

## TAFT ASKED TO CANCEL CLAIMS OF CUNNINGHAM

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 his brother, Amos Pinchot, to cancel immediately, without further hearing, the so-called Cunningham Alaskan coal claims.

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 rehearing of the case is necessary to protect 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."

### 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 to subvert the law, 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

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 of the Cunningham entrymen in Alaska, as derived from their own records and statements, shows that from the beginning to the 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.

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 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 confessed at the hearings.

### SUPPRESSION OF EVIDENCE

Discussing the charge that important evidence against the claimants 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.

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.

Kern received the endorsement of the democratic state convention over many aspirants, and in the campaign which followed the legislature 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 of Alvin 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 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.

The evidence in this case goes much farther than to establish the fraud of attempting to subvert the law, 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.

## BATTLE AGAINST TRUSTS RENEWED

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

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 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 tax provisions of the Payne-Aldrich tariff act.

All three cases attracted world wide attention when first presented to the court about a year ago. With the object of procuring consideration by a full bench, they were set for reargument January 3. Intervening cases will cause a delay for two days.

The Standard oil and the tobacco cases put the Sherman anti-trust law to the most crucial test to which it has been subjected during the 20 years of its existence.

The corporation tax cases place on trial the power of the federal government over the business of the country. The contention has been made that if the Standard oil and the tobacco organizations are dissolved the government will be forced to license 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, so as to guide this proposed subsequent legislation. Incidentally, about \$25,000,000 annually in taxes depend upon the decision.

The Standard oil suit was begun in 1906 in Missouri. The federal government claimed that the Standard oil company of New Jersey, as a holding company, acquired since 1899 and held by direct stock ownership 65 companies.

The tobacco case was instituted in 1907 in New York. Allies in the various branches of the tobacco business, with combined assets of more than \$400,000,000, constituted the organization which the government sought to have the court dissolve.

## NOTED NAVAL MAN CRITICALLY ILL

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 improvement was noted.


Since he was 12 years of age McCrackin 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 account 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.

HIGHWAYMEN ROB A CHINESE.—Oakland, Jan. 1.—Young Kin, a Chinese cook, employed at 1334 Madison street, was held up late last evening in front of the house by the highwaymen who took Kin's gold watch and \$18.



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The top illustration is a true representation of a Ladies' Patent Colt Button Shoe, with dull kid top, very short vamp, high Cuban heels, slightly extended soles; a real swell and stylish shoe at a small cost; all sizes and widths from AAA to E ..... **\$3.50**

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### MINERS INJURED BY PREMATURE EXPLOSION

GLENWOOD SPRINGS, Colo., Jan. 1.—Bert Abrams and William Richards,

prospectors, were seriously injured by 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 reached by an almost impassable trail.

### SOUTH DAKOTA HAS FIGHT OVER SPEAKER

PIERRE, S. D., Jan. 1.—About half the legislative members of South Da-

kota are on hand for the opening of the assembly Tuesday. The chief fight in the house will come on the selection of a speaker. C. J. Morris of Sioux Falls leads in the race, with E. C. Isenhardt a close second.

## ROOS BROS.

### Final Clearance Prices

## IN THE LADIES' AND MISSES' DEPARTMENTS

Quantity	Description of Goods	Former price	Sale price	Quantity	Description of Goods	Former price	Sale price
88	Man-Made Suits	to \$30.00	\$ 14.75	49	Girls' Reefer Coats	\$ 7.00	\$ 3.95
52	Man-Made Suits	to 35.00	19.75	35	Girls' Reefer Coats	12.50	7.50
42	Man-Made Suits	to 40.00	24.75	45	Girls' Reefer Coats	18.00	7.50
28	Man-Made Suits	to 65.00	29.50	10	Girls' Reefer Coats	20.00	7.50
4	Fur-Lined Coats	65.00	30.00	3	Girls' Reefer Coats	35.00	7.50
2	Fur-Lined Coats	70.00	54.50	17	"Coronado" Hats	10.00	7.35
8	Fur-Lined Coats	98.50	69.50	26	"Coronado" Hats	5.00	3.95
5	Fur-Lined Coats	105.00	72.00	23	Tailored Hats	to 20.00	1.95
3	Fur-Lined Coats	135.00	92.00	16	Fur-Trim'd Hoods	to 7.00	3.50
4	Fur-Lined Coats	190.00	130.00	11	Fur-Trim'd Hoods	to 9.00	4.50
1	Fur-Lined Coats	285.00	150.00	5	Fur-Trim'd Hoods	to 15.00	5.50
7	Ladies' Coats	25.00	15.00	7	Fur-Trim'd Hoods	to 20.00	8.50
17	Ladies' Coats	to 65.00	25.00	25	Odd Sailors	7.50	65c

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From Miss of 14  
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COMMENCING TOMORROW, JAN. 3

ONE THOUSAND DOZEN **Earl & Wilson** SHIRTS—not old patterns—not old stock—not from an unknown factory—but NEW shirts to NEW patterns, spick-an'-span from the world-renowned **Earl & Wilson** factory. It was clever merchandising that secured this huge consignment of new shirts—merchandising in the interest of our customers, and the selling prices prove it. It was something more—it was the fact that Roos Bros. is the ONLY firm outside New York City that can give immediate distribution through their men's furnishing department to such an enormous quantity of high-grade shirts. **SEIZE THE OPPORTUNITY**—buy a year's supply—see what you save, and the shirt comfort and shirt quality you secure in addition.

**Earl & Wilson** \$1.50 SHIRTS

SP'C'L PRICE **\$1.15**

**Earl & Wilson** \$2.00 SHIRTS

SP'C'L PRICE **\$1.35**

**Earl & Wilson** \$2.50 & \$3.00

SP'C'L PRICE **\$1.85**

**Earl & Wilson** \$3.50 & \$4.00

SP'C'L PRICE **\$2.65**

ALL new goods—ALL new patterns—ALL styles, including plain, pleated, and soft double cuff—EXTRA salesmen—NO waiting

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