

ORDERS ISSUED BY BALLINGER

Engineer Davis Testifies that Secretary Personally Directed Restoration of Power Sites.

DIRECTION WAS MANDATORY

Action Was Not Taken at Request of Reclamation Service.

CRITICISMS FROM BALLINGER

Witness Superior Took Many Exceptions to Bureau's Work.

LISTS TO BE PREPARED SLOWLY

Reclamation Official Says Secretary Did Not Want Public Attention Attracted to Orders—Perjury in Affidavit.

WASHINGTON, March 11.—Arthur P. Davis, chief engineer of the reclamation service, testified before the Ballinger-Pinchot investigating committee today that in preparing lists of lands to be restored to the public domain by Secretary Ballinger he felt he was acting under mandatory orders from the secretary.

These lands had been withdrawn, the witness said, by former Secretary Garfield for conservation of water power sites. Mr. Ballinger, according to Mr. Davis, repeatedly gave verbal orders that the lands so withdrawn should be prepared for restoration and that their withdrawal had been in direct violation of law and could not be sustained. No written orders, however, were ever issued.

Mr. Davis is before the committee on a subpoena issued by counsel for Gifford Pinchot.

The "prosecution" claims that President Taft's letter of September 13 last exonerating Mr. Ballinger from the Glavis charges showed that Mr. Taft got the impression from Mr. Ballinger that he had made these restorations only upon recommendations of the reclamation service.

The chief engineer of the reclamation service also declared today that Mr. Ballinger had directed that the lists of land to be restored should be prepared slowly so as not to attract public attention.

Just before adjournment of the committee yesterday the members engaged in a discussion as to whether or not the statutes regarding perjury would cover the ex parte affidavits of Clarence Cunningham, which included the statement by him on May 5, 1908, reiterated on September 4, 1908, the Guggenheim syndicate had no interest direct or indirect in the Cunningham group of real land claims in Alaska.

A hearing before the senate committee on territories recently developed the fact that an option by the Guggenheims on one-half the Cunningham claims was accepted by the claimants December 7, 1907.

When today's session began Attorney Brandeis said he desired to call the committee's attention to the revised statutes regarding perjury and subornation of perjury, which he thought covered the case. The Cunningham affidavits of September 4, 1908, was left with Secretary Garfield by Mr. Ballinger.

Chief Engineer Davis this morning continued his detailed statement as to operations of the reclamation service under the direction of Mr. Garfield.

He went over most of the wholesale withdrawals of power site lands by Mr. Garfield. He declared there was no subterfuge at any time.

The policy of withdrawals, Mr. Davis stated, was not initiated by the reclamation service, but was ordered by Secretary Garfield.

When the technical features of his testimony had been exhausted Mr. Davis was asked to tell of an interview he had had with Secretary Ballinger in this city the evening of March 1, 1908.

"The secretary telephoned me to come to his hotel," said the witness. "We talked together for two hours, discussing principally the power site withdrawals. He criticized the past conduct of the reclamation service and said that the withdrawal of the large areas was illegal. He also said that there were no settlers on lands that the west who had been promised water and had nothing but the promise to live on. He criticized our system of 'force accounts' or the direct employment of labor and said we ought to have everything done by contract.

"He criticized our publicity bureau. I told him it was for the purpose of disseminating information as to various projects, that it saved the time of officers and prevented inaccuracies in newspaper accounts. He criticized what he termed our oppression of contractors and said he had heard much complaint on that score. I told him I was entirely responsible for any oppression, but that I had always tried to do justice to them.

"I defended all the things he criticized to the best of my ability. Mr. Ballinger did not show any great familiarity with the work of the service. He seemed interested in all I said, and when I was through he declared that matters looked better to him. He said he wanted me to help him get acquainted with the work and I promised to do so."

No Confidence in Newell.

"Did you know he had previously gone over these matters with your superior, Director Newell?" asked Attorney Pepper. "I did not."

"Did Mr. Ballinger make any reference to Mr. Newell?"

"He expressed a lack of confidence in him. I had also seen newspaper clippings which said Secretary Ballinger intended to reorganize the reclamation service and to eliminate Mr. Newell."

"What impression did Mr. Ballinger's comment on the power site withdrawals leave with you?"

"He spoke as though a great crime had been committed by these withdrawals. I said I did not think it was so serious, that the lands could be readily restored and that no great harm could be done. He asked me specifically if I could segregate the withdrawals made for conservation of power from the others. I said I could. He told me to go ahead, but that he did not care to have it done suddenly. I got the impression that he wanted it done slowly, but I did not attach any significance to it."

"Didn't Mr. Ballinger say he wanted it done slowly so as not to attract public attention?"

"Yes, that is my recollection."

"Did Mr. Ballinger, in speaking of his (Continued on Second Page.)"

Telephone Trust to Make Capital Half a Billion

Company Announces No Reason for Increase of \$200,000,000 in Stock—Expansion Rumored.

NEW YORK, March 11.—A recommendation that the capital stock of the American Telephone and Telegraph company—the so-called telephone trust—be increased to \$500,000,000 is contained in the company's annual report made today, but other than to say that the company desired to be "forwarded" no reason is given for the requested increase of \$200,000,000. Wall street believes the company purposes still greater expansion, though the report says that none of this increase will be needed during the current year for ordinary capital expenditures.

The report shows that the number of telephone stations in the Bell system was increased by more than 5,000,000, including 1,500,000 operated by connecting companies. The wire mileage is shown to be more than 10,000,000, while the traffic has increased to nearly 20,000,000 connections a day or about 6,500,000,000 connections a year.

The company has a net revenue for 1909 of over \$30,000,000, while the Bell system earned gross \$148,514,700, an increase of \$11,735,400 over last year. Net earnings for the Bell system were \$45,357,500, of which \$23,510,000 were paid in dividends, \$10,231,400 paid in interest and \$11,616,100 placed in the surplus. Out of the gross earnings nearly \$45,000,000 was charged to depreciation and maintenance. No new phase of the taking over of the Western Union Telegraph company by the telephone company were developed in the report.

Big Jumbo Dam Near Julesburg is Washed Out

Two Miles of Union Pacific Track Are Gone and Limited Train Has Narrow Escape.

JULESBURG, Colo., March 11.—The Big Jumbo reservoir dam, belonging to the Julesburg Irrigation district, went out suddenly yesterday, washing out two miles of Union Pacific tracks and did about \$150,000 damages.

A Union Pacific limited train enroute from Chicago to Denver stopped close to the waters, the engineer seeing the flood spread out for miles before him. So far as known no lives were lost. One report has it that only the block signal, which was recently established, saved the limited from plunging into the river.

Officials of the irrigation district have been unable to discover the cause of the accident. The Union Pacific is detouring trains over the Burlington via Sterling, and it is likely that the only inconvenience pending the repairing of the tracks.

Progressives Name Ticket in Dakota

Full List of Candidates Put Up by Progressives for State Ticket.

HURON, S. D., March 11.—The South Dakota insurgent republicans in conference here named the following state ticket this morning:

- Governor—R. S. Vessey. Lieutenant Governor—F. M. Byrne. Secretary of State—S. Polley. Auditor—John Biebelheim. Treasurer—A. W. Ewart. Commissioner of School and Public Lands—P. F. Brinker. Attorney General—Royal C. Johnson. Superintendent—C. G. Taurencia. Railroad Commissioner—W. E. Benedict. Congressman (First District)—Thomas Thorson. Congressman (Second District)—J. F. Shrader.

Dakota Towns Are After Milwaukee

State Railway Commission is Hearing Complaints of Poor Railroad Service.

YANKTON, S. D., March 11.—(Special Telegram)—Chairman Dr. W. G. Smith of Sturgis, George Rice of Grandview and P. C. Robinson of Groton, members of the State Railroad commission, are in session here, going into troubles arising from the poor Milwaukee service on the Platte extension. The following are represented at the meeting: Platte, Geddes, Lake Andes, Ravenna, Wagner, Dante, Avon, Tyndall, Taber and Yankton.

Charged with Deceiving Court.

MANILA, March 11.—Lieutenant Frank B. Davis of the Twelfth Infantry, United States army, has been ordered before a court-martial charged with having misrepresented the law to a similar court while defending an enlisted man.

Geneva Man Changes Mind About Drowning in River

John Kennedy, 26 years of age, 1715 Dodge street, thought he wanted to drown himself, but when he got out into the Missouri river and found how cold the water was, he changed his mind and waded back to dry land.

The young man trudged out into the water about 100 feet at a point seventy feet north of the Douglas street bridge on the Iowa side Friday morning. Fide Donnelly, 2225 Avenue B, Council Bluffs, who works at a smelter, thought he saw an upturned boat out in the river. He looked more closely and perceived it was a man struggling in the water. He telephoned to the Council Bluffs and Omaha police and

NEW MOVE TO END TRACTION STRIKE

Philadelphia Business Men, Representing Thirty Organizations, Discuss Situation.

THREE FACTORS ARE

Banks and City Use Influence on Sides.

APPEAL TO CIVIC FEDERATION

Roosevelt Peace Commission Will Also Be Asked to Assist.

COMPANY MAKES CONCESSIONS

Men Who Desire to Return Will Be Given Work Up to March 20—Pratt Says Offer is a Bluff.

PHILADELPHIA, March 11.—Two hours and a half of discussion of the strike question by a large gathering of representatives from thirty business organizations of the city was productive of the adoption of a resolution in which three separate influences are invoked to bring the industrial war to an end.

Of the two local influences appealed to, stress was laid upon the financial powers of the city. The city's banks are requested to use their influence to bring about arbitration or an equitable settlement. Each commercial body represented was asked also to try to induce the councilmen to call an appeal meeting of the city council for action which will induce the company and its men to come to terms.

The resolution took a wider scope, however, in directing that a telegram be sent at once to Seth Low, president of the National Civic Federation, asking that the federation offer immediately its services as arbitrator. The Traction company, many thought, would get lightly cast aside an offer from the body to act as mediator, and strikers have already announced they would welcome arbitration.

Petition to Taft.

A petition to President Taft, presented by Alfred H. Love of the Universal Peace union, was unanimously signed by the business men at the close of the meeting. It suggested that the Commission for the Promotion of Industrial Peace, which has at its disposal the funds donated by Theodore Roosevelt, be asked to act in the crisis here.

"Immediate action" was the demand of every speaker of the afternoon. The blocking of a settlement was variously attributed to the streets from a mob that was prevented only by the police from doing him serious harm. Patten was hidden for while in a business office and later smuggled into a cab and driven to a more secure refuge.

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As soon as Patten appeared on the floor of the cotton exchange at Manchester, the "cotton king" today a rooster shouted "Patten." Instantly hostile cries were raised and the air was filled with "boosings" and "hootings."

The brokers rushed toward the American, who was quickly surrounded by a threatening mob and jostled hither and thither. Patten was hidden for while in a business office and later smuggled into a cab and driven to a more secure refuge.

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Rockefeller Bill to Be Reported

Favorable Action Taken by Senate Committee After Statement from Oil King's Representative.

WASHINGTON, March 11.—The bill to incorporate the Rockefeller foundation was ordered favorably reported at an executive session of the senate District of Columbia committee, following a statement made by Starr J. Murphy, the representative of John D. Rockefeller.

Little additional light was thrown on Mr. Rockefeller's purpose in asking for a federal charter by his philanthropist by establishing a foundation along the lines of the General Education board, which was chartered by congress in 1902. The amount which he expected to give for the purpose of the foundation had not been determined, said Mr. Murphy.

"I have received more than 100 such letters since the pending bill was introduced," interrupted Senator Gallinger. "Starting with one man who asks \$25, the letters range all the way up to the proposition of another for \$500,000."

"Your case is similar to mine," responded Mr. Murphy. "I have a letter from a woman who asks to be supplied with a set of false teeth and others seeking sums all the way up to \$100,000,000."

Ice Out at Pierre.

PIERRE, S. D., March 11.—(Special Telegram)—The ice in the Missouri ran out quietly here today, the run lasting about two hours, showing that the stream is open for several miles above here.

Should All the Bills Pass

From the Washington Herald.

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BROKERS' MOB AFTER PATTEN

English Speculators at Manchester Attack American Corn King.

VENGEANCE FOR COTTON SQUEEZE

Chicagoan is Hustled Out of Exchange Building by Friends and Finds Refuge in Nearby Office.

LONDON, March 11.—James A. Patten,

the Chicago speculator who came to England as said to "look around," had occasion to look sharply today from the moment he appeared on the floor of the cotton exchange at Manchester. His appearance was the signal for a hostile demonstration, which resulted in his forcible ejection from the exchange and a flight through the streets from a mob that was prevented only by the police from doing him serious harm. Patten was hidden for while in a business office and later smuggled into a cab and driven to a more secure refuge.

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Rumor that Rock Island Will Buy Moffat Railroad

Sale of Eleven Millions in Bonds for Acquisitions and Improvements is Admitted.

CHICAGOAN IS HUSTLED OUT OF EXCHANGE

Building by Friends and Finds Refuge in Nearby Office.

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