TAFT ASKED TO CANCEL CLAIMS

Gifford Pinchot and His Brother File Brief With President **Against Rehearing**

Former Forester Declares That Guggenheim Syndicate Has Alaska Monopolized

WASHINGTON, Jan. 1. - President Taft was appealed to today by former Forester Gifford Pinchot and brother, Amos Pinchot, to cancel immediately, without further hearing, the so called Cunningham Alaskan coal

In a voluminous brief filed with the president, in accordance with permission given in a letter written to them by Secretary Norton, November 9, Pinchot and his brother contend that the record in the case "abundantly proves that the claims are illegal and that from the beginning the claimants have conspired to defraud the government."

"The resort to a court for a rehear-ing of the case is necessary to secure ing of the case is necessary to secure justice and protect the people's property," says the brief. "The case against the claimants is already conclusive. We believe the duty of the executive in regard to the claims is obvious and immediate. The claims should be canceled by the president forthwith."

WASHINGTON, Jan. 1:—Prosecutions by the government designed to accomplish the dissolution of Standard oil and of the American tobacco organizations, embodying the greatest anti-trust

CASE NOT FULLY PRESENTED

CASE NOT FULLY PRESENTED

"No transfer of the Cunningham cases to a court for a decision upon the present record would relieve the executive department of responsibility for failure to have the case against the claimants fully presented by attorneys of experience and ability and for omitting to produce all the evidence of fraud available;" declares the brief, after charging that "in spite of the clearness of the existing proof we believe it to be our public duty to point out that the whole of the case against the claimants has not been presented.

"The evidence in this case goes much farther than to establish the fraud of attempting by subterfuge, to acquire from the government more coal land than the law allows. It shows that from the beginning the claimants acted with the definite and sustained intention of defeating the primary purpose and essential spirit of the law—the spirit and purpose to prevent monopoly, and secure competitive development of the nation's resources."

EFFECT OF MONOPOLY

It is the first of the generation, will be taken up for the second time by the suprement count will in the second time by the suprement count at the beginning of its work for the next one part at the beginning of its work for the next one part at the beginning of its work for the next one part at the beginning of its work for the next year. Continuing its consideration of affairs of government, the new year. Continuing its consideration of affairs of government, the new year. Continuing its consideration of affairs of government, the court at the beginning of its work for the next year. Continuing its consideration of affairs of government, the new year. Continuing its consideration of affairs of government, the new year. Continuing its consideration of affairs of government, the new year. Continuing its consideration of affairs of government, the new year. Continuing its consideration of affairs of government, the new year. Continuing its consideration of affairs of government, the new year. Continuing its consideratio

EFFECT OF MONOPOLY

main lines of evidence, as follows:

First—The history of the operations of the Cunningham entrymen in Alaska, as derived from
their own records and statements,
shows that from the beginning to
tae end, they were all members of
a single association engaged in acquiring a joint property and that
the claimants never owned these
claims separately.

Second—The book of accounts of
the Cunningham group included
in the reports made by its agents,
are all evidently based on the assumption that all the claims are
one property, owned by one association.

ciation.

Third—From first to last, the subscribers took no interest whatever in the situation or value of particular claims entered in their respective names.

Fourth—Within the shortest practicable time after final certificates were issued, the Cunningham associates took steps to turn over their claims to a corporation on a basis of equal shares.

Fifth—More than half the claimants have admitted in affidavits that they had always acted with a mutual understanding that they would combine their claims after the titles were secured and one so confessed at the hearings.

(IPPRESSION OF EVIDENCE SUPPRESSION OF EVIDENCE

Discussing the charge that impor-tant evidence against the claimants was suppressed by land office agents,

was suppressed by land office agents, the brief says:

"John W. Dudley, register of the land office at Juneau, Alaska, one of these agents, went so far as to advise Cunningham specifically how one of the claimants, who had told the truth in his affidavit, should change his statement so as to strike out evidence of fraud and avoid investigation which would at least involve an interminable delay."

BALLINGER SUGGESTS TRIAL

Secretary of the Interior Ballinger has forwarded to the senate and house committees on public lands a draft of the proposed legislation transferring to the district of Columbia court of appeals the Cunningham coal cases. appeals the Cunningham coal cases.

Ballinger proposed that the court should try the cases de novo; that is to say, it could disregard the case made by the general land office and take new evidence if it deemed such a course necessary. The attorney general is designated to represent the government at such rehearing.

The judgment of the court in the case would be final.

KERN WILL SECURE SENATORIAL TOGA

Indiana Legislature Will Cast Vote January 17

INDIANAPOLIS, Jan. 1.—If the democratic members of the Indiana general assembly carry out the wishes of the party expressed at the state convention last spring, John Worth Kern will be chosen United States senator by the legislature which meets here next Thursday.

will be chosen United States senator by the legislature which meets here next Thursday.

Kern received the indorsement of the democratic state convention over many aspirants, and in the campaign which followed the senatorship overshadowed all other issues. The vote for senator will likely be cast January 17. The democrats will have a majority of 30 on joint ballot.

Kern was the leading candidate before the legislature two years ago, but was defeated by Benjamin F. Shively by a few votes. After the caucus in a public statement, Kern asserted that eight members of the legislature were bribed by the brewery combination to vote against him. He has twice been the democratic candidate for governor of the state and was the running mate the liliam J. Bryan in 1908.

There is no present opposition to Kern's election, and it is believed there will be none.

Evidence Shows Intent To Defeat Law's Purpose

No transfer of the Cunning-ham cases to a court for a de-cision upon the present record would relieve the executive de-partment of responsibility for failure to have the case against the claimants fully presented by attorneys of experience and abil-ity and for omitting to produce all the evidence of fraud avail-able.

able.

The evidence in this case goes

The evidence in this case goes much farther than to extablish the fraud of attempting by subterfuge to acquire from the government more coal land than the law allows.

It shows that from the beginning the claimants acted with the definite and sustained intention of defeating the primary purpose and essential spirit of the law—the spirit and purpose to prevent monopoly, and secure competitive development of the nation's resources.—From brief of Gifford Pinchot and his brother,

Supreme Court to Decide Standard Oil, Tobacco and Corporation Tax Cases

fight of the generation, will be taken up for the second time by the supreme court at the beginning of its work for the new year. Continuing its consideration of affairs of government, the court will immediately afterward give its attention to the constitutionality of the corporation to the court at the beginning of its work for the new year. Continuing its consideration of affairs of government, the court at the beginning of its work for the new year. Continuing its consideration of affairs of government, the court will immediately afterward give its attention to the constitutionality of the court will immediately afterward give its attention to the constitutionality of the court will be a complete that the court will be a complete the court will be a complete that the court will be a complete the court of the court will be a complete the court will be

oil and the tobacco organizations are dissolved the government will be forced to license corporations in order to al-low legitimate business to be carried on.

EFFECT OF MONOPOLY
Regarding the effect of monopoly in Alaska, the brief says:

"It is evident that an enormous saving can be made to the people of Alaska, to the whole northwest and to the United States navy if only these coal mines are opened, under conditions of competition."

The brief charges that "the industries of Alaska have been for years largely in the hands of a great and oppressive monopoly, the Guggenheim syndicate, which has kept out other capital, throttled competition and held Alaska at a standstill."

FIVE LINES OF EVIDENCE
The brief recites that the case for the government is supported by five main lines of evidence, as follows:

First—The history of the operations in order to allow legitimate business to be carried on. The corporation tax decision may define the power of the federal government over corporations in order to allow legitimate business to be carried on. The corporation tax decision may define the power of the federal government over corporations in order to allow legitimate business to be carried on. The corporation tax decision may define the power of the federal government over corporations in order to allow legitimate business to be carried on. The corporation tax decision may define the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal government over corporations as to guide fine the power of the federal go

Captain Alexander McCrackin Stricken With Nervous Breakdown

Was Commended for Service on Scoutship During Spanish-American War

Captain Alexander McCrackin, U. S. N. (retired), formerly commandant of Mare island and commander of the cruiser West Virginia of the Pacific fleet, is critically ill at his home, 2203 Scott street. He is suffering from nervous breakdown, accompanied by partial paralysis. His condition has been serious, but yesterday improve-ment was noted.

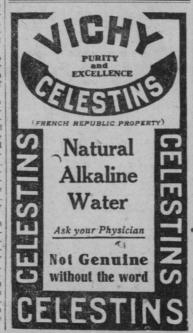
since he was 12 years of age Mc-Crackin has been connected with the United States navy, a record which few service men may show. He retired from active service July 1 last, on ac-count of disability resulting from ill health.

count of disability resulting from ill health.

Captain McCrackin's most distinguished service was during the Spanish-American war. He was executive officer of the gunboat Marietta, which acted as the scoutship for the battleship Oregon when it made its famous run around the Horn to join the Atlantic fleet before Santiago. For his services on that cruise he was especially commended by Secretary of the Navy Long.

McCrackin was captain commanding the West Virginia when the Atlantic fleet came to San Francisco.

In 1895 he married Miss Belle Pherson, a Baltimore girl, daughter of a prominent physician, who at that time was practicing in San Francisco. The couple have one child, Miss Isabelle McCrackin. McCrackin held the rank of captain when he retired, and was promoted to the rank of commodore.



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We also quote this same style of a shoe with black velvet tops, otherwise made exactly like top illustration...

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prospectors, were seriously injured by SOUTH DAKOTA HAS

kota are on hand for the opening of PREMATURE EXPLOSION

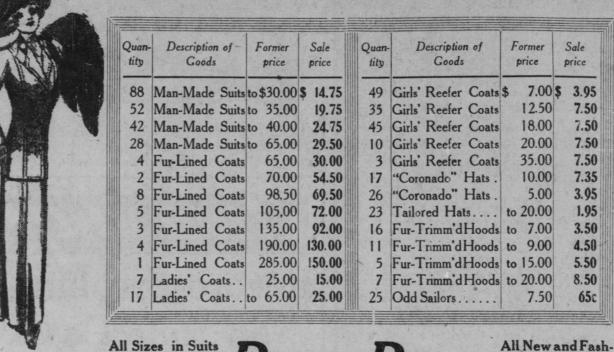
a premature explosion of giant powder at their claim in the Defiance mining district today. The claim is located 15 miles from Glenwood Springs, and is Bert Abrams and William Richards.

The defiance mining district today. The claim is located 15 miles from Glenwood Springs, and is the legislative members of South Da- C. Issenbuth a close second.

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ionable Goods. Market and Stockton

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\$2.50 & \$3.00

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