

WHITMAN GIVES PARDON ON WORD OF MRS. BYRNE

Her Promise Not to Repeat Offense Will End Imprisonment

HUNGER STRIKER MAY GO FREE TO-DAY

Governor Promises to Start Anti-Birth Control Inquiry

[From a Staff Correspondent of the Tribune.] Albany, Jan. 31.—The birth control pilgrims got more than sympathy to-day from Governor Whitman.

The Governor assured Mrs. Amos Pinchot, Mrs. Margaret Sanger and the other women with whom he was willing to appoint a commission, as they suggested, to study the question of contraception and the proposed repeal of the penal code sections relating to the dissemination of birth control information.

Governor Whitman made another promise, too, that the commission, representing the National Birth Control League, hurried away to deliver to Mrs. Sanger's sister, Mrs. Ethel Byrne. He said he would pardon Mrs. Byrne if she promised not to commit the offense again. The condition imposed somewhat nettled the pilgrims, but, armed with a pardon blank and an order from the Governor directing Commissioner Burdette G. Lewis to allow Mrs. Sanger to visit her sister to-morrow and Friday, they returned to New York to put the pardon on to Mrs. Byrne herself.

Just after they quit the Capitol Mrs. Augusta Cary, legislative representative of the league, was denounced on the floor of the Assembly by Assemblyman Clarence F. Welch, of Albany. A pamphlet editorial from "The New Republic" on birth control, being distributed by Mrs. Cary, had reached his desk and made him angry. He rose to a point of personal privilege and spoke his mind.

"I understand," he said, "that there is a woman about the Capitol who is distributing pamphlets advocating the violation of one of the fundamental laws of the state and every law of decency and morality. I have made inquiry as to whether or not she is registered in the Secretary of State's office, and I find she is not. If she does not leave the Capitol I shall ask the police to arrest her. The distribution of such literature is insulting and outrageous."

Mrs. Cary registers as a lobbyist for the league.

The committee that called on the Governor included, besides Mrs. Pinchot and Mrs. Sanger, Miss Jessie Ashley, Mrs. Francis Higginson Cabot, Mrs. Maitland Griggs and Dr. Mary Bolton, of Gouverneur Hospital. Mrs. Pinchot announced to the Governor that she represented a committee of more than seventy prominent and influential women in New York City.

"We have organized ourselves into a committee," said Mrs. Pinchot, "to do propaganda work for the benefit of the state who are suffering because of this law, which we have long thought was a relic of the dark ages, to prevent women from deciding when they want children."

"What would be a great help to us would be for you to appoint a commission to whom those who have something to offer on this subject might give testimony, and who might give testimony from England, France and other countries. I have here a statement signed by Professor Dewey, of Columbia, and thirty-nine other professors endorsing the movement."

Mrs. Sanger told the Governor that there were 8,000 deaths from illegal operations last year in this state. She told about her studies abroad, and the change since the first clinic was established at Amsterdam.

Breaking of Law Here
"In Gouverneur Hospital," said Dr. Helton, "we have to break the law in order not to be murderers in the maternity ward, where tubercular and otherwise diseased women are brought with children. But although Commissioner Emerson said he believed in breaking the law to save lives, the doctors fear arrest."

Miss Ashley said the thing to do was to change public opinion by the work of the proposed commission. "There is one woman," she said, "who has tried her best to get the law tested—Mrs. Ethel Byrne. I would ask you, Governor, to commute her sentence to allow her to have her case appealed."

"The difficulty is," answered the Governor, "that if I pardon her, the pardon will wipe out the conviction and you will have nothing to appeal. I am perfectly willing to do anything to help your appeal. I am willing to pardon her, but I've got to enforce the law, and if the woman will agree not to violate it again I'll pardon her. I don't think there is any widespread feeling in the community that she should suffer."

"Well," interposed Mrs. Sanger, "if the state is willing to take a thousand lives, my sister is willing it shall take one more."

"I think," continued the Governor, "that this case ought to be appealed. How large a commission do you want?" the Governor asked Mrs. Pinchot.

"I haven't determined the details," she said. "I am perfectly willing," announced Governor Whitman, then, "to appoint such a commission if I can find men to take it. I think it is the wisest disposition to make of it."

Then arose the difficulty of commu-

FINAL TEST OF WAR AT HAND, SAYS KAISER

Amsterdam, Jan. 31.—Emperor William, replying to a telegram received by him from the Elector of the Province of Brandenburg, says a dispatch from Berlin, sent this message:

After thirty months of warfare, rich in sacrifices, the entire German people in holy wrath at the rejection of my peace offer is inspired anew with doubled strength, and stands as one man with the Kaiser and empire victoriously to pass through the blood of the final battle, which now has become inevitable for house, home, honor and freedom and finally to place enemy peace disturbers within bounds. May God and our our good sword help us thereto.

Hunger Strike Is Won, Says Committee of 100

Mrs. Ethel Byrne's hunger strike is won, according to the Committee of One Hundred which has supported her in the fight to amend the laws concerning the dissemination of birth control information.

"We will recommend that Mrs. Byrne accept Governor Whitman's conditional pardon if Justice Crosey refuses to grant a certificate of reasonable doubt," said Mrs. Amos Pinchot, chairman of the Committee of One Hundred, last night. "Of course, we would prefer to appeal Mrs. Byrne's case, so that her sentence could be tested as to its constitutionality, but, whatever the result, we have scored a great victory for the cause. The Governor's promise to appoint a commission to investigate the whole problem is just what we have hoped and worked for."

Burdette G. Lewis issued the following statement after a long-distance conversation with Owen L. Potter, pardon clerk: "Mr. Potter told me he was in the room and heard the Governor say: 'I am the Governor. I must uphold the laws. I will pardon Mrs. Byrne if she will promise not to break the laws. When the committee of women asked him if he would appoint a commission to study the question of birth control the Governor answered that he was willing. He pointed out, however, that such a commission would be somewhat unofficial and without power to subpoena witnesses.'"

Says Pardon Will Win

"I am strongly of the opinion that Mrs. Byrne will gladly accept the condition, for she has heretofore expressed her willingness to pay a fine of \$5,000 and agree to give up this business, as she called it. She has stated that she did not know she was actually breaking the law."

"I will take the matter up with the Corporation Counsel the first thing in the morning and then decide to whom I will issue passes to see Mrs. Byrne. After talking with Mr. Potter it was too late to do anything further to-night."

Mrs. Byrne may find the cost of jail living high if she refuses to accept Governor Whitman's conditional pardon and continues to run up a board bill at Blackwell's Island.

May Charge for Board

Commissioner Lewis announced yesterday that he was considering charging Mrs. Byrne for her board. "There is a law which has not been enforced which permits a commissioner of Correction to charge prison a board," said Mr. Lewis. "I think it would be a wise thing for the city to enforce this provision of the law and charge the board if the prisoner insists on staying with us and especially persists in lying in bed instead of working like other prisoners."

The Commissioner pointed out that he is allowed by the state only 17½ cents a day for each prisoner's food. "Why, considering the four physicians who attend her, the day and night nurses, the services of the diet kitchen and other things, Mrs. Byrne is getting attention which would cost her at least \$100 elsewhere."

Mrs. Margaret Sanger, Mrs. Byrne's sister, still insists that the reports given out from the Department of Correction with regard to Mrs. Byrne's condition are untrue.

\$711,130 U. S. STEEL PENSIONS

Veterans of Corporation Received That Sum in 1915, Report Shows.

Employees of the United States Steel Corporation and its subsidiaries received \$711,130.33 in pensions last year according to the annual report of the United States Steel-Carnegie Pension Fund made public yesterday. At the beginning of the year there were 2,002 persons on the roll, 275 were added during the year and 264 dropped, mainly through death, leaving 2,013 receiving pensions on January 1.

The maximum pension drawn was \$100 a month and the minimum \$12 with the average \$21.05 and the average age of the pensioners 55.33 years. The average of service prior to pension was nearly thirty years.

The fund was established in 1911 by contributions of \$4,000,000 by Andrew Carnegie and \$8,000,000 by the corporation, and has since paid \$2,945,543.06 to veteran employees. Male employees who have reached the age of sixty-five and have seen twenty-five years service are eligible to benefits, women becoming eligible at fifty-five. Any employee who has served the corporation or its subsidiaries fifteen years who becomes totally disabled is also provided for by the fund.

HOTEL MEN BACK PERMIT SYSTEM

Health Board Will Begin Examining 10,000 Eating Places in Six Weeks

DEPARTMENT NEEDS MORE INSPECTORS

Emerson Tells How He Hopes New Project Will Work Out

Health officials admitted yesterday that it would test to the limit the resources of the Bureau of Food and Drugs to make effective the ordinance requiring all hotels, restaurants, lunch rooms and free-lunch counters in the city to display a permit certifying that they were maintaining the standards required by the Department of Health for the preparation, storage and sale of food.

Nevertheless, the board is planning to make the initial inspection within six weeks of the 10,000 establishments affected by the ordinance. Fifty-five inspectors will be constantly at work. Ultimately, if the Board of Estimate should increase the Health Department's annual appropriation, it is hoped to extend the permit requirement to grocery, delicatessen and all other places where food is sold.

The Hotel Association of New York City, which includes all the big hotels, will cooperate with the Board of Health, Thomas D. Greene, president of the organization, said last night.

Want Proper Safeguards

"We wish to maintain around the preparation and service of food, the proper safeguards for the public," he asserted. "At the same time we believe that the hotels of New York are now the best in the country in that and every other respect. They are models for cleanliness."

The managements of several agreed with Mr. Greene in their attitude toward the ordinance. In many hotels the Lederle Laboratories make a monthly examination and report on the condition of the kitchen, storerooms and foodstuffs.

Hotel men agreed that there would be hearty support in their business of any movement to maintain high or improve low standards in the sale of foodstuffs.

Adequate Machinery Needed

"The permit system, obviously, cannot attain best results unless there is adequate machinery for enforcement, which means a large number of inspectors and proper polling."

"There is an increasing tendency among all agencies having to do with the control of food purity and food decency to place establishments under permit for the reasons that the road to decency is shorter along this line, that there is more legal punch and that the results can ordinarily be obtained more quickly."

"However, the meagre equipment which the average food control has in the way of personnel makes the application of the permit system a matter in which it is necessary to move carefully. The number of inspectors allotted to the Health Department by the city is, at this time, insufficient to permit a complete survey of selling food under permit, but it can handle certain lines of business under this system, and possibly all in time."

Inspections under the ordinance will begin soon.

FRENCH CONFIRM TROOPSHIP'S LOSS BY U-BOAT ATTACK

Loaded with 950 Soldiers, Besides Crew, Craft Is Sunk by Torpedo—Only 809 Saved

Paris, Jan. 31.—Official announcement was made here last night that the transport Amiral Magon, which was taking 950 soldiers to Salonica, escorted by the destroyer Arc, was torpedoed by a submarine on January 25. Of those on board 809 were saved.

A statement from the German Admiralty on Monday said that on January 25 a German submarine at a point about 250 miles east of Malta sank an armed hostile transport steamer which was proceeding eastward, convoyed by a French torpedo boat. The steamship was said to have gone down in ten minutes.

FRONT NEEDS EVERY MAN AVAILABLE, SAYS LYAUTEY

Paris, Jan. 31.—General Lyautey, Minister of War, declared before the Chamber of Deputies to-day that "every man who should be at the front must be there." His declaration was made following the introduction of an emergency bill requiring that those previously rejected for physical defects shall again undergo medical examination.

Albert Favre and several other Deputies fought the proposed measure. General Lyautey said that the bill under discussion was only part of the system of new strength could be best developed. After mentioning some of his efforts toward better utilization of men, the Minister received an ovation when he said: "I have come here to work, command and serve. I need your confidence. I ask that you give it to me."

GRAYSON CONFIRMATION DELAYED BY REPUBLICANS

Washington, Jan. 31.—Republican opposition caused the Senate to delay again to defer action on President Wilson's nomination of Dr. Cary T. Grayson, his naval aide and physician, to be a medical director with rank of rear admiral. Nominations of Paymaster General Samuel McGowan to be pay director, Frederic R. Harris, chief of the Bureau of Yards and Docks, to be civil engineer, and Surgeon General William C. Braisted, to be medical director, all with rank of rear admiral, were confirmed.

GERMANS GAIN IN DRIVE AT RIGA

Czar's Troops Forced Back Two-thirds of a Mile and 900 Captured

TEUTONS WEAKENED ON RUMANIAN FRONT

Troops Withdrawn to Meet Thrust—Russian Assaults Succeed

London, Jan. 31.—Despite the intense cold, which is paralyzing activity over vast reaches of the European battle-lines, the Germans to-day hurled a violent offensive at the Russian front near Riga, which resulted in the capture of almost a thousand prisoners and forced a retreat of the Czar's troops to a depth of two-thirds of a mile before counter-attacks checked the assault.

The Germans employed large forces, which were evidently brought from the Rumanian front to meet the Northern Russian threat of the last two weeks, and the battle reached great violence, both sides developing intense artillery fire. Tuesday night a German Zeppelin surveyed the Russian positions by searchlight, and in the morning the Teuton guns began a fierce bombardment over a large sector, employing principally shells charged with gas.

An infantry attack launched between the Tirul swamp, now a solid mass of ice, and the Rivesa Aa was smothered by the Russian barrage fire, but to the northeast of Kalzenn the gas shells had done their work and the German advance forced the enemy back along the high road for almost a mile.

Further German attacks were beaten back by artillery fire, and then the Russian counter attack was flung over the conquered territory, retaking all but a small sector, according to Petrograd. A number of machine guns and prisoners were taken. The Berlin report is more specific, declaring the capture of 900 men.

However, this show of force was accompanied by a corresponding weakness along the Rumanian front. The Russian offensive upon the northern end of this sector has been successfully repulsed on the condition of ground along the Kimpolung-Jacobeni railroad, where Brusiloff is driving southwestward. Here the Russians tore their way through barbed wire entanglements, wading in snow up to their waists.

Berlin concedes the capture from mixed Austro-German commands of a point of support near Vale Putna. This is in the region where the Russians last Saturday captured 1,500 of the enemy and, being near the junction of the boundaries of Bukovina, Transylvania and Moldavia, indicates a determined effort to turn the German positions in conquered Wallachia, the next step to force a heavy shifting of supports.

SUITOR MURDERS GIRL; ENDS LIFE

Actor's Daughter Is Shot After She Tells Admirer to Leave Her

Gustave Larsen, a tenant on the third floor of an elevator apartment at 66 West 107th Street, at 10:30 last night heard two muffled pistol reports which seemed to come from the floor below. He hurried down and notified Joseph Henck, superintendent of the building, who made an investigation but could find no one else who had heard the shots.

At 12:30 Harry Sylvester, a member of a vaudeville team known as Sylvester and Jones, returning from a theatre, opened the door of his apartment on the second floor, and saw a body that occupied by Larsen. He switched on the electric light and staggered back.

Stretched on the couch in the parlor lay the body of his nineteen-year-old daughter, Ruth. A dark smudge stood out on the neck of the white gown she was wearing. Beside her lay the body of a young man, apparently about twenty-five years old.

Another blotch of crimson almost hid the right side of his face. Sylvester rushed to the couch. Between the two bodies lay a revolver. He then called up Police Headquarters, Patrolmen Mahoney and Grey, of the West 106th Street station, who were sent to the apartment. They reached the building about the same time as Dr. Somers, ambulance surgeon of the Knickerbocker Hospital, who pronounced both dead.

Dr. Somers found that the girl, lying on the right side of the couch, had been shot in the left ear. The man, evidently had shot her and then pressed the weapon against his right temple.

In an inside pocket of the man's coat, the police found the following note: "Write to my mother at No. 840 E. Meyer street, Philadelphia, and my brother at 1109 Decker street, Baltimore. Thomas Pavuk."

"I don't even know his name or what he does," moaned the father. "He had been calling on my daughter for some time, and I didn't like him. I don't know why, but I didn't. I told Ruth she must tell him he must stay away and not see her any more. She said she would."

The police advanced the theory that, finding that his attentions would no longer be permitted, became desperate in his infatuation for the girl and, unknown to her, planned the murder and suicide. He is believed to have slipped the weapon from his pocket as they sat side by side on the couch. Larsen said the shots came at an interval of about fifteen seconds.

Are You Intoxicated? The question is not as impertinent as it sounds. You may be a real teetotaler and yet be "intoxicated"—that is, poisoned by the gases that come from imperfect digestion. The products of food putrefaction are taken up by the blood and often poison the entire system. Cut out meats and starchy foods for a while. Eat Shredded Wheat with milk or cream for breakfast; eat it with stewed fruits and green vegetables for dinner or supper. It will cure auto-intoxication and make a new man of you. All the meat of the whole wheat in a digestible form. A perfect meal at lowest cost. Made at Niagara Falls, N. Y.



Every New Yorker from the District Attorney down will want a copy of **The Tribune** for **Next SUNDAY—Feb. 4th**

The reason—**SAMUEL HOPKINS ADAMS'** startling expose of the sales schemes of instalment furniture houses. **It's great stuff!**

Order YOUR copy to-day!

Would you invest \$400 or more at 6% for 3 years in a business that will pay 10% to 40% thereafter? Company will furnish bond guaranteeing safety of principal and refund of full amount invested if for any reason it is desired. Opportunity, Box 300, Tribune.