

Rayne, Senator Gittins and Senator Ferris did likewise, and Assemblyman James Oliver changed his vote from Straus to O'Gorman.

Senator Black then requested Senator Wagner to call his name again. Senator Black had had a talk with John H. McCooey, Democratic leader of Kings county, and said:

"I find it necessary for me to vote in order to make the total 101, which is just a majority of the Legislature. While I still feel that these insurgents have not acted fairly I ask to be recorded, and I therefore vote for William F. Sheehan."

Dr. Bush's motion to make Justice O'Gorman's nomination unanimous was received with an outburst of cheers.

THE VOTE IN DETAIL. The vote of the Senators in the joint caucus was as follows:

O'Gorman—Frawley, Griffin, Hartle, Loomis, McCall, Manus, Murtagh, O'Brien, Pollock, Sauer, Saxe, Stillwell, Wagner and White. Total, 14.

Sheehan—Black, Cullen, Fiero, Gittins, Harden, Lons and Ransperger. Total, 7.

Senator Rayne voted for Augustus Van Wyck, Senator Ferris for John D. Kernan, and the two Sullivan Senators—Christopher D. and Big Timothy D.—for Isidor Straus.

The vote of the Assemblymen in the joint caucus was as follows:

O'Gorman—Boylan, Brace, Brennan, Carew, Caughlan, Cosad, Cuvillier, Fay, Fitzpatrick, Foley, Friedman, Frisbie, Geatons, Gerhardt, Gerken, Gillen, Goldberg, Hackett, Herrick, Heyman, Hoyer, Hoyt, Jameson, Keith, McKim, McKeon, McElligott, McGarr, McKee, Martin, Myers, O'Connor, J. J. O'Neill, Parker, Schifferdecker, Seelye, Shortt, Smith, Terry, Trombly, Turley, Walker, Weil and Zorn. Total, 49.

Sheehan—Blauvelt, Bush, Dawson, Goldstein, Gould, Grez, Gurnet, Hearn, Jackson, Lareau, Monceynski, Neupert, M. A. O'Neill, Scheide, Washburn and Wende. Total, 10.

Herrick—Collin, W. R. Herrick, Patrie and Warren. Total, 4.

Straus—Gaubard, A. J. Levy and Oliver. Total, 3.

Kernan—Manley and Miller. Total, 2.

Assemblyman McDaniels voted for Alton B. Farnham, while William S. Berger for Representative William Sulzer.

BOLTERS WHO ENTERED THE CAUCUS. The Democrats nominated by regular party convention who bolted the first joint caucus on January 16 and who entered the joint caucus to-day were: Senators Scott, of Essex, and Schenectady; Assemblymen Bruce of Montgomery, Day of Jefferson, Martin of Saratoga, Friedman of New York, McDaniels of Tompkins, O'Connell of Oswego, Myers of Schenectady, Terry of Kings and Trombly of Clinton. Total, 11.

The Democrats nominated by regular party convention who bolted the first joint caucus of January 16 and who refused to enter to-day's joint caucus were Senators Roosevelt of the Dutchess districts and Senator Bard of Essex; Assemblymen Drummond of Cayuga, Saunders of Columbia, Wheeler of Delaware, Bridenbecker of Herkimer, Fry of Kings, Hollender of Nassau, Huber of Dutchess, and Egan of Sullivan and Dutchess of Tioga. Total, 12.

Assemblyman Cosad of Seneca, nominated by an independent Democratic party convention and who bolted the first joint caucus of January 16 and who entered to-day's caucus and voted for O'Gorman. The two Independence Leaguers, Duhamel and O'Connor, also bolted the caucus and voted for O'Gorman. Assemblyman Chanler, who entered the joint caucus of January 16, but who since January 19 has opposed the majority, bolted the caucus of to-day's caucus. Assemblyman Loomis of Erie and Assemblyman Hoyt of Dutchess and Shortt of Richmond, who participated in the January caucus and voted for Sheehan, but who since January 19 opposed Sheehan's election, entered to-day's caucus and voted for O'Gorman. Senator Grady and Senator Cronin were absent from to-day's caucus.

O'GORMAN ELECTED. Immediately after the joint caucus adjourned the nomination of Justice O'Gorman was confirmed in a joint session of the Senate and Assembly, held in the same room in which the caucus was held. This was but a brief affair. The roll called showed that in the Senate Justice O'Gorman received 27 votes, or more than a majority because of his Depew received 18 votes. In the Assembly Mr. O'Gorman received 85 votes, or nine more than a majority, while Mr. Depew received 22 votes.

Senator Brackett, leader of the minority, in explaining his vote on the roll call in the joint assembly said:

"God moves in mysterious ways His wonders to perform. I would not if I could look to here and to the burden I had almost said the nomination of those members of this body who for nearly three months have declined to join in the distinguished citizen of the State, who was the choice of a large majority of the people, because of his relation with Tammany Hall, but it stands that they have finally joined in the election of one who has been infinitely closer to and more potential in that organization than has Mr. Sheehan. The result of this final action of the Legislature is not only a victory referred to as one where the mountain has labored, but now hard and long, and politically a little mouse has happened."

In all this I do not seek to disparage the gentleman who has been made Senator. I recognize, as do my party associates, that he is an eminent member of the legal profession and a man of great learning. My criticism leads to the proposition that this learning and these talents will and must be devoted to the betterment of the organization that has elected him Senator—to whom he owes this distinguished honor. Nor is the reflection sweetened by the fact that it was absolutely within the power of those Democrats who pressed a crowd of Tammany domination and who long resisted it to have prevented such a result, either by any action at all, or by combining with the minority of this joint assembly who have earnestly believed and do and have acted on the belief that the nomination is a menace to the good of the State and of the nation.

Following Senator Brackett, Senator Burd, the insurgent from Erie, said it gave him particular pleasure to abide by this caucus choice because he believed it would prove to the people of the State that the party was united on a candidate who was conspicuously fit for the office of United States Senator.

ROOSEVELT'S COMMENTS. Senator Roosevelt replied to Senator Brackett. He said that those called insurgents had been expressing their judgment as to the kind of a candidate the party should elect. He said that he was a Senator. Now that the fight was over, Senator Roosevelt said, the men who had opposed the election of Mr. Sheehan would cooperate earnestly with their Democratic associates to carry out the pledges made by the party during the campaign and to strive to keep the Democracy in power in this State. He insisted that the insurgents should not be characterized as "treachery." "These men today," said Senator Roosevelt, "can call themselves regulars and they resort to any stratagem that they are able to employ. We believe the Democratic party is to continue in power and we are going to do everything in our power to insure its reelection. We believe the Democratic party is to continue in power and we are going to do everything in our power to insure its reelection. We believe the Democratic party is to continue in power and we are going to do everything in our power to insure its reelection."

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Associate judge under appointment by the Governor of the State.

REPUBLICANS DISAPPOINTED, SAYS WAGNER.

Majority Leader Robert F. Wagner said that Senator Brackett was merely voting the disappointment which he felt at the selection of Justice O'Gorman would give to the Republican party.

"The Republicans are disappointed," continued Senator Wagner, "because they expected that this Senatorship contest would disrupt the Democratic organization in this State. Now that they see it has been solved and whittled away for the interest of the whole people of the State they are naturally chagrined. The man we have named will prove equal to any representative New York State ever had in the United States Senate."

If Senator Brackett hoped for a break in the Democratic ranks he labored under a wrong impression and now feels disappointed over the result. We Democrats are going to work shoulder to shoulder for the kind of record to please the people and insure our continuance in power.

Assemblyman Merritt, Republican minority leader, said he believed Senator Brackett had expressed the views of the Republicans and added that the Republicans of the State would have no need to worry; that "this situation has spoken for itself and it is quite likely that the people will treat with it accordingly."

Mr. Merritt said all the Republicans could do was to sympathize with the majority over their condition.

"The sympathy game does not appeal to us," quickly replied Majority Leader Smith. "Our Republican friends will need all their sympathy for themselves when we get back here to do our work."

The Democrats laughed and applauded this remark of Mr. Smith.

In moving to make the election of Justice O'Gorman unanimous Dr. Bush said he felt like "the sweet girl graduate" and that his feelings in doing so were "mixed with joy and sorrow."

"I am satisfied, however," said Dr. Bush, "in the belief that if we have not selected Mr. Sheehan, which I insisted was the best man, we have chosen a very good man."

Senator Big Tim Sullivan, Assemblyman John J. Hackett and Assemblymen DeLoach and Terry also explained their votes.

The joint assembly then adjourned with congratulations on all sides, especially when it was announced that the Legislature would adjourn to-night, not to meet again until 8:30 P. M. on Monday, April 17. The Democrats left the building giving great cheers for Senator O'Gorman.

GOV. DIX SATISFIED. Gov. Dix had a consultation to-night with Mr. Murphy and Daniel F. Cohanlan, and later Gov. Dix said concerning the election of Justice O'Gorman:

"The State of New York has elected for its representative in the Federal Senate an eminent jurist, a man of pronounced ability, a great attainments in the field of the highest character. The election of Judge O'Gorman cannot but meet with the approval of the citizens of this State regardless of party. He will rank with the ablest statesmen the Senate has known, will well represent the Empire State and bestow honor upon the party that elected him. I am gratified at this result and I believe that the members of the Democratic members of the Legislature for the past ten weeks."

Gov. Dix sent to-night the following telegram to Judge O'Gorman, 318 West 108th Street, New York City.

Nation and State are to be congratulated. The Democratic party has honored itself by electing you and the people of the Commonwealth will ever remember the selflessness you demonstrate in your willingness to serve your party and your State at personal sacrifice. JOHN A. DIX.

COMMENTS OF MURPHY AND CORALAN. Charles F. Murphy said to-night: "No better selection could have been made by the party after an unfair and unmerited defeat of Mr. Sheehan, whose position before the people has been greatly strengthened. Judge O'Gorman needs no commendation from any one, but the triumph will undoubtedly see that in the triumph of the majority rule and in sustaining the party caucus the power of the party and its opportunity to serve the people have been greatly increased."

Daniel F. Cohanlan said: "Senator O'Gorman will stand out even in the United States Senate as a man of unique ability and culture. He will undoubtedly make for himself a record of which his party and his friends may well be proud. The only note of regret, in this situation is that the only man who should have been defeated, but he has triumphed with his party in the victory of the principles for which they fought."

William Sheehan, Jr., chairman of the Republican State committee, said to-night: "There is no reason why the Republican party should not be entirely satisfied with the result. Its representatives in the Legislature would have been willing to have taken a really independent Democrat had time been afforded them to make clear the impossibility of the issue which the election of Judge O'Gorman makes absolutely certain. The independent Democrats who finally fell into line at the behest of Mr. Murphy have failed to recognize the sentiment which their earlier action created and with which every Democrat in the interior of the State must ultimately reckon. For particular reasons apparently they have deserted the standard which they raised, but they cannot ignore that there exists more now than ever a well defined and clear intent in the hearts of the voters, regardless of politics, north of New York not to permit the control of government of this State in the selection of a Senator or otherwise to be vested in the kind of leadership which Mr. Murphy has exposed."

MAJORITY LEADER WAGNER'S STATEMENT. Majority Leader Robert F. Wagner of the Senate made the following statement to-night:

It is unfortunate that the election of Mr.

Sheehan, the first caucus candidate of a majority of our party in the Legislature, was not ratified by the party members in joint assembly. No man in public life was more unfairly and unjustly criticized than he.

The election of the Hon. James A. O'Gorman, however, was a very happy outcome of the deadlock. Judge O'Gorman is a man of the highest character, an eminent jurist, an intense Democrat and an ideal American citizen. In him the people of this State will have a representative who will ably and faithfully protect their interests at this critical time in Washington. His election is also a vindication of the caucus system and the principle of majority rule.

JAMES A. O'GORMAN'S CAREER. In Politics From His Boyhood—Always a Tammany Man.

James Aloysius O'Gorman was born in the old Seventeenth Assembly district and it was there that he took his first lessons in politics. His father was Thomas O'Gorman. The boy went to the College of the City of New York and to the New York University law school, where he received his LL. B. in 1882, when he was 22 years old.

He had interested himself in the politics of his district while he was still a student. When he had barely reached his majority he was chairman of the Tammany committee in the election district of the old Seventeenth Assembly district where he lived.

He was admitted to the bar in the year he was graduated from the law school of New York University. The law practice went hand in hand with his work in politics. In 1883, partly through the influence of Richard Croker, he became Justice of the District Court of New York. He held this place until 1900, when he was elected Supreme Court Justice.

It was while he was a Justice of the Supreme Court that he was elected Grand Sachem of Tammany Hall. He succeeded Lewis Nixon, who had become Grand Sachem after the nominal retirement of Richard Croker. Justice O'Gorman's election was regarded as a perpetuation of the Croker influence.

The contest was Robert A. Van Wyck, the candidate of John F. Carroll and his friends, who made no secret of their desire to restore Tammany to its old leadership. The election of Justice O'Gorman instead of Mayor Van Wyck was looked upon by the Croker followers as a triumph.

Justice O'Gorman has interested himself in the National Democratic Club, Michael C. Murphy, Thomas J. Dunn and John Fox, who was for many years president of the National Democratic Club.

When it was clear that Justice O'Gorman had received his necessary two-thirds majority John F. Carroll moved that his election be made unanimous.

Justice O'Gorman remained as Grand Sachem of Tammany until the fall of 1905. Then he resigned and in December W. Bourke Cockran was chosen as his successor.

He was married when he was 23 years old to Anne M. Leslie of New York. They have seven daughters and four sons.

Justice O'Gorman has interested himself largely in Irish affairs here and in Ireland. His term as Supreme Court Justice would have expired in 1914. On May 5 next he will be 51 years old.

WHO IS O'GORMAN? Democratic Congressman from the South and West Never Heard of Him.

WASHINGTON, March 31.—The news of the breaking of the New York Senatorial deadlock was received by Democrats in Washington this evening with satisfaction. It was interesting, though, to see the curiosity expressed by Democrats outside of New York State when they heard that Justice O'Gorman had been named.

"O'Gorman! O'Gorman! I never heard of him," was the general expression with which the news of the election was received among Democrats of the South and West.

The election of Justice O'Gorman in this way when he had never been considered by the people of the State of New York as a candidate for the Senate, is taken as an argument in favor of the direct election of Senators. Republican insurgents who favor this method of choosing Senators demonstrated their opposition to this instance to the list of arguments that they have collected as a result of recent deadlocks.

SENATOR ROOSEVELT GLAD. He Says the Insurgents Believe O'Gorman to Be a Man of Absolute Independence.

ALBANY, March 31.—Senator Roosevelt said to-night:

"I do not need to say that I am very glad of the election of Justice O'Gorman to represent New York in the Senate of the United States. A jurist of the highest attainments and of the highest character, he will rank with the ablest statesmen the Senate has known, will well represent the Empire State and bestow honor upon the party that elected him. I am gratified at this result and I believe that the members of the Democratic members of the Legislature for the past ten weeks."

"Nearly three months ago thirty of the Democratic members of the Legislature adopted a course which they have ever since consistently followed. Unwilling to be dictated to by any man or to assist in the election of a Senator who would represent interests narrower than those of the State as a whole, yet they were at all times ready and anxious to support such a candidate as satisfied their own consciences and the desire of their constituents. They have rightly never assented to dictate the choice of a man, I believe that the Democratic party has, after its return to power after many years, passed in the last three months through an ordeal from which it has emerged with renewed hopes and renewed health and a determination to carry on the Government in an honest and efficient manner."

"I think I may say that Justice O'Gorman's name would at any time in the past have received our cordial support. We all believe him to be a man of absolute independence, as his eminent career on the bench has amply demonstrated, and we believe that he will truly represent the whole State."

"I want to take this opportunity to congratulate those men with whom I have acted in the past and during the last three months. Our paths have lain together in the past and will in the future."

Lots of Money in the Air. Special Cable Dispatch to THE SUN.

PARIS, March 31.—The Petit Journal, imitating the schemes of the Matin, the Journal and the Petit Parisien for increasing circulation, has offered an \$80,000 prize for a Paris to Rome and return aeroplane race.

Samuel A. Coykendall, Jr., business manager of the New York University Violet, the junior year book of the university, surprised the faculty and students yesterday by having that book on sale at the university. Many junior classes have not even had their book ready till the beginning of the senior year, and the average class usually has it at commencement time. The book is dedicated to Mrs. Russell Sage in commemoration of her gift of the Schwab estate to the university in 1908. The Violet board consists of the following men: Editor-in-chief, Pierre F. Jones; business manager, Samuel A. Coykendall, Jr.; assistant business manager, George S. Clark; photographer, Joseph A. Fetherston and John J. White; editor of athletics, of classes, Presley D. Stout; of grounds, Samuel Stein; of the year, Albert J. Murphy and Edmund N. Peterson.

A. L. Wisner Out on Bail. Archie L. Wisner, head of A. L. Wisner & Co., broker at 225 Fifth Avenue, who was arrested last Monday with his brother and Grover C. Trumbull on a charge of fraudulent use of mails in selling mining stocks and who has been in the Tombs since he was taken yesterday to the court, bail Trumbull was released on \$1,500 the day after the arrest. Emmet S. Wisner is still in the Tombs in default of \$5,000 bail.

WHERE NEW SENATOR STANDS

FOR CANADIAN RECIPROCITY AND THE PARCELS POST.

Justice O'Gorman Announces His Principles as Soon as He Learns of His Election—Dix Wires That He's Much Pleased—Gaynor Spokesman Agrees.

When word of his election reached Justice O'Gorman at his home, 318 West 108th street, last night he said: "My selection to represent my native State in the Senate of the United States is an honor of which I am deeply sensible and for which I am profoundly grateful. I shall enter upon the discharge of my duties with a high appreciation of the dignity of the office and the gravity of its responsibilities."

"My best efforts shall be devoted to meeting the expectations of my fellow citizens. As I stated in my telegram to the Democratic caucus to-day, I am in thorough accord with the principles enunciated in the platform of the last Democratic national and State conventions. The need for an immediate downward revision of the tariff is urgent and further delay in the accomplishment of this much needed reform will not be tolerated by the American people."

"I am opposed to all special privileges and private monopoly; to the New Nationalism and the centralizing tendencies of the Republican party."

"I favor rigid economy in Governmental expenditures and the passage of a constitutional amendment providing for an income tax free from mischievous interference with the instrumentalities of the several States."

"I shall earnestly support the proposed reciprocity treaty with Canada."

"I am in favor of the parcels post."

"I have a very strong conviction as to the wisdom of holding any conversation with Mr. Vanderbilt at the time," said Mr. Lanier, "and the reason was that I was watching the chauffeur run the car through the great crowd ahead of us. He was one of the best chauffeurs I ever saw. I did not expect to run over anybody. People generally know enough to get out of the way."

Cornelius Vanderbilt testified that the car was going not over four or five miles an hour and that he jumped out with Mr. Lanier and the chauffeur and helped the car pass the crowd. He said the car didn't run over Mrs. Friedlander. She was running across the street when she was struck, he said, and the car stopped almost immediately.

GRAND JURY USES NO NAMES. Cincinnati Inquisition Finds Lots of Anonymous Crookedness.

CINCINNATI, March 31.—The final report of the Grand Jury was made late this afternoon and many features of the county, city and township public life are scored, although no names were used.

The Grand Jury found that prominent politicians had certain policemen sent to polling places on election day and that while the elections as a whole were honest more stringent election laws are needed.

In attempting to investigate the relations of public officials and public corporations, in two cases, the report says, the records of the corporations for ten years had been burned; that some of the officials of these corporations had left the county and kept outside the jurisdiction of the Grand Jury.

A pertinent declaration of the Grand Jury is that it is highly improper for public officials to come into possession of large blocks of stock through channels other than the open market.

The Grand Jury says that apparently for the last twelve years certain public officials have connived at gambling and that some have even been partners with gamblers. It also says that some township officials have made it a business to collect tribute from gamblers and some of this is alleged to have been turned over to the police.

The Grand Jury says that it was the evident policy of the Police Department to make public announcements that gambling was to be suppressed. But the time intimated to the subordinates that gamblers were not to be generally molested. It also finds that many hand books are conducted here and that the police generally appear to believe they are protected by some of the authorities.

The Grand Jury found that there were many irregularities in the collection of the liquor tax, and that lax methods existed in the Auditor's office. It was recommended that the next Grand Jury probe further into this matter.

MISSIONARY LOCKED UP. Accused of Getting Money in Bayonne on False Pretences.

A man who says he is Capt. Harold R. Finkle of the Volunteers of America, and who with his wife, Florence, has been doing missionary work in Bayonne for nearly a month, was arrested last night as he came out from a meeting at the Wayfarers Mission at 124 Lexington avenue upon being charged by Bayonne shopkeepers with uttering worthless checks and obtaining goods and attempting to get money on false pretences.

Finkle was pointed out to Detective Enright of the East 124th street police station by the Rev. Dr. Thomas F. Rush at the door of the Wayfarers Mission at the conclusion of Dr. Rush's sermon. Dr. and Mrs. Finkle have known Finkle since they were young and until yesterday they never had heard anything against the couple.

When Dr. Rush returned to his home just before dinner last night he found Mrs. Finkle in tears. She had heard over the telephone from Bayonne that the Finkles were in trouble and that the only missionary had come over to Manhattan to hear Dr. Rush preach because, so the telephone message ran, Finkle believed that the sermon would make a better man of him.

Dr. Rush gathered enough to cause him to report the case to the East 124th street station. The New York police already had received a telephone message from Police Sergeant Jones of Bayonne asking Headquarters here to arrest Finkle. Detective Enright therefore arrested Finkle at the watch and took him to the station. The watchman at the door of the mission last night and while he saw Finkle in the crowd passing out. The minister whistled and Finkle was arrested.

According to the Bayonne police Finkle has been holding meetings in Bayonne during the last two months and has made efforts to raise money to help the poor of the neighborhood. Last week, according to a shopkeeper, C. Potish of 408 Broadway, Bayonne, Finkle came into Potish's shop and bought a watch for \$4 the only thing for \$2.50 and offered a check for \$25 in payment. The shopkeeper says he told Finkle he didn't have money enough with him to cash the check, but Finkle took the watch and offered a ring upon promising to return soon to pay the \$25. Potish says Finkle didn't come back.

Other shopkeepers of Bayonne made similar complaints.

C. P. B. President in Paris. Special Cable Dispatch to THE SUN.

PARIS, March 31.—Sir Thomas Shaughnessy, president of the Canadian Pacific Railway, has arrived in Paris.

5th Avenue Restaurant

FOR DINNER BEFORE THE THEATRE

AUTO VERDICT UPSET.

Nothing to Show Negligence on the Part of Banker Lanier.

A verdict of \$1,474 in a suit brought by Hulda Friedlander against James F. D. Lanier, the banker, for damages because she was run over by Mr. Lanier's automobile was upset yesterday by the Appellate Division of the Supreme Court on the ground that the finding that defendant was negligent is against the weight of evidence.

Mrs. Friedlander was crossing 153d street near Park avenue on June 4, 1907, when Mr. Lanier's car, driven by his chauffeur, Robert Twyman, and in which Mr. Lanier and Cornelius Vanderbilt were riding, knocked her down and dragged her some distance. She said that she had sustained permanent injuries and sued for \$5,000.

Mr. Lanier testified that he and Mr. Vanderbilt were returning from the Westchester Country Club and were sitting in the rear seat together. The street was crowded and it looked to him as if Mrs. Friedlander ran into the machine. The auto was stopped at once and he and Mr. Vanderbilt assisted the woman from underneath the car.