## BALLINGER'S RULE OF LAW DEFENDED WRITER BRINGS LIBEL SUIT

Contrast With "Garfield Policies" Drawn in Closing Argument of Counsel.

POSITION IS FORTIFIED

Revenge Sought by Men Disappointed in Own Ambitions-Pepper and Brandeis Disagree in Their Estimates.

WASHINGTON, May 27.—With the attorneys on one side attacking Secretary Ballinger as a man unfit to be at the head of the Interior Department and with the leading attorney on the other side defending him and denounce ing his accusers, whom he termed the "Glavis-Garfield-Pinchot group." the Ballinger-Pinchot investigating com-mittee listened to summing up again the case by counsel today. The arguments probably will be concluded to-

Brandels and Pepper told the com mittee they had produced evidence which they said established that Ballinger was not "vigilant" and "resolute" in resisting the aggressiveness of special interests and that his course had been characterized by a lack of fidelity to the public interest.

#### Ballinger True Conservationist.

Vertrees' reply was that Mr. Ballinger was as much of a "conservationist as anyone, "In a proper sense," but he did not belong to the "Pinchot brand of 33d degree conservationists who have gone to seed on conserva-

The lawyers for the "prosecution finished their speeches, but Vertrees was hardly launched on his argument when the committee adjourned. He will conclude tomorrow. Brandels and Pepper will make short arguments in

It was his "constant yielding unde pressure" that Brandels thought most unfitted Ballinger to carry forward the broad policies of conservation. Pepper advanced as the reason "Ballinger should be supplanted as Secretary" that during his regime there "had been no adminis tration worthy the name, but a series o acts unwise in themselves, referable t principle of action, and a cause barrassment to the President and injury to the public.'

#### Reign of Law Defended.

Vertrees said that Ballinger was to be commended for the so-called "Garfield policies" he had reversed and contrasted ex-Secretary Garfield with Ballinger. He said that the former thought that he had the right to do what he was not specifically prohibited by law from doing, while Ballinger always was guided by law in his official acts.

Defending Ballinger's action in restoring waterpower rights withdrawn dur ing the last days of Garfield's adminis tration and in subsequently rewithdraw-ing them. Vertrees said that Ballinger merely carried out the wishes of the President and that he was fortified in his construction of the law by the opinion of the law officers of the Govern-

When the ambitions of Pinchot and Garfield were shattered. Vertrees said, "then revenge took the place of good intention and they endeavored to drive down the man that was doing the thing he thought was right."

### Glavis and Kerby Denounced.

Vertrees indulged in a scathing denunciation of Glavis and Kerby, referring to the latter as "that creature Kerby." He said Pinchot had testified that he knew of nothing himself to substantiate charges he preferred against Ballinger. 'It remained for this hireling of the Glavis-Garneld-Gifford Pinchot group to insinuate and intimate what they did not dare to charge and could not prove," exclaimed Vertrees, shaking a finger at

"Right or wrong, a Cabinet officer who carries out the policies of his chief is not to be censured before the Nation," said the speaker. "Do not misunderstand me as merely insisting you shall deal with this matter solely because Mr. Ballinger was carrying out the judgment of the President. Not that I say that his construction of the law was correct; he is fortified and protected by the law offi-cers of the Government."

### Brandeis Defends Kerby.

Brandeis, counsel for Glavis, declared that Ballinger was not a man to be depended on to carry on a broad policy of conservation. He painted Glavis as "the ideal public servant," and Pinchot as "a man of character so high as to be above suspicion of self-seeking." He vigorously defended the action of

memorandum and said:
"To criticise Kerby for this act involves a total misconception of the nature of our Government. The Secretary

of the Interior, the trustee of the pub-lic domain, should have the ability to stand up against everyone and should

Would anyone think of dubbing our

ning to grant patents in the Cunning-ham cases upon the removal of Glavis. He declared that the Secretary had violated the rules of ethics in "capi talizing" the knowledge he had ob-'capitained when Commissioner of the General Land Office,

### Glavis "Victim of Lawler."

The speaker said that Glavis was victim of Lawler, who had a special grudge against him. Up to that time Glavis had uttered no word of criticism of Ballinger or his other superiors. riors. He added:

"But for this investigation Glavis— the ideal public servant, competent, faithful, zealous—would have been permanently condemned and held up to public disgrace—without a hearing
—without even knowledge that charges had been preferred against him. needed this investigation to give him an opportunity to answer the groundan opportunity to answer the ground-less charges by which the President

was misled. Pepper said that Pinchot had raised no question as to the propriety of his dismissal. He declared that it had established three points—first, that the course pursued in the Interior Depart-ment had been characterized by a lack of fidelity to the public interest; secthat Ballinger was not merely officially, but actually, responsible for the entire series of unhappy events, and third, that the President would and third, that the President would When the tide is out the table is set never have found himself committed at Pacific City.

to an indorsement of the Secretary had he not been at critical points suc-cessfully deceived as to the real sig-nificance of what was happening in

C. P. Connolly Wants \$20,000 Dam

WASHINGTON, May 27.—C. P. Con-nolly, a magazine writer, today filed suit in the Supreme Court of the District of Columbia against Oscar Lawler, Assist-ant Attorney-General for the Interior Department, for \$20,000 damages because of



Martin Hawkins, Portland Boy Who Breaks His Own Northwest Record in 120-Yard High Hurdles at Eugene.

a statement made by Mr. Lawler before the Ballinger-Pinchot investigating com-

BEST TIME OF THREE CLASSES STOCK CARS LOWERED.

New Indianapolis Brick Speedway Proves Fast Track - Kincaid Captures Two Big Events.

INDIANAPOLIS, May 27.-Records went down before the onsiaughts of desperately driven cars in today's races on the
motor speedway, and the new course, the
only brick track in the world, justified
all hopes of its constructors.

In three different classes for American
stock cars records were hammered down.
The greatest victory of the day was the

The greatest victory of the day was the 100-mile race for cars of 301 to 450 cubic inches piston displacement, won by Kincald in a National in 1:22:43. The previous record set by Chevrolet in a Buick Atlanta was 1:24:08.

Ill fortune took this race away from Dawson, driving a Marmon. He led the field from the tenth to the 85th mile and lest from the tenth to the 85th mile and lost the lead by the fouling of a spark-plug and could not regain it. Kincaid, pounding down the home stretch, barely escaped crashing into the press stand, when one of his rear tires ripped off and hurled him high in the air. By sheer strength and nerve he held his car to the

In the five-mile race for cars of the same class as the 100-mile event, Kin-cald broke another record, winning over Dawson and Harroun, both driving Mar mons, by a tremendous burst of speed in the home stretch.

His time was 4:05, bettering the for-mer record by 40 seconds. Harroun had his inning in the 10-mile event for cars of 231 to 300 inches displacement. He won in 8:16, smashing the former record of 9:03.

Chevrolet, driving a Buick in the five-mile race for the little cars of 161 to 290 inches displacement, won with a brilliant dash in 4:41, breaking the previous time

The withdrawal of all the Buick and Johnson entries by the technical com-mittee had barred several cars said to exceed classifications of power, and threatened the success of the meet, but after several conferences the Buick own-Frederick M. Kerby in making public ers consented to re-enter those of their information of the Interior Department, cars that met the American Automobile bearing on the preparation of the Lawler Association rules as interpreted by the technical committee. Chevrolet and Bur-man thus were saved to the meet.

Good luck averted any serious acci-dent today. The steering gear of Barney Oldfield's Knox broke as he was trying out his motor before the first event was called, and he ran to the high edge of the bank, but stopped safely. The accident put him out of the races today, but he present Secretary. "Stonewall Ballings of the ready for tomorrow's ger?" Instead of being unswerving, he inclines to pressure, inclines to it not ford, also had a narrow escape when only in acts, but also in statement, be it written or spoken."

Brandels accused Ballinger of planting of planting of programme and it will be care to be the steering gear of his car broke and the car shot into the inner ditch, but did not turn over.

The feature of tomorrow's card will be the 200-mile race, which was called off last year because of death dealing acof-

### OREGON DEFEATS PULLMAN

son, Puliman, second; Henderson, Oregon, third, Distance, 23 feet 5½ inches, Poke vault—Williams, Oregon, first; Dalquist, Pullman, second; Monroe, Puliman, rhird, Height, 11 feet 1014 inches, Javelin throw—W Nell, Oregon, first; Anderson, Puliman, second; Kellogg, Oregon, third; Distance, 148 feet, High jump—Powell and Dalquist, Pullman, tled for first; Monroe, Puliman, third, Height, 5 feet 7½ inches, Hammer throw—Balley, Oregon, first; Kellogg, Oregon, second; Anderson, Pullman, third, Distance, 136 feet 2½ inches, Broad jump—Bristow, Oregon, first; Thompson, Pullman, second; Hawkins, Oregon, first, Distance, 22 feet 1-10 inches, Discass throw—Kellogg, Oregon, first; Dalquist, Pullman, second; Anderson, Pullman, third, Distance, 12 feet 1-10 inches, Discass throw—Kellogg, Oregon, first; Dalquist, Pullman, second; Anderson, Pullman, third, Distance, 116 feet 8½ inches, Mile relay run—Won by Oregon in 3:283-5. (Continued From First Page.)

Rebekahs Meet in Milton. MILTON, Or., May 27.—(Special.)—. The district convention of the Re-bekahs convened in Milton today and was attended by delegates from Oregon and Washington. A banquet was served to more than 150 guests in the banquet hall of Odd Fellows' Temple.

En Route to Scale Mount Mc-Kinley, Explorers Reach Cape Gore on Cutter.

**BOAT SET UP AND TESTED** 

Talkeetna to Be Reached by Steamer June 10, and Party Expects to Begin Ascent by July 1, if Weather Is Favorable.

BY. C. E. RUSK, LEADER OF MAZAMA EXPEDITION TO MT. M'KINLEY. PORT GRAHAM, Alaska, May 8.-Nine hundred miles of heaving, tumbling, billious waters! Such was the path over which the staunch little cutter Tahoma brought us from the North end of Vancouver Island to Cape Gore, Alaska.

The Tahoma spent April 23 at Nanaimo,
B. C., coaling. We got away early the
30th and had a delightful run up through
the Straits of Georgia. Our mountaincers were much interested in the beautiful snow-capped peaks on either side of ful snow-capped peaks on either side of the strait. Especially one fine mountain on Vancouver Island attracted our at-It appears to be inaccessible

from all sides.

At 2:30 P. M. we passed through Seymour Narrows, a narrow strait only about 400 yards wide, with a dangerous rock in the center. The passage is safe only at "slack water." Several vessels have been lost, the first Government ship that water that the strain of the s that ever attempted to go through being one. The revenue cutter Bear was badly

damaged there several years ago.
We anchored for the night at Port
Harvey, B. C., a fine little land-locked
haven. We weighed anchor early May 1. The straits along here put us in mind of the scenery of Lake Chelan. The foreloon's voyage was pleasant and through smooth waters. Between noon and 1 o'clock we stood out to sea from Triangle Island, and for three and one-half days we sailed through gently tossing seas with low-lying clouds on the horizon. On the afternoon of May 4 we were interthe afternoon of May 4 we were interested in seeing several schools of whales. That night we "lay to" about 50 miles off Cape Gore. The wireless got into communication with several vessels along the Alaskan Coast. Next morning we sighted Cape Gore, but the weather soon became so thick that Captain Quinan decided to lighten up a bit. We here had our first sight of Alaskan mountains with the snow coming right down to the beach. A brisk wind began to blow off shore, but we were in a quiet harbor and felt no

Cool and Rojec could not restrain their enthusiasm and were put ashore. They tramped several miles through the snow and came back thoroughly wet and

Next morning we ran to Port Graham through a driving snow storm and a blustering sea. As we entered Cooks Inlet it cleared sufficiently for us to get a fine view of the grand old volca-noes Illamna and Redoubt. From Illam-na we could see small clouds of smoke floating away into the air. Illamna re-sembles our Oregon and Washington peaks—Baker, perhaps, most of all. Through our glasses we can see great crevasses in its sides, and it seems to us an earnest of the great mountain we are

Port Graham is a fine little harbor with deep water. The Tahema dropped an-chor just before noon. We ate our last lunch with the hospitable officers and at 3 o'clock were put ashore with all of our belongings. Captain Quinan and his offinot only done everything in their power to aid us and make things comfortable for us, but have also taken great inter-est in the success of the expedition.

Ship's Carpenter Helps.

The ship's carpenter, Mr. Russell, under direction of the captain, took our river boat in hand and put it into excellent trim for its hard battle with the river. In countless other ways did these men

win our gratitude.

J. W. Alley, who keeps a general mer-chandise store here, has made us at home in his large tents and is furnishing us with the best that the land affords. We probably shall be here 10 days. The river steamer Alice is here and will

leave in 10 days or two weeks for the Susitna River for her Summer's run. This boat will take us to Talkeetna, at the mouth of Chullina River. Up the Chu-litna we shall proceed with our boat to Ruth Glacier, a distance of perhaps 20 miles. We shall reach Talkeetna pos-sibly about June 10, leaving 20 days in which to cover the remaining 40 miles which to cover the remaining 40 miles to the mountain, from where the ascent will begin July 1, if weather conditions

The Alaska-Commercial Company has a station here in charge of Mr. Beidler, who is doing all in his power to aid the

expedition.

There is also a village of natives, who catch villainous-looking fish in the bay, and dig monstrous clams from the mud when the tide is out. The expedition has already had its feast of clams, and we ind eggs more numerous than in Port-

Our boat was tried out today and found satisfactory. Men familiar with the Susitna River say that it will do the work So here we are, waiting for the ice to go out of the Susitna River so that we may proceed upon the next stage of our great undertaking.

### RELIEF IS NOT OBTAINED

(Continued From First Page.) demands of the section most vitally con cerned over the proper use and development of the remaining natural resources.

Land Laws Stunibling Block.

But there has never been a time since Congress convered when any serious attempt was made to get the Western delegations together. There are diverse views among these Senators and Representatives as regards the public land laws. Some hold that the present laws are adequate; others would go the extreme advocated by Pinchot, but the majority would favor various forms of compromise. Yet no compromise was attempted each man acted for himself, and when the West came forward with a great diversity of opinions, the East felt it could not undertake to follow the West, and determined to follow Pinchot, who, while a theorist, had a plan which he was able to present in a seemingly logical way, and that was more than the West ever attempted

No Substitutes Offered.

The consequence was that the West, out of self-protection, was forced to rise as a body against the Eastern programme framed by Pinchot, while having no substitute to propose, and the result is that most all conservation bills

smothered in committee, and nothing out the withdrawal bill go through. The East, tired of waiting on the West, decided to legislate theoretically, and the West, in its dilemma, was forced to kill off the conservation bills in comnittee, knowing they would pass by the verwhelming Eastern vote if allowed

to come up for consideration. The result of the session's work will unsatisfactory to the West, for the West has gained nothing and lost much. The East will be content, for it will have ucceeded in at least sewing up the natural resources under the withdrawal bill and thus preventing further speculation. That this sewing-up process will retard development in the West is of no concern to the East.

Compromise Not Sought.

This unfortunate outcome could have been avoided had the Western Senators and Congressmen come together and compromised their views, as they did some years ago when they forced the passage of the National reclamation law. But they neither compromised nor sought to of the National reclamation law. But they neither compromised nor sought to compromise, instead, a few radicals like Mondell of Wyoming have opposed everything the President sought in the way of land law reform and have created the deep-rooted impression in the Eastern mind that the West is opposed to all sorts of conservation. These radicals, who do not represent the prevailing sentiment of the West, have done more to injure the interests of the Western country jure the interests of the Western country than all others combined, for they hav blocked any compromise among Wester men, have arrayed the East solidly against the West and have arrayed them selves against the Administration.

#### Mondell Too Radical.

Representative Mondell of Wyoming has done more than any other one man to prevent the enactment of a sensible conservation or land law reform programme. At the opening of the session he refused to introduce the bills drawn by Secretary by President Taft. Later, when those bills were introduced by others and were referred to his committee, he refused to allow them to be considered and made it impossible for the committee to amend and report them. Nor did he propose substitutes in accord with his own views. Then Mondell made a speech in the House ailing conservation in general, arousing still further the men of the East who wanted action and stirred up a mess of which he has not yet heard the last. He which he has not yet heard the last. He was in time forced to bring up the bill authorizing the withdrawal of public lands, and when he did so the theorists got control of the House and forced the measure through in a form which will not be approved by the West. Yet this could have all been avoided had Mondell brought the bill up voluntarily early in the session, and had the West exhibited the good sense to compromise its opinions and unite on a plan which would be generally acceptable. Had that been done generally acceptable. Had that been done a reasonable withdrawal could unques-tionably have been passed, provided feelng had not been aroused by Mondell and a few other radicals.

#### Compromise Must Be Made.

After the East showed its determination o force the West to accept Pinchotism it necessary for the public lands committee to close the doors and hold back all other Administration bills, for should they be turned loose the aroused East would have amended them at will and the West would have suffered still more. But here again this disastrons situation could have again this disastrous situation could have been avoided had the Western men displayed normal intelligence and agreed among themselves on a plan of action, and then pushed their plan through.

The West will be obliged to meet this situation sooner or later; it cannot permit its resources to be tied up indefinitely in withdrawals as is such to be done. in withdrawals, as is sure to be done. It must compromise its differences and take

the lead in the fight for sensible land laws. When it does, and when it suppresses the radicals who maintain that the present laws are good enough, it will get most of the reforms it advocates. But so long as it refuses to compromise and to unite, and so long as it allows the imto unite, and so long as it allows the impression to hold that Mondell typifies the West, so long will it labor under its present handicap. Unfortunately, the next session will be short, but even then much may be accomplished if the Western element in both Houses exhibits normal in telligence. In the absence of agreement unlimited withdrawals will remain in force, or else the country must turn to

Widow of Auto Victim Gets \$5000. OLYMPIA, Wash., May 27.-Judgment \$5000 damages for the death of he shand was affirmed by the Supreme Court today in favor of Mrs. Nellie Buckles against John W. Reynolds, of Chehalis. The woman's husband met his

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tem renovating in the Spring, as pimples, boils, eruptions, dull headaches, dyspeptic troubles, loss of appetite and that tired feeling annually prove.

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-When you are shopping today walk through our Millinery Department and see the immense display of these \$3 hats. You will agree with us that these hats are a revelation at this price.

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-All season we have been lower than any other store in Portland on Milan untrimmed hats. We have had virtually no competition on them, neither have we had any competition on our untrimmed Cuban shapes at \$1. Now we come forward with this great \$3 Trimmed Sale for today. If the other two specials were beyond the reach of competition this surely is.

-Our entire sales force in the millinery department is the same as during Easter Week, a proof positive that we are the only busy Millinery store in Portland.

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-Buy your flags now for Decoration Day and for the Rose Carnival. Prices are

GILT TOP STAFF —Size 10 by 15......21¢ —Size 20 by 39......79¢

-Muslin flags mounted on sticks, come in all sizes. Prices per dozen 2c up. MOUNTED MUSLIN

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-Size 8,

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