BAKER REJECTED; M'CULLAGH TURNED DOWN.

BITTER DEBATE IN SENATE OVER RAILROAD COMMISSIONER—NEW ELECTIONS SUPERINTENDENT.

G. W. MORGAN NOMINATED.

Jerome's Assistant Nominated to Succeed McCullagh.

[BY TELEGRAPH TO THE TRIBUNE.]

Albany, April 16.—Governor Odell this afternoon nominated Assistant District Attorney George Wilson Morgan, of New-York, to succeed John McCullagh as Superintendent of Elections for the metropolitan district. There was a conflict at once over the nomination between Senators Malby, Elsberg and Brackett.

Lieutenant Governor Higgins, having referred the nomination to the Finance Committee, Senator Elsberg moved that it be referred to the Judiciary Committee. The Judiciary Committee has as three of its members the "insurgent" Republicans, Brackett, E. R. Brown and Elsberg. With the four Democrats, they form a majority of the committee. Senator Malby resisted the adoption of the motion of Senator Elsberg, but it was carried by a vote of 24 to 25, Senators Elsberg, Brackett and Brown voting with the Democrats in its favor.

Senator Brackett said afterward that the Judiciary Committee would hold a meeting tomorrow morning and act on the nomination.

After the vote was announced Senator Malby remarked that he had overheard Senator McCarren asking "Whom did we lose?" referring to the change from the earlier vote of 26 to 23, since which Senator Ambler had returned to vote with the Republican regulars. Senator Grady grinned and wiped his brow, as he said with a sigh:

"I want the Senate to understand that when one has made a majority the way we did today, it is no fool's job to keep it in hand."

It is not unlikely that the Senate battle will be renewed to-morrow, when, it is expected, Mr. Morgan's nomination will be reported.

SKETCH OF GEORGE W. MORGAN.

George W. Morgan, son of the late William H. Morgan, a lawyer, of this city, was born in East Orange, N. J., on June 28, 1875. He attended the public schools in the city and Hastings-on-the-Hudson. He prepared for college at Oberlin, Ohio, and was graduated in 1897 from Oberlin College, where his grandfather, Dr. John Morgan, had been a professor in the theological seminary for many years. He entered Columbia Law School in the fall of 1897, was graduated in 1900, and in the same year was admitted to the bar. During his course at

ASSISTANT DISTRICT ATTORNEY GEORGE W. MORGAN.

Who has been nominated State Superintendent of Elections, to succeed John McCullagh.

Columbia he was private secretary to Professors Edwin R. A. Seligman and Franklin H. Giddings, and at the same time helped to organize the club work of the Educational Alliance, of which Professor Seligman was a director. He also acted as superintendent of the Educational Alliance for a number of months during the absence abroad of the superintendent. It was at this time that Mr. Morgan accompanied the president of the Educational Alliance, Isidor Straus, to the Executive Committee of Tammany Hall, and with Mr. Nixon drew up the resolution which resulted in the appointment of the Tammany Committee of Five. He then took charge of the work of the Committee of Fifteen. In the last municipal campaign he organized the East Side personal campaign of District Attorney Jerome, with headquarters at No. 91 Delanceyst.

Mr. Morgan was appointed to the staff of District Attorney Jerome on January 1, 1902, and has had charge in the District Attorney's office of complaints and preparation of cases and the prosecution of police officials. He lives at No. 8 Rutgersst, with the District Attorney.

"GRAB" BILL NOT LIKELY TO PASS.

Wilcox's Much Denounced Measure Is Reported, However.

[BY TELEGRAPH TO THE TRIBUNE.]

Albany, April 16.—The Senate Railroads Committee reported favorably to-day the bill of Senator Wilcox in regard to street railway franchises. This is one of the "grab" bills. The following Senators dissented from a favorable report on the bill: E. R. Brown, Lewis, Martin and Wagner. Senators Wilcox, Goodsell, Prime, Sherwood and Ambler voted to report the bill favorably.

The bill, it is said, will not be pressed, since it is thought the session of the legislature is so near an end that it cannot be passed.

CORONERS SAVED BY THE CONFLICT.

Elsberg's Bill To Abolish the Office Not Likely to Pass.

[BY TELEGRAPH TO THE TRIBUNE.]

Albany, April 16.—Senator Elsberg's bill abolishing the coroners of New-York was set aside on a motion of Mr. Rogers, the Republican leader, in the Assembly to-day, and, in view of the conflict in the Senate over the nomination of Mr. Baker as Railroad Commissioner, in which Senator Elsberg took such an important part, it is rather doubtful if the bill will be passed.

DOCK BILLS REPORTED.

Albany, April 16.—The Conkling New-York dock bills were reported favorably from the Senate Committee on Cities this afternoon, the Democratic members dissenting.

Governor Odell and Assemblyman Conkling, who introduced the dock bills, yesterday emphatically denied insinuations that the Governor is personally interested in the passage of the measures. Governor Odell said he did not even know what the bills provided. The measures contemplate certain reforms of administration in the New-York Dock Department.

FOR STOMACH DISORDERS, GOUT and DYSPEPSIA
DRINK
VICHY CELESTINS
Best NATURAL Alkaline Water.

THE DEFEAT OF BAKER.

Debate Marked by Recrimination and Bitterness.

[BY TELEGRAPH TO THE TRIBUNE.]

Albany, April 16.—After a debate marked by expressions of intense personal feeling, a majority of the State Senators adopted to-day a motion rejecting the nomination made by Governor Odell of Frank M. Baker, of Owego, Tioga County, for Railroad Commissioner. The vote cast in favor of the motion was given by twenty-two Democrats and four Republicans—Senators Ambler, Brackett, E. R. Brown and Elsberg. There were twenty-three Republican Senators who voted against the motion to reject the nomination.

Nothing was said against Mr. Baker's fitness for the position of Railroad Commissioner. The opposition to him, it was palpable, was of a political nature. Three of the Republican Senators who voted against his confirmation, it was clear, did so because he was supported for the nomination by Senator Thomas C. Platt, and they are endeavoring to lessen Senator Platt's political authority. Senator Malby, who voted in favor of Mr. Baker's nomination, said Mr. Baker should not be "knifed" because he was Senator Platt's friend. It will be remembered that Senators Brackett, E. R. Brown and Elsberg voted against Senator Platt's re-election as United States Senator.

Senator Ambler's vote against the confirmation of Mr. Baker was a surprise. His nomination for Senator was brought about through the influence of Louis F. Payn, and it was supposed that Mr. Payn would do all in his power to secure the confirmation of Mr. Baker.

Senator Ambler said afterward: "I had no talk with Mr. Payn about Mr. Baker's confirmation, nor was my vote against Mr. Baker of a personal nature. I voted against him because the Republican organization put through the legislature the canal improvement bill, and there is not a man in my Senate district who favors that bill. Why, I never knew the State Grange so stirred up about a matter. The feeling is very bitter all over the State concerning it."

The Democratic Senators assumed the attitude that certain organizations of railroad men, favoring the nomination of some one else than Mr. Baker for Railroad Commissioner, had a candidate for the position, who should have been nominated by Governor Odell.

ODELL AWAY WHEN CLASH CAME.

The Republican Senators in their speeches argued that Mr. Baker was eminently qualified for the position, and cited resolutions passed by organizations of railroad men in his favor. There was no good reason for Republicans, even though opposed to Senator Platt, to vote against Mr. Baker's confirmation, they declared. Senator Raines, the Republican leader, acknowledged the authenticity of a newspaper interview with him in which he was reported as saying that none of the three insurgent Republican Senators—Brackett, E. R. Brown and Elsberg—would be returned to the Senate. This remark led to Senator Elsberg expressing a wish that Senator Raines would get on a State ticket and test his personal popularity in the XVth Senate District in New-York City.

Governor Odell had left the city for Buffalo before the clash took place in the Senate.

The "insurgent" Republican Senators did not decide to oppose the nomination of Mr. Baker until this morning. That statement was made by Senator Brackett to-night. It is probable that they made this decision after a meeting of the Senate Railroad Committee this morning, when a majority of its members decided to make a favorable report on the nomination. The majority was composed of Republican Senators. Senator E. R. Brown, who is a member of the committee, did not vote. The Democratic Senators voted against confirming the nomination.

Colonel George W. Dunn, chairman of the Republican State Committee, was in the room of Lieutenant Governor Higgins when the Senate was called to order, and was obviously intent upon observing the proceedings of the Senate closely.

Senator Grady, the Democratic leader, observed that Senator Wilcox, the chairman of the Senate Railroad Committee, did not submit any report on Mr. Baker's nomination. He held a brief conference with Senators Elsberg, E. R. Brown and Brackett, and apparently resolved to force the Railroad Committee to act. He asked for an immediate report, saying that, if the nomination of Mr. Baker should be rejected, the Governor ought to have an opportunity to make another promptly. He made a motion that the Railroad Committee should at once report, and after some debate, Senator Raines opposing its adoption, it was carried by a vote of 24 to 23. The vote showed that a working alliance had been formed between the Republican "insurgents" and the Democrats.

GRADY FORCES THE FIGHT.

Senator Grady followed up this action by moving that the favorable report on Mr. Baker's nomination be rejected. Senator Raines moved that this motion be tabled, but his motion was defeated by a vote of 24 to 25. Senator Grady then renewed his original motion to reject the nomination of Mr. Baker. Senator Raines moved as an amendment that the appointment of Mr. Baker be confirmed. It was in the debate that followed that Senator Raines denounced the action of the three Republican Senators for acting with the Democrats. Senator Green eulogized Mr. Baker, and Senators Brackett, Elsberg and Brown gave their reasons for voting against Mr. Baker's nomination. Senator Brackett declared that Mr. Baker was but a pawn on the chessboard. He declared that he voted against Mr. Baker "for the same reason that I refused to vote for the re-election of the Senator who organized this Senate before it had met, and then, when it did meet, impudently announced his selections and forced them upon us." Senator Elsberg declared that he agreed with everything Senator Brackett had said, and should not be "dragooned into voting for this nomination."

Senator Raines, in a speech of considerable length, gave an account from his point of view of the part taken by Senator Brackett in the organization of the Senate, and declared that the latter had sought certain offices in the Senate for himself and his friends. To have acceded to those demands would have been unpardonable yielding to the threats of "three political highwaymen."

The Senate then rejected Senator Raines's motion, that the nomination of Mr. Baker be confirmed, by a vote of 23 to 26. It was on this vote that Senator Ambler first disclosed that he was opposed to Mr. Baker's confirmation. The Senate then took a vote upon a motion of Senator Grady to reject the nomination, and it was adopted by a vote of 23 to 26, Senators Ambler, Brackett, E. R. Brown and Elsberg voting with the Democrats against the nomination. Senator E. R. Brown, in explaining his vote, declared that independent action had been stifled in the Senate, and he was determined to give the people an influence in the body. Mr. Raines had predicted trouble for him (Brown) in his Senate district. He would predict trouble for Mr. Raines in the latter's own district.

BAKER TO CONTINUE IN OFFICE.

Senator Marshall said that from the discussion that had been going on it was obvious that shafts were aimed at Senator Platt. He had not received any orders from Senator Platt, and he considered that Governor Odell, by sending in the nomination, had requested him, Marshall, to vote for Mr. Baker.

After the nomination of Mr. Baker had been rejected Senator Grady moved a reconsideration of the vote, in order that it might be lost and thus no opportunity be given to revive the nomination.

"The Governor could send in the nomination of Mr. Baker again if he pleased," said Senator Malby.

"Oh, yes," said Senator Grady, "but I wish to notify him that our action is final."

The motion to reconsider the vote was lost. The Senate then took a recess.

After the recess Senator Brackett renewed the conflict.

If no other man is nominated and confirmed as Railroad Commissioner, Mr. Baker will hold his office at least until the Senate reconvenes in January next.

THE FIGHT IN DETAIL.

Rejection of Baker Accompanied by Sensational Scenes.

Albany, April 16.—The issue over the confirmation of Mr. Baker was brought to a point by the minority leader, Senator Grady, after a brief conference between Messrs. Grady and McCarren (Democrats) and Messrs. Elsberg, E. R. Brown and Brackett. It had been generally known before the session that the Railroad Committee had acted on Mr. Baker's reappointment in executive session, and had voted to report the nomination favorably, with the attached provision that it would be reported after conference with Senators Raines and Malby. In the committee the Democratic members voted against reporting the nomination, while Senator E. R. Brown refrained from voting.

Mr. Grady brought the question before the Senate immediately after the Railroad Committee had reported the Wilcox omnibus grab bill. He said it was understood that the nomination of Mr. Baker had been acted on, and that the vote was exceedingly close. He asked for an immediate report because he did not propose to wait for the Railroad Committee to slip in the report when there were several Democratic Senators absent, and there would be no question about the confirmation. Mr. Grady added that it was only fair to Governor Odell that the nomination be acted on immediately, so that in the event of the rejection of the appointment the Governor might have an opportunity to send in another name and have it confirmed before the adjournment of the present session.

Senator Brackett asked Senator Wilcox if it were true that a report on Mr. Baker's appointment had been ordered and that it had been withheld.

"A rtport has not been prepared," replied Senator Wilcox.

"But has it been ordered? I simply want to get at the bottom of this," said Mr. Brackett.

"There was a favorable vote on the nomination. I do not propose to make known all that has occurred in executive session of the Railroad Committee," replied Mr. Wilcox.

"And was the provision attached that there first must be a conference with Messrs. Malby and Raines?" asked Senator Brackett.

"I do not propose to say anything further on the subject," replied Mr. Wilcox.

"I have no desire to yank this matter from the committee, but if there has been a favorable vote and a report on it has been ordered, there is no discourtesy in having the committee discharged from the further consideration of the nomination," concluded Mr. Brackett.

Senator Raines said that for argument's sake he would assume that a favorable report had been ordered after consultation with himself and Mr. Malby. Even then there was no occasion for haste, and the action was not without precedent. He earnestly hoped that the motion to discharge the committee would not prevail.

A vote was then taken on the motion to discharge the committee from further consideration of the Baker nomination, and it was carried by a vote of 24 to 23. Senators Brackett, E. R. Brown and Elsberg voted with the Democrats and Senators McClelland and Ambler, who were absent, were paired.

GRADY MOVES REJECTION.

"I now move that the nomination of Frank M. Baker for Railroad Commissioner be rejected," said Senator Grady.

"And I offer an amendment," said Senator Raines, "that this motion be laid on the table and this matter be made a special order for next Tuesday."

Senator McCarren made a point of order that the motion to lay on the table was the only one that could be put, and the chair decided the point well taken.

While the roll was being called both Senators McClelland and Ambler appeared and the pair was broken. Mr. McClelland's name was called and he refused to vote.

A period of excitement followed, in which Senator Grady insisted that Mr. McClelland should vote. He refused to do so, while several Democratic Senators surged about him explaining the situation.

"I have been absent from the chamber and am not acquainted with the situation," said Senator McClelland.

"Twenty-one Democratic Senators are voting against this motion," said Senator Grady. "That ought to be enough for you."

Senator Raines moved that Senator McClelland be excused from voting. A great deal depended on McClelland's vote. If it was withheld the matter could have been tabled, as the Lieutenant Governor would have broken the tie and the question would have been decided. But after the motion to excuse Mr. McClelland from voting had been carried, the Chair voting with the majority, Mr. McClelland insisted on voting on the original motion and he voted against tabling the motion of Senator Grady.

The Raines motion to table the Grady motion to reject the nomination of Mr. Baker was lost by a vote of 25 to 24.

Senator Grady then renewed his original motion to reject the nomination of Mr. Baker.

Mr. Raines moved to amend that the appointment of Mr. Baker as Railroad Commissioner be confirmed.

The rollcall was begun and Senators Brackett, Brown and Elsberg did not vote until the call for absentees.

In the mean time Senator Raines had reproached them for their action on the Baker nomination and had spoken bitterly, virtually reading them out of the Republican party.

BRACKETT EXPLAINS HIS VOTE.

Senator Brackett's name was called among the absentees, and, asking to be excused from voting, he explained his reasons and then voted against confirmation.

Mr. Brackett said among other things:

I am animated by a higher motive, and vote against his confirmation on a question much higher that the mere disposition of a job. I vote as a Republican, whose Republicanism has never been questioned until to-day, when the Senator from the XLII (Raines) has seen fit to read me out of the party. But I question his right or power to do any such thing. I vote against this nomination in protest of the sewage and filth that is being poured upon the head of our worthy Governor through the agents of the man who inspired this nomination. And I vote against this nomination to emphasize my disapproval of the actions of the man who causes the seal of party approval to be placed on any measure when certain attorneys are engaged in favor of bills. And I vote against this for the same reason that I refused to vote for the re-election of the United States Senator who organized this Senate before it had met, and then when it did meet impudently announced his selections and forced them upon us. I wish to call attention to the prediction made earlier in the session that a tremendous chaos would result from the action of the senior Senator in forcing a certain organization of the Senate upon us, and I call attention to the fact that the prediction has been fulfilled.

Senator Elsberg said that he defied any one to read him out of the Republican party, and added:

I have been notified within a minute and a half that upon my vote on this question will depend the success or defeat of certain legislation in which I am interested, and which is now in the Assembly. Such threats do not annoy me, and do not affect me. I quite agree with everything that my colleague, Senator Brackett, has said, and I shall not be dragooned into voting for this nomination.

"I have a feeling of resentment," said Senator Malby, "against those invisible influences which seem determined, through Republicans in this body, to sacrifice one of the best of good fellows."

RAINES ATTACKS INSURGENTS.

Senator Raines began his address with the assertion that "not even the Senator from the XXVIIIth had found ground for criticism of Commissioner Baker." He then addressed himself to the motives which, he alleged, lay back of the attitude of the three Senators constituting the effective opposition to the nomination, and said:

I will undertake to strip the cloak of hypocrisy from the back of the Senator from the XXVIIIth (Brackett) and of the other Senators who stand with him in his attitude. He says that the organization of this Senate was not the free choice of the Senators about this circle, but was dictated by some outside influence. If it had been possible to bring about such dictation in his favor you would not have seen him on this floor denouncing the senior United States Senator from this State and voting against him in caucus and joint session.

On bended knees the Senator from the XXVIIIth sought the indorsement of the Republican organization, and it was not until he failed to get it that he began this "holier than thou" performance. In company with two others, he sought the head of the organization, and suggested that a certain gentleman would make a good chairman of the Finance Committee, and that he himself would make a good president pro tem. If his suggestions were not acted upon, he threatened that he would be one of the three who would stand "one for all and all for one." But there was another aspect to the question. He sought another gentleman, and stated that if my name was not considered as president pro tem., he and his conferrees would support the Senator from the XXXIId (Malby), and his own ambitions would be held in abeyance.

To have acceded to these demands would have been unpardonable yielding to the threats of three political highwaymen.

I went to the Senator from the XXXIId and told him that he could be the president pro tem., that the three would caucus for him. But he proved himself the man and friend that he is, to whom you can tie as with hooks of steel and be sure he will not be found wanting. He declined to consider the proposition for one instant. So the caucus was held, with the results which are history.

But this did not end the ultimatum of the three. They had other ends in view. Having come down from the first position, and having been driven from their second, they promulgated a third demand, which was to settle the controversy. The Senator from the XXVIIIth was to be placed on the Finance Committee, the Senator from the XXXVth (E. R. Brown) upon the Committee on Rules; the Senator from the XVth was out of it.

That demand was refused, although it was accompanied by threats, made in the presence of high officials of the State, that unless it was heeded they would refuse to accept any positions whatever. I knew that this was a bluff, that you could not with a crowbar prevent their accepting. So the organization was effected without fear of the three.

When it came to the nomination and election of United States Senator these three posed as "Independent Republicans." God save the mark!

I did not ask any of these three to support me. As to two of them, I never had any talk with them about the place of President pro tem. or of leader of this Senate. As to one of them—he came to me and said: "John, you ought to be President pro tem."

The tribute was acceptable, I admit, but it was not in response to any suggestion of mine. I supposed it was the fruit of the Senator's good judgment and friendship.

Let them avow their purpose. If they are ashamed of the motives which have actuated them from the start, let them continue to pose as independents, looking only to the good of the State and of their party. But when they vote against a public officer against whom they can offer no valid objection, do not let them avow petty subterfuges in lieu of reasons. It would be more becoming to their dignity as Senators, to their honor as men and to their party obligations—if perchance they ever recognize party obligations—to refrain from skulking behind these excuses, from maintaining this "holier than thou" posture. Let them cease to be Uriah Heeps of this Senate, and to occupy a position for which the State and their own constituents are damning them with a bitter condemnation.

SENATOR BROWN'S HOT REPLY.

Senator E. R. Brown's face was scarlet as he rose and asked to be excused from voting. Senators Brackett and Elsberg hurried over to him and a moment's colloquy ensued. Then Senator Brown said:

"At the suggestion of my colleagues, I withdraw my request to be excused."

But it was only for a moment. The result of the vote was then announced—the defeat of Senator Raines's amendment (to confirm) by a vote of 26 to 23. The question then recurred on Senator Grady's original motion to reject the nomination, and upon the calling of the roll Senator Brown arose.

"I have known the Senator from the XLIId (Raines) for many years," he began, "and I have known of him in the Republican party for many more years. It is not my purpose to review his career, or to say anything that will make more difficult the performance of constitutional duty by the members of the Republican majority. But he has seen fit to characterize myself and my two colleagues as Uriah Heeps. Literary allusions have not been frequent from the chair of the Senator from the XLIId, but he seems to feel that to be a Uriah Heep, humble and obsequious, servilely obedient, is the depth of Senatorial degradation.

"I can well recall, and so can every other man versed in the political history of this State, when the Senator from the XLIId was one of seven Senators on this floor who blocked legislation and held up nominations, it was understood then, and it is understood now, that he was the tool of the political senior Senator from this State. That one man's influence was so dominant that, no matter what might be a man's abilities, the moment he entered the portals of that influence he became a slave of a master who would brook no opposition. You could be invited to a caucus and go through the motions of being consulted, but from window-sills and cracker barrels would be rallied votes sufficient to enforce the policy decided upon by the master.

"I have heard the Senator from the XLIId say time and time again, with reference to some measure that had been commanded by the master, 'You know I don't like it, but the organization has decreed.' No proposition could be so abhorrent as to disturb his loyalty or stir him to disobedience or open protest.

"Againt this attack I place the record of the Senators from the XXVIIIth and XVth, and, with modesty, of myself. We willingly submit them to the judgment of the great people of this State.

"We do not deny, nor make apology, that we sought to get on with our party associates in the organization of this Senate. We did do what we could to have a part in the settlements of that organization. The Senator from the XLIId would have had us retire to an outer room, while he and the chief of the organization portioned out to us such positions as they thought us fit to occupy. Then we would have been good men, as his constituents, no doubt, think he is a good man. But because in our party counsels and in this Senate we try to rescue our party, we are beneath his contempt.

DENOUNCES THE MACHINE.

"The chains have been forged, the legs of men are bound, and their mouths are gagged, by the operations of the machine which the Senator from the XLIId for years has helped to make. The Governor is big enough to perform his constitutional duty in sending nominations to this Senate, but, forsooth, a Senator is not big enough to perform his constitutional duty without submission to the orders transmitted by the senior United States Senator through the mouth of the Senator from the XLIId District. A man is commanded to lie down like a calf before this domination—a sight for men and gods. The time has come for a revival of the independence of men."

Turning then to the question of Mr. Baker's nomination, Senator Brown expressed astonishment that out of all the 7,000,000 people of the State there was no place to find a commissioner except the XXXVIIIth Senate District, in which Senator Platt is a voter.

ELSBERG HITS BACK.

Senator Elsberg also returned to the attack on this rollcall.

"The word 'highwayman' is an unfortunate one for the Senator from the XLIId to have used," he said. "It is not within the power of the Senator to comprehend the unselfish motives which have actuated my two colleagues and myself in our course in this Senate. We yield each his views to the views of the other two, because we are convinced of the honesty of our intention to serve the right. We are not willing to yield to the vicarious domination of the Senator from the XLIId, because we understand that his views are not of independent origin. And as for loyalty to the organization, I have seen more vicious legislation labelled 'organization' than I ever thought it possible to see.

"The Senator threatens us with the displeasure of our constituency. Well, I would like the Senator from the XLIId to run for office in my district or for a State office upon which the people of my district would have a chance at him. He would have an experience which would enlighten him upon the subject of his standing in the eyes of the people. I never did a more popular thing than to take my present stand. If the Senator believes that if I should retire my district would send a successor more ready to obey him or his master, he is making the mistake of his life."

GREEN DEFENDS RAINES.

Senator Green followed with a vehement speech in which he stoutly defended Senator Raines, congratulating him on his leadership. If he had consulted his own preference he would have voted for Senator Malby for leader, "not that he loved Raines less, but that he loved Malby more," as an old friend. He particularly resented the washing of party linen in public. "I believe in party analysis," said Mr. Green, "but I prefer to do it within the party rather than under the flag of the Democrats. As for the XXXVIIIth District, where live Senator Platt, Chairman Dunn, Controller Miller and other men prominent in the Republican counsels, it is no doubt 'ring-ridden,' but I have yet to receive my first command from any of them, though I would yield to their judgment as better than mine in party matters."

Turning to Senator Elsberg's remark about vicious legislation as party measures, he denounced it as an "unblushing untruth."

The President—The Senator will confine himself to parliamentary language.

Senator Green—If I have said anything I am sorry for, I will withdraw it.

MALBY PRAISES PLATT.

Senator Malby again questioned the motives of the trio who had voted against Mr. Baker and laughed at the idea that the majority members were politically "bound and gagged and grouping about the legs of Thomas Collier Platt, growing fat every time they touched the hem of his garment." Mr. Malby said that he had certain independent ideas of his own, but he declared that if he had besought Senator Platt to save him from political death or had been refused fruit from the political fruit tree he would not berate him. He likened Messrs. Brackett, Brown and Elsberg to the "three men in a bowl, who went to sea and who,

"If their bowl had been stronger,
This tale had been longer."

"I know these men too well," said Senator Malby, "to believe that they are trying to throw off the yoke of political bossism. Senator Brackett is not imposing that which he stands for in his district. Who is he that is more absolutely boss in his district than Senator Brackett? He stands supreme, and I congratulate him. Senator Brown is the same in his district, while Mr. Elsberg is untiring in his energy to occupy the same position in his district. So, disposing of all these reasons, we come down to personal reasons, but I do not propose to deal in personalities. If you three men want the respect of us who are bound and gagged, your actions must not belie your words. You are making the old man's blood thinner in his declining years. You behold him in his ripe old age, and are attacking him by voting against his friends. If I wanted to attack him I wouldn't, and if I did, it would justify the use of the word 'coward.' A few more years and he will pass away; let him go in charity and peace. Let us not stand here and knife his friends simply because they have enjoyed the friendship of Thomas C. Platt."

Senator Marshall said if Sheriff Worden of Saratoga County had been named he would have voted for him as cheerfully as he now voted for Mr. Baker, whom he did not know. And he was certain that Mr. Brackett and the rest would also vote for Mr. Worden. He considered the fact that a nomination had been sent in from the Governor, a request from the Governor to vote in favor of the appointment, and he would do so. As for Senator Brackett, he saw no reason for him to act as he did.

THE NOMINATION REJECTED.

The rollcall ended, and the motion to reject Mr. Baker's nomination was carried by a vote of 26 to 23.

Senator Grady moved to reconsider the vote, so as to have final action on the nomination.

Mr. Raines suggested a recess for an hour, and said that for all purposes the action of the Senate had been final.

Senator Grady insisted on his motion and Senator Raines made a motion for a recess.

The motion for a recess was lost by a vote of 26 to 23.

Mr. Grady's motion to reconsider was then lost by a vote of 26 to 23, so that the matter was closed, and no further action can be taken by the Senate on the present nomination of Mr. Baker.

A recess was then taken until 3:15 o'clock.

STORM BREAKS AGAIN.

Sharp Personalities Exchanged by Brackett and Raines.

Albany, April 16.—The sensational scenes of the morning session in the Senate were followed this afternoon by one even more remarkable, in which Senator Raines was denounced in violent language by Senator Brackett, who recalled the attack made on Senator Raines's character some eight or ten years ago, when charges of corruption were made against him in connection with a New-York Fire Department matter of legislation.

Senator Brackett first rose to a question of personal privilege, and then sent to the desk a clipping from a New-York newspaper, with the request that the clerk should read it. The article was regarding the predicted rejection of the nomination of Frank M. Baker to be Railroad Commissioner, and included an interview with Senator Raines, in which Mr. Raines was quoted as saying that there was not an ounce of Republican blood in the veins of the three independent Senators, and he predicted that they would never be returned to the Senate.

When the clerk had read the article Senator Raines asked to interrupt for a minute, saying:

After listening to this article, which I had not previously read, I feel very much like the old woman who, along with others, had been knocked down by a streetcar coming to a sudden stop. One of the male passengers who had been jostled off his feet swore like a trooper, and the old lady, turning to the man, thanked him for expressing her sentiments. And now I want to thank the reporter for this statement.

Senator Brackett then addressed the Senate, saying:

When a Senator goes so far as not only to commit a breach of courtesy, but violates the decencies that should prevail in private life, it is time that some notice should be taken of his actions. No matter how reluctant I am to wash party linen in public, and disregarding my belief that family quarrels should be settled in private—when a Senator makes and publishes statements that reflect on other Senators I give the real reason for the present situation that has developed among us.

In the first place, who is this mighty gentleman that wants to read out of the party Senators who have always done their sworn duty and have been as loyal to the party as he has? "On what meat has this our Cæsar fed that he has grown so great" that he has the power to read out of the Republican party at will any man who has the temerity to go counter to his wish? Has he inherited this power by last will or testament? Or has he a deed to the leadership, or what not? We should study the history of this man who has arrogated to himself the powers of giving political life or death to those who do not obey him. In the first place, I have done nothing for which I shall apologize. Had I not protested as I did against the action of a man who organized this Senate without saying a word to any one of those who ought to have been consulted I would have been ashamed to look into the face of the little boy who calls me father.

And the Senator from the XLIId (Raines) who, blithely as a schoolgirl swinging a pail and tripping among the daisies, wishes to read me out of the party, has said that I was hostile to his leadership because at one time he opposed certain of my bills. No, Mr. President, my opposition to him is for greater and other reasons. With the exception of the Senator from the XLIId there never has rankled within my breast the feeling that any member ever attempted to do me an injustice by opposing my legislation or otherwise. When the Senator from the XLIId was selected, without consultation with the Republicans of this body, for leadership, I, with Senators Elsberg and Brown, did go to a man high in power and suggest that there might be objections to his being chosen leader.

Now, it has been said there is a machina in Saratoga County. There are its captain, lieutenants, corporals and privates, but no one is so poor or lowly that a protest from him shall not be heard and given due consideration. And there is a machine in the district of the Senator from the XXXIId (Malby), and it is run on the same plan. We are neighbors, and I happen to know whereof I speak. The proposition which we three made to this man high in power regarding the leadership of the Senator from the XLIId was brushed aside like a fly from a cartwheel, and no consideration was given to what he said. I have no desire to go into the personal record of the Senator from the XLIId, and—

LIVELY PERSONALITIES.

"Do not hesitate if you want to," interrupted Senator Raines.

Mr. Brackett, spurred on by Mr. Raines's interruption, continued:

Such things were said of the Senator from the XLIId that he deemed it proper to challenge the truth of the assertions in a court of law. He invoked the judgment of his peers, and a jury refused to acquit him, and he then permitted the action to rest without further trial, consenting to rest under the most hideous charges that had been made against him.

I say I wanted an explanation from this man high in power, but my request was brushed aside as seemingly unworthy of consideration. I am willing, if the Senator from the XLIId will place his hand on his heart and say that the charge is not true to believe it. When we went to New-York regarding the leadership we urged that the Senator from the XXXIId (Malby), whose pleasing personality and ability had won for him the respect of all, should be made the President pro tem of this body. And if it were left to the Senators, he would have received eight votes out of ten. But it was said that Senator Malby had wabbled at times, that he was not absolutely controlled by orders, and that at times he had had the temerity to vote as his conscience had dictated. There was no secret wish on my part, as the Senator from the XLIId has intimated, to be leader, and if he says it now he is saying what he knows to be untrue.

The subsequent history is open and is known to all. Our prophecy, that he would never be the leader of a majority of this Senate, has come true. But throughout all events there has been no failure on our part to uphold the Republican banner. It does not rest with men like him to determine whether we shall be expelled from the Republican party or truly represent the party. So far as concerns his prediction that we shall never see the light of victory again, I shall, like my colleague from the XVth (Elsberg), invite him to come and see, and he shall be received with hospitable hands and shown to bloody graves.

He was elected leader by his own vote, and the humiliation is his alone, and history has no equal. And this is the man between whom and the office of Governor there are but two lives. I join my godless prayers with those of the righteous to make good the health of Governor Odell and of the honorable president of this body.

Now, as to the statement that it was merely a bluff we made when we said we would refuse to accept committee positions. If it had been within the rules of the Senate to give us power to decline we would have declined. There is a better time coming. There are hopeful signs to-day, and the signs to-morrow will be more hopeful. The minority has helped the Republican party to-day by helping to prove that men should think and act as their consciences dictate.

SENATOR RAINES'S REPLY.

The Senate Chamber at this time was crowded, and when Senator Brackett had concluded every eye turned toward President Pro Tem. Raines, who had flushed red while Senator Brackett was opening old sores and reviving a scandal of the 90's. Senator Raines arose, and there was a moment of expectancy. Then he spoke, slowly and deliberately, saying:

When fortune caresses a man too much it oftentimes makes a fool of him; and when fortune or the powers that be, against which Senator Brackett has been haranguing, caress him, as they did when they made him chairman of Judiciary, the rest follows.

The Senators must have been highly entertained by the statement of the Senator from the XXVIIIth that he had no personal animosity toward me, and that what he has been doing he has done for the good of the party and of the State. He has had no personal animosity against me since the time when I believed I was doing my duty and performing a public service by preventing him from selling a stove, a red hot stove, in the shape of a Railroad Commissioner. Nothing would have been more pleasant if a just occasion had arisen to have seen the man in question given a warm berth. From that time on, however, the Senator from the XXVIIIth has treasured enmity against me while I have always been considerate of him, even throughout the present session. Simply the failure to pass his bill providing for an additional Railroad Commissioner animates his antagonism. He has seen fit to refer to things in my political record. If there is any one who should go behind the door and hate himself to death because of his political career it is the Senator from the XXVIIIth.

There was a day when the editor of a certain newspaper out of pure malice saw fit to publish charges against me. I did not wait longer than the next session of the Senate to demand an investigation. This investigation of the Senate, made by an impartial committee, occupied four weeks, and, after taking all the evidence, the committee arrived at the unanimous verdict that the charges were false—as false as the heart of the man who reiterated them to-day.

I also brought suit for $50,000 damages. The jury disagreed, some thinking I should receive the full amount, others that I should not receive so much. But now that the Senator has raked this matter up I hope he feels satisfied. Of course, it is not through personal animosity toward me. Then there was the verdict of my constituents also. They carted wagonloads of papers containing charges in my district so that every man, woman and child knew of them. I was re-elected. I would not refer to these things but that the Senator from the XXVIIIth has made an exhibition of himself. And, further, for the gratification of the Senator I read from "The Commercial Advertiser" of January 14, in which it is said that Brackett, of Canfield and Saratoga, will not have much effect against my candidacy for the leadership of the Senate. I suppose that possibly he will bring suit for libel.

Senator Raines then told the story of General Grant's experience when his troop of cavalry horses was disturbed at night and almost stampeded and it was found that the cause was two coyotes. He likened the situation in the Senate to the interference of political coyotes.

"I don't know but what I may be dignifying the attacks of the Senator from the XXVIIIth by replying," said Senator Raines in conclusion, "but as a brother Methodist, who may along with myself be called to the hereafter before so many years have passed, I suggest that when he does go the following epitaph be engraved on his tombstone:

"He crept along his life's dull round,
Careless where his wanderings led;
But I am sure that he has found
His warmest welcome, now he's dead."

Senator Brackett replied, registering this oath:

When the time shall come, if it does, that I shall be called on to reply to any charges of a personal nature, and if in any action that I may bring six men out of twelve shall say on their oaths they will not render me a verdict, so help me, God, I shall never rest until it is said either one way or another that I am innocent or guilty. And in such a case I shall never ask of my constituents or my superiors that they give me recognition until the question has been decided one way or the other.

Senator Raines replied that those who did not vote for a verdict to give him damages did not believe that the unwarranted attack had damaged him to any extent, and the more he thought of it later the more of that opinion he had become—that the attack had not injured him.

Even after the storm was over the thunder of battle rolled and echoed, as it were in the distance, clear to the end of the day's session. It was sharp and loud in the clash over the nomination of Mr. Morgan to succeed Superintendent McCullagh, and recurred after Senator Raines had announced that to-morrow's session would open with a call of the Senate to insure a quorum. He hoped, he said, that every Senator would be in his seat. Senator Grady thereupon turned to his side of the Chamber and repeated the notice, adding:

It will be a "regular" session of the Senate, and I take occasion to remind all the members of the minority that they will be needed in their seats.

Senator Malby smiled sadly—he had been in the minority all day, owing to the defection from the Republican side of Senators Brackett, Brown and Elsberg—as he said plaintively:

"Yes, we of the minority will all be here."

Senator Raines moved to adjourn till 10 o'clock to-morrow morning.

Senator Brackett—In view of the committee meetings announced for 9:30 a. m. to-morrow, would it not be better to meet at 11 o'clock instead of 10?

"No," snapped Senator Raines.

Senator Brackett subsided, and the Senate adjourned till 10 a. m. to-morrow.

COMMENT OF SENATOR PLATT.

Sees No Political Significance in Baker's Rejection—What May Be Done.

Senator Platt received news of the rejection of F. M. Baker as State Railroad Commissioner and the nomination of George W. Morgan as State Superintendent of Elections at the Fifth Avenue Hotel late in the day. Asked as to what political significance there was in the rejection of Mr. Baker, he said quietly:

"I don't see any political significance in it."

"Do you mean the action of the four dissenting Republican Senators was actuated by personal spite?" he was asked.

"That is all," replied the Senator.

"How about Ambler?"

"I don't know. I believe that Mr. Payn tried to keep Ambler in line."

"What about Mr. Baker?"

"I don't