMAN DENIES REPORT. Referring to a dispatch from Pittsburgh April 23, which said that E. H. Harriman, president of the Union Pacific and Southern Pacific, was "rushing for San Francisco, not as a railroad magnate to safeguard damaged property," and quoting him as saying that "unscrupulous New York financiers have taken advantage of this national calamity to rig the stock market," Mr. Harriman has wired his office in New York to publish the fact that he never made any such statement as attributed to him in that dispatch.

NAT GOODWIN SUED FOR \$20,000. The trial of the suit of Selma Pether, wife of Milton Royce, to recover \$20,000 from Nat C. Goodwin for damages and breach of contract was begun before Justice Fitzgerald and a jury in the Supreme Court yesterday. Miss Pether alleges that she made a contract with Goodwin, in which he agreed to produce her play, "My Wife's Husband," during 1902 and 1903, but that in Cleveland, instead of playing "My Wife's Husband," Goodwin revived "The Gilded Fool."

James McCreery & Co. Ladies' Flannel Petticoats. Silk embroidered, white albatross Under Petticoats. Imported models.

White pique, fleece-lined Skirts, with scalloped edged ruffle. 50c value 1.00. Albatross, Flannel, Scotch and outing flannel Petticoats, trimmed with lace and embroidery. Various models and prices. Twenty-third Street.

FOR CHEAP PIERS NOW Dock Board Fears Rivalry of Other Ports.

Dock Commissioner Bense and Controller Metz plainly intimated at the meeting of the Sinking Fund Commissioners yesterday that they are in favor of "liberal" leases to the Cunard and International Mercantile Marine companies for the new Chelsea piers. Said Mr. Bense: If New York is to retain its pre-eminence as a passenger port of entry the steamship companies must be treated fairly and liberally. Boston is charging nothing for wharfage, and in New Orleans the charges are merely nominal. New York can hold its present place, but not if the steamship companies are driven to ports where the charges are more reasonable.

The Commissioner is right," interrupted the Controller. "We must act at once if we are to save New York's supremacy. Newport News is now attracting a large part of the trade that should come to New York. In San Francisco the rates have been nominal for a long time." Commissioner Bense was asked by the Mayor for an opinion on the value of the piers. He declined to report on the ground that the subject involved is of too great importance. He suggested the appointment of a commission to take testimony and report back to the board. On motion of Controller Metz the Mayor named a commission composed of the president of the Board of Aldermen, the Controller, the Dock Commissioner, a member of the Chamber of Commerce, named by the president of the chamber, and a member of the Maritime Association, named by the president of that body, to take testimony and present recommendations to the Sinking Fund Commission.

In view of the disposition of the McClellan administration to lease the piers at low figures, a brief reference to the handling of pier leases by the McClellan administration will be instructive. Under Commissioner Hawkes in 1902 the Chelsea piers were rapidly being completed, and the International Mercantile Marine Company wrote the Commissioner, saying that it wanted to lease five and one-half piers, from 22d street southward. After negotiation the company agreed to pay \$450,000 a year for these piers. At about the same time the Cunard people also wrote to the Dock Department asking for two of the Chelsea piers, and agreeing to pay at the above rate. This rental would yield the city a return of 4.71 per cent on the investment, slightly less a return than is paid by the Cunard and White Star companies for piers further south on the North River waterfront.

The minutes of the Sinking Fund Commission in the Controller's office show that these propositions were accepted by the Commissioner, thus binding the companies. This was near the end of 1902. All that was needed to consummate the lease was approval of the terms by the Sinking Fund Commission. Commissioner Featherston assumed charge of the Dock Department on January 1, 1904, and almost the first official act of the new Commissioner was a letter to the Sinking Fund Commission withdrawing the proposed leases for the Chelsea piers. No reason was assigned for this dispatch. The American Ambassador at the City of Mexico, the American Vice-Consul at Pensacola, and the American Consul at Vera Cruz, were notified by the Controller that the proposed leases were withdrawn. The companies previously had taken the initiative in urging the making of the leases. Since then work has dragged on the completion of the piers, and they are still uncompleted. There was just about one year's work to do on them when Commissioner Hawkes left the Dock Department. There still is about one year's work to do on them. The withdrawal of the leases after they were ready for approval by the Sinking Fund Commission and actually in the hands of the commission, cost the city at least \$750,000 in loss of rentals. Now, apparently, a change of policy is to be adopted, with much lower prices for the piers.

CALLS PROCEEDING A FARCE. Assistant District Attorney Criticizes Police Court Methods of Queens.

Assistant District Attorney Bombach, of Queens County, declared yesterday that police court proceedings in cases of alleged violation of the liquor tax laws were a farce. Mr. Bombach appeared before Magistrate Healy, in the Long Island City police court, to prosecute two waiters arrested at North Beach last Sunday by Detectives McLaughlin and Harnett, of Inspector Kane's staff. "A policeman must be an expert chemist if he hopes to obtain a conviction in a liquor case," said the Assistant District Attorney. "There is no use trying to get a conviction in a magistrate's court." "Will you offer any evidence in this case?" asked the court. "No, Your Honor, let the farce go on," replied Mr. Bombach. The detectives testified to arresting the men after being served with drinks. They could not swear, however, that the liquor served them was whiskey, and the court dismissed both cases. Magistrate Healy gave notice of the severe criticisms of the representative of the District Attorney's office.

WIRELESS FOR ARCTIC EXPEDITION. The steamship Arctic, in which Captain Joseph E. Bernier, under the auspices of the Canadian government, will attempt to reach the North Pole from the Atlantic side, is to be equipped, like Walter Wellman's ship, the "Fritjof," with the American De Forest wireless system. Captain Bernier is vice-president of the Arctic Club of New York City.

ADDS NEW VESSEL TO FLEET. The Scandinavian-American Line announces that it has added to its fleet the 8,500-ton twin screw steamer C. F. Teigen, which is fitted up with all modern improvements. The vessel will sail from New York on May 17 and June 28, making close connections with North Cape and Fjord steamers. The last named date has been fixed with special reference to the convenience of professors and teachers. On both trips the Teigen will stop at Copenhagen, at which point passengers may stop over for a brief time and also make connections for Hamburg and Berlin.

Art Exhibitions and Sales. To-Night at 8:30. At MENDELSSOHN HALL. Fortieth Street, East of Broadway. (Admission by card, to be had free of the managers.)

The Notable Paintings collected by the late Joseph Jefferson "Exhibition Ends To-day (Friday) at Noon" At the American Art Galleries. MADISON SQUARE SOUTH. The Sale Will Be Conducted by Mr. Thomas E. Kirby of THE AMERICAN ART ASSOCIATION, MANAGERS, 6 East 23d Street, Madison Square South.

GAS DIVIDENDS HALVED. BARS WIFE IN WILLS. Stockholders to Pay for 20 Per Cent Drop in Price. Former Federal Official Angered by Discovery of Woman's Divorces.

The directors of the Consolidated Gas Company declared a dividend yesterday of 1 per cent for the quarter, payable June 15. The last preceding declaration had been 2 per cent. The dividend of yesterday, it was said by an official of the company, was not a "quarterly dividend"; but it was thought to remain on a 4 per cent basis for some time to come. The dividend record for a series of years has been as follows: From 1894 to 1898, inclusive, 8 per cent; 1899, 6 per cent; 1900, 5 per cent; 1901, 5 per cent; 1902, 5 per cent; 1903, 5 per cent; 1904, 5 per cent; 1905, 5 per cent. One of the directors said yesterday, when asked whether or not the 4 per cent rate would probably be permanent, that it would depend entirely on the future profits of the company. In view of the approaching reduction in the price of gas from \$1 to 80 cents a thousand cubic feet, he added, the directors had felt themselves obliged to reduce the amount of the disbursement to the shareholders. The company was however, preparing to bring an action to test the constitutionality of the 50-cent gas law. A reduction in the dividend rate had been generally expected, that belief having been reflected in the decline in price of the company's stock which has been in progress for weeks. The selling has been partly liquidation of investment holdings and largely short selling, and the price yesterday reached 131, the lowest level since 1895. Its first dip to 131 was in the morning, before the dividend was announced. From that point it rallied to 134 1/2, falling again to 131, when the rate for the quarter was found to be 1 per cent. Then it rallied on supporting orders and short covering and closed at 132 1/2, fractionally higher than on the preceding day. The highest price at which Consolidated Gas has sold this year was 181 1/2, on January 27, before the stock exchange measure, enacted into law. In 1901 it sold as high as 238.

IMPORTANT GAS MAIN DECISION. Albany, April 26.—The State Commission of Gas and Electricity rendered an important decision today concerning the liability for the expense of connecting houses with gas mains in the public streets. The commission defines the portion of the pipe, for which the deposit may be required from the abutting property owner, as that portion only which extends to the house. The commission holds that the lighting company must itself bear the expense of laying the pipe from the street line to the main pipe. The minutes of the Sinking Fund Commission in the Controller's office show that these propositions were accepted by the Commissioner, thus binding the companies. This was near the end of 1902. All that was needed to consummate the lease was approval of the terms by the Sinking Fund Commission. Commissioner Featherston assumed charge of the Dock Department on January 1, 1904, and almost the first official act of the new Commissioner was a letter to the Sinking Fund Commission withdrawing the proposed leases for the Chelsea piers. No reason was assigned for this dispatch. The American Ambassador at the City of Mexico, the American Vice-Consul at Pensacola, and the American Consul at Vera Cruz, were notified by the Controller that the proposed leases were withdrawn. The companies previously had taken the initiative in urging the making of the leases. Since then work has dragged on the completion of the piers, and they are still uncompleted. There was just about one year's work to do on them when Commissioner Hawkes left the Dock Department. There still is about one year's work to do on them. The withdrawal of the leases after they were ready for approval by the Sinking Fund Commission and actually in the hands of the commission, cost the city at least \$750,000 in loss of rentals. Now, apparently, a change of policy is to be adopted, with much lower prices for the piers.

SEIZE AMERICAN BOATS. Mexico Confiscates Two Fishing Smacks Off Yucatan Coast.

Mobile, April 26.—Information from Progresso, Yucatan, received here, says that the big fishing smack D. L. Trofion, owned by the company of that name, sailing from this port, and the smack Stearns, sailing out of Pensacola, Fla., for the E. E. Warren Company, have been seized by the Mexican government while fishing off the Mexican coast on the Campeche Banks. It is thought the Mexican government believes it has jurisdiction over the Campeche Banks, which are many miles outside the three mile international boundary. The fishing smacks out of Mobile and Pensacola have been fishing on the Mexican banks for years, and have never before been molested. This seizure is thought to have been caused by a report made by the Mexican Vice-Consul at Pensacola that fish were being brought to this country from the Campeche Banks.

ROCKMEN AND EXCAVATORS THREATEN TO STRIKE. Demands were formulated yesterday by the Rockmen and Excavators' Union to go into effect May 1 for higher wages and the nine-hour workday. Frank De Mott, business agent of the union, says 42,000 men will be affected. The demands include a 10 per cent increase in the Contractors' Protective Association, on which they are to be made in a day or two.

MAY TIE UP BUILDINGS. Rockmen and Excavators Threaten to Strike. Demands were formulated yesterday by the Rockmen and Excavators' Union to go into effect May 1 for higher wages and the nine-hour workday. Frank De Mott, business agent of the union, says 42,000 men will be affected. The demands include a 10 per cent increase in the Contractors' Protective Association, on which they are to be made in a day or two.

CURLING IRON BURNS TWO. Alcohol Lamp Overturned at Martha Washington Hotel. The Misses Susan G. and May Elliott, of Clinton, Conn., guests of the Hotel Martha Washington, were painfully burned yesterday by the overturning of an alcohol lamp in their apartment. Both were taken to the New York Hospital.

COPPER MEN MEET. Heinze Says Litigation Cost Over \$8,000,000 in Eight Years. The stockholders of the United Copper Company at a special meeting held yesterday in Hoboken voted to authorize the directors to accept \$5,000,000 cash and accrued interest for the \$9,000,000 Montana Ore Purchasing Company bonds and \$2,500,000 Nippon Consolidated Copper Company bonds, two corporations being controlled by the United Copper Company. The stockholders also voted to alter the bylaws in certain respects, and adopted a resolution authorizing the directors to vote all the stock now or hereafter to be held by the United Copper Company in the Butte Coalition Mining Company.

PHARMACY COLLEGE COMMENCEMENT. One hundred and seventy men were graduated from the College of Pharmacy, Columbia University, at the commencement exercises, which were held last night in the Carnegie Music Hall. Fifteen men received the degree of Doctor of Pharmacy. Charles Krieger, and bronze medals to Hugo Zivny and Nathan Winter, who were tied for third place. Frederick Borgwardt, president of the Alumni Association, gave the special alumni dinner. There was an elaborate musical programme. William J. Chesapeake, of the faculty, presided at the board of trustees. Victor L. Pierce made the valedictory address.

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