

PRESIDENT ROOSEVELT EXPECTS TO BE AMENDED AND WILL FAVOR CERTAIN NEW PROVISIONS.

INSISTS ON MEASURE MEETING HIS VIEWS DOESN'T CARE A RAP WHETHER IT PASSES BY REPUBLICAN OR DEMOCRATIC VOTES.

PRASED BY MR. DOLLIVER IOWA SENATOR ADVOCATES HEPBURN BILL AND CONTENTS FOR RIGHT TO REGULATE RAILROADS.

HERALD BUREAU, No. 734-FIFTEENTH STREET, N. W., WASHINGTON, D. C., Thursday, March 2, 1906.

Addressing fifteen hundred persons who gathered last night in the Amsterdam Opera House, to celebrate the passage of the bill for the removal of the New York Central tracks in Eleventh avenue, Senator Martin Saxe, author of the bill, declared that it would not build a subway under its present Eleventh avenue route, but would let the city condemn its property, were it possible to construct a subway.

Senator Spooner holds, with Senator Knox, that there must be a specific review provision to make certain the constitutionality of the measure, but the two Senators differ as to the exact shape the remedy must take.

Senator Bailey is said to have sent word to the President of certain changes he deems necessary. He is in favor of the commission being directed to name an absolute or specific rate instead of a maximum rate.

Senator Spooner's amendment, that when a rate of the commission shall be held up by an injunction under the carrier shall pay in cash the difference between its rate and the enjoined rate of the commission.

Mr. Dolliver recognized that the question of appeal to the courts from the orders of the commission was the background, and he declared as the bill stood it left the door to the courts open for the protection of all constitutional rights.

Mr. Dolliver declared "no Congress that will ever assemble will pass a law that will take the markets away from the railroads, and that the people were not complaining of the railroad combinations, Mr. Dolliver asserted, but he asserted they did demand that Congress should assert its function as the guardian of the American market place.

TELEGRAM TO THE GOVERNOR

TELEGRAM TO THE GOVERNOR MEETING OF CITIZENS SENDS REQUEST THAT HE SIGN THE SAXE-STANLEY MEASURE.

Addressing fifteen hundred persons who gathered last night in the Amsterdam Opera House, to celebrate the passage of the bill for the removal of the New York Central tracks in Eleventh avenue, Senator Martin Saxe, author of the bill, declared that it would not build a subway under its present Eleventh avenue route, but would let the city condemn its property, were it possible to construct a subway.

Referring to the report from Albany, in effect that the Saxe bill is a "grab" measure designed to give valuable franchises to the New York Central, he said it was too ridiculous for serious notice.

Amid much cheering the audience approved the following telegram, which was sent to Governor Higgins: "Fifteen hundred citizens, gathered in mass meeting in Amsterdam Opera House, representing all west side organizations, representing all west side organizations, welcomed Senator Saxe with great enthusiasm on passage of Eleventh avenue bill and respectfully ask your endorsement of the bill."

"I am happy to be here," said Senator Saxe. "A year ago on this very platform I promised, if elected, to do everything in my power to pass a bill for the removal of the Eleventh avenue tracks, and I have kept my pledge. Last year we failed, because the New York Central Railroad controlled the committee that had the bill, and no power on earth could get it out of that committee."

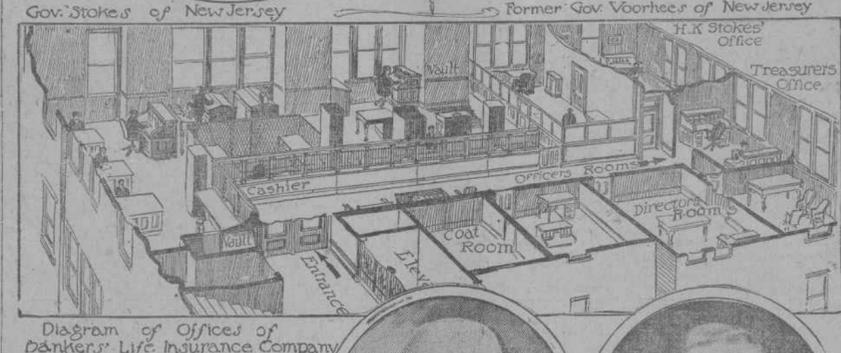
"I had difficulties this year. When I got the bill to the third reading those things we don't understand and don't see began to work. I went to the chairman of the committee and told him he must move the bill. He said he couldn't because he had made a promise to the New York Central to submit amendments. I said I wouldn't admit of a single crossing of the T or the dotting of an I, and I didn't."

"The New York Central is playing a game of bluff, pure bluff. It played it on me and I called it. It had plenty of time to amend the bill if it had been in earnest. It did it to delay at the bluff, minutes. I stood firm and called the bluff, and it couldn't do a thing. If you all go to the Mayor's office and tell him we have to fight for your rights, the Mayor won't dare to veto, and neither will the Governor."

"The company says, 'Go ahead and condemn. We won't build a subway. We will demand \$100,000,000 for the franchise. The most valuable part of the franchise, from Sixteenth street to St. John's Park, was acquired in 1867 for \$4,000,000 and the company says that is too high and is fighting it. Don't be bluff on that proposition. Let the city take the franchise and pay what is assessed for it."

That the city will have to pay to the railroad company a sum equal to the appraised value of the franchise. In case it is established that the franchise is valid, was the opinion expressed yesterday by various estimates as to what this sum might be have been made, and all of them put it at \$100,000,000.

MEN INTERESTED IN CHANGES IN INSURANCE COMPANY



Practically Consents to Head Movement of Policy Holders for New Control. ROGERS WAS ASKED TO BE ARBITRATOR Friends of Head of Illinois Central Planned to Patch Up Truce with E. H. Harriman. LATTER REJECTED THE PLAN Board of Trustees of the Insurance Company Holds a Meeting to Discuss Armstrong Report.

Stuyvesant Fish practically gave his assent yesterday to the proposal that he lead an organized policy holders' movement against the present administration of the Mutual Life Insurance Company on a platform calling for a thorough investigation and radical reform.

This decision on the part of Mr. Fish was reached after some of his friends had made efforts on his behalf to establish peace with E. H. Harriman and bring the two warring railroad trusts to a clear and harmonious understanding.

Mr. Fish's friends considered an influential friend of the Union Pacific's president, and who is also prominent in the affairs of the Mutual Life.

Mr. Rogers was asked to use his influence with Mr. Harriman and arbitrate the differences between the two men. Other influential friends of Mr. Harriman who are in the Mutual Life Board were also approached with the proposal that Mr. Harriman be induced to desist in his war on Mr. Fish.

Mr. Fish would do nothing antagonistic to Mr. Fish in the Illinois Central squabble. Mr. Fish would quietly retire from the Mutual Life imbroglio and not stir up any trouble.

Plan is Rejected. This proposal came to Mr. Rogers and other friends of Mr. Harriman last Tuesday, with the request that something definite be done on Wednesday.

Mr. Fish's withdrawal from the trustees committee and from the Mutual's Board he has been subjected to constantly growing pressure to lend his name and influence to a concerted movement of this character, and, as indicated by the Herald some days ago, the pressure has been so strong that it was difficult for him to resist.

It is now planned to organize a strong international movement of policy holders and to consolidate with it the organization perfected by Thomas W. Lawson, of Boston, under the guise of a Governor's committee. It is also intended, if possible, to absorb the association of Mutual policy holders recently organized with headquarters in Washington, of which John De Witt Warner of this city is counsel and Russell Fish secretary.

FISH'S PEACE PLAN FAILING, HE LEADS WAR ON MUTUAL

Called Upon by the State to Make Up Large Sum, Directors Meet and Act on Situation. HOSTILE INTERESTS TO NAME OFFICERS Henry P. Townsley and Eugene Van Schaick Reach Goal They Long Sought. SCORED BY ARMSTRONG Various Transactions in Which Insurance Company Became Involved During Its Career.

Called upon by the State Department of Insurance to make good a serious impairment of its capital, stockholders and directors of the Bankers' Life Insurance Company of New York held important meetings yesterday, the sequel of which will be that within a few days the men who compose the present management of that company will retire and successors will be named by interests bitterly hostile to them and which have been fighting the company for years.

In ousting the present management Henry P. Townsley and Eugene Van Schaick will become the dominant factors in the corporation and will realize a goal for which they have long striven.

The transactions of both of these men were disclosed by Mr. Hughes during the recent legislative inquiry, and in the report of the Armstrong committee neither of them appears in an enviable light.

Examination of the Bankers' Life by the State Insurance Department last December disclosed an impairment of its capital to the extent of something like fifty per cent. Under instructions from Superintendent Hendricks the company immediately ceased writing new business until the shortage could be made good, and as rapidly as its licenses for doing business in other States had expired the company has been withdrawing from operations outside the domestic field.

Since January 1 its business has been so curtailed that its force of clerks and employes has been reduced to a mere handful, and less than half the desks were occupied yesterday in its headquarters on the seventh floor of No. 31 Nassau street.

Ready to Pay the Money. Mr. Hendricks gave the customary order to make good the impaired capital, and an assessment, variously stated to be from \$70,000 to \$100,000, was levied upon the shareholders several weeks ago to restore the depleted reserves and to provide the necessary surplus.

Under this assessment members of the Knickerbocker Investment Company, which is dominated by Mr. Townsley and Mr. Van Schaick, and which owns a controlling interest in the stock of the Bankers' Life, will be called upon to furnish most of the added capital.

These officers have represented a young trust charged with the election of the company's directors, as is Mr. Ryan's voting trust in the Equitable Society. The members of the Bankers' Life voting trust are Foster M. Voorhes, former chairman of the New York, and until last September president of the Bankers' Company, and William Sherer, manager of the New York City Clearing House Association.

Mr. Stokes was careful to enjoin that he should be quoted as saying neither more nor less than this. There are in all about thirty stockholders, most of whom were represented in yesterday's meeting.

Eugene Van Schaick, who is a lawyer, with offices at No. 106 Broadway, is the official counsel of the Life Association of America, of which Henry P. Townsley is the president, and the offices of which company are in the same building. Mr. Van Schaick said:

"The affairs of the Bankers' Life are about to be placed upon a thoroughly stable basis, and I am on the eve of realizing efforts which have been under way for a long time to accomplish this result. I wish to state with great emphasis that Henry P. Townsley, president of the Life Association of America, will not be identified with the reorganized company."

BATTLE TO DEATH HIGH IN THE AIR

Hundreds See Engineer and Laborer Engage in Thrilling Combat.

DIES AT FIGHT'S END Fred Moon, Overcome by His Foe, Falls on His Face After a Severe Beating.

VICTOR IS LED TO PRISON Quarrel on East River Tunnel Superstructure Leads to Conflict Which Results in Fatality.

In a mid-air fight along the narrow footway of the East River tunnel superstructure, in which a missile would have killed a fall of fifty feet, witnessed by hundreds who were traveling in the Thirty-fourth street ferry yesterday afternoon, one man received a shock or injuries which resulted almost instantly in his death.

The combatants were Fred Moon, a laborer, employed by the Pearson Company, contractors for that end of the tunnel, who died, and Patrick McAssey, an engineer, employed by the same company. The place of the fight was along the narrow footway of the superstructure, which is used as a coal hoist, at the foot of East Thirty-fifth street, and the time was the late afternoon just as the homeward rush started across the ferry.

Mystery veils the cause of the fight, but the police say that trouble between the men started early in the day. McAssey ran the small hoisting engine which raises the coal and Moon's duty was to push the small cars from the hoisting shaft to the ferry. Moon, it is said, persisted in violating orders, in that after every trip he insisted on sitting down in the small engine house. He had been told by McAssey that it was against the rules and had been ordered out. He paid no attention to the orders and there were frequent quarrels.

It was toward nightfall that the quarrel continued. McAssey gave Moon positive orders to leave, and the man refused. McAssey, it is said, started for the laborer, who threw his hand back to his hip pocket as if to draw a pistol or a knife. McAssey's fist reached him on the point of the jaw before he could do anything else, and he fell full length on the boards. He was up in an instant, however, and the men clinched.

Both were of equal strength and lured to great heights. They fell on the footway, hardly more than four feet wide, and landed in an attempt to get the upper hand. It was then the passengers of the ferryboats first saw them. They could see the struggling, they could hear the shouts of the other employees. An instant it would appear as if one or both must plunge over the edge, but with a desperate effort they would roll to safety. Once it seemed as if Moon's body was half over, but he managed to struggle back. Another time he turned the engineer and it looked as if the fall would come then.

Passengers on two boats, one coming in and the other going out, set up a shout. Women were screaming, for to them the altitudes of the men were plainly shown against the horizon. Back and forth for twenty minutes the men struggled, and at last one of them, who afterward turned out to be Moon, managed to crawl from under and both jumped to their feet. They came together again with a crash, and this time the fist of McAssey reached the vulnerable point of the other man's jaw.

From that he reeled and again fell. He lay for an instant, not recognizing himself, started to walk away, realizing that he was beaten. McAssey stood still. In another moment he had rushed forward with his fellow employees for Moon, and when he walked on a few feet when he dropped flat on his face. He was dead when they reached him.

NAPHTHA CRASH BURNS 7 FIREMEN

Three Barrels of the Fluid Stored in Brooklyn Dyeing Plant Explode, Causing Fire Panic.

KEPT IN FRAME STRUCTURE Crowd Scatters, Screaming, Through Streets and Police and Ambulances Hasten to Aid of Injured.

Naphtha carelessly and illegally stored in a frame structure close to the rear wall of the Dewey Steam Dyeing Establishment, No. 128 Fulton street, Brooklyn, caused a disastrous explosion yesterday afternoon, causing confusion throughout the neighborhood and seriously injuring seven firemen who were fighting the fire in the dye works. For a time the entire block was threatened with destruction.

After the fire companies summoned by the alarm had arrived the inflammable fluid, which was contained in three barrels, stored, as asserted, in a frame structure seven feet from the rear wall of the main building, exploded with a terrific concussion, hurling the firemen in all directions.

First reports received at Police Headquarters, when there was a call for ambulances, told of the explosion. One man had been killed, and this caused such excitement that Deputy Police Commissioner Adam J. Cross hurried to the scene in an automobile and directed the work of saving for the injured, who followed.

Malone, Joseph, of Engine Company No. 14; burns on face; taken home. Dugally, Edward, Engine Company No. 14; burns on hands and face; taken home. Healy, Joseph, of Engine Company No. 14; burns on hands and face; taken home. Quinn, John, of Hook and Ladder Company No. 13; seriously burned on face, neck and hands; St. John's Hospital.

Malone, Joseph, of Engine Company No. 13; seriously burned on face and hands; St. John's Hospital. Deputy Commissioner O'Keefe and Borough Inspector Cross started an investigation to determine the responsibility for the explosion and to discover the exact quantity of naphtha stored in the building. Chief Purry interviewed David Stark, proprietor of the dyeing establishment, and later made a report. He says that Mr. Stark acknowledged that he had three barrels of naphtha stored in a wooden shanty situated seven feet from the rear wall of the building, where the fire originated, but that he insisted that he had a permit from the Bureau of Sanities to store one barrel of the fluid. He acknowledged that he had one barrel of clean naphtha and two of dirty.

The law requires that explosive fluids shall be stored in an absolutely fireproof structure, two feet below the surface of the ground and surrounded by a brick wall. The fireproof structure must be at least fifteen feet from the main building.

Deputy Chief Purry said that in this case the naphtha was upon the ground level, and ran into the six feet deep cellar of the dyeing establishment, where it exploded. He added that there was no doubt that the proprietor had violated the law. So far the fire itself was concerned, it was insignificant and was extinguished with a loss of \$100. The cause is not known, but it is supposed by Mr. Stark to have been spontaneous combustion. The building is three stories in height and of brick. On the first floor are the dye works, on the second Mr. Stark and his family live, and the top floor is used as a drying room. The building is owned by Assistant Corporation Counsel William B. Brewster, of No. 100 Johnston street, Brooklyn.

DYNAMITE FED COW KICK 28 STICKS IN STREET

Boys Playing with Explosive Give Some in a Carrot to the Milkman's Pet.

CARRY CHUNKS OF IT TO SCHOOL AND TRY TO SET IT OFF WITH STONES, BUT ARE UNSUCCESSFUL.

[SPECIAL DESPATCH TO THE HERALD.] BRIDGEPORT, Conn., Thursday.—Twenty-eight sticks of "specially explosive number one dynamite" have been kicking about the streets of the old town of Stratford where the pockets of some of the town's mischievous youngsters have visited some of the most prominent homes in town during the last three days.

Twelve sticks of it have been recovered, but Stratfordites are still looking carefully where they step and wear a worried expression because there are still fifteen sticks missing. One stick has been located, but cannot be recovered unless a dairyman makes a fatal mistake and treats one of his pet cows without due consideration.

When Deputy Sheriff Stag took three ten-year-old boys before Justice of the Peace Colby, charged with having broken into a storehouse and stolen the dynamite, disclosures came fast. The youngsters, owing to their tender years, were not sentenced. Instead they were turned over to their parents. After they had been severely lectured by the Justice, and their fathers were instructed to get the dynamite out of the youngsters' clothing and then spank them soundly.

Albert Zint, Earl Plicher and Joseph Robokost are the boys. They were on the way to school in Stratford on Tuesday morning, when they concluded to inspect a small storehouse owned by Hans Lingell. There they found dynamite. They stuffed their pockets with the explosive, taking it to school with them. As recess they broke open the sticks and pounded them with stones, trying to cause an explosion, but as the stuff was frozen solid, thanks to the weather, there were no detonations.

Efforts to cause an explosion by placing a piece on the trolley tracks were futile. The car wheels brushed the frozen stick to one side. The boys took the stuff home with them and the next day resumed their play, pelting each other with handfuls of it.

Taking twelve sticks yesterday afternoon, the Pitches boy went home. He deposited two chunks upon a shelf in the kitchen and the others he distributed about the parlor. Shortly after noon today, when Sheriff Stag called to arrest the boy he found Mrs. Pletcher with a fully thawed stick of dynamite in her hand, preparing to smash it up with an axe. Several broken sticks have been picked up, but there are many more missing.

It is declared by the boys that they fed one stick to a cow by stuffing it into a carrot they had hollowed out. Now the town's druggists are trying to figure out if there will be an explosion should they attempt to shake up an eggno from some of that cow's milk.

Neighbors of the milkman are beseeching him to be gentle with the animal and protect her from any sudden jar or shock.

Freed of Suicide Charge. Hortense Uzar, a young French governess for the children of Mrs. Isaac L. Rice, of Eighty-ninth street and Riverside drive, who tried to commit suicide last night by jumping into the North River because she thought she was under suspicion of stealing diamonds, was arraigned in the West Side Police Court yesterday on the charge of attempted suicide. Magistrate Whitman discharged her.

Called Upon by the State to Make Up Large Sum, Directors Meet and Act on Situation.

HOSTILE INTERESTS TO NAME OFFICERS Henry P. Townsley and Eugene Van Schaick Reach Goal They Long Sought. SCORED BY ARMSTRONG Various Transactions in Which Insurance Company Became Involved During Its Career.

Called upon by the State Department of Insurance to make good a serious impairment of its capital, stockholders and directors of the Bankers' Life Insurance Company of New York held important meetings yesterday, the sequel of which will be that within a few days the men who compose the present management of that company will retire and successors will be named by interests bitterly hostile to them and which have been fighting the company for years.

In ousting the present management Henry P. Townsley and Eugene Van Schaick will become the dominant factors in the corporation and will realize a goal for which they have long striven.

The transactions of both of these men were disclosed by Mr. Hughes during the recent legislative inquiry, and in the report of the Armstrong committee neither of them appears in an enviable light.

Examination of the Bankers' Life by the State Insurance Department last December disclosed an impairment of its capital to the extent of something like fifty per cent. Under instructions from Superintendent Hendricks the company immediately ceased writing new business until the shortage could be made good, and as rapidly as its licenses for doing business in other States had expired the company has been withdrawing from operations outside the domestic field.

Since January 1 its business has been so curtailed that its force of clerks and employes has been reduced to a mere handful, and less than half the desks were occupied yesterday in its headquarters on the seventh floor of No. 31 Nassau street.

Ready to Pay the Money. Mr. Hendricks gave the customary order to make good the impaired capital, and an assessment, variously stated to be from \$70,000 to \$100,000, was levied upon the shareholders several weeks ago to restore the depleted reserves and to provide the necessary surplus.

Under this assessment members of the Knickerbocker Investment Company, which is dominated by Mr. Townsley and Mr. Van Schaick, and which owns a controlling interest in the stock of the Bankers' Life, will be called upon to furnish most of the added capital.

These officers have represented a young trust charged with the election of the company's directors, as is Mr. Ryan's voting trust in the Equitable Society. The members of the Bankers' Life voting trust are Foster M. Voorhes, former chairman of the New York, and until last September president of the Bankers' Company, and William Sherer, manager of the New York City Clearing House Association.

Mr. Stokes was careful to enjoin that he should be quoted as saying neither more nor less than this. There are in all about thirty stockholders, most of whom were represented in yesterday's meeting.

Eugene Van Schaick, who is a lawyer, with offices at No. 106 Broadway, is the official counsel of the Life Association of America, of which Henry P. Townsley is the president, and the offices of which company are in the same building. Mr. Van Schaick said:

"The affairs of the Bankers' Life are about to be placed upon a thoroughly stable basis, and I am on the eve of realizing efforts which have been under way for a long time to accomplish this result. I wish to state with great emphasis that Henry P. Townsley, president of the Life Association of America, will not be identified with the reorganized company."