

JANUARY 1910.

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THE BALLINGER-PINCHOT CONTROVERSY.

Now that a congressional investigation has been ordered to inquire into the matter over which Secretary Ballinger and Chief Forester Pinchot have been fighting for several months it may be interesting to many to read a short history of the affair up to the present time.

In the last days of the preceding administration James R. Garfield, the secretary of the interior, by direction of President Roosevelt and with the idea of preserving the national domain from monopolistic exploitation, withdrew from entry vast tracts of land located along the western river peculiarly adapted for fur-hydraulic electric power.

ift Regime Brings Change.

The Taft regime began, and Ballinger replaced Garfield in the interior department. Chief Forester Pinchot, through his superior, Secretary Wilson of the department of agriculture, had been recommending to the interior department for withdrawal as ranger sites small tracts in the public domain outside of the forest reserves.

There had been no difficulty under the Roosevelt administration, but when the first lot of the proposed withdrawals, located in the states of Washington and Oregon, reached Secretary Ballinger he refused to approve them, saying such action would be adding to the forest reserves—a power held exclusively by congress—in those states.

This was the opening gun. Secretary Wilson took the matter to President Taft, who referred it to Attorney General Wickham, where it lay for months. It finally was decided in favor of Secretary Ballinger.

Pinchot Loses First Round.

Pinchot had lost the first round of battle, but it was not long before he was again engaged in conflict with Secretary Ballinger over the patenting of claims in the national domain, which happened to be on forest reserves.

It developed in some mysterious way that Secretary Ballinger, as soon as he was installed in office, began restoring to entry thousands of acres of the tracts which Secretary Garfield had withdrawn under what the latter considered the supervisory authority of the secretary of the interior. Mr. Ballinger took the view that the secretary of the interior had no such supervisory authority.

Although there were frequent protests from the forestry service against the course of the secretary of the interior, Mr. Ballinger continued to restore the withdrawn tracts to entry until in August last, when the Glavis charges in regard to the Cunningham coal claims in Alaska added fuel to the flames.

Rich Coal Claims Involed.

The Cunningham claims, near Katala, Alaska, cover thirty-three coal entries, comprising 5,280 acres. A report made by the claimants' experts says they contain more than 63,000,000 tons of minable coal, much timber for mining purposes and waterfalls which could furnish 4,000 horse power available for hauling, lighting and working mines.

These claims had been under investigation more than a year when they were turned over to Mr. Glavis, chief of the field division of the land office at Seattle, for investigation.

Special Agent H. T. Jones had reported that in his opinion the entries were suspicious and he believed were fraudulently made in the interest of the Guggenheim mining syndicate. Early in January, 1908, while Glavis was investigating the claims, they were clear listed for patent in the land office and Glavis was informed of that action.

Glavis protested at once against this action and the clear listing of claims was suspended while he was all the time up to the latter part ordered to resume the investigation.

On March, 1908, the superior officer of Glavis was Richard Achilles Ballinger who was commissioner of the general land office under the administration of Secretary of the Interior Garfield.

Ballinger Becomes Interested.

On March 3, 1908, Ballinger, then commissioner of the general land office, had appeared before the house committee on public lands in relation to a bill introduced by Delegate Cate of Alaska. The Cate bill provided for the consolidation of bona fide entries on the Alaska coal lands.

Commissioner Ballinger showed considerable familiarity with the thirty-three entries on the Alaskan coal lands embracing 5,280 acres near the Bering river, in the Katala district. He said a great many of the entries became involved in conditions "which, on the land office records, show a technical violation of the statute," and he urged legislation permitting the consolidation of the entries.

The committee disregarded Ballinger's suggestion, but a bill introduced by Sen. Heyburn and amended at the suggestion of Secretary Garfield became a law. This provided for the consolidation of claims entered by locators solely in their own interest and not as the employed agents of another.

Ballinger as Attorney.

Immediately after his resignation as commissioner Ballinger, as attorney for the Cunninghams, filed an affidavit in explanation of certain passages in a private journal obtained by Glavis from Cunningham, which is alleged to have shown that by the Cunninghams in the names of dummy entrainers. The book is alleged to have shown the substitution of responsible persons for "dummies" later on.

When Ballinger resigned as com-

missioner he became attorney for the Cunninghams and submitted a brief in the case to Secretary of the Interior Garfield. Section 190 of the revised statutes of the United States provides that no officer or employee of the United States shall act as attorney or counsel for the prosecuting party in any case which has been pending in the department with which he was connected within two years after leaving the government employ.

There had been varying decisions by former law officers of the government holding that the word "claim" in this statute means on the one hand only a monetary claim against the government, and on the other hand any claim of any description, including land claims. These were argued pro and con on the question of Ballinger's becoming attorney for the Cunninghams by those taking sides in the matter but his opponents kept close to the ethical view of the question.

Turns Issue to Subordinate.

When Ballinger entered the Taft cabinet in March, 1909, he gave up his connection with the Cunningham cases and when they came to him as secretary of the interior he directed Assistant Secretary Pierce to decide all questions relating to them.

Assistant Secretary Pierce in May, 1909, signed a decision holding that the Heyburn law allowed the consolidation of a certain character of coal claims in Alaska, which would have included the Cunningham claims. A copy of this decision went to Glavis and he was directed to make a report in accordance with it.

On June 12 Attorney General Wickham overruled the Pierce decision. The Cunninghams then preferred to stand under the old law, and Glavis received orders from the land office to hurry his investigation. Later Special Land Agent Sheridan was placed on the cases, superseding Glavis.

Glavis Appeals for Aid.

Glavis had protested and asked for time in which to complete his investigations, and when he found his protests unavailing he telegraphed to Acting Law Officer Shaw of the forestry service, stating that there were about 700 claims in the Chugach national forest reserve, including the Cunningham group, which were about to proceed to trial, and asking the co-operation of the forestry service.

On July 21 Secretary of Agriculture Wilson requested Secretary Ballinger not to fix dates for the hearing of these claims until he could find out from the local forestry officers the full reasons for the request for postponement. A day later Law Officer Shaw of the forestry service called at the general land office and requested that he be allowed to examine the record in the cases, which was refused.

Shaw Reports Refusal.

Shaw reported the refusal to Associate Forester Price, who, with Shaw, then called on Chief of Field Service Schwartz of the general land office. It was on this occasion that the statement, "Pinchot is trying to run the interior department," was made. The forestry service officers finally were allowed to see the record—after certain papers were taken out.

Special Agent Sheridan, after looking over Glavis' record of the cases at Seattle, indorsed the recommendation for delay, and later Acting Secretary of the Interior Pierce granted the request of the secretary of agriculture for a suspension of the hearing, but urged that the forestry investigation of the claims be hastened as much as possible.

It was with the Cunningham claims in this situation that Glavis journeyed from Seattle to Beverly, Mass., last summer and laid the case before President Taft. The whole west by this time was ablaze with the discussion of the Ballinger-Pinchot controversy. Both of the principals were attending rival "conservation congresses" in the west, Pinchot making speeches demanding the "preservation of the land for the peo-

ple," and Ballinger declaring that "Pinchot is trying to run the interior department."

They Come Taft Letter.

Then comes the open letter from the president to Secretary Ballinger completely exonerating him and characterizing the Glavis charges as mere "shreds of suspicion." Glavis was discharged and the administration washed for the unpleasant incident to be forgotten.

But this was just what did not happen. Glavis carried his charges into the public prints, and the battle was renewed with vigor. Finally the situation became so acute that Ballinger, just before the Christmas holidays, wrote a letter to Senator Jones of Washington, demanding a congressional investigation, not only of his own conduct, but that of the officials of the forest service whom he charged with inspiring the attacks upon his administration.

Resolution is Result.

The resolution providing for a joint investigating committee was introduced in both houses of congress. Then followed the action of Senator Dooliver last Wednesday of reading in the senate a letter from Mr. Pinchot giving his side of his row with Ballinger.

It was for statements he made in that letter that Pinchot was dismissed today by President Taft.

Now Pinchot is out and Ballinger still is in, but the war goes on, centering around the investigation of the whole controversy and of the conservation to be undertaken by congress.

STEALING A MARCH.

(From the Commoner.)

The president's message relating to the Sherman anti-trust law and to trusts is formal notice to the people that they have nothing to expect in the way of "trust busting" at the hands of this administration and reassurance to the trust magnate that he may hold the American consumers within the hollow of his hand. In this message the president of the United States undertakes, seriously, for the first time to show the difference between a "good" trust and a "bad" trust. That the president makes a very sorry effort in these descriptions must be apparent to every one who has read his message.

Throughout the message fairly bristles with phrases and forms of argument and protest that are so familiar to the circles where trust magnates most do congregate. The president admits that it is impractical to undertake in an explicit law, to differentiate between good and bad trusts. But he leaves it to be inferred that the "good" he proposes and the legislation he suggests will be carried out in conformity with his own oddly stated ideas of the difference between a good trust and a bad trust. Then the president boldly recommends the enactment by congress of a general law incorporating corporations by the national government. He says this will protect these corporations from "undue interference by the states," and that it will also enable the federal government to enforce the anti-trust law. The president overlooks what the American people are not likely to forget, viz., that all the practical efforts toward relief have been brought about through state legislation and under state authority. Under the president's own description of his national incorporation law every corporation in the country, desiring to do business in more than one state, must reorganize and become incorporated under federal charter. He tries to answer the objections on the ground of centralization but he makes lamentable failure of this. Indeed, throughout the president's message his own words, his own tone, his own suggestions emphasize to the dangers of centralized authority over the great corporations. He bluntly proclaims that they should be permitted to combine and to concentrate capital where such combination seems desirable. He would not object to a good trust, and he points out the dangers of indiscriminate investigation into the affairs of trusts.

In his recommendation for national incorporation President Taft is doing just what the trust magnates of this country want done and no amount of well-phrased messages can alter the fact that will become more and more apparent to the plain people of America as the days go by. Such a measure is so uncalled for, so indefensible and so inconceivable that the attempt to bring about such a revolution in the regulation of corporations suggests an organized and far-reaching plot to withdraw the corporations from state control. No state has asked for this, no platform has demanded it and the people have not discussed it. With a cabinet filled with corporation attorneys the president seems to be planning the biggest surrender of the century. The great corporations want to escape from state supervision, and national incorporation is the means proposed. The democratic republicans who have the fight of a life time to do it.

Doubtless many congressmen interested in bringing it about. The predatory corporations are preparing to steal a march on the people. It is not necessary to have national incorporation; we can have all the regulation necessary without national incorporation. The democratic platform demands that federal remedies be ADDED TO, NOT SUBSTITUTED FOR state remedies. That platform was made to warn the pub-

lic against this very proposition. It is not exaggeration to say that never in American history has a president so uncovered his inclinations and his purposes as Mr. Taft has done in his recent message to congress.

So centralize the authority over the railroads of the country that railroad regulation will be entrusted to the whim of one man and to the inclination of a political party. So centralize railroad authority that the message whereby complaint may be made for the removal and the method of removal of the ordinary shippers will find it difficult to register his complaint.

Take from the states all control over the corporations, centralize that control in the federal government and give the reins into the keeping of a political organization which, deriving its campaign funds from the very concerns it is expected to regulate, finds it convenient to allow the people to be oppressed in order that the "business interests of the country" may thrive.

Is it possible that there is in all America a republican who, having no axe to grind, can not see that the policies so bluntly outlined in the president's special message are not intended to advance the interests of popular government?

WEST MILWAUKEE SHOPS HAD BUSY YEAR.

Owing to the building of freight cars for the Pacific Coast Extension of the Chicago, Milwaukee & St. Paul road the car shops of that company at Milwaukee have been exceedingly busy the past year. Box cars and other pieces of equipment in the freight line to the number of 5,685 were manufactured. If these were coupled together, and placed on a single track they would form a train a little more than forty-eight miles in length.

Ninety locomotives were turned out of the shops during the year. If these were apportioned to the cars there would be ninety freight trains of sixty-three cars each, the length of each train being more than half a mile.

Freight cars to the number of 69,298 were repaired during the year. These if coupled together, would cover more than 404 miles of track.

Add the ninety freight trains of new equipment and there would be a continuous line reaching a length of 403 miles.

An average of 5,816 persons were employed, the payroll for the year amounting to \$3,361,256, giving each employee an average wage of \$598.50 for the twelve months.

"Bread" and "Pigeon" Seed.

School children in the crowded parts of New York do not speak of corn and oats and wheat by those names, but always refer to them as "seeds." The other day in one of the big schools the teacher was talking to her pupils about gardening. She ended with a request for each pupil to bring a few seeds the next day to be planted in the window boxes. The following morning the children appeared, mostly with either oats, wheat or corn. While putting a few grains of each in the earth the teacher referred to them by their familiar names. One of the girls in the class took courage to "set the teacher right" and said: "Some one must have told you wrong, teacher. That 'oats' relating to the wheat—'is bread seed,' and that yellow stuff ain't corn; it's pigeon seed. We always call them that in the block where we live."

The Plot on His Part.

"Haven't you anything to confess to me before it is too late?" she asked. "Remember that it will be much better for us to part even now than it will be after to-morrow. Think isn't there in your past something that you have hidden from me? Don't be afraid to tell it. I will forgive you if it is not too terrible, and then we can begin our married life with no shadow to darken the pathway before us."

"Well, Bessie," he replied, as he avoided looking into her eyes, "there is something. I am going to throw myself upon your mercy. Don't judge me too severely. Have pity. I once carried on a stamp flirtation with a girl for two months."

Unfortunate New Yorkers.

In New-York we have become so hardened in eating the strange products of the cold storage vaults that the fresh foods of our childhood would probably seem unpalatable. The diner accustomed to the pale, tasteless chicken of our hotels and restaurants a real full-blooded broiler, might within the current year, would taste "straw" and obviously asstative. Stimulantly, a really fresh egg, neither "old nor partially hatched, might seem to our sophisticated palates to possess too many of the attributes of the "ingenue."—New York Evening Sun.

Willing to Say Good-By.

"I pay as I go," declared the loud-mouthed person.

"No doubt you do," answered the quiet man, "but I'd rather see the end of your departure than the color of your money."

Wonderful Clocks.

Five wheels and a small battery virtually constitute the mechanism of a wonderful clock just invented in England. It will run three years without attention, and at the end of that time all that is required is to attach a new battery.

Another new English clock enables the possessor to ascertain at a glance the mean time, the meridian, and relative position of every part of the empire, besides being able to witness the actual speed and direction of the earth's rotation. The motive power is a clock in the base of the stand, and the apparatus requires winding only once a week.

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