

# FLEXNER PREDICTS NEW CURE SOON

Says Preventative for Infantile Paralysis Has Been Found Through Vivisection.

## TALKS AT ALBANY HEARING

The Friends and Foes of Animal Experimentation Have Annual Field Day at Albany.

[By Telegram to The Tribune.] Albany, March 8.—Dr. Simon Flexner, director of laboratories in the Rockefeller Institute for Medical Research, in a statement which he gave out here this afternoon, declared that a preventative for infantile paralysis has been discovered at the Institute.

"Through animal experimentation we already have discovered how to prevent infant paralysis. The achievement is conservative," he said, "and may save conservatively not far distant, provided obstructive measures are not thrown in the paths of men who are working for the solution of this and other great problems."

Dr. Flexner came to Albany to oppose at a hearing this afternoon before the Senate Judiciary Committee the Pollock-Parker and Bayne-Hoey anti-vivisection bills.

When the hearing was called to order by Senator Bayne, the committee room was crowded by physicians, clergymen and the representatives of anti-vivisection and humane societies, including a number of women. This is the third year that the fight for greater restrictions in the practice of animal experimentation has been brought before the Legislature. Those who led in the opposition to the proposed legislation held that it would greatly interfere with the advancement of science, and it was declared that untold human suffering was at stake if either of these measures were enacted into law. It was denied that the animals were subjected to any great amount of pain.

Among the opponents to the bills besides Dr. Flexner were Dr. James Ewing, professor of pathology in the Cornell Medical College; Dr. W. H. Park, director of laboratories in the New York City Board of Health; and Dr. W. B. Cannon, professor of physiology in the Harvard Medical College.

Dr. Park cited the fact that through the animal experiments the proportion of deaths from diphtheria had been reduced from 19 out of every 100 persons in the United States in 1884 to 19 in 1910.

Mrs. Diana Belsis, of New York; Dr. Herbert Shaw, cancer specialist, of London, England; and J. D. Merriman, attorney from the New York society opposed to animal experimentation, were the principal speakers in favor of the Pollock-Parker bill.

"All we want," said Mr. Merriman, "is the privilege of the open door. If animal experimentation is to be carried on we want it carried on only in regularly licensed places and by regularly licensed practitioners. We demand that the law stop the cruelty practiced on animals by medical students in their own rooms, without proper safeguards and to no useful end whatever."

Dr. Herbert Shaw, in combating the arguments in favor of vivisection, declared he, as well as many other scientists abroad, believed that the antitoxin cure for diphtheria was no cure and was founded on an erroneous conclusion that the disease was caused by germs. He said that the statements that vivisection had accomplished any good were bubbles easily picked.

Among the bubbles he included the Pasteur cure for hydrophobia. In answer to a question by Dr. Flexner, of the Senate committee, he said he believed in the total abolition of vivisection as wholly useless.

The Bayne-Hoey bill, which the anti-vivisectionists believe to be far too moderate, had the support of the Society for the Prevention of Cruelty to Animals, the Humane Society, the American Institute for Social Service, the Rochester Humane Society and others. Among those who spoke for it were Dr. Frederick B. Bell, of Williams, B. E. Johnson, of the Corporation Council of New York; Henry Buxton, of George P. Elliott, of Jefferson, and General Rush C. Hawkins. The bill provides for an investigating commission and is opposed by the members of the medical profession because they think it will be only an enabling wedge for laws which will interfere with the experimentation they are carrying on.

## EXPLAINS B. R. T. OFFER

No Agreement with Interborough, Says Williams.

Colonel Timothy S. Williams, president of the Brooklyn Rapid Transit Company, denied yesterday afternoon that there was any agreement between that corporation and the Interborough in the proposition for the construction of a subway. He said that the public misunderstood the situation, and especially the intention of the offer of his company to the city.

"At no time on this subject," said the colonel, "has there been any conference or negotiation between the two companies, nor is there any agreement between them as to any feature of either plan. Our plan was prepared wholly in respect to what we believe to be the interests of the city as they are seen from the broadest Brooklyn point of view. When we propose to operate a stretch of subway in Manhattan, we hope to be able to carry Brooklynites to whatever point in Manhattan they want to go without increased cost of fare."

"I don't know," he said, "whether the city officials will treat our proposition as one to be co-ordinated with the Interborough system, or as alternative and competitive to the Interborough. On neither basis was our proposition drawn. It was drawn to meet the needs of Brooklyn as they exist, not as they would be affected by any other plan or by any hypothetical set of circumstances."

"We offer to do in Brooklyn all that the Interborough offers, and to add to it a subway connection between Prospect Park Circle and the Willett entrance to serve the Flatbush section."

"And over and above this we propose to add sixty-seven miles of elevated track to our present system, extending to Fort Hamilton and to Coney Island, and at two points into Queens County, to make our subway system effective and to bring its benefits to the doors of all who live in this borough."

## ATTORNEY GENERAL'S OPINIONS

Women Not Eligible to Office of School Director—Other Decisions.

Albany, March 8.—Attorney General Carmody has rendered an opinion holding that women are not eligible to the office of school director. He also holds that a married woman may vote on a proposition to provide for the extension of village water works where she owns property assessed on the last preceding assessment roll, but that her husband may not vote unless he also owns property.

Private hospitals incorporated under the business corporations law do not require the approval of the State Board of Charities, according to the Attorney General, who has also decided that a statute is unconstitutional which would prevent the legislature, notwithstanding the fact that the prior act was to take effect, by its terms, subsequent to the enactment of the latter act.

# MAJORITY FOR RECIPROCITY

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and will, at any rate, be publicly justified and defended in the United States by the traditional policy of the United States of promoting closer economic relations with the states of the Western Hemisphere.

"That such a policy is not counteracted by and does not check the rapidly growing sense of national consciousness and international importance in the peoples of those states has of late been abundantly proved."

"No more in Canada than in the republics of Latin America to which the United States government has sought to extend its Pan-American propaganda does there seem a likelihood that a free interchange of commodities will lead to closer relations of a political kind."

President Taft's message to Congress on this subject of reciprocity with Canada and the communications between Ambassador Bryce and Secretary Knox, and between the Secretary and W. S. Fielding, Canadian Minister of Finance, and William M. Patterson, Canadian Minister of Customs, are included in the White Paper.

## TIE VOTE ON RECIPROCITY.

Concord, N. H., March 8.—After a brief debate in the State today a vote on the reciprocity bill was taken.

The bill, which was introduced by Representative Bayne, was carried by a tie vote of 16 to 16. The resolution was then made a special order for next Wednesday.

## SAID HE HAD SMALLPOX

Navy Veteran Amused by Frigate of Hospital Clerk at Statement.

A fine looking old man, who wore a gold medal under his coat and a naval cap on his head, walked up to Superintendent York at the Municipal Lodging House last night and presented a card for admittance and asked for Bellevue Hospital.

York is an army veteran, and something about the old man's carriage caused him to ask a few pointed questions. The applicant said he was W. Howard Marcy, sixty-eight years old, of Nyack, N. Y., where he lived with his wife.

He said he was a veteran of the Civil War, having served under Admiral Farragut in the Gulf squadron. Yellow fever broke up the fleet, and Marcy went on the Saratoga. He was appointed a midshipman by Admiral Farragut, he said, but never received his commission. The gold medal that he displayed was presented by the admiral to those taking part in the capture of the British blockade runner Grey Jacket.

Marcy said his father was a captain in the 15th Illinois Infantry and that his brother was now a major in the United States army. No such major appears on the army list.

Marcy came down from Nyack for treatment for a skin disease. He said he had a clerk at the Harlem Hospital he thought he had smallpox.

"That clerk jumped back a dozen feet," he chuckled, "and then he told me to stand back another hundred feet. I sat down and he called a doctor. The doctor sent me down to Bellevue Hospital."

There it was found that his disease was not contagious, and he was sent to the lodging house, with instructions to go to Blackwell's Island this morning.

## RADICALISM IN OHIO

House Passes Initiative and Referendum Bill—Up in Delaware.

Columbus, Ohio, March 8.—The House today passed the Crosser bill, providing for the initiative and referendum principle in municipal legislation. Vigorous efforts to amend it failed. Under the measure 8 percent of the voters can initiate legislation.

The Senate, by a vote of 12 to 15, killed the Oregon plan of electing United States Senators.

Dover, Del., March 8.—United States Senator Bourne addressed both houses of the Delaware Legislature here today on the initiative and referendum. He explained the workings of the system in his own State of Oregon. A bill providing for the adoption of the system in this State is now in committee.

## HOTEL GOTHAM BILL AGAIN

"Big Tim" Sullivan Its Sponsor This Year—Other Measures.

[By Telegram to The Tribune.] Albany, March 8.—Senator "Tim" Sullivan is championing this year the bill that has appeared in the Legislature for several years to permit the Hotel Gotham in New York City to open a bar within the hotel building. The bill provides that the restriction against carrying on a liquor business within two hundred feet of a church shall not apply in case any portion of the church property is to be used for business purposes.

Another bill by Senator Sullivan gives appointments for theatre licenses in New York City the right to a hearing before the license is refused and a right to a review by certiorari of the decision of the Police Department in refusing a license. A third bill by the same member would permit fishing and outdoor athletic games and sports on Sunday.

A measure by Senator O'Brien provides a pension fund for stationary and marine steam engineers, janitor engineers, janitors, handmen, steam fitters, boiler water tenders, others, dressmen and stokers in the employ of the city of New York.

Assemblyman Short introduced a bill requiring the State Board of Regents to deliver to the Historical Commission of South Carolina documents now in the State library which were formerly in the custody of South Carolina. These return have been requested by the General Assembly of that State.

Among other bills introduced today are the following:

Assemblyman Egan, providing for a two platoon system in the Fire Department of New York City.

Assemblyman Hoyt, incorporating the new city of Beacon. The city is formed through the consolidation of the villages of Mettewar and Fishkill Landing, and is to have a commission form of government, with five commissioners elected by the people at large for four-year terms. The initiative, the referendum and recall are features of the new charter. This proposed city was to have been named Melzing under last year's bill, which Governor Hughes vetoed because of certain faults in its drafting.

## GARDNER'S FATE IN BALANCE

Court Considering Order to Punish Ex-Senator for Contempt.

Justice Crane, of the Supreme Court, Brooklyn, took under consideration yesterday an order to punish Frank J. Gardner, a former Senator for contempt of court in failing to pay alimony to his first wife, Elizabeth H. Gardner. It was alleged that he owed \$50 in alimony.

The contempt proceedings were begun about the time when Gardner was on trial on a charge of offering a bribe to Representative Otto G. Feilker in connection with the race-track bills, when Mr. Feilker was a State Senator.

Counsel for Gardner denied the point that the papers of Mrs. Gardner's motion were improperly drawn. She obtained her divorce after a trial in Minerva, in June, 1910.

# TO AMEND MILK BILL

State Commission Will Regulate Price in This City Only.

## MONOPOLY HERE—COLEMAN

Investigator at Hearing Says Bottled Milk Should Be Sold for 7 Cents in Summer.

[By Telegram to The Tribune.] Albany, March 8.—The Ways and Means Committee will amend the Foley bill, providing for a State Milk Commission to regulate the price of milk, so that it will apply only to New York City, instead of to all cities of the first class. In speaking for the measure at a hearing before the committee today John B. Coleman, who, as a Special Deputy Attorney General under Mr. O'Malley, conducted an investigation into the milk situation in New York, declared that a monopoly for milk existed in the city of New York.

"The price of milk in New York City," he said, "is the highest in the country, and the relation between supply and demand and prices there was a dead level."

"Proof cannot be obtained under the present anti-conspiracy law," he said, "because the dealers do not enter into an agreement to raise the prices. They merely meet to discuss the business situation, and the price of milk then goes up. As milk is the public by the throat, as the milk is a necessity."

Coleman quoted from several decisions to show that it was within the power of the state to regulate prices.

"Do you think that the time has arrived when the state should regulate the price of all monopolies?" asked Assemblyman Merritt.

"I do," was the reply.

"What do you consider a fair price for milk in New York City?"

"I sold in bottles seven cents in the summer and nine cents in the winter. At present the price is nine cents all the year around, and the producer receives only two and a half cents. The margin is unfair to both the producer and the public."

In speaking for the bill Assemblyman Foley, the introducer of the bill, said that the measure had been misrepresented to the farmers. They had been led to believe, he said, by the big milk dealers, that the bill would have the effect of reducing the price paid to them, but he denied that it would in any way affect them.

The representatives of dealers and farmers' associations spoke against the measure, arguing that it was not feasible to regulate prices by law, and that the present authorities can do all that should be done in the supervision of the milk business.

Those who spoke against the bill included Assemblyman Beverly R. Robinson, representing the Borden Condensed Milk Company, of New York City; J. R. Stephens, of N. Kellogg, of Cortland; D. C. Culver, of Dutchess County; Alfred E. and B. E. Brumley, representing the New York Sanitary Milk Dealers' Association.

The Senate and Assembly Agricultural committees gave a joint hearing on the "Colin commission merchant bill," drafted by the New York State Fruit Growers' Association. They provided that commission merchants shall be bonded and licensed, that they shall be under the supervision of the Commissioner of Agriculture and shall keep books accessible both to the Commissioner and the producers with whom they do business. The speakers in favor of the measure were introduced by John Van Newburgh, of Cortland, N. Y., of the Fruit Growers' Association. They included the representatives of horticultural and agricultural societies from all over the state. They argued that at present the commission merchants had the producers at their mercy and that fraudulent practices were perpetrated, particularly on the small farmers, by dishonest commission merchants.

The only opposition came from Senator Travis, a produce merchant, who held that under the present law a man who has been so robbed has all the redress necessary. The hearing was adjourned for two weeks at his request to give the commission merchants a chance to be heard.

## BYRNES FOR PERLEY'S JOB

Strongly Backed for Place on the State Tax Commission.

Albany, March 8.—So far as the Senate delegation here is concerned, Kings County seems to be unanimously in favor of the appointment of Thomas E. Byrnes, of Brooklyn, a Democratic district leader, to a place on the State Tax Commission to succeed F. E. Perley, whose term expired on December 31 last. Democratic, Republican and Independence League Senators, led by Senator Cullen, called on Governor Dix this morning to support the appointment.

It was asked also by John H. McCooey, head of the Democratic organization in the county. The Governor gave no indication of what his decision would be.

Thomas E. Byrnes was suspended from his office as real estate appraiser for the city by Collector Metz on July 7, 1908. It was charged at that time that he had acquired a tract of land which the city wanted for a training farm for police horses at a price 5 percent higher than that paid for it two days before by William S. Hurler. The 22.18 acres in the parcel which was sold to the city for \$100,000 is located along the North Hempstead Turnpike, between Jamaica and Flushing, and is directly opposite the Kissena Park tract, which was sold to the city at the exorbitant rate of \$3,000 an acre.

Mr. Byrnes was Collector of Markets and City Receiver in 1904. He was leader of the 11th Assembly District, Brooklyn, for several years, and a prominent figure in Brooklyn politics. He was born in New York City in 1851, and is a graduate of Manhattan College and the New York University Law School. He was admitted to the bar in 1877.

## WAITRESS IN WALKER SUIT

Naval Civil Engineer Accused of Undue Familiarity with Her.

[By Telegram to The Tribune.] New York, March 8.—The Rev. Reuben A. Alsop, rector emeritus of St. Ann's Episcopal Church, of Brooklyn, today testified for Mrs. Nina Chinn Walker in her suit for divorce from her husband, Civil Engineer James W. G. Walker, U. S. N., attached to the New York Naval Training Station, and a son of the late Rear Admiral John Walker, U. S. N.

Dr. Alsop testified to marrying the couple and to the character of Mrs. Walker, his testimony being taken at this time so as to allow him to return to New York. The remainder of the day was given up to cross-examination of Mrs. Walker, and this was not finished when court adjourned this afternoon.

Mrs. Walker withdrew the original very well, and during her testimony brought into the case the name of Miss Mabel Corcoran, of Roxbury, Mass., formerly waitress in a railroad depot at Boston, who is alleged to be unduly familiar with the respondent. Mrs. Walker also said that her husband was constantly talking of questionable women.

## DELAY BY CIVIL SERVICE BOARD

Albany, March 8.—The State Civil Service Commission has deferred action until March 13 on the various applications by state officers of the transfer from the competitive to the exempt class of several places in their departments. The commission has granted the application of State Engineer Penzel for permission to exempt the place of private secretary.

# STORAGE BILL PASSED

Assembly Puts Through Measure Applying to Foodstuffs.

## FOUR AMENDMENTS KILLED

Time Limited to Six Months, Except Health Commissioner Can Extend It to Year.

[By Telegram to The Tribune.] Albany, March 8.—Cold storage furnished a lively debate in the Assembly for three hours. The result was the passage, after a number of attempts to amend it, of the Brennan bill, regulating the length of time food may be kept in cold storage warehouses. The vote was 104 to 55. It was generally admitted by the members who talked on the bill that regulation of the cold storage of foods was needed, but objection was made to the form of the measure on the ground that it gave the State Commissioner of Health too much power. Four amendments to the measure were killed by close votes.

The bill provides that goods must be stamped with the date of the time it goes into cold storage; that it shall be unlawful to keep food in cold storage for more than six months except with the consent of the Commissioner of Health, and in no event may it be kept more than one year. The Commissioner of Health is to have full power to inspect all cold storage warehouses and to condemn and destroy food if he deems it unfit for use. It was to this last provision that the principal objection was made.

Fireworks were lighted when Assemblyman Cuyler put in an amendment changing from six months to a year the time allowed for storage. Interests in his district proposed the bill, he said. Later he was attacked by Assemblyman Oliver "for going back on the common people in his district" and siding with the cold storage men, whom he termed "legalized thieves." The amendment was voted down, 52 to 51.

Mr. Brennan quoted from the report of the Newburgh cold storage investigating committee in the United States Senate, in which it is declared that six months is the danger period for cold storage of meats. He said his bill was designed to protect the public health and to give the people some relief from the exorbitant prices now charged for the necessities of life.

Mr. Warren picked flaws in the measure, saying it was unconstitutional and not in good shape. He moved to recommit it, but the motion was beaten by a close vote.

Assemblyman Lansing said the bill was faulty in all respects and would work a hardship not only on the producer but the consumer. He proposed an amendment which would allow the storage of butter and cheese for twelve months and eggs for nine months. This was also voted down.

Dr. Bush, chairman of the committee that reported the bill, advocated it, saying he had seen many diseases that were traceable directly to cold storage products.

Mr. Merritt, minority leader, and Assemblyman J. S. Phillips opposed the bill because of the arbitrary power which it gives to the Commissioner of Health. Mr. Merritt said he would support the measure if it clearly and distinctly did what it was intended to do. The high cost of living, he said, was often confused with the cost of high living.

The Senate today passed the bill of Senator Pollock permitting photographers to exhibit specimens of their work until written notice of the person photographed objecting to the display is received. Senator Grady's, giving the New York City court the jurisdiction of actions for and against the city and over breach of promise proceedings; Assemblyman Foley's incorporating the American-Scandinavian Society, and Assemblyman J. Levy's incorporating the American-Jewish Committee.

## FOSS'S VETO OVERRIDDEN

Senate Concurs with House on Civil Service Bill.

Boston, March 8.—Martin M. Lomasney, the Democratic leader of the 8th Ward, Boston, and a staunch fighter, gained a hard won victory over Governor Edward F. Foss in the Legislature today, when a bill which forbids the Civil Service Commission to ask applicants for positions in the state service whether they have ever been under arrest before reaching the age of sixteen years became a law, in spite of the Governor's veto.

Mr. Lomasney's antagonism to the Civil Service Commission is of some years' standing, but it was intensified last summer, when the commission refused to approve the appointment of his brother, Senator Joseph P. Lomasney, as a member of the Boston Board of Health.

The House passed the bill over the Governor's veto by a vote of 155 to 51, and today the Senate concurred by a vote of 21 to 5. This is the first bill in six years to become a law in spite of the veto of a Governor of Massachusetts.

## BARNES NAMES TREASURER

State Committee Selects H. H. Bender at His Suggestion.

William Barnes, Jr., the new chairman of the Republican State Committee, has made Harry Hamilton Bender treasurer of the committee. Mr. Bender, who for years has been one of the chief lieutenants of Mr. Barnes in the Albany organization, succeeds Clarence Whitman. Mr. Whitman became treasurer at about the time that Ezra P. Prentiss was made chairman and severed his connection with the committee at about the same time as did Mr. Prentiss.

There was no formal meeting of the committee for the election of Mr. Bender, but he was suggested by Mr. Barnes and voted on by mail. It was explained yesterday that this method was entirely proper under the rules of the committee.

Mr. Bender, who is about fifty years old, was in the real estate business until he became Deputy County Treasurer of Albany in 1896. In 1899 Governor Roosevelt appointed him State Superintendent of Public Buildings. In that office he instituted many economies. In 1902 Governor Odell appointed Mr. Bender Fiscal Supervisor of State Charities. Four years later the Civil Service Reform Association charged him with violating the Civil Service law in collecting political assessments from the subordinates in his office. The State Civil Service Commission sustained the charges, but Governor Higgins absolved them.

When Mr. Bender's term expired in 1907 Governor Hughes did not reappoint him.

## E. M. RAND NAMED BY CARMODY

To Be Expert on Values in Albany and This City.

Albany, March 8.—Attorney General Carmody has appointed E. M. Rand, of New York, as an expert on values to serve in the Albany and New York offices of his department in general charges of the special franchise tax cases, with a view to bringing about a speedier determination of such litigation. Mr. Rand has been connected with the New York Corporation Counsel's office and has heretofore rendered expert service for the state. His compensation is to be adjusted according to services rendered.

# CONFERENCE A FROST

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to the conference, but did not attend. The movement for this conference was begun today, immediately following the circulation of a report that Sheehan finally had given his word to "Boss" Murphy of Tammany that he would quit the long fight whenever Murphy desired him to do so. Ashley Cole, Jr., Sheehan's secretary, was very busy among legislators all the morning. Dr. Bush, of Elmira, the original and genuinely hot Sheehan man in the Legislature, and Mr. Collin, of Yates, started the ball to rolling. As discussed during the day the meeting was to be so hot that Murphy, in New York, would get his fingers burned when he tried to take up his pen to request Sheehan to retire.

Wende, who hails from Buffalo, said he would urge the adoption of a resolution for continued support of Sheehan by the Democrats, whether or not he wanted to retire.

"I hold Mr. Sheehan has not a right to withdraw now and desert those who have been standing by him," said Wende. "I shall urge that we agree to stand by him no matter what Murphy does."

But when the conference took place Wende was not there, and it was reported late to-night that he learned nothing drastic was to be done and stayed away in disgust.

While the upstarts were making all this ado about nothing Senator Roosevelt was entertaining Governor Dix at dinner, followed by a big reception. Neither cared to comment on the conference. The insurgents generally have a notion that the Governor and "Boss" Murphy have reached a pretty fair understanding, and that as soon as the satisfactory compromise candidate can be selected Sheehan will go out of the window and the deadlock be smashed in short order.

## Mayor Gaynor's Letter.

The long expected letter of Mayor Gaynor on the senatorship situation was received here today and made public by Governor Dix. It indorses the Governor's stand and calls for harmony in the Democratic party, but it did not make a ripple here. The only people whom it seemed to affect were those in whom it excited a sense of disappointment, because it was so plain as to instead of the ringing "trumpet blast" which gossip here had led legislators to expect. The letter follows:

City of New York, Office of the Mayor, March 7, 1911.

Dear Governor Dix: When your message to the Legislature about the senatorship was shown to me last Saturday I could not help feeling that we should now soon have the contest brought to an end. I hope that it is to be realized, and if there is any way I can assist in bringing it about I shall be most glad to do so. The contest is a great distraction and it has always seemed to me that they should come together as men do in all affairs of life and talk it over and yield a little here and there and come to an agreement. Why cannot that be done? Sincerely yours,

W. J. GAYNOR.

Hon. John A. Dix, Governor of the State of New York, Albany, N. Y.

Governor Dix had no comment to make on the Mayor's letter. "It speaks for itself," said he, "and shows that all Democrats are anxious for party harmony."

John Mason, the Governor's secretary, returned to-day from his conference with "Boss" Murphy of Tammany. He had nothing to say about his talk with the present ruler of Democratic destinies in this state.

The Governor said Mr. Mason went down to get information for him on several subjects.

"Including the senatorship?" he was asked.

"Certainly," he replied, with a smile. Questioned as to whether he had heard any suggestion that Herman Ridder might be proposed as a compromise candidate, the Governor said:

"I have only heard his name mentioned in conversation, as I have those of a number of others."

## McCooey Expects Compromise.

John H. McCooey, leader of the Kings County Democracy, who was in Albany today, said he expected that a compromise agreeable to both sides would be reached within a short time.

The fact that "Boss" Murphy in New York gave out another statement of his ardent and never failing support of Sheehan is taken here as indicating that a final arrangement for smashing the deadlock has not been manufactured quite yet. Among others the Governor talked to-day with Francis Lynde Stetson, who in various ways has been backing the insurgents in their attitude of opposition to Sheehan. They discussed methods of bringing the deadlock to an end.

A story was started on the rounds today that the insurgents had submitted to "Boss" Murphy and the Governor a list of six men any one of whom would be acceptable to them as Senator. That list included Morgan J. O'Brien, ex-Congressman Havens, of Rochester; John D. Kernan, D. Cadz Herriek, Justice Dowling and Congressman Martin W. Littleton. As a matter of fact, no such list was submitted or even approved by the insurgents. There are some men named in the list who could not command all or any great number of the thirty anti-Sheehan votes.

The Sheehan press agency here made public today a copy of a letter from Dr. Lefferts McClelland, of Brooklyn, saying that the embodiment of the sacred principle of majority rule encouraged him to stick to his duty to uphold representative government."

## No Practical Change in Vote.

The Assembly chamber was crowded again today in the expectation that something might occur to vary the monotony of the daily ballot for United States Senator. The vote, however, showed practically no change over that of yesterday, the only shift being that of Assemblyman Day from Martin W. Littleton back to John N. Carlisle. The general opinion was expressed among regulars and insurgents alike that the deadlock will not be broken this week.

The vote follows:

Democrats—Sheehan, 75; Littleton, 17; O'Brien, 4; Sulzer, 2; Hooper, 2; Parker, 1; Glynn, 1; Kasper, 1; Fisher, 1; Carlisle, 1; Republicans—Bryce, 15.

Total vote cast, 184.

Necessary for choice, 92.

## SUGAR REFINING DIRECTORS.

The stockholders of the American Sugar Refining Company at their annual meeting yesterday re-elected Charles H. Allen, George H. Frader and Henry C. Mett as directors for a three-year term, and elected Philip Stockton and George H. Church for a one-year term. Mr. Stockton, who is president of the Old Colony Trust Company of Boston, was elected some time ago as successor to Horace Havemeyer. Mr. Church, whose election is understood to be temporary, takes the place left vacant by the retirement of Arthur Donner.

# MURPHY STICKS TO SHEEHAN

Only His Candidate's Withdrawal Would Release the "Boss."

Tammany leaders only smiled yesterday when asked about the reports from Albany that Governor Dix and the insurgents in the Legislature had fixed up a basis of compromise on which Charles F. Murphy would join them in a settlement of the senatorial controversy which has been vexing the organization now for a matter of eight weeks or so. It was said that so long as Sheehan remained as a candidate it would be useless to suggest to Murphy the consideration of other names. The Governor or any one else was privileged to make all the suggestions he pleased, but just one thing would change Murphy's attitude—that was the withdrawal of Sheehan.

The Tammany "boss" looked weary when asked the old question as to whether he would stick.

"Will there be another caucus?" he was asked.

"There is no need for another while we have a candidate," he replied.

"Have you received the slightest intimation that Sheehan will withdraw?"

"No."

As to whether the Governor's message delivered by John A. Mason, the Governor's secretary, on Tuesday night, was in the nature of an ultimatum Murphy said he would rather the Governor told what the message was. "So far as I have heard," he said,