

New-York Tribune

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Continuing the Governor says: The bill to which I have referred is not a grant but a denial of needed primary reform.

Provision for statewide enrollment: but it gives to the enrolled voter, who does not make politics his vocation, an opportunity for active participation in the decisions of his party.

It provides for an official primary ballot, but its provision is of a sort to invite domination by party managers and to protect the plans and purposes of those who seek through the control of the nomination of party candidates, to make the administration of government serve the interests of themselves and their allies.

This measure is in the interest of a system which experience condemns and falls to give promise of relief from the evils which have caused widespread and constantly increasing protest.

Its good provisions are offset by those that are bad, instead of putting party managers under a simple check and giving to the party voters the decisive voice, it places the party voters in the virtual control of the party managers.

The net result of the situation of the enrolled voters on primary day. Under this bill what can the enrolled voter do with the elaborate machinery that is provided for the primary? Can he express his choice as to a single candidate of his party for public office? Not one. Can he say whom he desires to be the party candidate for public office? Not one. Can he select a host of delegates to whom, in ordinary case, he will know nothing and of whose choice of candidates he has no satisfactory assurance.

What Official Ballot Contains. Upon the official ballot he will find: Delegates to state convention, delegates to Congressional convention, delegates to judicial district convention, delegates to Senatorial district convention, delegates to county convention, delegates to Assembly district convention, delegates to city convention, delegates to any other convention in such order as the custodian of primary records shall determine, in addition to members of committees.

The voter's rights, with all this complicated mechanism ostensibly for his protection, come to the selection of those intermediaries who, as experience shows, are generally the mere counters of political leaders.

The matter is made worse by the arrangement of the ballot. The bill provides for a division of the ballot into columns, delegates to various conventions, proposed by the organization, shall be found in one column at the extreme left, and may be voted on by a single mark in a circle at the top of the column. Their rivals for selection as delegates are to be placed in other columns, with similar provision for voting.

This is designed to facilitate straight voting, and, coupled with the use of the delegate system, to insure control by the party managers in the selection of delegates for public office. The voters are not only debarred from directly expressing their wishes as to particular candidates, but even as to the choice of delegates the machinery is contrived against them in the interest of the party managers.

Premium on Factional Strife. Contests under this plan are likely to be more with respect to party leaders, with all the power which is insured to them than with respect to candidates for public office. This puts a premium upon factional strife and the play of selfish interests instead of giving freedom to intelligent and independent opinion within the party.

It is further provided that "the name of a person shall not appear more than once on the ballot as a candidate for the same party position," so that even if the delegates for one convention proposed by the organization are satisfactory, they cannot be included in another column, and the very fact that they are desirable makes more difficult the opposition to delegates proposed for other conventions. Whatever may be the propriety of such a restriction with respect to a properly arranged ballot, it is manifestly indefensible in connection with a ballot of the sort proposed by this bill.

I shall not attempt to enter into a consideration of the minor imperfections of the bill to which I have referred, as in my judgment it is structurally unsound and should not be treated as a proper measure of reform.

I desire again to direct the attention of your honorable body to the gravity of the questions involved and to express the hope that before adjournment you

will provide for a suitable measure for the correction of primary abuses and thus respond to what I believe to be a just and urgent demand of the people of the state.

Plenty of Informal Comment. There was no formal comment at that time, although informal comment was plentiful and profane.

"Has he lost his head, if he ever had one?" queried one legislator.

"Hughes has gone crazy. But watch us hand it to him," declared another, with a long string of comment.

Hostilities did not begin, though, for a couple of hours, during which time some of the Assemblymen were getting angrier and angrier. Then at last the Cobb bill was handed down by the Speaker, and the Assembly almost howled in its anxiety to get a blow at it. A chorus of objections went up.

Assemblyman Green pleaded for delay in consideration of the bill until tomorrow, saying that no printed copies were available and the Assemblymen ought to have a chance to study its provisions. Mr. Merritt, the majority leader, brushed away the suggestion, saying that printed copies could not be obtained before adjournment, and the House had too much other business to waste time with that bill.

"In view of the inordinate haste of the Executive to veto a bill not yet before him, I think we should make haste to dispose of this bill," shouted Foley of Tammany Hall.

"I consider the action of the Governor a piece of impertinence," declared Hoy, Foley's bosom friend. "God help the people," he continued, while even Democrats like Oliver tried to shut him off, "if, as justice of the Supreme Court, he decides the Oil Trust and Tobacco Trust cases before they properly are before him."

Copies of Measure Not Available. Mr. Bennett tried to show that printed copies of the bill were available. That proved to be a mistake, but he urged at least that the slight amendments to the measure be printed on the calendar and considered to-morrow in connection with the last edition, which was in print.

Mr. Conklin, of New York, asserted that the Governor "attempts to browbeat a co-ordinate branch of government, which has passed an honest opinion on a piece of legislation."

"He's precipitated this fight, and we'll give him all he wants here and now," said the bellicent Conklin.

"I'm supremely amused at these remarks about pressure," retorted Mr. Green. "There's not a man here who gives say the Governor over has treated a piece of legislation which came before him except on his merits. He never vetoed a bill because of the attitude of its introducer regarding his recommendations. Who here feels uncomfortable under the pressure which results from the Governor's speeches to the people? If anybody does, it's time to change our system of government. There's another kind of pressure in use here, Mr. Conklin—a very different kind from the Governor's."

Closure Rule Shuts Off Green. At that moment, under the closure rule, Mr. Green was shut off from further speaking, somewhat to the relief of his opponents, who did not want specifications about that other kind of pressure.

"Mr. Green has been running around this chamber all the afternoon threatening that if we don't pass this bill we shall be called back in extra session," declared Assemblyman Jesse Phillips, "and now we have the extraordinary spectacle of the executive sending a message indicating what he will do on a bill which has not yet reached him. He might just as well send that message at the beginning of the session. I don't want to talk about the pressure exerted in favor of the Hinman-Green bill by men commonly called bosses. I don't want to name the members whipped into line for that bill."

Assemblyman Welmer, of Erie, aroused the Speaker's ire by declaring that the Rules Committee hadn't actually and formally reported the Cobb bill.

"Mr. Welmer is mistaken," replied the Speaker with some heat. He went into a detailed account of the Rules Committee's action.

Mr. Green's motion to postpone consideration of the bill until to-morrow was lost by a vote of 50 to 80.

Then just as the bill was about to be passed, Mr. Bates sprang his surprise. He called attention to the fact that under the rules a bill should be considered section by section. He insisted on that being done, and the Speaker reluctantly was forced to concede that Mr. Bates was within his rights.

"I am perfectly willing to stay here all night," said Mr. Merritt. "We're here because we're here. Go to! I shan't prevent anybody from talking who wants to."

"I want the Speaker to be sure that nobody is excused," shouted Smith, of Tammany, as the other Smith twin, the clerk, began a weary task of reading the 140-page bill.

"Rest assured that nobody will be excused," replied the Speaker. "There are 128 men here who can stand this as well as Mr. Bates."

Senate Passes Cobb Measure. Passage of the Cobb bill in the Senate was not accomplished without considerable trouble. Senator Cobb had it substituted for his original bill on the calendar, and then tried to have it taken up under the Governor's emergency message. Immediately Senator Cullen raised the point of order that this bill had not been reported from the Committee on Enrolled Bills. Cobb protested that the bill was in exactly the form in which it had been submitted to Senator Grady, who had agreed not to try any dilatory tactics. Nevertheless, the Lieutenant Governor held that Cullen's point of order was well taken. Thereupon Senator Cobb declared if this point were pressed he would have a special rule brought in to permit the bill to be read.

This was done. An hour's recess was taken, and a special rule brought in when the Senate reconvened, placing this bill ahead of all other business until it was voted on and finally disposed of.

"This is another extraordinary instance of high handed bossism and the use of the steam roller," protested Cullen, acting as minority leader, vice Grady, temporarily indisposed. The rule was adopted by a vote of 32 to 13.

Debate on the bill brought pungent comment from Senator Brackett. He said nobody would be deceived about the measure, which was neither fish nor flesh.

"You who vote for this, thinking the people will not spank you because it is a pretty fair thing, though not the real thing, go ahead on your fatuous course," said he. "If any of you vote for this

bill you should have manhood enough to vote for the Hinman-Green bill. That's the logic of it. Don't think by putting your heads in the sand you can escape the consequences of this foolish transaction."

Brackett and Cobb in Tilt.

Brackett finally said he was opposed to the bill on the ground that it fixed one primary day for the entire state, instead of letting each county fix its own primary day.

"I'm glad at last that Senator Brackett has revealed the secret of his opposition to this bill," shouted Senator Cobb, between whom and Brackett there is slightly concealed ill feeling. "He has a snowstorm caucus up in Saratoga County which no other county in the state would tolerate for a moment. By it he has renominated his Assemblyman this year before adjournment of the Legislature, and holds the delegates to the Senate convention in his hand. It's a fine thing for Brackett, who rails daily at other bosses."

"Well, some men can't be bosses when boss-ship is thrust on them," declared Brackett, alluding to Senator Cobb's "gentle" rule over the Senate. Senator Davenport declared the compromise bill represented a meeting on common ground of the direct primary men and those somewhat more conservative.

"It represents practical progress," said he, "and the people will be glad to get it."

Senator Hinman maintained that this bill was along the lines of the Hinman-Green bill, and thoroughly sound as far as it went.

The bill was passed by a strict party vote with one exception on each side. Senator Brackett, Republican, voted against it; Senator Gardner, a direct primary Democrat, voted for it. The vote was 34 to 13.

Just after Senator Hinman's bill amending the penal law to provide for the limitation of expenses at primaries had been passed unanimously the Governor's special message was handed down. It was heard with close attention. As soon as the clerk had read the last word Senators Davis and Cullen in chorus demanded recognition. Senator Davis was recognized. He asked that the measure be tabled, the usual course. Cullen interrupted to assert that a Governor has vetoed a bill not before him.

"This is not a veto. It is a special message to the Legislature," protested Senator Davis, with a wide smile.

BOTH HOUSES ACTIVE

Many Measures Go to Governor on Eve of Adjournment.

ELECTION BILLS PASSED

In Spite of Democrats' Opposition, Corrupt Practices Measures Approved.

[By Telegraph to The Tribune.] Albany, May 26.—Three bills urged by the Association to Prevent Corrupt Practices at Elections were passed by the Senate today, despite considerable opposition by the Democratic members. Two of them were passed in the Assembly, but will have to go to the Senate for concurrence. Senator Wainwright, who introduced the measures in the upper house, made a good fight for them.

First came a measure providing that poll workers at elections must wear badges and have their name formally posted at the polling places. This bill was passed, 26 to 20. It is designed to prevent the bribing of electors by a time honored ruse of paying money to "poll workers" who do not extend to primaries the provisions of the Penal Code requiring accounting for expenditures at general elections. It received 28 votes to 14 in opposition. J. S. Phillips's similar bill passed the Assembly. The third, amending the Penal Code along the same lines as the second but restricted to general elections, the Senate, Mr. Phillips's similar measure in the Assembly was passed, 85 to 12.

By a vote of 22 to 12 the Senate passed Assemblyman Ward's so-called "identification bill," providing for a comparison by election inspectors of the signature of the voter as written in the registration book with the poll book at Election Day. This bill, the most important of the New York County election reforms, is expected to strike a heavy blow at the floaters, already somewhat injured by a companion measure passed when this bill failed to get through owing to an alleged Tammany-Republican bipartisan deal disclosed by Representative Parsons. Mr. Agnew has the rules suspended and the bill was passed. A measure of Senator Hinman's limiting the expense of candidates has also passed.

Motion to Suspend Rules Lost. Senator Burlingame's motion to suspend the rules for his immediate passage of his Coney Island 8-cent gas bill was defeated, 23 to 18. Senator Brough was beaten on a similar motion to pass Mr. Bates's bill providing for a special term of the Supreme Court to sit in condemnation cases, with other bills.

District Attorney Whitman's "conspiracy" measure, designed to make it easier to obtain testimony to bring about convictions in some of the trust prosecutions now pending, was finally passed in the Senate today by a vote of 28 to 12. Yesterday Senator Davis had been defeated from that side.

He called it up today, and despite the opposition of "The" McManus, who protested that it would affect every labor union in the state, it was adopted. Senator Davis said it would affect only those "who aspire to break the laws."

Senator Brackett had passed Assemblyman Whitney's bill regulating the practice of pharmacy. He failed to obtain the passage of Assemblyman Jesse Phillips's bill permitting the issuance of stock without nominal or par value. He could muster only 26 votes for it, while 29 were against it.

The Senate passed Assemblyman Knobs's bill authorizing the city to purchase the MacKenzie bill to prevent water pollution.

Assemblyman "Al" Smith was very zealous about the fate of the dance hall in the Tammany Hill building today when he was arguing against Brough's motion to suspend the rules.

"This bill not only applies to the ordinary dance hall," he said, "but it will interfere with such places as Terrace Garden and Madison Square Garden."

It would prohibit the sale of liquor in the building and would take the license away from the man who runs the saloon in the building.

Oliver Defends Brough Bill. Assemblyman Graubard, who introduced the same bill in the Assembly, denied that such would be the effect. He said that the proprietors of the places in question would be allowed to get a dance hall license. While Assemblyman Foley believed the bill was too drastic, Assemblyman Oliver defended it, declaring that it was a measure that would keep liquor away from the children. The bill does not prevent the sale of liquor in dance halls under proper regulation, but prohibits its sale in academies, schools and places where children are present.

By a vote of 78 to 4 the Assembly passed the bill of Senator Allen, raising the annual salary of the State Controller from \$9,000 to \$9,500, that of the State Treasurer from \$5,000 to \$5,500, and that of the State Engineer from \$5,000 to \$5,500. In defending the bill the majority leader, Mr. Merritt, said that present salaries were not in accordance with the dignity of the office or with the work required of the men who filled them.

The measure was opposed by the minority leader, Mr. Frisbie, who said that the last time he had been asked for these offices he never needed or would have asked for an increase in salary, and that those who will be elected to the offices next fall will not expect it. He thought the best way of meeting the high cost of living was not by raising salaries, but by removing the public raising high tax. Mr. Merritt called attention to the fact that the Legislature had already passed the constitutional amendment increasing the salary of the Governor from \$10,000 to \$25,000 a year, that of State Senators from \$3,500 to \$3,900 and that of Assemblymen to \$3,000.

Liability Measure Passed. The bill of Senator Wainwright, making compulsory the compensation of employees in certain dangerous occupations who are killed or injured while at their work was passed by a vote of 101 to 17. This is one of the bills of the Emergency Liability Commission. The first bill, which provides for a permissive compensation, has already gone to the Governor.

Under an emergency message from the Governor, Assemblyman "Al" Smith was able to pass the bill he introduced yesterday, authorizing the Public Service Commission to reserve the right, "under conditions and for compensation to the contractor," to permit other persons, firms and corporations and the municipality itself to use the tracks, structure and line equipment of future subways in New York City. The bill was then sent to the Senate, where Senator Agnew substituted it for his bill, and after suspending the rules passed it under the emergency message from the Governor.

Two Dana resolutions, proposing long and short sessions of the Legislature in alternate years, and empowering the Legislature to regulate the introduction of bills during each session, which were defeated in the Assembly yesterday, were brought up and passed by a vote of 78 to 22.

The Assembly passed the second of the employers' liability bills and concurred in the Senate amendments to the Green "White Rats" bill.

GREEN TO MAKE HOME HERE. Dallas, Texas, May 26.—E. H. R. Green, president of the Texas Midland Railroad, and son of Mrs. Hetty Green, of New York, will make his home in this city to assist his mother in her financial affairs. An announcement to this effect was made here today.

HUGHES NAMES SECRETARY

R. H. Fuller Made Member of State Water Supply Board.

[By Telegraph to The Tribune.] Albany, May 26.—Governor Hughes today sent to the Senate the appointment of Robert Higginson Fuller, for four years, as State secretary, to be a member of the State Water Supply Commission, to succeed Ernst J. Lederer, who resigned to become Executive Commissioner of New York City. The term is until 1914. Senator Grattan asked that the Senate immediately confirm the appointment, as a tribute to Mr. Fuller's high character and a mark of appreciation of his uniform courtesy to legislators. Senator Kissel, of Brooklyn, objected, but with Senator Grattan, thereupon the appointment was duly confirmed.

This appointment is regarded here as a recognition by the Governor of the great value of Mr. Fuller's services in the last four years. This place is one of considerable importance, which puts Mr. Fuller in a position to aid in carrying on one of the Governor's most cherished reforms—the storage of water under state supervision and sale by the state of water power thus generated. Mr. Fuller possesses in a marked degree the confidence and esteem of all with whom he has come into contact in official life. Governor Hughes frequently has praised his services in the past, and expressed a deep personal gratitude for the valuable aid rendered to him by Mr. Fuller. The annual salary of the State Water Supply Commissioners is \$5,000, with expenses.

WOMAN SUFFRAGISTS LOSE

Senate, 30 to 16, Refuses to Reconsider Amendment.

[By Telegraph to The Tribune.] Albany, May 26.—The last effort of the woman suffragists to obtain favorable action on their constitutional amendment removing the word "male" from the constitution failed today, when Senator Newcomb's motion to suspend all rules and take it up for passage was defeated, 30 to 16. There wasn't much ado about it, either. The measure of the Senate was taken on the spot. There were received with much scorn and some amusement by a gallery of suffragists, including Mrs. Harriot Stanton Blatch.

Senator Newcomb urged his motion in a speech declaring that at least the measure should be taken up on the proposition, and the amendment shouldn't be smothered in committee. Senator Bayne also spoke for it, while Senator Brackett based his opposition on the point that the women themselves were divided. He urged that there be a referendum vote to register the sentiment of womanhood on the question before the Legislature take any action.

Senator Caffrey sprang forward as the defender of "chivalry" and sweet domesticity. He declared that the women should stay at home with their knitting. With a visible effort he said: "I am not one of the men who mistake brazenness for brilliancy or shamelessness for superiority. He seemed disgusted with this speech until he broke into roars of laughter."

Senator Newcomb declared that the desire on the part of the women for the suffrage was growing constantly. The exhibition of "militant suffragettes" he took to be an indication of the strength of the movement. But fear of the militant women had not penetrated to the members of the upper house.

Those voting in the negative were Agnew, Alt, Brackett, Coats, Cobb, Corbett, Davenport, Davis, Geddlid, Grattan, Griffith, Hamilton, Hewitt, Hill, Hinman, Kissel, Mackenzie, Meade, Platt, Thomas, Travis, Wainwright, White, Witter, Republicans, and Caffrey, Cronin, Cullen, Grady, Harden and Rumpser, Democrats.

Those voting in the affirmative were Allen, Brackett, Coats, Cobb, Corbett, Davenport, Davis, Geddlid, Grattan, Griffith, Hamilton, Hewitt, Hill, Hinman, Kissel, Mackenzie, Meade, Platt, Thomas, Travis, Wainwright, White, Witter, Republicans, and Caffrey, Cronin, Cullen, Grady, Harden and Rumpser, Democrats.

Senator Frisbie, Democrat, the only absentee when the vote was taken, stated that he had been present he would have voted in the negative.

SOMETHING IN A NAME

Mayor Wants Police to Drop Term "Poolroom."

There are no poolrooms in this city with the strictest prohibition, according to Mayor Gaynor, who wrote yesterday to Police Commissioner Baker to order his men not to refer to "poolrooms" when they mean places where bets are made on the races. The Mayor says there have been no places where the old-fashioned game has been sold since that form of gambling was prohibited in 1897. Mayor's letter is as follows:

In reports of four inspectors on betting and gambling places to which I have directed your attention, and especially on those called "poolrooms." The result of the police calling them poolrooms is that the newspapers give them the same name and the result of this is that it is supposed all over the city that "pooling" exists in this city. In this way the city is undesirably and unidentifiable truth is that immediately on the going into effect of the constitution of this city, which prohibited betting and gambling, the word "pooling" was used in this city. Why, certainly, he responded "how could you have had poolrooms?" he said, "I suppose you have had poolrooms?"

It is so good as to instruct the officers and men of your force to cease reporting bets on poolrooms and poolrooms when they only mean betting on horse races and rooms where bets are made on the races. Two or three newspapers here started this misnomer. It should no longer be followed by the police force. Do not call betting poolrooms, but by their real names.

NOMINATIONS BY GOVERNOR

Large Number Sent to the Senate Quickly Confirmed.

Albany, May 26.—Governor Hughes today sent to the Senate the following nominations, which were confirmed:

Commissioners of Prisons—Simon P. Quick, Windsor; Edgar A. Newell, Ogdensburg; Francis J. Conroy, New York; Henry Solomon, New York; reappointments: Frank E. Hyde, Bristot; succeeded Dr. Charles E. Hyde, Bristot; succeeded Dr. Charles E. Hyde, Bristot; succeeded Dr. Charles E. Hyde, Bristot.

Trustees of Washington's Headquarters, Newburg—Alonso S. Newburg, Newburg; reappointment: Michael S. Newburg, Newburg; succeeded Howard Thornton.

Manager of the State Agricultural and Industrial Society—John J. White, Rochester; a former manager, whose term expired in 1909, was reappointed. James Bausch, who was appointed, but could not serve.

Manager of the Monahan State Hospital—Pierre Jay, Mount Kisco, to succeed Valentin J. Macay, who was appointed, but could not serve.

The Governor also sent in the nominations of Richard L. Hand, Elizabethville, and Frank C. Fetter, Ithaca, as Commissioners of the State Board of Charities, reappointments. Mr. Hand was reappointed and Mr. Fetter succeeds Senator Ralph W. Fetter, who was reappointed. These appointments were referred to the Finance Committee.

RACETRACK BILLS IN HANDS OF GOVERNOR

One Kills Oral Betting; the Other Holds Directors Liable for Gambling.

THIRD MEASURE REPORTED

Bill Preventing Publication of Odds Is in Rules Committee, Where It Will Probably Die.

[By Telegraph to The Tribune.] Albany, May 26.—Two more of the anti-racetrack bills went to the Governor this afternoon for his approval. One is Assemblyman Perkins's bill, making directors of racetrack associations liable for violations of the anti-gambling laws on their tracks. The second is the Agnew anti-oral betting bill, which passed the Assembly by a vote of 52 to 45, after several attempts to amend it had been defeated. The Perkins measure, bringing gambling on racetracks under the penalties of the law applying to gambling establishments, which recently passed the Senate with an amendment, was handed down in the Assembly today. Assemblyman "Al" Smith objected to concurrence in the amendment, and it was sent to the Rules Committee. After a recess this afternoon the committee reported it favorably, and the Assembly will undoubtedly pass it to-morrow.

This leaves only one of the so-called series of racetrack bills undisposed of. That is the one which prevents the publication of betting odds on horse races. The measure is still in the Rules Committee and will probably die there.

The Perkins bill, making directors of racetracks liable for violation of the anti-gambling laws, was passed in the Senate by a vote of 28 to 15. As a similar bill by Senator Agnew had already passed the Senate and was tied up in the Assembly Rules Committee, Senator Agnew, to get the measure before the Senate, had the rules suspended and the Codes Committee discharged from its further consideration. All the Republicans voted for the bill, except Senators Alt, Grattan and Holden. The Democrats, with the exception of Senator Gardner, voted solidly against it.

When the anti-oral betting bill was reached in the Assembly, Assemblyman Clarke, the Sheepshead Bay member, not only attacked the measure, but declared that Senator Agnew "is one of the smallest men in the State Senate." After Speaker Wadsworth reminded him that he should keep within parliamentary language, Mr. Clarke continued that the reformers were merely playing to the galleries. He declared that they didn't care how much of honest men's property they ruined by these bills, and that they ought to stay home and mind their own business, instead of "boosting their own fake reform game at Albany." He offered an amendment, the effect of which would be to leave the law as it is. This, with another amendment offered by Assemblyman "Al" Smith, was defeated.

In speaking on his amendment Mr. Smith said he didn't think that Senator Agnew, Mr. Perkins, Governor Hughes or Canon Chase knew what bookmaking was, and if the bill were passed a man would not be safe in walking about a racetrack and speaking to his friends. After the amendment was defeated the vote on the bill itself was taken, resulting in its passage. The measure, as amended by the Senate, prohibits bookmaking "with or without writing."

Democrats who voted for the bill were the minority leader, Mr. Frisbie, and Assemblyman Chandler, formerly of Kings; DeWitt, Harwood, of Kings; Short, of Richmond; Abney, of Ontario, and Evans, of Sullivan. The Republicans who voted against it were R. H. Clarke, of Queens; Conklin, of New York; Lachman, of Kings; and Nolan, of Albany.

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