

A FINAL WORD FOR BALLINGER

(Continued from page 1)

Kerby alone is conclusive as to the rectitude of Mr. Ballinger's course. Kerby was his confidential stenographer and clerk and in charge of the confidential files. If there were anything improper or corrupt to be known it would be known to him. He was eager to speak. He wished "with all his soul" to be called before the committee as he was called. We called him. The committee will remember his eagerness and zeal. He was pressed to state what he knew against his chief. Again and again he was asked to state anything that in his opinion reflected upon the secretary of the interior. Not an act, not a transaction, not a thing, could be stated by him. He asserted that there was one thing, and that was that Mr. Ballinger intended, with full knowledge of his unfitness, to appoint R. H. Thompson to be director of the reclamation service.

Referring to Kerby's testimony that he regarded Thomson as unfit because Mr. Ballinger thought he was the man to go to Alaska to advise J. P. Morgan & Co., when his friend, George W. Perkins, of that firm, asked him to recommend a western engineer to make an examination with a view to a contemplated railroad enterprise, Mr. Vertrees says: "This is the only sin of Mr. Ballinger which Mr. Kerby could name."

Mr. Vertrees calls attention to the rigid scrutiny and examination the interior department has been under during the inquiry and says "nothing has been revealed which reflects upon the loyalty, the integrity, the good faith, the sense of duty of any man therein."

"Cruel and Baseless."

"The only persons who can be criticized," continues Mr. Vertrees, "are those who have been discharged, and have arrayed themselves against the secretary and the department of the interior. This inquiry involves the good name of a gentleman and the reputation of a member of the cabinet. It is no idle thing to assail the character of a member of the cabinet. He is one of the advisers of the president and dishonorable conduct on his part not only brings disgrace to him as an individual, but reproach upon the government itself. Consequently such an accusation ought not to be lightly brought. There ought surely to be substantial grounds. Here, it may be asserted, there are absolutely none. The prosecution is cruel and in its baseness."

Mr. Vertrees states the accusations against Mr. Ballinger relate, officially, to his policies with respect to conservation, water power sites and reclamation and to his course with respect to the Cunningham claims; and, personally, to certain acts of alleged professional impropriety committed by him as a lawyer, not as an official, but when in private life.

Defending Mr. Ballinger's conservation policy, Mr. Vertrees cites numerous cases in support of his contention that former Secretary Garfield was wrong in his view that the secretary of the interior, in dealing with the public lands, had authority to do that which he may conceive advisable and for the public good, unless it be forbidden by some statute, and this necessarily without regard to the usage of the past.

Mr. Ballinger's position with regard to the exercise of the so-called supervisory power with respect to the withdrawal of water power sites, on which question he also differed with Mr. Garfield, is defined as follows: That when congress had, by law, said that the public lands should be open to entry—that is, entry under the homestead, mining and desert land laws—it is beyond the power of any administrative officer to withdraw by executive order the lands which congress has thus stated shall be open to entry. Numerous cases also are cited in support on this view.

The Garfield Policy.
Discussing the Garfield policy of issuing "co-operative certificates" whereby reclamation projects could be expanded and extended, the brief says Mr. Ballinger's view that those certificates were illegal was fully sustained by the attorney general's opinions, which held the certificates invalid based upon the fundamental proposition that an executive officer could not enter into any contract unless it was authorized by some act of congress and that the reclamation act did not confer authority upon the secretary of the interior to enter into such agreements.

Another of the "Garfield policies" reversed by Mr. Ballinger was the "co-operative agreement" between the interior and agriculture departments whereby the control of certain employees of the Indian bureau was given over to the forestry bureau. The brief recites that Acting Secretary of the Interior Pierce decided that inasmuch as the co-operative agreement provided that all men employed in forest work on Indian reservations should constitute a part of the force of the forest service, responsible directly and only thereto, it was an unwarranted attempt to surrender the duties imposed upon the interior department by the act making an appropriation of \$100,000 for the Indian bureau's use.

Difference of Opinion.
"Thus it appears that these policies were matters about which there was a very earnest and sincere difference of opinion," says Mr. Vertrees. "Mr. Garfield and Mr. Pinchot entertained one view, and that view is described as the 'Garfield policy.' Mr. Ballinger entertained a different view."

THE BIG PEERLESS FORCED SALE BEGINS TOMORROW.

Extra Special—25 sample Rain Coats, up to \$15.00 value. Sale price, \$9.95.



Greatest Money-Saving Event in Asheville's History

Our Ready-to-Wear Department of Ladies' and Misses' Garments is considered by the patrons of this store to have the most complete showing of the season's newest in wearing apparel. This "June Sale" has put prices within reach of every purse. And it's up to you to attend and take advantage of every opportunity offered here.

Golden Tan Suits of wide wale, imported cloth, trimmed with self color Moire and Buttons, coat full silk serge lined, novelty pleated skirt, former price \$32.50, sale price **\$19.75**

Blue and Riseda Green Suits of Imported Bedford Weave Cloth, inlaid collar of fancy silk to match, tuxedo lapel, finished with two jewel buttons to match, former price \$24.50; sale price **\$16.95**

50 Suits, this season's very latest styles, in all the leading shades, including shepherd checks, some strictly plain tailored, others neatly trimmed, up to \$16.50 values, sale price **\$9.95**

One lot Cloth Tailored Suits for girls, ages 10 to 16, all the latest styles in girlish models, both plain and trimmed, also Peter Thompson Suits of Blue, Brown and Red Serge, up to \$15 value, sale price **\$8.95**

A strictly Waterproof Aviator Cape, made of Twilled Silks, Taffetas and Soft Silks, a variety of colors to select from, suitable for street or evening wear, up to \$16.50 values, sale price **\$9.95**

and the result was, coming in, as he did, as the successor of Mr. Garfield, he and Mr. Pinchot regarded, or affected to regard, his as an enemy to conservation and to reclamation, and all because he did not concur in the policies which they had pursued. As already shown, on principle, on a fair and proper construction of the acts involved, the decisions of judges, the departmental decisions, and the opinion of the law advisers of the secretary, the view which he entertained was correct, and the doubts which he entertained were well founded.

"The suggestion now to be made, it would seem, ought to dispose of the inquiry so far as the supervisory power and the questions involved thereunder are concerned. I submit that it is entirely beyond the authority or jurisdiction of a committee of the congress, or of the congress itself, to censure the secretary of the interior, a cabinet officer, because of his views in matters of departmental policy.

"However, there is another consideration by which the inquiry is effectively disposed of, and that is this: The views which Mr. Ballinger entertained, and the policies which he has pursued are the opinions and the views of the president himself—views and opinions expressed by him to Mr. Ballinger before this inquiry began."

The brief deals at great length with the evidence before the committee relative to the Cunningham claims in defense of Mr. Ballinger's connection with them as a government official. Then his conduct while out of office is discussed, particularly his preparation and presentation of the Cunningham affidavit to interior department officials in September, 1905. In answer to criticisms of Mr. Ballinger's conduct in this matter, Mr. Vertrees says:

The Cunningham Journal.

"First of all, as has already been

shown, there was no information of a secret character in the land office which Mr. Ballinger could have used. The reports on file are favorable to the claims. The affidavits on file were well known to the affiants themselves. The only evidence that had been procured not contained in the reports or the affidavits of the affiants was a copy of the Cunningham Journal, the original of which Cunningham himself had. This journal was not obtained or filed until after Mr. Ballinger had retired from the office of commissioner. Moreover, the services were performed six months after he had left the office were secondary, if it be assumed that Mr. Ballinger in a matter in which he had no interest had chance to retain in memory a recollection of the status of these claims and the records with respect thereto. The fact is that there was nothing for him to remember or recall. It was not possible for him, therefore, to have used information obtained by him as commissioner. The objection that the performance of a service of this character was forbidden by law is equally unfounded."

Mr. Vertrees cites rules and regulations of the department as well as decisions of the department, the attorney general and the Supreme court, which he says support Mr. Ballinger's view that there is no legal departmental inhibition against the practicing before the department by a former employe in land cases within two years after his separation from the service. The inhibition applies, he says, only in cases involving money claims.

"You say he actually lies having his wife be a suffragette and all that?" "Yes. He thinks it is fun to get up and go through her pockets for change while she's asleep."

"THE STORE THAT SAVES YOU MONEY"
The Asheville Dry Goods Co.
ASHEVILLE, N. C.

SECOND WEEK Annual June Sale Shoe Dept't Specials

About 300 pairs of Tan Oxfords for men and women \$3, \$3.50 and \$4 values, all the latest styles included, sale price **\$1.98**

One lot Ladies' Patent Colt, one strap pumps, turn sole, a regular \$3.50 value, sale price **\$2.50**

50 pairs Oxford Ties and Strap Effects, all this season's styles, all leathers, \$3 values **\$1.98**

One lot Vici Kid Gibson Ties, an extra fine \$3.50 shoe, sale price **\$2.48**

One lot Ladies' Oxfords, Ties and Strap Pumps, all leathers, \$3.50 sellers **\$2.48**

One lot Men's Oxford Ties, Vici Kid, Gun Metal and Patent Leathers, \$2.50 sellers **\$1.98**

Our line of Silkoline, former price 12 1-2c, during this sale an extra special **8c**

Apron Check Ginghams, former price 7 1-2c, special sale value, while they last **5c**

25c Honey Comb Towels, extra good sizes, during this June sale **10c**

Mercerized Rajah, all shades, a dandy cloth for dresses and auto coats, yard **25c**

Pongetts, a new Summer material, all colors, special sale price **19c**

Togo Silk, in all the newest shades, a beautiful material for afternoon and evening wear **25c**

Shantungs, a beautiful mercerized cloth, suitable for dresses and auto coats, yard **39c**

1 line of London Welts, in neat stripes and dots, tinted and white grounds, 35c value, yard **19c**

Pure Linen Crash, in the natural colors, an extra special during 'June' selling, yard **15c**

Imperial Poplin, a mercerized cloth that wears like linen, special during sale, yard **25c**

Remie Linens, colors blue and natural; this makes an ideal coat suit material, yard **39c**

Ombray Plaid Gingham, in the very newest effects, during this sale, yard **15c**

Cottosilk Foulard, in all the very latest shades, a beautiful cloth for summer wear, yard **17 1-2c**

One line of Floral Flaxons, all newest designs, and beautiful shadings, former value 25c, yd **17c**

One lot of Lawns, all colors, neat designs, former values up to 15c yard, sale price **5c**

Line of Bordered Lawn, newest designs, regular 15c grade, special sale value **9c**

Extra Special—One lot Ladies' Umbrellas, with fancy handles. Sale price, 69c.

Beautiful Gowns, Tub Dresses, Linen Suits & Wash Skirts

Your summer apparel needs can be easily and economically filled here during June Reduction. Hundreds of New Things bear a quick selling price. Come here tomorrow or next day while selections are still good—also be sure and take notice of the values on the first floor.



Handsome Foulard Silk Dress, in new stripe dot effect, with all over lace yoke, trimmed with self colored soutache braid and buttons, former price \$15.00, sale price **\$9.95**

These beautiful Taffeta Dresses in all new colors and black, with silk lace yokes, collars and cuffs, Tunic effect skirt, made of extra good quality Taffeta, values up to \$16.50, sale price **\$10.95**

Russian Blouse Linen Colored Suits, with Dutch neck effect, trimmed in bands of heavy lace at collar, belt and cuffs, tunic effect pleated skirt, the new fad, \$10.00 value. Sale **\$7.50**

This lot of Linen, Gingham and Chambray Dresses, some with lace and embroidered lace collars and cuffs, others with sailor collar or Dutch neck effects, the very newest, up to \$7.00 values, sale price **\$4.95**

Only 40 of these English Rep Suits, in Tans, Blues, Pinks and Coral Coats, strictly Tailored with strap seams, inlaid collar and cuffs and full pleated skirt, \$7.50 value, sale price **\$2.98**

DIOCESAN CONVENTION TO BE HELD THIS WEEK

Grace Episcopal Church, Waynesville, Will Entertain the Gathering.

The sixth annual diocesan convention of the Asheville diocese will be held at Waynesville tomorrow, Wednesday and Thursday. The meetings will be held at Grace Episcopal church. The session at 8 o'clock tomorrow night will be featured by the annual services of the Woman's Auxiliary, the address being delivered by Rev. H. P. Seamen, rector of Trinity Episcopal church. There will be about 25 clergymen and about 50 laymen in attendance. Representing Trinity parish will be J. Hardy Lee, Haywood Parker and Harmon A. Miller.

Bishop Horner will make his address to the convention at 11 o'clock Wednesday, while Rev. Mr. Patton, district secretary of the board of missions, will present the mission work at 8 o'clock Wednesday evening.

The program for the convention will be as follows:

Tuesday, 8 p. m., annual services of the Woman's Auxiliary by Rev. H. P. Seamen.

Wednesday, 7:30 a. m., appropriate communion for Woman's Auxiliary.

8:30 a. m., morning prayer and litany.

10 a. m., organization of convention.

11 a. m., holy communion and Bishop Horner's address to the convention.

3 p. m., business session of the Woman's Auxiliary.

4 p. m., business session of the convention.

8 p. m., missionary service by Rev. Mr. Patton, district secretary of the board of missions.

Thursday, 7:30 a. m., holy communion.

8 p. m., morning prayer and business session of convention.

10 p. m., business session of convention.

ATTEND THE CREDITORS BIG SALE OF THE PEERLESS STOCK TOMORROW.

novel and interesting act. The clever Buckman Sisters, known as the handsomest "sister team" in vaudeville are here to help the boys make the week a financial success. Walton & Brandt, in a most interesting pinologue are sure to become favorites right from the start. The big feature of the bill are the "Three Lucifer's," sensational whirlwind novelty and acrobatic dancer direct from the leading music halls of Europe. This act alone is worth double the price of admission. The performance will be given at The Hip, rain or shine.

"Can't you live just as cheap in the suburbs as in town?" "Yes, but everybody knows it out there."—Life.

American Woman's League certificates will be accepted on NEW subscriptions only, to The Gazette-News.

LAND SALE.
Notice is hereby given that on Wednesday, July 6th, 1910, at 12 M., and from the front door of the court house in the city of Asheville, the undersigned commissioners will sell to the highest bidder for cash, the following lot or parcels of land, to-wit: lots numbers 1 and 2 of block 27, as indicated on the original map of Skyland Springs, which map can be found recorded in book 49, page 59 of the record of deeds in the office of the Register of Deeds for Buncombe county. Each of said lots fronting 45 feet on the south margin of Pond Ave. and running back south, parallel lines, 125 feet.

Sale to be had by virtue of a decree of the superior court of Buncombe county made and entered in the case of C. D. Cooper and others ex parte. For further information call on undersigned.

W. K. WHITSON,
Commissioner.

This June 6th, 1910.

THE FORCED SALE OF THE PEERLESS STOCK STARTS AT 9 O'CLOCK TOMORROW.

"My tooth hurts like Sam Hill!" "Who the Dickens is Sam Hill?" "Well, who in Sam Hill is Dickens?"—Toledo Blade.

Father—What is that infernal racket? Johnny—I'm playing I'm a train and I think you had better play you have missed me.—New York Sun.

Teacher (looking over a graduation essay)—Do you understand it? Pupil (horrified)—I? Why, I wrote it.—St. Louis Post-Dispatch.

SPORTING GOODS
Baseball Goods, Fishing Tackle, Pistols and Ammunition. Trunks and leather goods is our specialty. Money to loan on diamonds, watches, pistols and anything of value.

H. L. FINKELSTEIN'S PAWN & LOAN OFFICE,
23 South Main St.