

TRUST KEPT, SAYS BALLINGER

TAFT'S REGARD FOR PINCHOT REVEALED IN LETTER.

Secretary of the Interior in his testimony toward Garfield and Pinchot—Admits an Error—Committee Votes Not to Go Into a Hitchcock Political Deal.

WASHINGTON, May 5.—The climax of interest in the Ballinger-Pinchot investigation was reached to-day when the direct examination of Secretary Ballinger was concluded and a sharp cross-examination by Louis D. Brandeis, counsel for I. R. Glavis, was begun. George W. Pepper, attorney for Gifford Pinchot, will take up the cross-examination when Mr. Brandeis is through, and it is probable that Mr. Ballinger will be subjected to this fire for three or four days.

In rounding out his direct testimony Mr. Ballinger again declared his innocence of any official irregularity or impropriety, defied his detractors, renewed his charge of conspiracy, asserted the forest service had wasted over \$700,000 in administering the Menominee Indian reservation, said he had remained silent under attack at the direction of President Taft and read a letter from the President, heretofore unpublished, written last September, in which the President had expressed his earnest desire to handle matters so that both Pinchot and Ballinger might continue in the public service, and had anticipated a Congressional investigation of the controversy.

On cross-examination Mr. Brandeis forced Mr. Ballinger to appeal to the committee to support his refusal to answer questions as to the specific reasons why certain Interior Department appointments were ordered referred to Postmaster-General Hitchcock, and he brought out an admission that Mr. Ballinger had been in error in his direct testimony in saying that the first knowledge that he had of the Glavis charges was when he received the President's letter on August 28, 1908.

Mr. Brandeis also developed the fact that there was a disposition among minor officials of the Interior Department to eliminate from the service all those who would not accept the President's findings in the matter of the Glavis charges as final. Although Attorney Brandeis showed such accurate knowledge of Mr. Ballinger's movements in the early part of September that Senator Root was moved to inquire whether Mr. Brandeis had had detectives shadowing the Secretary of the Interior, Mr. Brandeis said he had not had a detective on the trail of Mr. Ballinger and offered to explain how he had acquired his information, but Senator Root waived an explanation.

The committee voted 6 to 3 that Mr. Ballinger should not be required to answer the question as to further specific reasons for the reference of Interior Department appointments to Postmaster-General Hitchcock. Representatives McCull and Madison voted with the three Democratic members who were present. In the prolonged squabble over this point Mr. Brandeis charged in effect that President Taft had exempted from the civil service requirements several appointments as special agents and that Secretary Ballinger had then turned this patronage over to Mr. Hitchcock to be used as political "pie." Mr. Ballinger said explicitly that he had not intended the appointments to be used as political patronage.

There were several tense moments in the afternoon session when it appeared that serious clashes were imminent. Secretary Ballinger made no effort to conceal the bitterness of his feeling toward Messrs. Brandeis, Glavis, Pinchot, Garfield, ex-Associate Forester Overton, Price and the magazines and newspapers that have attacked him, and it was apparent that the cross-examination is capable of producing some interesting situations. In the course of the day Mr. Ballinger nominated Secretary Garfield for membership in the Annapolis Club.

The letter from President Taft which Secretary Ballinger put in evidence was written at Beverly Hills, on September 13 last, the same day that the President dated his letter exonerating Mr. Ballinger and condemning Glavis. It said:

MY DEAR MR. SECRETARY: I send you in letter form my conclusions in re Glavis's claims and other matters. I have carefully retraced from mentioning Pinchot's name in the matter because I do not wish to make it impossible for him to remain in the service. I value him highly as a public servant and believe him capable of further great usefulness. His weakness has been his inability to read his heart's true motives to those who differ with him as to his method of doing things when he is pursuing a worthy object with all the enthusiasm of his nature.

I know him well and am very fond of him personally and mean, if possible, in spite of this defect, to preserve his great ability, valuable experience and patriotic disposition for the benefit of the public service. Please, therefore, advise your subordinates to be very particular not to involve Mr. Pinchot in this matter and to rest silent in view of the complete acquittal they receive from my letter.

Should it be necessary, as is not unlikely, to submit all this record and evidence to Congress, I shall be glad to have your authority and that of your subordinates to leave out of your answers any reference to Pinchot or to the part he took in bringing Glavis's report to me. I have every confidence in both you and Pinchot. I know you are both patriotic and sincere and both favor generally the best result as to conservation, but that you are a lawyer like me and insist on the legal point which is of great importance in this respect. I wish to see that the highest value of the service of you both for the great work before us. Sincerely yours, W. H. Taft.

P. S.—You are at liberty to publish the main letter enclosed as soon as you desire. I second thoughts I would like to have more weight if I gave it out after I have given time enough for you to receive it. In other words I shall give it out Wednesday night for Thursday morning's papers.

The early part of the day was given over largely to a discussion of reclamation projects and policies, in which members of the committee interested Secretary Ballinger and one another freely. Senator Flint brought out the point that the reclamation work had been distributed among the various States primarily with a view to giving each State its proportion of the funds available without reference to the feasibility or desirability of the projects or to the question whether public or private lands were to be irrigated.

Responsibility for this, however, was charged to Director Newell of the Reclamation Service by Secretary Ballinger. Secretary Ballinger did not mince words in discussing the forestry service, saying that by the thought the administration of the forestry laws had resulted in great oppression and injustice and asserting that Pinchot's retirement had been made a complete change in the administration of forestry preserves. He said that more than 4,000,000 acres had been thrown out of forestry reservations during the last two months and opened up to settlers.

Later Mr. Ballinger made the direct charge that the Forest Service had "wastefully" wasted over \$700,000 in administering the Menominee Indian reservation in a wasteful and uncooperative action with the Indian office and offered in evidence a report of Special Agent N. J.

PROBING THE SUGAR FRAUDS

\$30,000 MORE TO BE GIVEN TO MR. WICKERSHAM.

Attorney-General Admits That \$3,454,000 Recovered in Penalties May Not Have Covered Full Extent of Frauds—All That Could Be Established.

WASHINGTON, May 5.—As a result of the representation of Attorney-General Wickersham to the House Committee on Appropriations the sundry civil appropriation bill, soon to be reported, contains an item of \$50,000 to enable the Department of Justice to continue the investigation and prosecution of the sugar customs frauds.

"The purpose of this appropriation," the Attorney-General told the Appropriations Committee, "is to make the inquiry continuous. Of course that involves a very considerable expense."

Representative Sherman of Kentucky asked Mr. Wickersham if it was true that when the Treasury Department several years ago was about to adopt a device which would weigh imports as they were unloaded from a vessel one of the big scale manufacturing companies interfered and prevented the acceptance of the apparatus.

"I can hardly say anything substantial as to that," replied Mr. Wickersham. "I have heard no statement, but incidentally I have not any definite proof of it, nor have I definitely investigated it."

"It might have some bearing on collusion suggested Mr. Sherman," the Attorney-General said.

Discussing the result of the activities of the Department in prosecuting frauds on the customs Mr. Wickersham said: "Since the beginning of the last fiscal year the Department of Justice has collected as a result of these prosecutions the sum of \$3,454,000, most of which the Government had been defrauded of in importations by various sugar companies."

"Do these collections show the sum out of which the Government was defrauded, or is it simply that sum which the accused have confessed to?" asked Sherman.

"These," the Attorney-General replied, "are the sums which the Government felt reasonably sure of being able to collect in litigation, and in nearly every instance the companies rather than the trial agreed with the Government to pay. My impression is that the Government was defrauded of more money than this."

The feeling was that there was a good deal more, but that it was impossible to establish it. We collected from the American Sugar Refining Company \$2,135,000, from the Arbuckle 266,500 and from the National Sugar Refining Company \$604,000.

H. P. TOLER'S BODY FOUND.

Letter From Mrs. Eddy's Secretary in the Mad Broker's Pocket.

The body of Henry Pennington Toler, once a leader in the First Church of Christ, Scientist, who jumped into the East River from Ward's Island on February 1, was found in the river on Wednesday morning. It was identified at the morgue yesterday by Toler's brother, Hugh L. Toler, who is connected with the brokerage firm of Wagner, Dickerson & Co. of 75 Broadway street.

Toler was taken to the insane hospital on Ward's Island last July. He was the originator of the "Harlem Heirs" scheme, by means of which many persons were induced to believe that they would become rich when the courts had awarded them property in Harlem. His idea was to establish a new Jerusalem for Mrs. Eddy's church.

A letter written by Adam H. Dickey, Mrs. Eddy's secretary, found in a coat pocket, practically established Toler's identity. Toler, whose head was filled with notions about the hostility of Mrs. Eddy and Mrs. Weston toward him, had evidently written to the leader. Her reply was dated in July, 1909. Here is the letter written on Mrs. Eddy's stationery from Boston:

MY DEAR MR. TOLER: Your letter to Mrs. Eddy has been received by me. Let me assure you that in our leader's loving heart there is nothing treasured up against you by reason of anything you have ever done or said. You do not know me personally, but my heart goes out to you in your condition, and I will do all in my power to help you in regaining your health and strength.

It is now your place to do everything you can that will assist you in getting well, instead of worrying about the past. Remember that you are not poor and you are already free from all supposed debts. You may claim to have over you, because it is powerless—nothing.

Be of good cheer. God is with you, and will surely deliver you. Sincerely yours, ADAM H. DICKEY.

There were several other letters, a check and a \$5 bill in Toler's pockets. Patrolman Kenneth J. Keenan saw Toler jump into the river on February 1. After a search lasting several days the police gave up hopes of finding the body. Otto Cook, a keeper on Blackwell's Island saw a body floating in the west channel of the East River off Sixty-sixth street on Wednesday morning. It was taken to the Harlem morgue. The clothing was not searched until yesterday, so the police recorded the body as that of an "unidentified man."

Toler was formerly a member of the Stock Exchange firm of Tully & Halsey, with offices in the Edifice Building. He gave \$50,000 toward the erection of the First Church of Christ, Scientist. He was a Princeton graduate and played on the team with Henry Lamar when Lamar made his famous run and defeated Yale in '98.

He was married about seven years ago, but his wife got a separation.

BOSTON, May 5.—Alfred Farlow, chief press agent for the Christian Science Church, gave out a statement yesterday concerning H. P. Toler. He said: "I had a long talk with Mr. Toler about two years ago and I found that he had entire faith in the teaching of Christian Science and was in great confusion, but I was not able to reason with him nor convince him of the error of his hallucinations."

Senator McCumber Improved.

WASHINGTON, May 5.—The condition of Senator McCumber of North Dakota, who is ill at a hospital in this city, showed a slight improvement to-day, according to a bulletin issued by the physician. The bulletin said that the Senator's condition is not regarded as critical.

ARMY AND NAVY ORDERS.

WASHINGTON, May 5.—Three army orders have been issued. Major Ben Samuel B. Burk, Sixteenth Infantry, is assigned to Adjutant General's department July 15. Major Chase W. Kennedy, Adjutant General, is assigned to Infantry department July 15. Capt. Fred V. Abbot, Engineer Corps, is assigned as engineer first and second lightness district, relieving Lieut. Col. Edward Ross.

First Lieut. Oscar A. Russell, Coast Artillery, Fort Monroe, is assigned to the same position at Fort Mifflin, Pa. First Lieut. Leo J. Samuelsen, First Infantry, now at Marshall, Tex., is assigned to Fort Sill, Okla., for treatment.

These navy orders have been issued: Lieutenants E. P. Hines, from the hospital, and C. A. Burt, from the Naval Academy, from the Naval Academy to the hospital, Norfolk. Lieut. J. C. Allen, from Naval Academy to the hospital, Norfolk.

Ensign W. R. Furlong, orders of April 20 to Mare Island yard. Ensign J. M. Powell, from the California to the Yorktown.

Middleton C. C. Windsor, from the California to the Yorktown. A. Badt, from the Yorktown to the California. J. W. Greer, from the Pensacola and the California to the Pensacola and the California.

Pharmacist G. Shipway, to the Pensacola.

WATERWAYS TREATY IN FORCE

DISPUTES WITH CANADA TO BE OBLIVIOUS HEREAFTER.

Treaty Also Provides That Differences May Be Settled Directly by Canada and This Country Without Outside Intervention—The Terms Provided.

WASHINGTON, May 5.—Ratifications were exchanged to-day at the State Department of the treaty of January 11, 1909, between the United States and Great Britain, known as the international waterways treaty, which was negotiated by Mr. Root, then Secretary of State, assisted by Chandler P. Anderson as special counsel for the Department of State.

The purpose of this treaty is "to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations or interests of either, in relation to the other, or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise."

This treaty accomplishes these purposes: 1. It confers on both countries mutual rights of free navigation in all boundary waters on each side of the line, boundary waters being defined as the waters of the lakes and rivers and connecting waterways along which the international boundary extends.

2. It fixes a limit of the amount of water that may be diverted from Niagara River above the Falls on either side of the boundary for power purposes, following the recommendations of the existing International Waterways Commission as approved by resolutions of Congress.

3. It provides the International Joint Commission with power to decide all questions concerning the use and diversion of boundary waters and establishes a code of principles to be applied by this commission in all such cases.

4. It confers upon this International Joint Commission jurisdiction to investigate and report on any question arising between the United States and Canada along their common frontier on the request of either country.

The treaty further provides that in addition to acting as a commission of inquiry into the international joint commission may be called upon to hear and determine any questions or matters of difference involving the rights, obligations or interests of the United States or the Dominion of Canada either in relation to each other or to their respective inhabitants, if both Governments agree to refer any such questions to the commission for decision; the advice and consent of the Senate to ratify the treaty is required in relation to the part of the United States.

In case the commission is equally divided or otherwise unable to render a decision or finding on any such question so referred the treaty requires that such question shall thereupon be referred for decision to an umpire chosen in accordance with the provisions of the Hague convention of October 18, 1907, and such umpire is empowered to render a final decision.

These provisions of the treaty in effect establish a new tribunal of arbitration between the United States and Canada by which questions of difference arising between them and which concern only themselves may be settled by their own representatives without resort to outside intervention.

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