

ELECTION OPEN AND ORDERLY SAYS JUDGE ABBOTT IN LETTER

Writes Member of Senate Committee on Territories Denying Charges of Intimidation and Fraud.

BALLOTS AGAINST THE CONSTITUTION AVAILABLE

Sons of Veterans Also Send Sworn Statement That Election Was Honestly and Legally Conducted Here.

"I never saw a more orderly open and to all appearance fair election than that one anywhere," says Judge Ira A. Abbott of the district court here in a letter transmitted yesterday to Senator Dillingham, member of the senate committee on territories, in which Judge Abbott denies the charges of fraud at the recent constitutional election now being circulated in Washington. Judge Abbott's letter ought to carry considerable weight as it is couched in dignified and conservative language while at the same time quite emphatic in tenor and is backed by the high standing of Washington and in New England. The letter follows: Senator W. P. Dillingham, Washington, D. C.

My Dear Senator: The charges made before the committee on territories against the fairness of the vote in this territory by which the proposed constitution was approved by an overwhelming majority have come to my notice through the newspaper reports of them. As you know, I have lived in New England all my life and six years ago when I was appointed to my present position by President Roosevelt, I have witnessed elections in Vermont, New Hampshire and Massachusetts, chiefly the latter state, where I have seen some small and remote communities where responsible persons who were opposed to the constitution to take charge of the negative ballots and distribute them, the danger being that if they were entrusted with responsible powers and lost destroyed, the officers whose duty it was to have them printed would be blamed for the loss.

It is also charged that the saloons were open contrary to law. The question whether the law of New Mexico forbidding the opening of saloons for business on "general" election days applies to elections under the enabling act, (which, unfortunately, contains no provision on the subject), is pending in court. Certain saloon keepers in this territory were indicted for the election of delegates to the constitutional convention. They employed counsel, claiming that their acts were not contrary to law, and the Supreme court for final decision. But the saloons were closed here, according to my observation and reliable information, during the progress of the voting on the adoption of the constitution, which began at one o'clock a. m. and closed at six p. m.

It would be strange if in a territory of such vast extent there were no irregularities in the voting of that day, but I am confident, on the information I have had from different parts of the territory, that the percentage of votes which for any reason failed to be cast against the constitution, or were improperly cast for it, if there were any of the last class, which I have never heard claimed here, was inconsiderable. There were some opposed to the constitution, for various reasons, as the case always is, but the desire for statehood was so strong and so general that it was a foregone conclusion that it would be adopted and I believe that if it were submitted the majority for it would be still larger.

I address you rather than the chairman of the committee because of my acquaintance with you, but I would like to have this letter laid before the committee.

Since I came to my present office I have been very careful to keep the court of which I am the judge out of politics and to that end have myself totally abstained from taking any part in political contests, except as they have sometimes been brought into court. But neither political party opposed the constitution, as a party, and republicans and democrats vied with each other in working for its adoption. I therefore feel at liberty to call the attention of your committee to what I have stated, and indeed think it my duty to do so in justice to the territory.

Very truly yours, IRA A. ABBOTT, Associate Justice of the Supreme court of New Mexico and Judge of the Second judicial district. Albuquerque, N. M., Feb. 23, 1911.

Officers and members of the Sons of Veterans Kit Carson Camp No. 1, Albuquerque, New Mexico, emphatically deny the charge that the election for the ratification of the constitution for New Mexico was fraudulently conducted; and personally brand and resent any and every charge made that said election was conducted by intimidation, violence, fraud and bribery as false, unjust and malicious. But on the contrary, from personal knowledge, in Bernalillo county said election was honestly and legally conducted and each voter had perfect freedom and liberty to cast his ballot pro or con without the least intimidation or molestation. JOHN M. MOORE, Notary Public, Bernalillo County, Territory of New Mexico.

SCORES OF AFFIDAVITS SENT FROM THE CAPITAL. (Special Dispatch to the Morning Journal) Santa Fe, N. M., Feb. 23.—It is said that at least fifty special delivery letters were mailed to Washington today protesting in affidavits against the charges of an unfair election, January 21, in New Mexico, and some of the affidavits stated that ballots both for and against the constitution were obtainable and that there was no intimidation or disorder at the polls in Santa Fe. It is said that affidavits of a similar nature were mailed from points all over the territory. One was from the editor of the Santa Fe Eagle, a democratic paper, that bitterly fought the adoption of the constitution, the editor swearing that ballots "against" the constitution were obtainable at his office and that he so announced in the columns of his paper.

BLOODLESS BATTLE ON FLOOR OF HOUSE

DELEGATE WICKERSHAM MIXES WITH MONDELL

Blows Fall Short and Both Apologize; Alaska Coal Land Leasing Bill Defeated With Help of Democrats.

(By Morning Journal Special Leased Wire) Washington, Feb. 23.—Another bloodless battle was fought on the floor of the house of representatives today. It came during a somewhat heated debate on a bill for the leasing of coal lands in Alaska. The bill was passed and the short and ugly word rang out Delegate James Wickersham of Alaska, made a rush for Representative Frank W. Mondell of Wyoming, who was seated at a nearby desk.

The big Alaskan's right arm shot out twice in the direction of the gentleman from Wyoming, but members who surrounded the disputants at the time say that both blows fell short. The house was in an uproar in an instant. Several members hurried themselves on Mr. Wickersham; others were struggling with Mr. Mondell, who had gained his feet and was making his way to the speaker's desk. Representative Foster of Vermont had taken Mr. Wickersham by the throat. This added to the uncontrolled anger of the delegate and for a moment diverted his attack toward the would-be peace-maker. Representative Sisson of Massachusetts was first to reach Mr. Mondell, who was endeavoring to raise the chair in which he had been sitting, to hurl it at his antagonist.

Members rushed toward the group from every part of the chamber and soon there was nearly a hundred men thick on the crowd about the struggling legislators. Meantime Representative Olmstead of Pennsylvania, who was acting as speaker, called upon the sergeant-at-arms to preserve order. The historical mace of the house, the emblem of authority was lifted from its marble pedestal and carried to the floor by the house officials.

Members, however, had taken the matter in hand and had succeeded in bringing both Mr. Wickersham and Mr. Mondell to a cessation of hostilities. When the house was fairly quiet, Mr. Wickersham clamored for recognition. "I want the record to show that I apologize to the house," he said. "I voice regret about it. I called a liar," he admitted that I was called a liar." Representative Tawney called attention to the fact that the language used by the disputants was clearly unparliamentary and that there should be an apology. Mr. Wickersham said: "I lost my temper. He sat down and Mr. Mondell arose. My remark was not directed toward the gentleman from Alaska, Mr. Mondell said, and it was not uttered in debate, but to a gentleman who stood beside me. I realize, however, that I should not have used the word here, or anywhere, for that matter, and I apologize to the house."

During the applause which followed Mr. Mondell's statement, Mr. Tawney moved that the house adjourn. On a standing vote the motion apparently was carried, but the opponents of the Alaska leasing bill demanded a roll call. Under this call the motion to adjourn was lost, and the leasing bill was then defeated, 151 to 32. The bill had been called up under a suspension of the rules and would have required a two-thirds vote for adoption. Representatives Madison of Kansas and Ollie James of Kentucky, both members of the Fuller-Pinchot investigating committee, led the attack against the bill. Mr. Wickersham had joined forces with them. Mr. Mondell occupied practically all of the time in favor of the measure. The bill provided for the leasing of all coal lands not to exceed 2,500 acres on a royalty basis of from 3 to 14 cents a ton. The debate had been charged with acrimony.

BEVERAGE WASTES WIRE YOUR FRIENDS MINE FIRE CLAIMS DOZEN LIVES AT TONOPAH UNFORTUNATES CAUGHT IN FLAMING DEATH TRAP

Rescue Force Works Desperately to Save Five Others Who Are Believed to be Alive in Underground Workings.

SENATE'S TIME AS SESSION WANES

Important Legislation Waits While Hoosier Spellbinder Airs His Views on Merits of Lorimer Corruption Case.

CHARGE OF FILIBUSTER VIGOROUSLY RESENTED

Mild Sensation Comes When Charge Is Made That Report Sent to Senate Was Not That Signed by Committee.

(By Morning Journal Special Leased Wire) Washington, Feb. 23.—No vote was taken on the Lorimer case in the senate today nor could a date for such a vote be fixed. Senator Beveridge of Indiana spoke for four hours, but did not conclude. He announced he would resume tomorrow. This was his second interruption of his speech, which already has consumed nine hours.

Just before the senate went into executive session, Senator Burrows attempted for the second time today to have a time for a vote fixed, suggesting that it be before adjournment tomorrow. Senator Stone objected because he desired time in which to be heard on the case. He insisted that within eight days of enforced adjournment, and with its calendar crowded with important measures including numerous appropriation bills, the senate adjourned in anything but an agreeable state of mind.

Ordinarily, there would have been no objection to Mr. Beveridge's course in announcing he would resume his speech tomorrow, but under the circumstances there were many manifestations of impatience. Some of the senators who support Senator Lorimer went so far as to charge a filibuster to prevent a vote on the Lorimer case, but Mr. Beveridge and his friends resented this charge.

"I don't care a hang when we vote after I get through," he said to Senator Gallinger on the floor just before adjournment. He insisted that he must have opportunity to conclude his speech, which he promised he would do tomorrow. In his remarks today, the Indiana senator made somewhat extended reference to Senator Lorimer's speech of yesterday, warning senators against being carried away by sympathy. He continued his analysis of the testimony in the case, with a view of convincing the senate that the senator from Illinois was innocent of the charge of bribery. He also charged that the committee on privileges and elections had acted with undue haste upon the evidence in reaching its verdict.

This allegation was made in connection with a sharp colloquy with Senator Depew of New York. He taxed these New York senators with having failed to read the testimony, and in addition, indicated that the report which originally was agreed to by the committee on privileges and elections was not the same document that ultimately was presented to the senate in the Lorimer case. After a series of exchanges between Senators Beveridge and Depew, the latter said he had read merely the attorney's briefs and an abstract of the testimony taken. "Throwing up his hands, Mr. Beveridge exclaimed: "I ask the senate and the house what they think of a judge who would reach a final conclusion in a great case on the brief of counsel and an abstract of the evidence prepared by counsel."

The galleries broke into loud applause. Bringing his gavel down with a bang, Senator Lodge, in the chair, admonished the audience that the demonstration must not be repeated. Under his breath, but audible throughout the chamber, Mr. Beveridge, who had been speaking almost to empty chairs on the floor, notwithstanding the galleries were packed: "I think we shall have an audience soon."

"I am pleased to know that the senator from Indiana counts upon an audience," retorted Mr. Depew. "I think I have an audience," returned Mr. Beveridge, looking up at the packed galleries. "In the galleries," said the New York senator, pointedly. He intimated that it was to the galleries that the Indiana senator addressed most of his speeches. "I could teach the senator from New York little about that," snapped Mr. Beveridge. Mr. Depew volunteered the further explanation concerning the documents in the Lorimer case which had come to him before the Saturday meeting of the committee on privileges and elections. He especially emphasized his assertion that not only the briefs but the abstracts of testimony which he had examined had been prepared by counsel opposing Lorimer. Mr. Beveridge said: "I don't care by whom those documents were prepared. It was the senator's duty to base his conclusion on the testimony and not on briefs or abstracts prepared by anyone."

HOUSE COMMITTEE ON TERRITORIES

Republicans. Edward L. Hamilton of Michigan. George N. Southwick of New York. James McKinney of Illinois. Ralph D. Cole of Illinois. William H. Draper of New York. Frank E. Guernsey of Maine. Jonathan N. Langham of Pennsylvania. James W. Goode of Iowa. William J. Moxley of Illinois. James T. Lloyd of Missouri. Ezekiel S. Candier, Jr. of Mississippi. William C. Houston of Tennessee. Benjamin G. Humphreys of Mississippi. Michael F. Conroy of New York. Daniel A. Driscoll of New York. Delegates Without Vote. William H. Andrews of New Mexico. James Wickersham of Alaska. Ralph H. Cameron of Arizona. Jonah K. Kalaniana'ole of Hawaii.

ment which afterward was laid before the senate. "That took place some time ago," responded Mr. Depew, "and my memory is not up on every detail. I suggest that the senator from Indiana call some other witness."

He then declared that he had not brought up the question, and asserted that Mr. Beveridge had been responsible for bringing it to the surface as an excuse for revealing secrets of the committee. In reply, Mr. Beveridge said the proceeding was a matter in which the entire public was interested and he insisted that the senator from Indiana call some other witness. Mr. Beveridge noted extensively before the examination of Beckmeyer before the committee to show that the evidence of Beckmeyer had been given freely and voluntarily and that no third degree methods were necessary or were practiced to elicit information from him.

Saying that the alleged anti-Lorimer conspirators had been represented as dragging Mike Link's confession from him with red-hot tongs, Mr. Beveridge asserted that the district attorney had been considerate and kind for his sake. Link himself had explained that he had refused to testify because he was afraid of getting his friends into trouble, said Mr. Beveridge. "Either White told the truth or White was a literary genius," said Mr. Beveridge. Besides it the inventions of the greatest writers of detective fiction paled into insignificance if his story was fiction. And money had been stated that White was stupid.

Declaring that the "goods" had been found in the possession of Holstlaw and Link, Mr. Beveridge asked what, under similar circumstances, would be the inference in the case of a thief. Asked by Senator Gallinger where the money he is alleged to have shown in Chicago in the summer of 1909, Mr. Beveridge replied that that circumstance had been explained. "How? Where did it come from?" asked Senator Gallinger. "From Brown—Lee O'Neill Brown," quickly answered Mr. Beveridge.

"Where did Brown get it?" "Good Lord, I don't know," said the Indiana senator. "They attempt to clear matters up by saying that no money was taken from Lorimer's bank. Does anyone suppose the money would have been taken from his bank? That would have been about as stupid a proceedings as some others that are suggested."

GARDNER GUILTY OF OFFERING BRIBE. New York, Feb. 23.—In a verdict of not guilty, the state's first endeavor to make a criminal case out of the alleged corruption by the attempted purchase of legislators' votes to defeat the anti-racing betting bills three years ago, collapsed last today. After an hour's deliberation a jury in the criminal branch of the supreme court this afternoon acquitted former State Senator Frank J. Gardner, who was charged with offering a \$10,000 bribe to former State Senator Otto G. Foelker, now a congressman, in the interest of the race track interests. Justice Seabury, in his charge, told the jurors they should not consider any reference to the half million dollar "boodle" fund, which it had been alleged was raised at a dinner of the race track interests, but to confine themselves to the question of whether Foelker was offered a bribe by Gardner.

OKLAHOMANS WANT TO ANNEX TEXAS PANHANDLE. Oklahoma City, Okla., Feb. 23.—A concurrent resolution to "take appropriate action" toward the annexation of the Texas "panhandle" by Oklahoma was introduced in the lower house of the legislature today. Boilermakers Strike Called Off. Lincoln, Neb., Feb. 23.—Announcement was made here tonight by J. W. Jones, president of the district unions, called off the strike of boilermakers and helpers on the Burlington railroad. The action was declared to be voluntary on the part of the men.

COLORADO DEMOCRATS AGAIN PASS UP CAUCUS. Denver, Colorado, Feb. 23.—The efforts of the Spear followers in the legislature to secure a conference on

HAWAIIAN ISLANDS MODESTLY ASK STATEHOOD

Joint Resolution of Legislature at Honolulu Transmitted to Congress by Hopeful Citizens of Far Away Territory.

ORGANIZED BAND OF WHITE SLAVERS

United States Marshal of Utah Bares Horrible Traffic; Man and Woman Arrested for Selling Young Girl.

(By Morning Journal Special Leased Wire) Honolulu, Feb. 23.—The territorial legislature adopted a joint resolution today asking congress that the Hawaiian islands, territory of Hawaii, be granted statehood. In addition to the men on the 1166 level and those on the thousand foot level, it is thought that a number of dead are lying at the bottom of the shaft. They are believed to have been brushed from the cage when a rush was made to reach the surface after the fire started. K. O. Frank, a miner, is known to have been crushed by the cage and killed at that time. Nine men are in the hospital suffering the effects of smoke and gas. Flames and smoke are pouring from the main shaft, but rescuers are working toward the fire from the Desert Queen shaft which is on the opposite side of Mount Oddie from the Belmont and which connects with the Belmont workings. The rescuers have advanced 350 feet of the 2700 feet that separates them from the Belmont shaft. Additional fans have been installed and fire hose has been sent down the Desert Queen shaft. State Mine Inspector Ed. Ryan is on his way to Tonopah from Virginia City with oxygen helmets for the miners. The imprisoned miners are: Frank Burke, shift boss; Michael Minnigan, John Mea, William Murphy, Thomas Wittey, miners.

Shortly before the 7 o'clock shift was ready to descend into the Belmont mine this morning, smoke was seen issuing from the shaft. To enable them to reach the workings, the men were lowered down the shaft of the Desert Queen mine, 2,700 feet distant from the Belmont. On reaching the 1,900 feet level they started through the drift leading to the Belmont shaft, but after walking about 1,500 feet the smoke became so dense that all retraced their steps, with the exception of the five who are still underground. The fire, it is known as the "timber yard" of the mine. The Tonopah fire department has sent 2,600 feet of hose to the mine. This has been lowered, connected up and water is rapidly being forced to the fire, which, it is expected, will be extinguished within a few hours. Thousands of persons are crowded around the Belmont shaft, 1,000 feet deep, from which smoke is issuing in great volume. The manager believes there will be no loss of life, and the mine will suffer little damage, as there are no timbers in the drift within many hundred feet of the flames.

POLICEMAN SLAIN IN REVOLVER BATTLE

Two Highwaymen Wounded and Captured in Desperate Duel in Streets of Seattle.

(By Morning Journal Special Leased Wire) Seattle, Wash., Feb. 23.—Patrolman J. T. Davis, thirty-three years old, was killed; John Ford, a young highwayman, was probably fatally wounded, and Alexander Nest, another highwayman, was wounded and captured, as the outcome of a revolver battle between two policemen and the two hold-ups tonight. Ford and Nest were taken to the city hospital where they are under guard. Ford, who was shot about the heart is not expected to live. Nest will recover. In the last few days there have been several hold-ups in the residence sections and tonight Chief of Police Bannick sent several additional patrolmen in civilian dress into the infested district. Patrolmen Davis and Smith were scrutinizing passersby when they came upon the two highwaymen who had been skulking in the darkness. The policemen started to question them when the bandits drew their revolvers and opened fire. Davis fell dead at the first shot with a bullet through his head. Standing alone, Patrolman Smith returned the fire, shouting both highwaymen.

RUEF CASE TAKEN UNDER ADVISEMENT. San Francisco, Feb. 23.—The state supreme court took under advisement today the motion of Attorney General Webb to vacate its recent order granting a rehearing to Abraham Ruef, sentenced to fourteen years imprisonment for the alleged bribing of San Francisco supervisors, and announced that a decision would be rendered on March 1. Should the motion be overruled, the court will then take up immediately the re-hearing of the Ruef case.

SULZER MAY BECOME CANDIDATE FOR SENATE. Albany, N. Y., Feb. 23.—That there is a movement to bring about the withdrawal of Edward M. Shepard, a candidate for United States senator, was intimated tonight by William Church Osborn, legal adviser to Governor Dix, and one of the managers of Mr. Shepard's campaign. The purpose of the movement, it is said, is to clear the way, if possible, for the selection of a compromise candidate. Congressman William Sulzer announced tonight in a letter to Assemblyman Cuvillier that he is willing his friends shall "lend a helping hand" to obtain the election for him.

RAILROADS DENIED RIGHT TO RAISE FREIGHT RATES EAST OR WEST

Decision Comes As Sad Surprise to Carriers Who Expected to Secure Some Concessions from Commission.

EXISTING TARIFFS TO STAND FOR TWO YEARS

Powerful Plea That More Revenue Was Needed for Necessary Improvements Fails to Appeal to Government.

(By Morning Journal Special Leased Wire) Washington, Feb. 23.—The interstate commerce commission has decided against the railroads, in both the "eastern" and the "western" cases. The decision was handed down late this afternoon. Proposed advances in class freight rates in official classification territory, aggregating among all the railroads in the territory approximately \$7,900,000 a year were disapproved by the commission. In the case involving the increases by the railroads in western trunk line territory the commission also decided to approve the proposed advance in commodity rates. The carriers in both cases are required to restore the rates in effect before the proposed advance and putting in effect the existing rates for at least two years. In the case of the railroad commission of Texas against the Atchafalaya, Topeka & Santa Fe railway and other carriers, known popularly as the southwestern rate case, the commission declined to disturb the commodity rates of the first-class rates complained of. The defendants are ordered, however, to reduce the second class rates which were increased from \$1.21 to \$1.29, to \$1.25. On the remaining classes the defendants are required to restore the rates in effect before the increased rates were published. The decision surprised railroad officials, the majority of whom believed the commission would grant some increase to the western lines, if not to the eastern.

The commission concedes that in the case of some of the roads an increased revenue is needed. In what is known as the eastern case, the commission was embarrassed by the admitted fact that several of the lines in the territory were paying good dividends upon existing rates, while other carriers in the same territory were barely able to make both ends meet—a few of them scarcely that. In the western case, the carriers entered a protest against increased revenue in order that they might have additional money to put into improvements which would enable them better to handle the constantly increasing traffic. In support of the proposed advances in official classification territory, but Commissioner Prouty, who wrote the opinion in the eastern case, says: "This argument does not appear to us. We doubt the practical difficulty suggested of obtaining by loan sufficient money to finance the roads) and were it true, it is not apparent that the general public would stand responsible for the mistakes which have been made in financing these railroad systems. Both the eastern and western cases were brought to public attention in the spring of 1910. Just prior to the enactment of the existing interstate commerce law, which, in part, became effective on June 18, 1910, the railways of official classification territory—41 in all—and those of western trunk line association territory, filed with the interstate commerce commission, tariffs making general increases in their freight rates. The tariffs filed by the eastern lines increased the first-class rate, between New York and Chicago points, from 75 cents a hundred pounds, to 75 to 90 cents; and made proportionate advances on the other five classes. Some advances were made on commodity rates; but the great bulk of the commodity tonnage of freight was not disturbed. The proposed advances affected approximately fifteen per cent of the total freight tonnage. Approximately the same amount of tonnage was affected by the increase proposed by the western lines, but the class rates were not affected in any way. Commodities alone were increased, the average advance on about 180 different articles being substantially sixteen per cent. At the time the tariffs were filed the commission had no authority to suspend advances in rates pending an investigation of their reasonableness; but after conference with the commission and President Taft the railroad officials agreed voluntarily to suspend the rates until August 1. Meantime, on June 18, the present law was passed giving the commission power to suspend rates. Subsequently the proposed tariffs again were suspended, voluntarily, first, until November 1, and later until February 1, and then to March 15, 1911. In withholding finally, its approval of the proposed increases, the commission holds—and its decision in both the eastern and western cases was unanimous—that the carriers did not, in the proceedings, sustain what the law imposes upon them; that is, the burden of proof that absolute necessity existed for the advances proposed. Discussing the eastern case Commissioner Prouty denies that the defendant carriers are justified at this time in demanding additional revenues

RESOLUTION TO PROBE ALLEGED COFFEE TRUST. Washington, Feb. 23.—Resolutions asking the president and attorney general whether they have investigated the existence of a Brazilian-American coffee combine were dropped in the house "chopper" today by Representative Morris of Nebraska. They went automatically to committee without comment.

RUMORS OF RESOLUTIONS CAUSES SLUMP IN PRICES. New York, Feb. 23.—There was heavy general selling in the coffee market today with prices closing at a decline of from 20 to 40 points following reports that a resolution had been introduced into congress asking investigation of the alleged coffee trust. This was supposed to refer to the valorization scheme of the Brazilian government, which accumulated about seven million bags of coffee during 1907 and whose remaining supply, amounting to more than 6,000,000 bags, is said to be controlled by a marketing committee of bankers and merchants whose headquarters are abroad.

RUSSIAN GIRL SUES WEALTHY SOCIALIST FOR BROKEN PROMISE. New York, Feb. 23.—Letters telling of a love that cooled, were put in evidence today in the trial of the \$199,000 breach of promise suit brought by Annette Berthe Grunspan, a pretty Russian girl, against William English Walling, a wealthy socialist worker and writer. A threat of vengeance is contained in one missive sent by Miss Grunspan to Walling, whom the letters state, she had pursued from Europe to New York and back to Europe again. "When I am not pursuing you, someone else is," the letter went on to say. "I am not going to see you get away, just once more. But, remember, Wally, I no longer am a little girl, but a woman who can and will get vengeance."

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