

Secretary of Interior Is Found Guilty

5 PROBERS FIND BALLINGER UNFIT

Democrats and Insurgent Report Secretary Unfaithful and Favor Removal

REGULARS CAUGHT NAPPING

Taft Men Declare Quorum Was Not Present and Decision Will Not Stand

(Continued from Page One)

demanded that some action be taken at today's session, and immediately after the meeting was called to order Senator Fletcher introduced a resolution calling Ballinger "unfit for the very responsible position he holds," and stated that "the public good demands his prompt removal from said office."

ADOPT REPORT SUSTAINING CHARGES MADE BY PINCHOT

MINNEAPOLIS, Sept. 7.—At an executive meeting of the Ballinger-Pinchot investigating committee today Senator Duncan W. Fletcher, Democrat, introduced a resolution holding that the secretary of the interior is an unfaithful public officer and should be removed.

Representative Madison, the Republican "insurgent" from Kansas, offered a substitute resolution holding that the charges which had been made by Gifford Pinchot and Louis Glavis, a former chief of a hold division of the general land office, were sustained.

Representative James (Democrat) of Kentucky offered an amendment to Representative Madison's substitute resolution providing for the removal of the secretary of the interior and Mr. Madison accepted the amendment.

The vote came up on the substitute of Mr. Madison as amended by the motion of Mr. James and the roll was called. Those voting for the substitute were Senator Fletcher, F. W. Purcell of North Dakota, a Democrat; Representative James (Democrat); Representative Madison and Representative James.

REPUBLICANS LEAVE ROOM While the vote was being taken Senator George Sutherland of Utah, Republican, and Representative Samuel W. McCall of Massachusetts, Republican, left the committee room, insisting that the full committee should be present.

The Democratic members replied that they had been months considering the evidence, that a quorum was present and had a right to transact business.

Senator Nelson, chairman of the committee, took the vote, voting present himself, and then made the ruling that no quorum was present.

Mr. James made the point of order that no member had raised the point of no quorum.

The committee then took a recess until Friday, when reports in keeping with the resolution of Senator Fletcher and the amendment thereto offered by Representative Madison will be submitted.

When the committee met the following members were present: Republicans—Senator Nelson, chairman; Senator Sutherland, Representative McCall, Representative Madison; Democrats—Senators Fletcher and Purcell, Representative Ollie M. James of Kentucky and James M. Graham of Illinois.

Chairman Nelson, in opening the session, stated that he had received telegraphic advice that Representative Denby, Republican, who had been detained in Michigan on account of the primary election, would return to Minneapolis tomorrow, also that Representative Olmstead, Republican, would be here Friday. He suggested that it was only fair that a recess should be taken until Friday in order to permit them to participate in the deliberations of the committee.

RESOLUTION SCORES BALLINGER Senator Fletcher, however, offered the following resolutions:

"Resolved, that from the weight of the evidence submitted to the committee we find as follows:

"First, that Richard A. Ballinger, as secretary of the interior, has been unfaithful and inefficient in the discharge of his official duties.

"Second, that he is unfit for the very responsible position he holds.

"Third, that the vast amount of public property under his control and the larger public interests are not safe in his hands.

"Resolved, further, that the public good demands his prompt removal from said office.

"Be it further resolved that a report to the congress be prepared setting forth the grounds and reasons as shown by the evidence for this finding and recommendation, including other matters referred to this committee, and that the same be submitted to this committee on Friday next at 10 o'clock a. m."

Mr. Madison offered the following substitute:

"ASKS BALLINGER'S REMOVAL "Resolved, that the findings of the committee be as follows, and a report based thereon be prepared and reported to congress:

"First, that the charges made by L. R. Glavis against Secretary Ballinger be sustained; that in the matter of the disposition of the Cunningham coal lands Mr. Ballinger was not a faithful trustee of the interests of the people, and did not perform his duty in such a manner as to properly protect such interests.

"Second, that the charges made by Mr. Pinchot should be sustained; that Mr. Ballinger's course in the administration of the department of the interior has been characterized by a lack of fidelity to the public interests, that this has been shown in his treatment of the Cunningham coal claims, the restoration of water power sites to entry without intention to re-withdraw, and in his administration of the reclamation service, the latter resulting in unnecessary humiliation to the director and tending toward the disintegration of the service. He has not shown himself to be that character of friend to the policy of conservation of our natural resources that the man should be who occupies the important post of secretary of the interior in our government, and he should no longer be retained in that office."

This resolution and substitute were laid aside and the following resolution was offered by Mr. Madison:

ORDER ACTS MADE PUBLIC "Resolved, that it is the sense of those present that the report or reports which may be formulated at this sitting of the committee shall on the adjournment of the committee be made public."

Mr. James offered the following amendment:

"That it is the sense of those present that a report or reports shall be made at this session of the committee on the issues submitted by the resolution under which we are acting."

A vote was taken on the amendment offered by Mr. James and resulted as follows:

In favor—Senators Fletcher and Purcell and Representatives Madison, James and Graham.

In view of the absence of Messrs. Olmstead and Denby, Senators Nelson and Sutherland and Representative McCall declined to vote.

The resolution of Mr. Madison as amended by the motion of Mr. James was then voted on, and resulted as follows:

In favor—Senators Fletcher and Purcell and Representatives Madison, James and Graham.

Senators Nelson and Sutherland and Representative McCall declined to vote.

Mr. McCall moved that the committee take a recess until Friday morning. On this motion the vote stood as follows:

In favor—Senators Nelson and Sutherland and Representatives McCall and Madison.

Opposed—Senators Purcell and Fletcher and Representatives James and Graham; total, four.

The motion was declared lost.

CHAIRMAN SAYS "NO QUORUM" Representative Madison's original resolution—in the nature of a substitute for Senator Fletcher's resolution—was taken up, and its consideration being insisted on, in the absence of Denby and Olmstead, Senator Sutherland and Representative McCall withdrew from the meeting.

A vote was then taken on the substitute resolution of Madison and resulted as follows:

In favor—Senators Fletcher and Purcell and Representatives Madison, James and Graham.

Present, but not voting—Senator Nelson.

Chairman Nelson called the attention of the committee to the fact that no quorum was present. Mr. James made the point that no member of the committee had made the point of no quorum.

A vote was then taken on the original resolution offered by Senator Fletcher as amended by the substitute of Mr. Madison, and the result was as follows:

In favor, Senators Fletcher and Purcell and Representatives Madison, James, Madison and Graham.

Present, but not voting—Senator Nelson.

The chairman once more reminded the committee that no quorum was present. Mr. James again made the point that no member of the committee had raised the point of no quorum.

PALMATEARY TANGLE Senator Fletcher offered the following as a separate resolution:

"Resolved, that a report to the congress be prepared setting forth the evidence and reasons shown by the evidence for this finding and recommendation including other matters referred to this committee, and that the same be submitted to this committee on Friday next at 10 o'clock a. m."

On this resolution the vote was as follows:

In favor—Senators Fletcher and Purcell and Representatives James, Madison and Graham.

Present, but not voting—Senator Nelson.

In order to make the record complete, the chairman further stated that no member of the committee had raised the point of no quorum. A recess was then taken until Friday morning.

On the question as to whether the resolution demanding the removal of Secretary Ballinger should be adopted, the question of no quorum being present voided all action, members of the committee are at loggerheads. It is a problem of parliamentary law, and will be threshed out later.

ACTION CAN BE REVERSED Representative Madison of Kansas, insurgent Republican, made a statement that a majority of the committee could if it saw fit, reverse the day's action. He said:

"The whole matter can be summed up in a few words. When the committee met and was called to order, Senator Fletcher offered his resolution. I immediately offered mine as a substitute for it. Objection was made to the consideration of the resolution, owing to the absence of members of the committee.

"This precipitated a discussion as to whether a report was going to be made at this time, and if so whether it would be published. I made a motion to the effect that it was the sense of those present that whatever reports were made should be made public."

"Mr. James moved to amend to the effect that it was the sense of the committee that a report should be made at this sitting of the committee at Minneapolis. I accepted that amendment. On a roll call, Senators Nelson and Sutherland and Mr. McCall voted 'present,' thus not making any record in support of their position on the questions presented.

"They did, however, make statements to the committee that satisfied me that Senator Nelson was in favor of making a report at this time, that Senator Sutherland and Mr. McCall were not in favor of making public any report made at this time, and I joined with them in voting for a recess until Friday.

"This did not carry, the vote standing 4 to 4. In regular order, then, a vote was taken on my resolution, which was adopted as a substitute for the resolution offered by Senator Fletcher.

"Before the vote was taken Senator Sutherland and Mr. McCall withdrew. Of course, final action has not been taken, no report has been adopted and a majority can, of course, if it sees fit, reverse today's action."

GIVES REGULARS' VERSION One of the leading Republican senators on the committee said:

"When the committee met this morning I was by the side of the members present. In view of the importance of the subject of the investigation the Republican members felt, in view of the fact that Messrs. Denby and Olmstead were absent, that adjournment should be taken until Friday to give them an opportunity to be here.

"A motion was made to adjourn to Friday, but the motion failed by a vote of 4 to 4. The Republican members of the committee, under the circumstances, felt it was unfair and unjust to proceed with the case when only eight members were present.

"After there was a reference to adjournment, Senator Sutherland and Representative McCall retired from the room, leaving only six present—less than a quorum.

"Thereupon various motions for the

adoption of resolutions that practically decided the case were made. The resolutions adopted represented the views of only four Democrats and one insurgent Republican.

SAYS REPORT NOT FAIR "Such a hurried report rushed through in this manner and under these circumstances by only five of the twelve members of the committee can be of little value to fair-minded and reasonable men. It is quite probable that it was nothing more than the play of party politics of the grossest kind."

"The chairman of the committee, after Senator Sutherland and Mr. McCall had retired could have justly ruled that a quorum not being present, the only proper order was a motion to adjourn. He felt, however, under the circumstances, inasmuch as the five members were so anxious to have their views exploited in that way, that it was best to give them a full opportunity and ample rope in order to show the animus of which they were possessed.

"It is well known in parliamentary law that when a quorum is not present no business can be transacted but to adjourn.

Senator Sutherland of Utah, Republican, in his statement referred to the absence of Congressman Denby and Olmstead and Senator Root.

"In view of the fact that the issues involved were of the utmost gravity and that the committee had never met for a single moment's deliberation on the case, I felt that fairness and propriety demanded we should do no less than await the coming of these members before making a final decision. I was astounded, therefore, when a member of the committee immediately upon the assembling of the committee today offered a series of resolutions constituting a final determination and moved their adoption."

DEMOCRAT UPHOLDS REPORT Representative James M. Graham of Illinois, Democrat, said:

"In a spirit of fairness I voted to take a recess this morning to give two other members time to reach this city. It was stated that two had next they would be here some time next Friday. We asked for an assurance that by Friday those members present would consent to take up the matter of a report and that it should be released for the benefit of the public. But I could get no such assurance.

"No satisfactory reason has been given for the absence of two members. We waited three days for the absentees. Should we keep on waiting indefinitely? The gravity of the issues is not a sufficient reason for indefinite delay.

"Almost ten weeks gave sufficient time to deliberate and decide on the matter. It is stated that a desire for partisan advantage was the cause for action today might be met fairly by a suggestion that the delay sought was likely to be for the purpose of gaining such advantage for further consideration of a matter already fully considered.

"There was a quorum here and that was enough. It is simply the transaction of public business in the ordinary way by a majority of a quorum."

BALLINGER IS BITTER AGAINST DETRACTORS Secretary Says He Will Continue in Same Path

SEATTLE, Sept. 7.—Secretary of the interior Ballinger at the Arctic club smoker in honor of Secretary Nagel and Attorney General Wickersham tonight, spoke bitterly of his detractors.

"With my consciousness of rectitude in every act, public and private, and with my determination to go forward in the same path, I do not fear the criticism of any man or set of men," said the secretary.

"It is a time for men to stand by the laws and institutions of our fathers. From the head of the administration through all departments there is a determination to uphold the constitution and laws and hand them down unimpaired. It has been said the criticism of me, when I proposed to enter a plea of guilty, because there is not one particle of truth in all the allegations brought against me, and I shall take none of your time in making a defense, for in this community I need no defense."

PINCHOT REFUSES TO COMMENT ON FINDINGS ST. PAUL, Sept. 7.—Gifford Pinchot was in his room at a hotel with his teeth in a July pear when the first report that the investigating committee had decided against Ballinger was told him.

He withdrew his teeth quietly, looked intently at the reporter who bore the news and asked for all particulars regarding the committee's doings.

Beyond saying "That is very interesting news," he had absolutely nothing to say.

Governor Hay of Washington, who upheld Ballinger to Governor Stubbs of Kansas when the latter declared the secretary should be "kicked out of office," also refused to make any comment.

The resolution adopted was almost the sole topic of conversation tonight by delegates to the conservation congress.

MORE DOCTORS TESTIFY THAT ABE RUEF IS ILL SAN FRANCISCO, Sept. 7.—In the hearing before Judge Lawlor to show cause why Abraham Ruef should not be remanded to jail while his appeal against a fourteen-year sentence for bribery is pending, several physicians testified today that the health of the defendant would be injured by further incarceration.

Judge Lawlor sharply rebuked the Ruef attorneys because of the delay. He said he purposed limiting Ruef to but six more medical witnesses.

The hearing was put over to September 19.

CLAIM GAYNOR NOT CANDIDATE NEW YORK, Sept. 7.—Mayor Gaynor today refused to discuss for publication a report recently printed in a New York morning newspaper that he is a "receptive candidate" for the Democratic nomination for governor, but the New York World will quote him tomorrow as denying authoritatively the truth of such a report.

S.P. MAY BUY OUT H. E. HUNTINGTON

Rumor That Financier Will Retire January 1 and Sell Big Redondo Holdings

DEAL REPORTED IN PROGRESS Purchases Contemplated Would Give R. R. Ownership of All Suburban Lines

REDONDO BEACH, Sept. 7.—That the Southern Pacific will purchase the Huntington holdings in this city, together with the water front and the Los Angeles & Redondo railway, following the retirement of Henry E. Huntington, which is reported to take place January 1, is the current report here.

The fact that the Huntington interests have withdrawn from the market their real property holdings has a significant bearing on the report.

A report emanating from railroad circles in Los Angeles is authority for the statement that the Southern Pacific Electric system on the same date, the controlling interest which has been held by the Harriman interests for the last year.

As the Southern Pacific already owns outright the Los Angeles-Pacific system, the absorbing of the Pacific Electric and the Los Angeles & Redondo Huntington, together with the controlling interest in the Pacific Light and Power company.

By the terms of an agreement which was made prior to E. H. Harriman's death and which provided the Southern Pacific and the Santa Fe would have free and unlimited use of either company's terminals, the Southern Pacific will also take over the Santa Fe's line, but by the purchase of the water front it will control absolutely shipping interests here.

With the purchase of the Los Angeles & Redondo road it will hereafter be known as the Pacific Electric and will be linked with that system at a point near Watts to join the four-track division. All cars will then be run into the Sixth and Main street station, which will be remodeled, thereby giving nearly double the space for waiting room purposes. The Watts cutoff will be made at Hawthorne on the Inglewood division and will run in an air line from Strawberry Park, from which point the Gardena division will cut across to join the Pacific Electric lines. The traffic from Hawthorne and Strawberry Park will thereafter be cared for by the yellow cars of the Los Angeles railway.

Such is the reported program for the invasion of the suburban electric systems of the south by the Southern Pacific company.

C. H. Burnett, manager of the Los Angeles & Redondo railway at this place, stated that he did not care to discuss the matter. As the railroad policy is to withhold all matters pertaining to business it is not probable that official confirmation of the story is obtainable, but circumstances bear out many of the unofficial reports.

The Huntington interests here include the Los Angeles & Redondo electric railway, the entire waterfront with three commercial wharves, pavilion and bath house buildings, together with numerous other amusement concerns; Clifton-by-the-Sea, a residence built out across to join the Pacific Electric lines. The traffic from Hawthorne and Strawberry Park will thereafter be cared for by the yellow cars of the Los Angeles railway.

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CROP GROWING CONDITIONS GOOD DURING PAST WEEK

Rains in Many States Are of Benefit to Farmers

WASHINGTON, Sept. 7.—Crop growing conditions during the last week have been generally favorable throughout the country, according to the national weekly weather bulletin issued by the department of agriculture today. The report says:

"In the corn growing states good rains occurred in practically all districts which were beneficial in the main, especially in the extreme west and the more eastern portions, but in the central portions of the belt drier, warmer weather is expected."

"Throughout the districts west and including the Rocky mountain region the weather continued very dry except in portions of the northern mountain sections and locally over the southern plateau. In the fruit growing districts of California and other states of the west, the weather was generally favorable for maturing, gathering and drying the several products."

ASTRONOMERS MAKE VISIT TO LICK OBSERVATORY SAN JOSE, Sept. 7.—The following astronomers are visiting Lick observatory: Prof. H. Kayser of Bonn university, Germany; Sir Joseph Larmor of Cambridge university, England; Prof. E. Pringsheim of the University of Breslau, Germany; Prof. H. Koenen of the physical institute, Muenster, Germany; Prof. P. Eversheim of the University of Bonn, Germany; Prof. A. Fowler of the Imperial College of Science, South Kensington, London, and Mrs. Fowler; Dr. Frank Schlesinger, director of the Allegheny observatory, Allegheny, Pa.; Dr. H. N. Russell of the observatory of Princeton university, and Prof. Philip Fox, director of the observatory at Evanston, Ill.

At the conclusion of the visit to Mt. Hamilton these astronomers, accompanied by Director and Mrs. Campbell, are to visit Mrs. Phoebe A. Hearst at her country place, Hacienda del Pozo de Verona, near Pleasanton.

COAST FIRE CHIEFS ARE BANQUETED AT STOCKTON STOCKTON, Sept. 7.—On the return of the delegates to the convention of the Pacific Coast Association of Fire Chiefs from Lodi, where they were taken this afternoon on a tour of the city, a banquet was held this afternoon at the Hotel Stockton.

Chairman Rutherford of the police and fire commission was toastmaster and several toasts were responded to by the leaders of the fire fighting brigades in the various cities of the coast. The convention will conclude its labors tomorrow.

'FIGHTING BOB' EVANS TO INSPECT KERN OIL LANDS BAKERSFIELD, Sept. 7.—Fighting Bob Evans, accompanied by a party of prominent eastern and foreign capitalists, arrived in Bakersfield this evening on a trip to the Kern county oil fields. Admiral Evans said he was here on purely personal business. He is a heavy investor in Kern county oil stocks and lands. A number of prominent Los Angeles oil men will come up tomorrow to go to the west side oil fields with the Evans party.

CHARITY GETS MILLIONS NEW YORK, Sept. 7.—The total cost of public and private charity in New York city is about \$35,000,000 annually, according to estimates prepared for Mayor Gaynor's commission on congestion of population. Of this sum, the city spends about \$15,000,000.

NATIONAL BANKS TO MEET CHICAGO, Sept. 7.—After a brief meeting of the clearing directors yesterday it was decided to call a meeting of the national banks of Chicago, to discuss the organization of a national currency association. The meeting will be held next Friday.

Walter E. Smith's Grocers Thursday Specials EVERY SALE IS A SEED

"Every sale brings another." Especially in this so with "SMITH'S HOTEL BLEND COFFEE." People seem to wax enthusiastic over it. It's the morning call, it fills the home with its delightful fragrance. There's nothing like it for stimulating the nerves, setting the brain and body tingling and eager for the day's business. Try a sample order today. Ask for "Smith's Hotel Blend." For Our Thursday Special, 2 pounds for 45c.

BROOMS—We have a special Kitchen Broom, medium weight, well finished, each \$2.00 WASHBOARD—Glass double Washboard, sells regularly at 45c, special \$2.50 PARSONS' AMMONIA, qt. bot. \$3.00 BORAX—20-Mule-Team—12-oz. package 10c 16-oz. package, for 25c GRANDMA'S WASHING POWDER—Regular 1 lb. can, 2 for 25c \$1.25 Box Fancy Bellefleur Apples, 4-tier, box \$1.25

Fresh Oysters, Fish and Meats, PIMENTOS—Imported Spanish Red Peppers, make a dainty sandwich—Small can, reg. 25c, spec. 10c. Large can, reg. 20c, spec. 10c. HAWAIIAN PINEAPPLE—Sliced—No 2 can, reg. 15c, spec. 2 for 25c QUEEN OLIVES—Spanish—Large size, fine quality—Reg. 25c bot., special, bottle 20c

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A Splendid Refrigerator \$8.95 This week we are selling a splendid refrigerator at \$8.95—well made, sanitary and a real ice saver. Any other store would charge you \$10 for a refrigerator not nearly so good.

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An Advertisement Becomes an Investment When Placed in THE HERALD

Big Admission Day Celebration At