

DIX STANDS ON MESSAGE

Says He Still Favors Wiping Out of Highway Commission.

"UP TO THE LEGISLATURE"

Governor's Bill Said To Be Beaten, but Legislators May Shift Under Tammany Pressure.

[By Telegram to The Tribune.] Albany, Feb. 6.—Governor Dix said this evening that he had not changed his position regarding the wiping out of the present Highway Commission from that recorded in his message to the Legislature.

"It's up to the Legislature," he said. "If they deem it wise they'll pass the bill. If not, they'll probably leave the commission as it is. My only aim in seeking a change is to obtain a greater return for the money of the taxpayers. I believe the administration of the department should be under one man and the engineering details worked out by the State Engineer, who is elected by the people."

"In case the Legislature rejects your scheme, what will you do about the good roads problem?" the Governor was asked. "I have told the people," he replied, "that I'd do the best I could to give them a good administration. If I have good instruments to work with, all well and good; if I have poor instruments to work with, I'll still do the best I can."

The Governor, discussing highway matters in general, said he knew of at least one highway which had been built without the State having acquired the right of way. Lawyers familiar with the highway law say it isn't up to the State, but up to the county authorities, to acquire the right of way for a road.

Attorney General Carmody will render to the Governor to-morrow an opinion as to whether the new specifications for the good roads contracts which he held up must be submitted to the boards of supervisors in the various counties where this \$3,000,000 of work was to be done. The Governor is in considerable of a dilemma there, unless the Attorney General's opinion helps him out. He does not want the new specifications for these contracts devised by the State Engineer to go to the supervisors, for that would take so much time that in all probability no contracts could be let in time for road building this year. At the same time he figures that these contracts should not be let on the specifications devised by the present commission.

Opposition from upstate people to the abolishment of the present commission is being manifested to the Governor and the Legislature in no uncertain fashion. The Governor's attitude to-day, coupled with his talk with Assemblyman Friedman about the possibility of having to reverse himself on that subject, shows that he is pretty well in touch with the legislative situation.

It is the general opinion that the Governor's bill at present is beaten and that he tried to let himself down in some degree by shifting the whole responsibility for the change on the Legislature. Whether the Governor now opposed to the measure can be held in line is another question. Some of the upstate Democrats who now are against it are considered likely to shift, under Tammany pressure, and nobody expects much doubt that Tammany wants the Murrugh-Collins bill as it stands.

In the Senate to-day Senator Emerson Leitchman, asked for information as to whether or not there was to be a joint hearing on the bill on February 15. Senator White, insurgent Democrat, said one had been announced by the chairman of the Internal Affairs Committee of the two houses. He took for granted the authenticity of the notice read in the Assembly last week. High Assemblyman Evans and the Assembly committee reported that the committee of the hearing date will come up again. It is considered probable that the committee, knowing the Governor's desire for haste, will surrender to the organization leaders and accept the early date despite the raw deal of the unauthorized hearing notice.

REVIVAL OF CORPORATIONS

Bill to Give Defunct Ones New Life Is Held Up.

[By Telegram to The Tribune.] Albany, Feb. 6.—Because several Senators thought the provisions of a bill by Senator White, of Schenectady, permitting the revival of defunct corporations entirely too sweeping, that measure was held up in committee of the whole to-day. This measure permits the revival of the corporate existence of any corporation once legally organized under any law of the State by order of the Supreme Court, if an application of some interested party it shall appear that this corporation have outstanding some unsatisfied indebtedness.

By questions Senators Human, Walters and Grady drew an explanation of his measure from Senator White. He said the bill was meant to revive the charters of several banks in the State, some of which had been doing business for a considerable period without knowing that their charters had expired. The bill came from the Banking Department, he said. Senator Grady thought it should be amended to apply only to banks in that case.

DIX ASKED TO RETAIN PEARSON

Agriculturists and Horticulturists of Both Parties Call on Governor.

Albany, Feb. 6.—A delegation of agriculturists and horticulturists, both Democrats and Republicans, called on Governor Dix to-day and urged him to retain in office R. A. Pearson, State Commissioner of Agriculture, whose administration they warmly praised. President Clark Allen, of the New York State Fruit Growers' Association, and Albert Ward, vice-president of the State Horticultural Society, were among those who addressed the Governor.

NEGRO REGIMENT FOR BROOKLYN?

Albany, Feb. 6.—The United Colored Democracy of Kings County is advocating the organization of a negro regiment in Brooklyn, and the Assembly Committee on Military Affairs may take up the matter at its meeting to-morrow.

Governor Dix to-day denied a report that he had endorsed the movement, although he said he had discussed it recently with Robert Wood, a representative of the Democracy, to whom he stated that it would be passed on by the Adjutant General.

AGAINST RECIPROCITY PACT

Democratic Assemblymen Forced to Take This Stand.

[By Telegram to The Tribune.] Albany, Feb. 6.—The Republicans in the Assembly to-day practically forced the Democratic members to place themselves on record as being against the reciprocity agreement between this country and Canada, which is advocated by President Taft and is now before Congress. Assemblyman Cuvillier called up a resolution he introduced last week, urging the calling of an extra session of Congress to revise the Payne-Albright tariff downward. He had hardly made his motion when Assemblyman Murray, of New York, offered an amendment which struck out the entire resolution, urged the acceptance of the reciprocity agreement with Canada, the fortification of the Panama Canal and the appointment of the Tariff Board, as recommended by the President. It also congratulated President Taft on the nomination of Chief Justice White of the United States Supreme Court. The Democratic majority succeeded in defeating this amendment, the vote being 77 to 48. By the same vote the Cuvillier resolution was adopted.

Mr. Murray characterized the Cuvillier resolution as "invidious, chimerical, ungrammatical, false in point of view" and as transcending the legitimate purposes of legislation. He declared that Canadian reciprocity would do more to lower prices than anything else, and said that the creation of a tariff commission would take the tariff out of politics, whereas "Jimmy" Oliver ejaculated, "O Lord!"

Mr. Murray thought that President Taft was just as big and brash as Mr. Cuvillier and was well able to handle the situation without any of the latter's advice.

Mr. Oliver then took a turn at abusing the present tariff law, which he said was "legalized robbery" of the poor. Mr. Merritt, the minority leader, took part in the argument long enough to announce that the next Ways and Means Committee of the House of Representatives would probably be made up of free traders from the South and Southwest, and called attention to what happened when the country had a tariff on the free trade principle. New York, he said, was not one of the free trade states.

Assemblymen Drummond, Levy and Hoy all spoke for the Cuvillier resolution, after which "Al" Smith, majority leader, gave the tip that the majority should vote for it when unopposed.

The Senate to-day adopted the resolution of Senator Gittins asking New York State's representatives in Congress to favor the extension of the parcels post system.

Senator Hinman, who had been absent on account of a protracted illness, was present to-day and cast the only vote against the measure.

CANAL BOARD HEARING

Many State Organizations Will Send Representatives.

[By Telegram to The Tribune.] Albany, Feb. 6.—A hearing will be held on Thursday afternoon on the bill of Senator Ransparger, abolishing the Canal Advisory Board of Engineers. This bill, like that of other measures, following out the recommendations of Governor Dix, to abolish the State Highway Commission, is creating much adverse criticism. It was reported to-day that even though it is enacted into law it may be declared unconstitutional by the courts. Many organizations from all over the State are preparing to send delegations to attend the hearing and oppose the legislation. It is argued by those who are against the bill that if the State Engineer, before the creation of these commissions, had absolute control of the awarding of the contracts, among associations which will send representatives to the hearings are the New York Canal Association and the Board of Trade and Transportation.

The reason the Ransparger act could be declared unconstitutional, it is said, is because the advisory board was provided for in the original barge canal law, and was voted for by the people in the referendum act. Because of this well known law, they say that it is in effect a constitutional amendment, and cannot be finally passed upon by one Legislature.

The purpose of the advisory board was to act as a check on graft and extravagance, and during the five years that it has been in existence the present body has carried out that duty. Its efficiency has been demonstrated by the fact that it will complete the barge canal within the time and appropriation allowed.

State Engineer Bessel, in a recent speech at Lockport, attacked the records of the engineers now in charge of the canal work, saying, among other things, that the board was continually refusing to decide important questions.

When members of the board were asked to-day to make a statement in connection with Bessel's speech they refused to talk, pointing to the record for proof of what they had accomplished. This record shows, among other things, the continual frustrating of attempts to infringe upon the rights of the people of the State, such as stopping a Cohoes company from obtaining valuable water power privileges at Crescent dam and taking part in blocking the knitting mills grab at Oswego.

On the face of the returns little change has come in the senatorship situation to-day. The seventeenth joint ballot brought no break in the deadlock. Sheehan held his strength. Murphy and Sheehan say they are about as far from yielding as Christmas is from the date of to-morrow's vote. The insurgents, individually and collectively, maintain that there'll be skating in a very torrid and sulphurous climate before they abate one jot of their present glorified attitude. At which everybody in sight smiles grimly and settles back for a long grin.

At the same time men in the anti-Sheehan camp assure you with much secrecy that there may be a break any moment. In this they agree fairly well with men in the confidence of Boss Murphy. He isn't much pleased with himself for getting into this mess, if these stories represent him accurately. It is known that very informal efforts are being made to land a man of senatorship size who would be a good enough Tammany man to suit the rank and file of that organization and not too much boss branded to render him objectionable to the insurgents. At present no such man has been found.

Rumors of impending desertions from the insurgents' camp were denied to-night by Assemblyman Miller, who gave out the following statement on behalf of his associates:

"Rumors have been circulated that Senator Roosevelt as a leader is not satisfactory to all the insurgents. This is not true. We think he is the right man in the right place, and there is no dissension whatever in our ranks. It has been said two of our original twenty-one and three others are ready to break away. None has even thought of deserting. Each man whom we hear is wavering is asked his position, and the result has always been the same—they deny it emphatically."

Shepard's whereabouts are a matter of considerable interest in Albany. It was reported to-night that he is ill at Erlowest, his cottage on Lake George. Over the long distance telephone to-night it was stated that Mr. Shepard had not been at his cottage for six weeks, and that so far as known there he was in Brooklyn. He was last heard from at Erlowest about a week or ten days ago. J. Montgomery Hare, Mr. Shepard's representative, came up from New York to-night.

It was announced to-night at the Sheehan headquarters that a delegation of laboring men from Schenectady would call on Governor Dix to-morrow to present an endorsement of Mr. Sheehan's candidacy. Senator White and Assemblyman Myers, who represent Schenectady County in the Legislature, have voted against Mr. Sheehan. An endorsement from the Central Federation of Labor of Cohoes was received to-night.

Senator Newcomb, of New York, a Republican, introduced a resolution to-day to the effect that a large number of states have indicated a desire to amend the Constitution so that United States Senators may be elected by popular vote, therefore it is inexpedient to elect a United States Senator at this session of the Legislature. The resolution requests the Judiciary Committees of both houses to frame a bill providing for the election of a United States Senator at the next general election, "should such election be authorized by amendment of the Constitution and (in the event that such an election is not authorized) for securing at the next general election an expression of the popular choice for United States Senator."

Should no United States Senator be chosen before the next general election, the resolution requests the Governor to call an extraordinary session of the Legislature immediately after such election for the purpose of filling the vacancy. The resolution went over without debate under the rule.

There was no change in the relative strength of any of the candidates, the seventeenth joint ballot resulting as follows:

DEMOCRATS.

Sheehan 66 O'Brien 2

Sheehan 66 Parker 1

Kerran 9 Taylor 1

Ginn 8 Butler 1

Littleton 2

DEMOCRATS.

Dempsey 58

Total vote, 124.

Necessary for choice, 75.

Many of the legislators were paired and there were a number of absentees.

Abram I. Elkus, who was nominated by the Democrats for state regent yesterday, is a native of New York City, born in 1888. He was graduated from Columbia University and admitted to the bar at the age of twenty. He has been in active practice here ever since. He is senior member of the firm of James, Schell & Elkus.

Shepard won't withdraw.

Still in Senate Contest, His Secretary Says, and Will Again.

Edward M. Shepard is not seriously ill, nor is he to retire from the senatorship race, as announced in an afternoon paper yesterday, according to Mr. Savage, his secretary.

About the time the balloting for Senator first began at Albany Mr. Shepard contracted the grip. He has entirely recovered," said Mr. Savage yesterday. "But went away on Sunday to get some rest. He will be back the latter part of the week or, at the latest, next Tuesday."

"There is absolutely no truth in the rumor that some of his friends are piqued because he insists upon remaining in the race. So far as I know, John H. McCooey, the Kings County leader, never tried to see him in regard to a compromise candidate."

PLAN FOR MILK COMMISSION

Foley Bill Would Establish One in This State—Other Measures.

[By Telegram to The Tribune.] Albany, Feb. 6.—As a result of the discussion in connection with the milk business, principally in New York City, Assemblyman Foley to-day introduced a bill to establish a milk commission which is to have general supervision over the milk dealers in the State and over persons buying and selling milk in cities of the first class. The commission is to consist of three members, to be appointed by the Governor, at an annual salary of \$5,000, and the principal office is to be in New York City. The measure provides that the commission shall have the power to investigate the quality and price of milk and to fix standards of quality. The bill carries an appropriation of \$5,000.

A bill introduced to-day by Assemblyman Murray would put the New York Fire Insurance Exchange under the anti-monopoly law. He said:

I do not see any suggestion in the report of the legislative investigating committee in the authority front of that committee which would relieve the people of the State from the exorbitant charges of this monopoly. The only solution of the problem is in the dissolution of the trust, which is not covered by any law in this State.

The Fire Insurance Exchange of New York has only been in existence for about twelve years, and there is no more reason for its existence now than there was before that time. It is not a natural monopoly, as some are pleased to style the telephone company, but is a monopoly like the Beef Trust or the Milk Trust, which is dealing in an absolute necessity, which works the public for all it is worth, without any redress or remedy on the part of the public.

Assemblyman O'Connor introduced a bill taking away the permit granted to the Hudson River Railroad Company and its successors to operate a steam railroad in New York City westerly of and including Eighth avenue and Hudson street. It provides that any assent for New York City for such a railroad shall be null and void unless the city and the company enter into an agreement before June 1 for the relocation of the tracks off the surface of the streets.

Another one of Assemblyman Martin McCue's excise measures appeared to-day. It provides for the striking out of the excise law of the words "convicted" and "conviction" when used in connection with the finding guilty of a person for an excise violation resulting from a plea of guilty.

The trustees of the Phelps-Stokes fund are incorporated by a bill introduced by Senator Walkworth. The trustees are to be Bishop David H. Green, John MacCracken, Olivia Eggleston Phelps Stokes, Isaac Newton Phelps Stokes, Helen Olivia Phelps Stokes, Francis Louis Slade, Caroline M. Phelps Stokes Hunter, Grace H. Dodge, Anna Phelps Stokes, Jr., John Sherman Hoyt and Edward W. Sheldon. Together with such persons as they may associate themselves with.

The fund is to receive in trust certain property and funds left under the will of Caroline Phelps Stokes to erect tenement

house dwellings in New York City for poor families, and for the education of negroes in the United States and Africa, the North American Indians and deserving white students, through industrial schools. The corporation is empowered to receive money by gift without limitation as to the amount.

Senator Ferris introduced the measure to permit baseball, football, golf, running, jumping and other sports on Sunday by obtaining a license. The license is to be free, and is to state the time and place of such sports. In cities the mayors are to sign the licenses, in towns the supervisors are to sign them, and in villages the presidents are to sign them. The amendment also strikes out fishing from the list of sports prohibited.

A New York State teachers' retirement fund is created in a bill introduced by Assemblyman Parle. The fund is to consist of gifts, contributions from the salaries of teachers and appropriations by the State. These are to be under the supervision of a board of retirement of five members, to be appointed by the State Commissioner of Education.

which the lawyers made of that story disclosed that a ticket for fourteen school teachers from New York to Genoa had been sold by the Hamburg-American Line for that voyage, and one name in the list of fourteen seemed to justify another step in the search for the missing Miss Arnold.

The address given by the girl whose name the Arnold lawyers cabled to Italy was No. 241 Mount Vernon avenue, and this was found to be a short lane running for three or four blocks along the easterly border of Van Cortlandt Park. There is no such number as 241, and though near the crossing of 241st street and Mount Vernon avenue, a family of the same name was found, no member had embarked on the Cincinnati.

The first name of the girl whose name the consul general was asked to look into was given on the passenger list as "Marjorie," which happens to be the name of Miss Dorothy Arnold's only sister. Taken in conjunction with the fact that the missing girl was known to have been an enthusiastic walker in Central and Van Cortlandt parks, and might thus have known that a family of that name lived near the latter, the lawyers decided the story was worth further investigation.

John W. Arnold said yesterday that his brother, D. Hincley Arnold, would be back in the city to-day. He declared that neither his brother nor Miss Mildred Culver, a friend of the family, who has been absent from her Park avenue home for the last few days, had been engaged upon any end of the search for the missing girl.

Apart from their cable dispatch to Consul General Handley, the only step taken by the Arnold lawyers yesterday was to have two thousand additional circulars sent out by the Police Department, with the particular request, it is understood, that the capitals and chief cities of Europe be supplied with them.

Early in the day the hopes of Francis B. Arnold, the missing girl's father, was temporarily raised by the receipt of a postal card on which was written, I am safe, Dorothy." The handwriting was somewhat similar to that of the missing girl, but a careful examination satisfied the family that it was nothing more than a clever imitation of the specimen of her handwriting that has been reproduced in the newspapers, apparently made and mailed by some person with a twisted sense of humor.

Both the father and John W. Arnold declared flatly that they had no possible glew to the whereabouts of the missing girl, except the single chance that she might have been one of the party of school teachers who embarked on the Cincinnati on January 5. The son reiterated that what clues he did have in Philadelphia had been traced down in his recent visit to that city and found to be useless.

Rumors that wireless messages had been sent out to Mrs. Arnold on the Pannonia, presumably containing news of some success in the search for Miss Dorothy, were denounced as false by Mr. Arnold last night. The Pannonia, on which Mrs. Arnold is returning to this country, will probably dock late to-morrow or early Thursday, and the Berlin, on which George S. Griscom, the man with whom John W. Arnold conferred in Florence, is returning from abroad, is expected to dock on Thursday morning.

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LETTER IN PHILADELPHIA

Continued from first page.

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