

PINCHOT ASKS FOR HEARING BEFORE PATENTS ARE GIVEN

Ex-Forester Fears That Interior Department Will Advise Validating Cunningham Claims.

SUMS UP SITUATION IN LETTER TO PRESIDENT

Communication Says It Is Impossible to Look to Ballinger's Assistants for Unbiased Judgment in Decision Involving Alaskan Riches and Wishes to Present Brief.

Washington, Nov. 13.—Expressing the fear that the interior department will recommend the patenting of the Cunningham Alaskan land claims, which he believes to be fraudulent, Gifford Pinchot, former forester of the United States, has appealed to the president to allow him to submit a brief before any such action is given executive approval.

the Cunningham claims, no appeal to the courts could be possible. "According to the testimony of representatives of the Morgan-Guggenheim syndicate, who have long asserted a half interest in the Cunningham claims, their ultimate value is in the neighborhood of \$25,000,000; but the loss to the people of the United States that would follow the issue of patents by no means is limited to any such sum. Although the government would receive but little more than \$50,000 for claims worth many millions, a decision favorable to the Cunningham claimants would not merely result in an unjustifiable loss to the public at large; it also would establish a precedent which might admit to patent other illegal claims outside of the Cunningham group to the value of many millions of dollars.

"Secretary Ballinger's connection with these claims, which have been before the interior department since he was commissioner of the land office, precluded the so-called Ballinger-Pinchot controversy and the congressional inquiry of the interior department and the forest service which resulted therefrom."

The letter also bears the signature of the former forester's brother, Amos Pinchot. Following is the text of the letter:

"New York, Nov. 7, 1910.—The President, Washington, D. C.—Sir: The taking of testimony to determine the validity of the Cunningham claims has come to an end, and, with the recommendation of the interior department to patent or not to patent the claims, doubtless a report will be made before long. There is reason to apprehend that this recommendation will be favorable to the Cunningham claimants and adverse to the interests of the people of the United States.

"Moreover, an examination of the record of the Cunningham hearings, and which is a part of the record in this case, reveals not only that the statements of Cunningham are true but that the Cunningham claims are not fraudulent, but honest."

"This is not stated for the purpose of having the committee consider the question of honesty or good faith of these claims for the purpose of decision or determination. It is stated solely that the committee see that no perjury could be committed by Cunningham and that Mr. Ballinger, by no possibility, could have understood these claims to be fraudulent, for the reason that, as a matter of fact, they were not fraudulent, but honest and valid claims."

"The evidence of all the claimants, except one who is dead, has been taken in the Cunningham hearing and is now on file. It shows conclusively that none of the claimants entered into an agreement prior to location or prior to the initiation of the entry for consideration of their claims."

Ballinger's Opinion.

"It is difficult to avoid the conclusion that these deliberate assertions made by the attorney for Mr. Ballinger represent the opinion of the latter, reached after the evidence was all in, that the claims are valid and should be patented. It is true that Mr. Ballinger has refused to act himself in behalf of the government, on the ground that he formerly represented the Cunningham claimants, and, accordingly, has turned over all responsibility to his assistants. Nevertheless, this unqualified indorsement of the validity of the claims, through his attorney, can scarcely fail to have great moral weight with his subordinates.

"For them to render a decision adverse to the claims would not only lend support to criticisms heretofore made against the department, but would amount to taking direct issue with their chief on the argument made for him by his personal counsel. In view of these facts, it is impossible to look with confidence to officials of the interior department for an unbiased judgment. If the decision of the interior department should be to patent

"White we recognize that the law under which these patents are sought, unfortunately, places such limitations upon the area which can be embraced in any one entry as to hinder development of Alaskan coal lands, it is, nevertheless, obvious that the remedy does not lie in patenting unlawful claims. "It is of the highest importance that the government's coal fields in Alaska should not be illegally acquired by any individual or syndicate, but should be held in the public domain until legislation is obtained which will at once protect the people's interest and provide a fair opportunity for development. Because of the attitude of the interior department and of the peculiar circumstances of this case, it is clear that the protection of the public interest in these Alaskan coal lands must depend directly upon the president himself.

"In your letter to me of January 7, 1910, you said, with reference to the Cunningham claims: "Every patent as an executive act is completely within the jurisdiction of the president to direct the withholding of it, in order that he may examine the evidence as to the validity of the claim."

"We are advised by counsel retained for the purpose of reporting on the Cunningham record that the testimony of the claimants themselves shows abundantly and conclusively that the claims are fraudulent and that they were made in violation of the statute designed to prevent monopoly. Among the recent indictments found against claimants for coal lands in Alaska there are none relating to claims in the Cunningham group.

"The record is voluminous. The case against the claimants consists of a mass of documentary evidence, corroborated by facts elicited from the claimants themselves. The record indicates that the force of certain important lines of evidence was not grasped by the attorneys for the government. We believe that a brief giving the consideration to such evidence would be of material assistance in reaching a judicial determination on all the points involved in the case.

"Relying upon the welcome assurance contained in your letter of January 7, and realizing how manifold and arduous are the tasks which press upon the time and attention of the president, we respectfully request that, in case the interior department should reach a decision in favor of patenting the claims, you will allow us to submit for your consideration a brief before making a decision as to whether you will permit your signature to be affixed to the patents. Very respectfully yours, "GIFFORD PINCHOT, "AMOS PINCHOT, "32 Nassau Street."

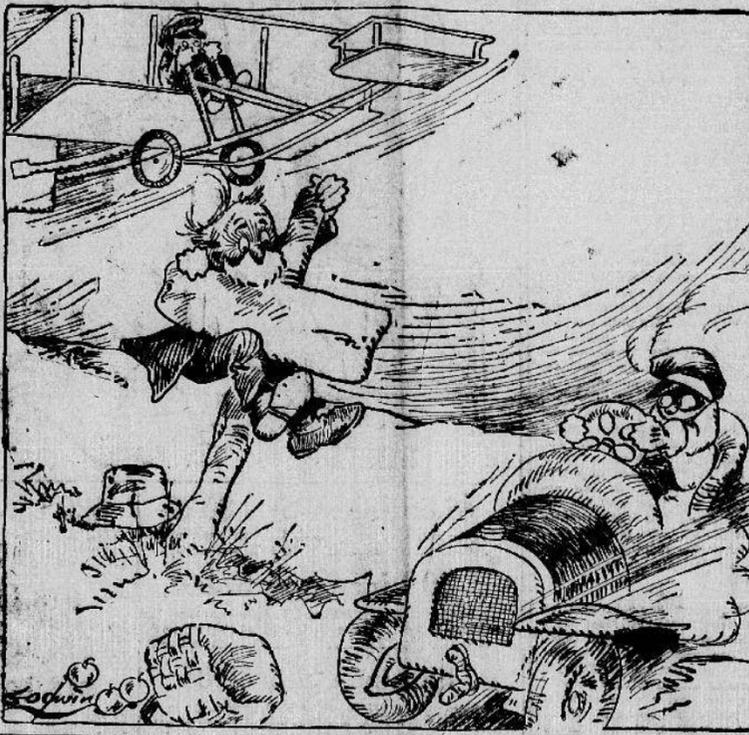
The Cause. Secretary Ballinger issued a statement last night in which he declared that "wholly unfounded charges have been spread broadcast involving the attitude of department officials toward these cases," and that, in view of these conditions, he "deemed it of the highest importance that all of these cases be transferred from the jurisdiction of the general land office directly to the court of appeals of the District of Columbia for consideration and adjustment."

JUDGE WILLIAM WIRT DIXON LIES DEAD IN LOS ANGELES

Butte, Nov. 12.—(Special.)—Word was received here today of the death in Los Angeles of Judge William Wirt Dixon, formerly head counsel of the Anaconda company and congressman for the term of 1891-93. He was the first man to defeat Senator Thomas H. Carter, when the latter was running for his second term as repre-

sentative in congress from the state of Montana. This was at the election of 1890. Judge Dixon's majority over Carter was a few hundred. He was defeated in 1892 by Charles S. Hartman, then the republican candidate. When the Amalgamated company was organized he became consulting counsel, and soon after retired from active legal work.

GOING AND COMING



TWO GOVERNMENTS STRIVING TO DOWN MEXICAN TROUBLES IN SPITE OF COMPLICATION

Washington, Nov. 13.—Confronted by a more delicate situation than ever as a result of the occurrences of the last two days, the governments of Mexico and the United States are making every effort to restrain their citizens from acts of violence and to smooth over the difficulties. The serious problem resulting from the burning at the stake in Texas of Antonio Rodriguez, and the riotous demonstration against Americans in Mexico City and elsewhere, was further complicated in the last 48 hours by the shooting of Jesus Loza by Carlis B. Crothers, an American, at Guadaluajara, and the assassination of Chief of Police W. C. Temple of Anadarko, Okla., by a Mexican.

Haskell Gets It. Oklahoma City, Nov. 13.—A telegram was received by Governor Haskell tonight from Secretary of State Knox calling the attention of the governor to the imminence of a lynching in Caddo county, as a result of the shooting of Police Chief Temple at Anadarko Saturday night. Governor Haskell called the Caddo county sheriff over the telephone, warning him against carelessness in handling the man should he be captured.

Dispatches from Caddo county say that the entire populace is joining in the search for Oscar Opet, the accused Mexican. Bloodhounds were shipped in from the state reformatory at Granite and the county lines are guarded all the way around. It is believed the man will be captured soon.

Posses Hunt.

Anadarko, Nov. 13.—Though posses have searched in all directions for the Mexican who killed Chief of Police Temple here last night, he has not been found. The hunt for the man, Oscar Opet, is being kept up by a large number of deputies and citizens. Mayor Plum of this place has offered a reward of \$500 for the arrest of the Mexican, and it is said Governor Haskell will offer an additional \$200. It has developed that Opet did not call Temple to his door, as was at first stated. It seems the man had trouble with companions in a saloon and was fleeing. He passed the home of Temple and the officers called to him to halt. It was then that the Mexican turned and fired. Opet lives here the greater part of the time.

Sunday Quiet.

Mexico City, Nov. 12.—Sunday, to which both the authorities and the American residents looked forward with more or less uneasiness, passed without renewal of the demonstrations of the last few days and the feeling that the end of the trouble had come seemed general.

EVEN TOLSTOI HAS FAMILY TROUBLE

WHEREABOUTS OF MISSING AUTHOR STILL UNKNOWN—IS GRIEVED BY WIFE.

St. Petersburg, Nov. 13.—The whereabouts of Count Tolstoi, who disappeared a few days ago, is not yet certain, although inquiries have been made in various quarters and reports have reached here regarding his present abiding place. A late dispatch from Moscow to the Russcoo Slovo says Count Tolstoi is now at the Schamardinsky women's monastery at Kaluga province. Confirmation of this, however, is lacking and queries sent to that district are unanswered.

The Petersburg Zeitung publishes a statement from an intimate friend of the Tolstoi family that Count Tolstoi's decision to seek solitude was compelled by a disagreement between the peasants on his Yasnyaya Poliana estate and Countess Tolstoi and her second son, to whom the count had bequeathed his estate. The countess had recently introduced high land rent, had secured labor and had followed the ordinary commercial methods to raise revenue. Count Tolstoi was severely tried by this procedure and was often driven to tears as he observed the increase of poverty and beggary in villages which had formerly been well to do. He was further aggravated by disputes which arose over his refusal to copyright an unpublished novel for which he had been offered a large sum.

ROMANES IS DEAD IN COLORADO

SON OF PROMINENT BRITISH SCIENTIST DIES OF TUBERCULOSIS.

Colorado Springs, Colo., Nov. 13.—George B. Romanes, son of the late eminent British scientist, George John Romanes, originator of the Romanes lectures, delivered annually at Oxford, died here today of tuberculosis. The Romanes lecture was last delivered by former President Theodore Roosevelt.

Mr. Romanes came to Colorado Springs last April from England, on the recommendation of physicians. He was accompanied by his wife and children and two maids. At Ellis island the immigration authorities on the ground that Mr. Romanes was an undesirable alien, having a communicable disease, His detention caused much comment, because of the wealth and prominence of the Romanes family. It is understood that the matter was finally taken up by British Ambassador Bryce. It was learned that persons may come into the United States if they are to give "special treatment," and Mr. Romanes and his family were permitted to come west, after he had put up a cash bond of \$1,000 and signed statements to the effect that he would come direct to Colorado Springs, remain here and at all times be subject to the restrictions of the health authorities.

Mr. Romanes, his wife and two children and his mother, who is widely known as a lecturer and authoress, took up their residence here immediately following the Ellis island episode. F. J. Romanes, a brother, is attached to St. John's military school, Salinas, Kan. The funeral will be held here tomorrow at 7:30 a. m.

MEXICAN RURALES SEARCH FOR ROBBERS

El Paso, Nov. 13.—Rurales are scouring the mountainous sections in the state of Chihuahua, Mexico, searching for a band of highwaymen which attempted to rob the Santa Gertrude mines, near Parral, Mexico, according to dispatches. After a battle, in which Adolpho Soto, assistant superintendent of the mines, was wounded, the bandits were driven off. It is believed at least one of them was shot, as a trail of blood was left behind as they escaped. The band is supposed to be the same as that which has terrorized the sections for some time.

HERO'S BODY FOUND IN MINE

CORPSE OF SUPERINTENDENT LEWIS, WHO GAVE LIFE FOR OTHERS, RECOVERED.

Tribald, Col., Nov. 13.—The body of Superintendent William Lewis, who gave his life in an effort to save miners caught in the explosion of the Victor-American Fuel company's mine No. 3 at Delagua on Tuesday, was recovered today. Lewis and a rescue party were entombed as they rushed into the mine. The body of another miner also was recovered today. All but four bodies are now recovered and the list of dead remains at 73. It is feared, however, that John McCleod, clerk of the mine, who was injured by rocks flying from the mouth of the main stope, will die.

Funerals of seven Montenegrin victims of the explosion were held today, after John Palandech, a Serbian editor of Chicago, had withdrawn objections. Palandech, who claimed to be personal representative of Prince Nicholas of Montenegro, was satisfied with death certificates stating that the victims lost their lives as a result of the explosion in the mine. He announced, however, that he would investigate about three hundred Montenegrins with a view to learning if the explosion was the result of carelessness. About 300 Montenegrins marched in the funeral procession, and a band preceded them. An automobile beyond control rushed through the procession, but no one was hurt.

MUNK'S DEATH WILL CAUSE ARREST SENATOR CLAY OF GEORGIA DIES

WARRANT CHARGING THOMAS MCCOY WITH MURDER OF FOOTBALL PLAYER IS OUT.

DEATH COMES TO STATESMAN AT SANITARIUM FROM HEART DISEASE.

UMPIRE BEST WITNESS

SON SEES DISSOLUTION

Homer N. Young, Who Officiated at Game Saturday, Testifies That He Saw Right End of Bethany Team Strike Captain of West Virginia With Fist—Accused a "Ringer."

Herbert Clay is Only Relative at Deathbed, Seeming Improvement in Condition Having Sent Wife Home—End of Life Finds Southerner in Third Term in United States Senate.

Wheeling, W. Va., Nov. 13.—A warrant charging Thomas McCoy, right end of the Bethany college football team, with murder in connection with the death of Captain Rudolph Munk of the West Virginia team, was issued here today by Magistrate R. G. Hobbs. The action followed a partial inquest by Coroner W. W. Rogers. Munk sustained injuries in the game between the two teams Saturday from which he died five hours later without regaining consciousness. The testimony was furnished principally by Homer N. Young, a Pittsburg attorney, who umpired the game.

Atlanta, Ga., Nov. 13.—Alexander Stephens Clay, United States senator from Georgia, died of heart disease at the Robertson sanitarium here this afternoon, after a long illness. He had been talking to his son Herbert when he suddenly ceased speaking and fell back with a slight gasp. During the morning and afternoon the senator appeared in better spirits than usual. Mrs. Clay came from their home at Marietta, but when she found the senator so much improved, returned home about noon. The only member of the family present at the deathbed was the senator's son Herbert, who is mayor of Marietta.

Young testified that Munk was making interference and was a few yards in front of the scrimmage line when McCoy came up to the West Virginia captain, striking him in the head. Munk fell to the ground unconscious and Young ordered McCoy from the game. The autopsy disclosed that Munk's death was caused by a blood clot at the base of his brain and that it could not have been the result of a former injury.

According to the physicians, Senator Clay's death resulted from dilation of the heart, superinduced by arterial sclerosis. The senator has been ill for nearly a year and came to the sanitarium here on November 1 to take the rest cure. The body was removed to the Clay home at Marietta, where the funeral services will be held on Tuesday.

The warrant for McCoy's arrest will be served tomorrow. In giving details of the way in which Munk was injured, Young said the ball was on Bethany's 30-yard line when Munk started down the field for interference. "He was not near the player with the ball," Mr. Young said. "Munk was met by McCoy, who ran toward Munk as they both were running down the field. Ten yards behind the scrimmage line, when Munk was in front, McCoy struck him in the back of the head with his fist. Both Munk and McCoy fell, but the latter quickly regained his feet, looked at Munk and started off the field."

Senator Clay was 57 years old and was serving his third term in the United States senate. He is survived by a widow, five sons and a daughter, besides his parents, Mr. and Mrs. W. J. Clay of Cobb county.

Out of Game. Umpire Young said that, as the blow appeared to him clearly intentional, he immediately put McCoy out of the game. No other witnesses were heard today, but several players have been summoned for tomorrow night, when the inquest will be resumed. The warrant for McCoy's arrest has been placed in the hands of an officer. McCoy left college this fall without notifying the faculty and had not played on the team for two weeks. President Cramblett of Bethany said tonight that he was unaware that McCoy was to play in Saturday's game. It was announced tonight that all the remaining games scheduled by West Virginia university will be cancelled, including the Thanksgiving day game with Washington and Jefferson, which has heretofore been one of the biggest games in this section.

Word in Washington. Washington, Nov. 13.—News of the death of Senator Alexander S. Clay was received tonight by Colonel Daniel M. Ransdell, sergeant-at-arms of the senate. Colonel Ransdell informed Vice President Sherman, who will name a committee of senators tomorrow to attend the funeral.

McCoy at Home. Canton, O., Nov. 13.—Thomas A. McCoy, charged with murder in connection with the death of Rudolph Munk, arrived at his home here this morning. To his father, John E. McCoy, he told his story. Attorney Luther Day was retained as counsel for the boy.

Speaker Cannon also will appoint a committee from the house. Senator Clay has been in ill health for some time. In the last session of congress he was forced to remain away from the senate on several occasions, although he refused to leave the floor until forced to do so. He had served in the senate continuously for 14 years. He was chairman of the committee on woman suffrage and a

(Continued on Page Six.)

SENATOR ALEXANDER S. CLAY

