

FINAL PLEAS MADE IN BALLINGER CASE

Vertrees, Defending the Secretary, Declares Conspiracy Has Been Clearly Proved.

BRIEFS FOR "PROSECUTION"

Brandeis, for Glavis, and Pepper, for Pinchot, Assert That Ballinger Is Unfit to Hold His Office.

Washington, June 12.—Briefs in the Ballinger-Pinchot case were filed with the investigating committee to-day by counsel for all the parties. Secretary Ballinger's final word of defence was presented by John J. Vertrees. After making an exhaustive review of the evidence before the committee, Mr. Vertrees declared:

"When we consider how baseless and groundless this accusation against Mr. Ballinger is, and the loud and vehement cries of those who have urged it on, we recall the language of Fauvey, a jurist of the days of the Reign of Terror in France. In writing to one who served with him Fauvey says: 'My colleague is worth nothing—absolutely nothing. Sometimes he wants to save counter-revolutionary priests. He requires proofs, as in the ordinary tribunals of the old regime. We sometimes have very heated discussions.'"

Louis D. Brandeis, counsel for L. R. Glavis, and George Wharton Pepper, counsel for Gifford Pinchot, contend that the evidence has shown that Secretary Ballinger is unfit to administer the affairs of the public domain because of an obvious leaning toward a policy of distribution instead of conservation of land. They denounce his attitude toward the champions of conservation and charge him with causing embarrassment to the President and loss to the people.

Mr. Vertrees insists that neither the official nor professional acts of his client are open to criticism, and declares that none of the accusations made against him has been sustained by presentation of the facts. He says the accusations are the result of a conspiracy against him, and quotes freely from the evidence before the committee in an attempt to prove the existence of a plot involving former Secretary Garfield and former Forester Pinchot to secure his removal from office.

The Cunningham Claims.

"First of all, it is to be borne in mind that Mr. Ballinger neither directly nor indirectly at any time was interested in any of the claims in Alaska," says Mr. Vertrees. "He was not counsel for the Cunningham claimants and others, as Mr. Glavis said. At the time he became Secretary he was counsel for not one of them. The only connection he had ever had with the Cunningham claimants was the preparation of the affidavit in September, 1908. He had not been named as a witness, was not counsel therefor; he entered the case as Secretary without interests of any kind. Indeed, as expressed by him, he disavowed his firm, disengaged himself and 'burned his bridges' behind him."

Defending Mr. Ballinger's "clear listing" of the Cunningham claims as Commissioner of the Land Office, Mr. Vertrees says the action was upon recommendation of Chief of Field Division Schwartz, the official upon whom he relied to be advised. "If that order was erroneous," continues Mr. Vertrees, "clearly the Secretary would be excused, but it was not erroneous. It was proper and right as a record stood." He says that Mr. Ballinger immediately revoked the order when Glavis suggested that the claims should not have been clear listed and that the claims had remained in "chancery" to this day.

Mr. Vertrees points out that throughout the entire time Glavis had been kept in the Land Office, Mr. Vertrees called upon to investigate all Alaskan claims, and that Ballinger defended Glavis, asserting that the criticisms which ex-Governor Moore had passed upon him because of the delay in patenting the Cunningham claims was undeserved.

Says Kerby Helped Ballinger.

"It must be borne in mind also that no question of injury to the government is involved," suggests Mr. Vertrees. "The patents did not issue and the question of the injury to the government is not being tried. Finally, it should be stated that the evidence of Stenographer Frederick M. Kerby alone is conclusive as to the rectitude of Mr. Ballinger's course. Kerby was his confidential stenographer and clerk and in charge of the confidential files. If there were anything improper or corrupt to be known it would be known to him. He was eager to speak. He wished 'with all his soul' to be called before the committee as he was called. We called him. The committee will remember his eagerness and zeal. He was pressed to state what he knew against his chief. Again and again he was asked to state anything that, in his opinion, reflected upon the Secretary of the Interior. Not an act, not a transaction, not a thing, could be stated by him. He asserted that there was one thing, and that was that Mr. Ballinger intended, with full knowledge of his unfitness, to appoint R. Z. Thomson, to be director of the Reclamation Service."

Referring to Kerby's testimony that he regarded Thomson as unfit because Mr. Ballinger thought he was the man to go to Alaska to advise J. P. Morgan & Co. when his friend, George W. Perkins, of that firm, asked him to recommend a Western engineer to make an examination with a view to completing railroad enterprise, Mr. Vertrees says: "This is the only sin of Mr. Ballinger which Mr. Kerby could name."

Mr. Vertrees calls attention to the rigid scrutiny and examination the Interior Department has been under during the inquiry, and says "nothing has been done to maintain the level of the integrity, the good faith, the sense of duty of any man therein."

"The only persons who can be criticized," continues Mr. Vertrees, "are those who have been discharged, and have arrayed themselves against the Secretary and the Department of the Interior. This inquiry involves the good name of a gentleman and the reputation of a member of the Cabinet. It is no idle thing to assail the character of a member of the Cabinet. He is one of the advisers of the President, and dishonorable conduct on his part not only brings disgrace to him as an individual, but reproach upon the government itself. Consequently, such an accusation ought not to be lightly brought. There ought surely to be substantial grounds. Here, it may be asserted, there are absolutely none. The prosecution is cruel and it is baseless."

Defending Mr. Ballinger's conservation policy, Mr. Vertrees cites numerous cases in support of his contention that former Secretary Garfield was wrong in his attitude toward the Secretary of the Interior, in dealing with the public lands, had authority to do that which he may conceivably advise and for the public good, unless it be forbidden by some statute, and this necessarily without regard to the usage of the past.

Mr. Ballinger's position with regard to the exercise of the so-called supervisory powers of the Secretary of the Interior, in dealing with the public lands, had authority to do that which he may conceivably advise and for the public good, unless it be forbidden by some statute, and this necessarily without regard to the usage of the past.

The brief deals at great length with the evidence before the committee relative to Cunningham claims in defence of Mr. Ballinger's connection with them as a government official. Then his conduct while out of office is discussed, particularly his preparation and presentation of the Cunningham affidavit to Interior Department officials in September, 1908. In answer to criticisms of Mr. Ballinger's conduct in this matter, Mr. Vertrees says:

"The Cunningham claims were ready to be shown, there was no information of a secret character in the Land Office which Mr. Ballinger could have used. The reports on file are favorable to the claims. The affidavits on file were well known to the affidavits themselves. The only evidence that had been procured not contained in the reports of the affidavits was a copy of the Cunningham journal, the original of which Cunningham himself had. This journal was not obtained or filed until after Mr. Ballinger had retired from the office of Commissioner. Moreover, the services were performed six months after he had left the office, were secondary, if it be assumed that Ballinger in a matter in which he had no interest had charged the journal in memory of a recollection of the status of these claims and the records with respect thereto. The fact is that there was nothing for him to remember or recall. It was not possible for him, therefore, to have used information obtained by him as a Commissioner. The objection that the performance of a service of this character was forbidden by law is equally unfounded."

Brandeis's Plea for Glavis.

Mr. Brandeis in the introductory chapter of his brief discusses what he calls "Mr. Ballinger's unfitness as trustee for the people," and asks: "Is Mr. Ballinger a man single-minded, enlightened and courageous, so zealously devoted to the interests of the common people, so vigilant and resolute in resisting the insidious aggressions of the trusts, as to have entrusted to him the carrying forward of the best policy of conservation of our national resources?"

In answer he says: "That Mr. Ballinger does not meet these simple tests has been conclusively established, and if only this should be known, the Department of the Interior should be under no necessity for a further defence that Mr. Ballinger has offered is that he was ignorant of the situation in Alaska, and that all of the acts for which he was criticised were performed by subordinates for whom he is not responsible. Such a defence is enough to condemn him. It is not necessary to discuss the knowledge of the situation. The evidence in the record and the conduct of Mr. Ballinger throw a strong light upon his character. No man with such a character would be trusted by an individual or private corporation with care of important property."

Other Chapters Describe "Glavis's Intervention to Save the Alaska Coal Lands" and Review the Clear-Listing of the Cunningham Claims by Mr. Ballinger, who was then Commissioner of the Land Office.

The brief says: "We do not pretend to fathom the mind of the Secretary of the Interior, and we do not intend to discover the motives which prompted him to clear-list the Cunningham claims. Whatever his motives were, his act was indefensible. The order clear-listing the Cunningham claims shows that Mr. Ballinger had no proper conception of his duty as a trustee, and that he was willing to abet what he knew to be an illegal violation of the laws of the United States by the coal lands would pass unlawfully into private ownership, instead of being kept by the United States for subsequent disposal under laws which should adequately protect the public interest."

The Lawler Memorandum.

Continuing, the brief says: "A deluge of typewritten matter came to the President from the Interior Department in answer to the Glavis report. These answers were supplemented by oral statements and arguments made by Secretary Ballinger and Oscar Lawler, Assistant Attorney General of the Interior Department, in their interviews with the President on September 8 and 7, and finally by the draft of a letter exonerating Mr. Ballinger, prepared by Lawler, his appointee and in effect his subordinate, a man who had been a special grudge against Glavis, and who in that draft of letter declared Glavis guilty of falsehood, of the suppression of the truth and of neglect of duty, thus condemning Glavis on evidence which he had never seen, and which he had no opportunity to meet, on arguments that he had never heard and, what is even more, on charges of the preferring of which against him he had no knowledge whatsoever."

Pepper's Brief for Pinchot.

Mr. Pepper says that the question whether Pinchot has been right and Ballinger wrong is less important than whether the administration of the Interior Department under the latter has been marked by fidelity to the public interest. He says that when Mr. Ballinger became Secretary he "had had a hand office training," that being equivalent, as Mr. Pepper views it, to a learning of a policy of distribution of the people's land.

Mr. Pepper gives a general and a specific answer to the question as to what inference ought to be drawn from the testimony respecting the administration of the Interior Department since Mr. Ballinger became Secretary. His general answer is that there has been "an administration worthy of the name, but only a series of acts, unwise in themselves, and that these acts have been directly responsible for embarrassment to the President and loss to the people."

His specific answer is that the testimony taken in this investigation shows that the character of the department has been characterized by a fidelity to the public interest, that Mr. Ballinger is responsible not merely technically and officially, but substantially and actually, for "the entire series of unhappy events," and

THE DAY IN WASHINGTON

(From The Tribune Bureau.) Washington, June 13.

TAFT'S WELCOME TO ROOSEVELT.—President Taft is determined that nothing shall mar the occasion of the general staff of his predecessor on a memorable occasion, and to that end he has requested the Secretary of the Navy to provide a naval escort to meet the returning ex-President down the bay and accompany him to New York City. In accordance with the President's wish, the battleship South Carolina and five torpedo destroyers will sail down the bay Friday evening, to meet Mr. Roosevelt's party the following morning and will accompany the ship back to New York. When the President's wishes became known there was perturbation in the Bureau of Navigation, for the Atlantic fleet has been disbanded, most of the vessels being at navy yards and many of them in drydock, but it was found that the South Carolina could be procured, and she will be attended by five destroyers, the type of vessel in which Mr. Roosevelt displayed especial interest when he was Assistant Secretary of the Navy. The Presidential salute of twenty-one guns will be fired off Ambrose Light. The idea of providing a naval escort of welcoming Mr. Roosevelt with the Presidential salute emanates entirely from President Taft, who would really like to go to New York himself, and rather chafe under the advice that he would do better to remain in the President of the United States to leave the national capital to welcome any one, even an ex-President. The special delegation, consisting of Secretary Meyer, Secretary Wilson and Captain Butt, which is to represent the President at the reception of his friend and predecessor, will be taken down the bay on the Dolphin, the vessel always used by the Secretary of the Navy on ceremonial occasions.

THE BUSINESS OF THE NAVY.—Secretary Meyer is still making a valiant effort to obtain from Congress authority to administer the affairs of the navy on a businesslike basis. He is convinced that he can effect a saving of several hundred thousand dollars a year if he can only induce Congress to give him the authority to establish a property account in lieu of the various and complicated accounts which are now part of the antiquated system which has come down from time immemorial. Mr. Meyer is striving to induce Congress to grant this authority either by an amendment to the naval bill or by a provision in the sundry civil bill. He has just received the report of an investigation conducted by business experts he employed for the purpose, who find that the method now in vogue is extremely complicated and cumbersome, and that it requires an investment of several million dollars more in stock than that of the present method. With this report, Mr. Meyer is seeking members of Congress and is endeavoring to persuade them to look at the situation from a business and unprejudiced point of view, and he is confident that if they do so they will grant the needed authority.

CHANCE FOR RETIRED OFFICERS.—Contracted by the probability that Congress will adjourn without taking any steps to increase the commissioned personnel of the army, the Secretary of War has ordered that wherever possible officers be restored to their line duties, including those now detailed to staff duty, work on the Panama Canal, at educational institutions, etc. This will be done by the Secretary of War, and not by the War Department, as is the case with the officers on duty in the Canal Zone and there by express provision of law, but it will mean that many of the officers now at military schools, etc., will be returned to their regiments and their places filled with retired officers found competent for the work. The order will probably affect officers on duty with the quartermaster general of the army, the medical corps, etc. Secretary Dickinson has also urged Congress immediately to pass the bill designed to place the general

staff on the same plane as other staff bureaus, so that vacancies made by the assignment of officers to the general staff may be filled by promotion until the vacancy at the foot of the line is filled by the commissioning of a second lieutenant. The Secretary frankly expresses his regret that it should be necessary to replace officers at the military schools with retired officers, but he believes this step is imperative.

GEORGE V. ARBITRATOR.—King George V has consented to take the place of his father, King Edward VII, as arbitrator of the differences between the United States and Chili over international acts of the new monarch will be a courtesy extended to the United States. In view of the fact that the King will have to begin de novo to post himself on the merits of the case, the presentation has been deferred until August and the submission of counter cases until four months later.

THE TARIFF BOARD.—The passage by the Senate to-day of the sundry civil bill without amending the provision for the Tariff Board, which carries an appropriation of \$200,000, insures the investigation desired by the President and to-morrow morning the President will call for the report of the Tariff Board. One of the subjects which will be most carefully investigated will be the method of the German government in determining costs of production. In accordance with the wishes of the President, the cost of producing cotton and other textile fabrics will receive special attention, as the President suspects that the duties on these products have not been accurately adjusted, especially those on woolsens. The President's instructions to the members of the Tariff Board are to conduct their investigations without regard for the results, and to present to him the most definite and unequivocal information which can be gathered.

A GARFIELD STATUE.—Senator Bricker secured the passage by the Senate to-day of the House bill providing for the erection of a statue of President James A. Garfield at Long Branch, N. J., which carries an appropriation of \$10,000 for the purpose. This sum will not be available until the Garfield Memorial Association shall have raised a like amount, the whole to be devoted to the erection of a suitable statue, the design to be approved by the Secretary of War. The Garfield Memorial Association has almost completed a granite memorial, and has secured for the site Ocean Park, facing Ocean Boulevard. The memorial, when completed, inclosed and parked, will represent an outlay of \$25,000. The cornerstone was laid on September 19, 1907.

FINE ARTS COMMISSION.—President Taft lost no time in appointing the members of the Fine Arts Commission, the bill authorizing which he approved to-day. The members are Daniel H. Burnham, an architect of Chicago, chairman; Frederick Law Olmsted, jr., landscape architect, of Boston; Thomas Hastings, architect, of New York; Daniel C. French, sculptor, of New York; Frank D. Millet, painter, of New York; Cass Gilbert, architect, of New York; and Charles Moore, of Detroit. Colonel Spencer Cosby, Superintendent of Public Buildings and Grounds, has been appointed secretary. In view of the opposition of Speaker Cannon the creation of this commission is regarded as a triumph for the President. Such a commission has been needed. One was appointed without statutory authority by President Roosevelt, but Congress sought to legislate it out of existence, and now the President has induced Congress to create the commission. It is to be an advisory body, to serve without compensation, and will assist the officials in the selection of everything pertaining to architecture, the improvement of the city and other affairs which call for artistic judgment.

MARTIN AROUSES VREELAND

New York and Colorado Members Near a Fight. Washington, June 13.—Representative Crumacker, of Indiana, was defending Attorney General Wickersham in respect to the disposition of the friar lands in the Philippines to-day when Representative Martin of Colorado interrupted to question some statements Mr. Crumacker had made. He was persistent, and Mr. Crumacker was quite as persistent in his declaration to yield.

"The rules of the House," shouted Mr. Crumacker, "are made for the observance of gentlemen." Mr. Crumacker scowled at the man who jumped to his feet and glared at the member from Indiana. "And," continued Mr. Crumacker, "the gentleman from Colorado will observe the rules."

At this moment vigorous applause was heard from a member near the Speaker's desk. Mr. Martin suggested that the member applauding should come forward. Instantly Mr. Vreeland, of New York, stepped to the front. His face was flushed in anger. He evidently took Mr. Martin's invitation as a challenge. As the New York member advanced and a clash seemed imminent, Representative Greene, of Massachusetts, who was in the chair, pounced upon Mr. Martin. Then he took his seat and Mr. Crumacker continued his remarks.

TOWING TRUST ALLEGED

Government May Sue Great Lakes Company. Washington, June 13.—The government is engaged in collecting evidence intended, it is understood, to form the basis of a suit against the Great Lakes Towing Company under the Sherman anti-trust law. It is ground that it is a combination in restraint of trade. An investigation of the clearances and entries at the Chicago Custom House has been authorized for the purpose of obtaining information desired by the Department of Justice in the preparation of a bill in equity.

Cleveland, June 13.—At the general offices of the Great Lakes Towing Company here it was said that the dispatch from Washington was the first intimation they had of any proposed action on the part of the government under the anti-trust law. M. H. Wardwell, the secretary, said the government was at liberty to have from the company any information it desired.

CHALLENGE TO THE VATICAN

Spanish Premier Says He Will Resign if Constitution Is Not Respected. Madrid, June 13.—Premier Canalejas declared in the Chamber of Deputies to-day: "If the constitution is not respected I will resign." The Premier was warmly applauded during the course of his speech, in which he said that he was quite undisturbed by the Vatican's protest against the recently issued royal decree authorizing the edicts of non-recognition of religious orders to display the insignia of services and other ceremonies.

GEN. HENRY BECOMES SURVEYOR

General Nelson Henry, appointed and confirmed as Surveyor of the Port, will be sworn in at noon to-day by Collector Loeb. The new Surveyor will take possession of his office at once. It was said that he would make no changes in the staff in the office for the present—that is, of those to be personally attached to him.

BRYCE TO SIGN AGREEMENT

For Settlement of Pecuniary Claims Between U. S. and Great Britain. London, June 14.—"The Times" understands that James Bryce, the British Ambassador at Washington, has been authorized to sign the pecuniary claims agreement with the United States.

In the general arbitration treaty between the United States and Great Britain which was signed in April, 1908, it was provided that the treaty would not apply to existing pecuniary claims, which therefore were left open for future negotiations.

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DECLARES PAYNE LAW A "FRAUD AND HUMBUG"

Declares Payne Law a "Fraud and Humbug." Criticizes the President.

Defends Insurgents and Says He Will Stay in the Republican Party. (From The Tribune Bureau.) Washington, June 13.—Professing his loyalty to the Republican party, Senator Dooliver told the Senate to-day that the leaders of that party are unworthy and that the most important legislation enacted by the party in recent years is a fraud and a humbug. Mr. Dooliver addressed his remarks to the Senate, and he said he had been prepared for the benefit of the special interests and was being defied by a President whose speeches showed he had only a meagre knowledge of its provisions.

Following Mr. Dooliver's speech the Senate passed the sundry civil appropriation bill. Senator Clay's motion to strike out the provision appropriating \$100,000 toward the repeal of the tariff on the Republics was voted against it. As no change was made by the Senate this section will not be subject to modification by the conference committee.

All the appropriation bills except the general deficiency bill have now passed both branches of Congress. Following the passage of the sundry civil bill Senator Carter moved for the Senate to agree to the House amendments to the postal savings bank bill. Consideration of this motion went over until to-morrow, as Senator Clay, the ranking minority member of the Committee on Postoffice and Post Roads, was absent at the time the motion was made. The leaders are satisfied with the House amendments without sending the measure to conference. Senators Cummins and other Republicans are opposed to some of the provisions of the House bill and will speak on them to-morrow.

Taft's Winona Speech "Grotesque." Mr. Dooliver, in his speech, denied that the Payne bill was in compliance with the campaign pledges of the Republican party for genuine tariff revision. He analyzed President Taft's tariff speeches at Winona and New York, and declared that they were full of inaccuracies. The Winona speech was grotesque, he said, while the New York speech was a flat contradiction of the Winona utterance. Mr. Dooliver said he feared that the President was intentionally saying a word not founded on truth, but the fact remained that he had made statements not in harmony with actual conditions. "The tariff was revised by its most intimate friends and its defence left to total strangers," he said.

One of Mr. Dooliver's humorous sallies was his declaration that the year 1909 would be notable for two great events. One was the discovery of the North Pole by Dr. Cook and the other the downward revision of the tariff by Senator Aldrich. Both of these discoveries had been introduced to the public by the highest official congratulations, and each was a great hoax in itself.

Mr. Dooliver declared there was no longer any freedom of conscience or of opinion, such as had once made the Republican party strong. Referring briefly to Speaker Cannon's declaration in a speech in Philadelphia "that the insurgents should be hanged," he declared that he would not treat that remark seriously. Hereafter, he said, it was evident that men entering Congress were not becoming either underlings or lackeys. "I reject the terms, and shall contend for independence within the party. I do not fight to destroy the party, but to uphold it," he said.

Denies Injuring Administration.

Discussing the President's course toward the insurgents, Mr. Dooliver declared they were not playing for popularity, as had been charged, and speaking of his personal relations to the President, he declared he had never done anything to injure the administration.

"Such a charge does me the gravest injury," he declared. "I have never more sincerely than I wish to be understood as saying, I did what I could to promote his candidacy for the Presidency. I supported him from one ocean to the other after he became a candidate. When he took the oath of office I had but one sentiment toward him, and that was the hope that God would give him power to stand against the conspiracy of greed and avarice that would ensnare the party."

"I have known many vicissitudes in public life," he continued, "but I never dreamed that within less than a year I would be called upon to defend myself and the little group of men with whom I stand against the charge of taking seriously the President's speeches and the platform pledges."

Mr. Dooliver said he proposed to tell not only what had gone on in Congress last year in connection with the tariff, but what was going on now to prevent members from following the dictates of their own consciences, and he thought that if the insurgents had made any mistake it was in remaining silent too long.

"I notify all parties that I have no intention of leaving the Republican party," he said. "It is not necessary for me to swallow every tariff bill that is set before them, and it would be difficult to get me out of the party on such a charge. It cannot be done by lying about me or by calling me names, such as 'free trader' or 'Democrat.' Least of all can it be done by taking from my neck the millstone of political patronage. I share the universal disgust of making a great executive department the headquarters of the awkward squad of politics."

The Platform Pledge.

Mr. Dooliver said it was true that the Republican platform did not promise to revise the tariff downward, and if that promise had been made it would have been easy to comply with it by reducing the duties on articles protected by patents or controlled by international trusts.

"Even if it could have been defended plausibly by the 'speakers,'" he said, "it was not necessary for the President to present a grotesque table of reductions in duties, which was prepared by a paymaster in the army."

He referred to Major Lord, who assisted the Senate Committee on Finance in drafting its bill, and then undertook to show that rates had been raised—most of them in an unnecessarily secret way and by subterfuge.

Mr. Dooliver asserted that it was a strategic mistake to circulate the President's Winona speech along with his Lincoln Day address, as they were contradictory in terms. The President had given different reasons in the two speeches for considering the Payne law "the best ever enacted," he said, and declared that the tariff was being bolstered up by bogus figures.

"Contending that the principle of allowing interested men to revise the tariff was wrong, Mr. Dooliver asserted that while the force of it was understood that principle has been entirely forgotten. The President had given different reasons in the two speeches for considering the Payne law "the best ever enacted," he said, and declared that the tariff was being bolstered up by bogus figures.

Interested men to revise the tariff was wrong, Mr. Dooliver asserted that while the force of it was understood that principle has been entirely forgotten. The President had given different reasons in the two speeches for considering the Payne law "the best ever enacted," he said, and declared that the tariff was being bolstered up by bogus figures.

Mr. Dooliver closed with an expression of confidence that the time was near when the public would demand more justice in lawmaking and higher standards on the part of legislators.

FINISHING RAILROAD BILL

Only One Feature Now Prevents Agreement.

PERIOD OF SUSPENSION

Long and Short Haul Clause May Be Changed—Conferees Consult President.

Washington, June 13.—A session of the conferees on the railroad bill was held to-night at the home of Senator Elkins. One feature of the bill remains as a serious bar to final agreement. That relates to the period of suspension of increases in rates pending an investigation by the Interstate Commerce Commission to determine the reasonableness of the advances.

President Taft showed marked interest in this provision, and, although a tentative agreement was reached regarding it, this suggestion of compromise must be submitted to him before it is finally placed in the bill. It is understood that Senators Elkins and Aldrich and Representative Mann will take their tentative draft to the White House to-morrow.

An unusual situation exists in regard to this portion of the bill. The bill passed by the House would provide for a suspension of an increased rate for not more than four months. The Senate bill would make the same provision, except that, according to an amendment by Senator Jones, the commission would be empowered to make a further suspension, not to exceed six months, in the event that the original period had been insufficient to ascertain whether the increases were reasonable.

Mr. Mann, it is said, favored the retention of the Senate amendment, while Senators Elkins and Aldrich were willing to accept the provision in the House bill.

President Taft was reported to favor a compromise which would make the total suspension six months. The President's idea may prevail. The Senate conferees offered to accept this proposition, but until to-night at least failed to convince Mr. Mann that the work of the Senate was not best.

Another important feature settled tentatively, but which may yet be changed, is the provision to prohibit the railroads from charging a higher rate for a short than for a long haul. Western Senators expressed fear that the House provision would be declared unconstitutional, and therefore they have urged the Senate conferees to insist on the amendment adopted by the Senate.

The difference is that the House provision might be construed as delegating legislative authority to the commission, while the Senate provision prescribes the rule by which the commission might make exceptions to the general rule. Mr. Mann "stakes his reputation" on the effectiveness of the House provision.

The Senate conferees are disposed to take the House provision, and will do so if the Western Senators who have undertaken to look into the legal phase of the situation report to-morrow that it is satisfactory to them.

The stock and bond feature of the House bill is to be eliminated, and a provision for the appointment of a commission to investigate the whole subject of the proposed federal regulation of the securities of railroads will be substituted. It is understood that \$25,000 will be appropriated to defray the expenses of the commission.

BURGLARS CARRY OFF \$4,000

Rob Department Store Safe on Binghamton's Principal Corner. Binghamton, N. Y., June 13.—The office of burglars which has recently operated in New York cities visited Binghamton early this morning and got away with nearly \$4,000 from the safe of the J. M. McLean & Haskins department store in Binghamton's principal corner.

Without explosives, and apparently using only a drill and a chisel, the combination knob of the safe was torn loose and the safe opened. After taking the entire proceeds of Saturday's sales, the burglars took some private funds of Mr. McLean, the men made their escape in a rickshaw which they had concealed in a way by alley.

HUNTERS RUN FROM BEAM

After First Surprise They Rally and Bag Their Pursuers. Saranac Lake, N. Y., June 13.—When Clark Hayes, Homer Hayes and Bryn Reed were eating their dinner on the top of Moose Mountain, four miles from here yesterday, three black bears broke through the bushes and came straight at them. The men were all expecting to-day hunt, but this was a new experience, and they took to the tall timber.

The only one to think of his gun was Clark Hayes. He grabbed his Winchester and, after running ten rods, turned and fell with a bullet through the heart. The bear continued to make for Hayes, but until he had shot three times did he fall with a bullet through the heart. The other hunters by this time had raised their weapons, and with four shots bagged the two other bears.

WOMEN COURT IMPRISONMENT

Fined for Distributing Bills at Strife They Appeal. Boston, June 13.—Expressing regret that her sentence was a \$5 fine (instead of imprisonment), Mrs. Glendower Evans, who is socially prominent, and Miss Mabel Leslie, secretary of the Women's Trade Union league, all appeared to-day in lower court convicted of distributing anti-strike bills at a strike without a license.

Mrs. Evans said a fiercer court might find that she would go to jail rather than pay the fine.

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