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THE BALLINGER LETTER

President. Of course, the Kerby affidavit in no way reflects on the Secretary of the Interior.

President Taft was on the golf links when he was informed of the publication of the Kerby affidavit, but he immediately dictated over the telephone the following statement:

With reference to the published affidavit of Mr. F. M. Kerby, a stenographer in the office of the Secretary of the Interior, to the effect that the President's letter of September 13, 1909, concerning Secretary Ballinger, was substantially prepared for the President's signature by Assistant Attorney General Lawler, it is stated that the White House to-day that there is absolutely no foundation for any such statement.

Frederick M. Kerby admitted this evening that he had recently been in consultation with former Secretary Garfield regarding the advisability of making public the information he had gained in his confidential relations with Secretary Ballinger and Assistant Attorney General Lawler.

Kerby's statement says that the draft was the subject of several conferences, in which participated, the statement says, "Ballinger, Lawler, Finney, Commissioner Frederick Dennett, of the Land Office; Chief of the Field Service Secretary, and I, think, First Assistant Secretary Frank Pierce, and Private Secretary Carr."

"Without attempting to force my own conclusions upon any reader of this statement, I want it to be remembered that it was the draft of the letter exonerating Ballinger in the charges Glavis has made against him."

The statement says further: "Early in the work Lawler had given Massey (another stenographer) and myself instructions that all rough draft copies discarded in the composition of the final drafts were to be retained by us."

"The general arrangement of facts, the order in which they come in the President's letter, is practically identical with the arrangement of facts in the final Lawler draft or so-called memorandum. Certain portions of the Taft letter I can identify as being in substance the thoughts of Lawler. For instance, there is the following passage in the Taft letter, which certainly embodies Lawler's thought: 'The general responsibility of Cabinet positions demands the selection of men of the highest character and integrity. Possession of these qualities, as well as an ability and experience, which especially fitted you to direct the affairs of the Department of the Interior, warranted your appointment as Secretary.'"

"In general Taft softened Lawler's draft, and doubtless very materially changed the wording, in that he substituted for certain Lawler phrases phrases of his own meaning the same thing."

Attorney General Wickesham declared that it was quite obvious that Lawler did not prepare the letter signed by President Taft.

"Compare the letter written by Mr. Lawler with that written by the President," said Mr. Wickesham, "and you will readily recognize the fact. There is only one clause in which, in a measure, the President adopted."

"No, it was not that regarding the dismissal of Glavis," he said in response to further questioning. "What Mr. Lawler suggested was what might be termed a suggested form of letter which the President could adopt if he saw fit—a practice of everyday occurrence in the executive departments of the government."

Mr. Wickesham said he preferred not to discuss the matter, as it would be manifestly improper for him to do so before he had seen the President.

Assistant Attorney General Lawler said that as the matter involved his relations with the President he could not discuss it without the President's permission. Personally, he said, he was perfectly willing to make a reply, but he did not consider such an action would be respectful to the President unless he had obtained the President's consent.

memorandum made part of the record and Mr. Brandeis then proceeded to interrogate Mr. Dennett as to what he knew about the preparation of the memorandum.

Mr. Dennett asserted positively that he was not consulted regarding the preparation of the memorandum, and said he knew nothing about it. He had heard a rumor that such a memorandum was prepared, but he did not assist in its preparation and was not asked to furnish any information for the use of Mr. Lawler.

After trying unsuccessfully in various ways to establish even a remote connection between the Lawler memorandum and Mr. Dennett, Mr. Brandeis reluctantly abandoned this subject.

Mr. Dennett proved himself an alert, capable and conscientious witness. In every respect he corroborated the statements made by other officials of the Interior Department respecting the attitude of Secretary Ballinger toward the Cunningham coal cases. He said that Mr. Ballinger had never attempted, directly or indirectly, to influence his action in Alaska coal cases, and had informed him when he became Secretary that he would have anything to do with the Cunningham claims, inasmuch as he had drafted an affidavit for Clarence Cunningham when he was in the public service.

Mr. Dennett was called by Mr. Brandeis to the exceptionally stringent anti-monopoly provisions of Section 3 of the act of May 28, 1908. Mr. Dennett said the critics who charged that it was the purpose of Secretary Ballinger to turn over the coal lands of Alaska to combinations failed to direct public attention to the provisions of the law relating to the disposal of these lands.

Mr. Dennett gave a brief review of his public service. He was for many years a clerk of the Committee on Public Lands of the Senate, and later became a special agent of the Land Office. "The often published story," he said, "that was put into the position of Commissioner of the General Land Office through the influence of Senator Guggenheim is utterly false. When I was appointed assistant commissioner I had a distinct understanding with President Roosevelt, Secretary Garfield and Commissioner Ballinger that there were to be no recommendations for me beyond those of the Senators from my own state, North Dakota."

"The same was true when I became Commissioner after Ballinger's retirement. I have never been appointed by President Taft, but held my position under the old appointment of March, 1908."

Mr. Dennett spent some time in going over the personal letters written by him to Secretary Ballinger and Mr. Schwartz, which have excited considerable attention in quarters hostile to the Interior Department. He said that these letters were not written for publication and contained certain expressions which were not as orate as should be found in official communications. They contained no expressions that were not true, although it was possible for suspicious minds to read into them hidden meanings if single sentences were read wholly apart from the text and without a knowledge of the general conditions underlying the writing of the letters.

As an instance, Mr. Dennett called attention to the use of the word "ginger" in one of his letters, which he said had been given a false meaning by Mr. Brandeis. He had borrowed this word from the vocabulary of President Roosevelt, and it referred to the fact that the political campaign was beginning to show signs of much needed activity.

Mr. Dennett's full and frank explanations of all his letters seemed to meet the approval of the committee and on the whole his testimony created a decidedly favorable impression both as to his ability and high character as a public official.

Two Letters Compared President Adopted Some Phrases from Lawler's Memorandum.

Washington, May 14.—The draft prepared by Assistant Attorney General Lawler and the letter actually written and made public by President Taft are now matters of public record in the testimony of the investigating committee. President Taft's letter begins as follows:

On the 18th day of August last Mr. L. R. Glavis, chief of the field division of the General Land Office, called upon me here and submitted a statement or report relating to the conduct of a justice Department, and particularly to the action of yourself, Assistant Secretary Pierce, Commissioner of the General Land Office, and Chief Schwartz of the Field Service, in reference to the so-called Cunningham group of coal land claims in Alaska.

The first paragraph of the Lawler memorandum is substantially identical. The seventh paragraph of the President's letter and the second of the Lawler memorandum are those referred to by Attorney General Wickesham as being alike. Both read as follows:

THE DAY IN WASHINGTON

[From The Tribune Bureau.] Washington, May 14. ROOSEVELT AND SOCIALISM.—It is not generally known that when ex-President Roosevelt went into the African jungle he carried with him, in addition to the published "pig-skin library," a vast amount of literature dealing with the subject of socialism.

The former President regards this as one of the "biggest subjects" of the present day, and as the one serious menace to that long continuance of the United States under its present form of government. Reports from Europe indicate that Mr. Roosevelt is availing himself of every opportunity to familiarize himself with the methods of dealing with the indigent and other problems which many economists believe can be solved only by the adoption of the principles and policies of socialism.

Just what use Mr. Roosevelt purposes to make of these facts is not known, but he has expressed the view that every public spirited citizen should master the arguments against this economic philosophy, and it is assumed by his friends that the results of his study of the subject will be seen in lectures or editorials which he will prepare on his return to this country.

ADMINISTRATION PLEASED.—The Administration is decidedly pleased with the compromise on the long and short haul clause of the railroad bill reached in the Senate yesterday, not only because it has brought the Republican members of that body closer together than they have been for some time, but because it is regarded as a great improvement over the present law in that it puts the burden of proof on the railroads. Heretofore a shipper believing he had cause to complain of a rate higher for a given distance than that charged for a greater distance has been compelled to bring his case before the Interstate Commerce Commission, and to establish, if possible, the justice of his contention, and in some instances he has been compelled even to carry his case through the courts, a proceeding which involved serious hardships to shippers not possessed of abundant means.

Under the provision adopted yesterday in the Senate, however, the burden of proof would be on the railroad which desires to charge a higher rate for a shorter distance than for a longer, and the shipper would thus be wholly relieved. The railroads under this provision must establish to the satisfaction of the commission the existence of any conditions which warrant such apparently disproportionate tariffs.

CHIEF OF MINES.—That a New York mining engineer will receive serious consideration for the post of chief of the newly created Bureau of Mines is the prediction of those in touch with the situation. The man whose candidacy is regarded as likely to appeal to the President and the Secretary of the Interior is Benjamin E. B. Lawrence, of New York, a graduate of the Columbia School of Mines of the class of '78. Mr. Lawrence has had wide experience both in this country and in Canada and Mexico, and is described by his friends as an ideal man for the place. Dr. J. A. Holmes is also a candidate for the place, but may find his close association with the former Forester, Gifford Pinchot, a bar to his selection, as he is understood to be in sympathy with the Garfield-Pinchot attitude toward the present administration.

Representative Huff and a number of mining engineers with whom Dr. Holmes has had to do in his present position in the Geological Survey presented his claims to the President to-day.

CANADIAN RECIPROCIITY.—Secretary Knox has taken up with the British Ambassador the question of reciprocity negotiations with Canada and has made the first move by suggesting that negotiations be begun at the earliest possible time convenient to the ambassador and the Dominion. It will be several days at least before a reply can be received, but it is expected that the work will be in progress, probably through a Canadian commission in Washington, within a short time. The treaty, it is expected, will clear up the smaller problems between the two governments, particularly that of pulp wood, the crown lands two of which from which the crown has a tax detriment to the interests of the American paper manufacturers. It is doubtful whether the reciprocal arrangement will cover much besides agricultural products, the exchange of which along the border will be facilitated by the agreement.

SOME DEFICIENCY ITEMS. Washington, May 14.—That the deficiency appropriations of the session of Congress would not exceed \$10,000,000 was indicated by the general estimates of \$3,124,945, which Secretary MacVeagh sent to Congress to-day. The total is about 50 per cent of last year's aggregate.

Among the items are \$650,000 for construction of seacoast batteries in the Philippines, \$417,455 for pay of the navy, \$100,000 for the San Francisco immigration station and \$127,767 for the Key West naval station.

These deficiency items are intended for inclusion in the general deficiency appropriation bill, which is always the last of the big supply measures to be passed.

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AFTER COTTON BROKERS

Continued from first page. sold and delivered the date and the number of bales of each day's sales and deliveries; the aggregate number of bales of spot cotton in the legal possession of the person or firm or agents since November 30, which have been disposed of in any way. The same requirements are limited to April 30, and thereafter the subpoena covers the whole nine months' period, until the last two requirements.

The latter embrace the financial part of the negotiations or transactions in furtherance of the general business referred to in the other clauses. It is a fine tooth comb performance, which permits of no possible escape of any information that may aid the government in its inquiry.

Demands Appall Brokers. Some of the brokers and spinners subpoenaed were appalled at the demands, but all who have answered so far have gracefully complied. The accumulated material assumed definite shape at the grand jury hearing on Friday, so that a working case has been brought to the surface.

When Mr. McKercher was seen yesterday by a reporter for The Tribune he was reticent about everything that had been done. Upon inquiry regarding the relationship between the investigation here and the hearing before the Senate Committee on the Cost of Living, Mr. McKercher said that the inquiry here

had nothing to do with the Washington proceeding and could not possibly have anything to do with it. It was learned that the grand jury hearings will continue for about ten days longer, and that the work of the assistants of Attorney General Wickesham will be finished in two weeks. Any indictment or a presentment of facts is made it will be given out in the city, it was said.

CHINESE LOAN ARRANGEMENTS

Plans for \$30,000,000 Railroad Capital Agreed Upon, It Is Said. Washington, May 14.—Official information has reached Washington that capitalists of Great Britain, Germany, France and the United States have substantially reached an agreement as to the loan of \$30,000,000, that while their respective governments have not as yet given their full assent to the agreement, there seems to be little doubt that such assent will be forthcoming within a comparatively short time.

The agreement is understood to be to be effected by each of these four governments will participate equally in the loan of \$7,500,000, that they will also have equal rights and opportunities in all matters relating to the purchase of materials to be furnished for the construction of the road, and the more-over, engineers of the four nations will be employed on the different sections of the road in equal proportion under the direction of the Chinese Director General. The loan of \$30,000,000 will be devoted to the construction of a line from Hankow to Canton, 900 miles, and from Hankow to Ichang, 530 miles. An extension of the line into Szechuen, of about 1,000 miles, is contemplated, but as to this no understanding has been reached by the respective financial groups with the Chinese government.

MRS. BALLINGER-PINCHOT

A member of the committee which is investigating the Ballinger-Pinchot controversy is telling a story to illustrate the high character of intelligence of the feminine habits of the committee room. Mrs. Pinchot, mother of the former forester, has attended the sessions with considerable regularity, and on a recent occasion was leaving the room when a woman exclaimed: "There she goes! There she goes!" "Who? Who is it, my dear?" inquired one of the friends of the first speaker. "It's Mrs. Ballinger-Pinchot," replied the woman who knew, to the amusement of the committee member and, apparently, to the entire satisfaction of the inquirer.

"A SPLASH."—It is not often that the Navy Department consents to investigate the forms of amusement indulged in by the civilian employes of the navy yards, but such an inquiry has been forced on Secretary Meyer by the insistent demands of the Rev. A. P. Doyle, rector of the Apostolic Mission among the Catholics. The inquiry, in turn, acted at the instance of a Catholic pastor at Newport. It appears that some of the civilian employes of the Navy Department, notably one of the foremen, conducted an entertainment recently of the type commonly called a "smoker," but termed by these navalists a "plash." One of the features of the entertainment was a dance, performed first in complete costume. It appears that the dancer undertook to change her costume, but so insistent was the demand for an immediate encore that she reappeared clad only in an American flag, while at the height of the merriment she inadvertently mislaid the flag. At least, that is the version given to the Navy Department and which has resulted in a court of inquiry being ordered.

made my contribution of what he has failed to make public." Kerby said that the question had not been an easy one to decide from an ethical and moral point of view. "Notwithstanding considerable pressure from newspaper representatives," said he, "I had refused to make the story public, believing that the proper course was to wait until I could be called as a witness, but the attitude of the committee in practically shutting off inquiry regarding the memorandum by Lawler convinced me that the only course to adopt to make the facts public would be to give it to the press."

He denied that the Pinchot side of the controversy had anything to do with the publication of his statement. He said that ex-Secretary Garfield knew of the facts in his possession from a mutual friend, but had nothing to do with their publication.

Mr. Vertrees, counsel for Secretary Ballinger, met the President at the White House to-night and held a brief conference with him.

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an undercurrent of feeling last night that, as several members of the syndicate had made immense profits by sending companies over the smaller circuits, this decision was not a matter of choice with them.

Several of the allies of the Shuberts, among them William A. Brady, Liebler & Co., Fred. C. Whitney and Daniel W. Arthur, are producers on a large scale, and will probably extend their interests to cover the demands of the smaller cities. It is not believed, however, that the usual number of "road" companies will be organized next fall unless there is a change in the present situation.

Shuberts to Return Now. Lee Shubert said last night that he would return to the National Theatrical Producing Managers' Association, from which he withdrew more than a year ago, and that he would bring with him Lew Fields, F. A. Comstock, D. V. Arthur, J. W. Jacobs and Felix Isman, all of whom had at one time been members. William A. Brady, Jules Murray and F. C. Whitney, who are allied with the Shuberts, have retained their membership.

Hollis E. Cooley, it was said, was elected president, to fill the unexpired term of Henry B. Harris. Mr. Shubert said further: "The number of attractions which those who will apply for membership will bring into the association will be three times the number that the association will lose through the resigning members. Several of the members of the association of producers recently formed by Klav & Erlanger will continue as members of the National Theatrical Producing Managers' Association, so their affiliation with the syndicate will not be very close.

"This means the death knell of the syndicate. We now have them paralleled in all the large cities of the country, where we have built theatres in competition with theirs. We own or lease about two hundred theatres, whereas Klav & Erlanger own a few theatres in New York and New Orleans.

"Through the recent organization of the National Theatre Owners' Association, of which John Cort is president, we have secured a footing in the one-night and week stands throughout the West. This section contains about fifteen hundred theatres, and during the coming year they will see our leading stars, whom they have not seen for years."

TO PRESS HASKELL TRIAL

President and Attorney General Decide to Act Next Month. Washington, May 14.—The indictments against Governor C. N. Haskell of Oklahoma, in the so-called town lot Indian land cases will be presented by the Department of Justice, according to a decision reached by Attorney General Wickesham to-day, after a conference with President Taft. It is the plan of the department now to have a jury pass on the matter early in June.

Senators Owen and Gore and several of the Congressmen from Oklahoma recently requested the President to select some disinterested third person of unquestioned standing in the country to investigate the case in Oklahoma from an entirely impartial standpoint and determine whether or not there was sufficient ground to continue the prosecutions.

The Senators and Representatives expressed no opinion to the President as to the guilt or innocence of the accused Governor. It was simply suggested that, as the prosecution had been linked in the minds of many persons with the political turmoil of two years ago, there should be an investigation.

Attorney General Wickesham has taken the ground that as the prosecutions were begun under a former administration the only thing to do was to have a jury of Oklahoma citizens pass on a typical case at the earliest possible moment. The delay in bringing the cases to trial has been another source of complaint. The prosecution will be continued under S. R. Rush, special assistant to the Attorney General.

PERSIA SEEKS A LARGE LOAN Will Pay Unusually High Rates of Interest, It Is Said. Washington, May 14.—Charles W. Russell, United States Minister to Persia, has informed the State Department that it is probable that the Persian government will soon take the necessary steps to float a loan of considerable magnitude and at an unusually high rate of interest. No details, however, are given.

JEWISH EXPULSION POSTPONED. Kieff, May 14.—The expulsion of Jews residing illegally here did not begin to-day, as scheduled. It is reported that forcible measures will not be employed before June 14.

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