

WEATHER REPORT

Fair tonight with light frost; Tuesday fair and warmer.

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Calling cards, wedding stationery, commercial stationery and job printing to order at the East Oregonian.

BALLINGER AND HIS LITTLE AX

Secretary of Interior Cuts Off Official Head of Departmental Stenographer.

FREDERICK KERBY UNWORTHY TO REMAIN IN SERVICE

Stenographer Who Published Statement Concerning the Preparation of the Lawlor Data, is Dismissed From Service—Testimony he Gave Was Most Important—President Taft Issues Letter Explaining His Course.

Washington, D. C., May 16.—Frederick M. Kerby, stenographer of the interior department, was dismissed from the government service today by a special delivery letter signed by Secretary Ballinger. It stated he was dismissed because he was "unworthy to remain in the service."

The dismissal of Kerby is another sensation in the development of the Ballinger case in the last three days. Saturday Kerby made public a statement in which he told of the preparation of the Lawlor memorandum in Ballinger's office. Following this Wickkersham sent a copy of the memorandum which previously could not be found and the president then explained the order to Lawlor to frame a letter and write "as if he were president." The prosecution in the Ballinger investigation is trying to figure out why the memorandum could not be produced despite the numerous specific requests, until after the publication of Kerby's statement. They want to know whether the discovery of Lawlor's memorandum was influenced by Kerby's statements.

"My dismissal was not unexpected," said Kerby. "Naturally I didn't care to continue work in the department under existing conditions. I am willing to leave Ballinger's charges to public opinion as to whether I acted treacherously or patriotically, and it is for the public to decide. I am sure the verdict would be in my favor. I consider Taft's letter to Chairman Nelson a substantiation of my story in every particular."

N. Y. Papers Criticize Taft. New York, May 16.—When President Taft was on the bench, he didn't allow his subordinates or litigants to prepare tentative opinions for him," declared the New York World in an editorial today, commenting on Taft's letter of explanation regarding the latest sensation in the Ballinger investigation. "He did not allow lawyers to anticipate his briefs to meet the claims of opposing counsel. He heard the arguments, read the decisions and decided the cases for himself. The public rightfully assumed this was the way Taft acted in the Ballinger case, weighing the evidence and was not influenced by anything but the cold, remorseless facts.

They won't be happy until they get it

Washington, May 16.—An appeal for Philippine independence was filed in the house of representatives today by Manuel Quezon, resident commissioner for the islands. It is said the Filipinos appreciated what this country had done for the island but could not be happy until independent.

TERRIFIC SANDSTORM DOES GREAT DAMAGE

Bakerfield, Cal., May 16.—A terrific sand storm this afternoon is sweeping this section. Ten thousand dollars worth of damage has been done already. Many merchants closed their stores and are sealing their doors and windows to prevent the spoiling of their goods. Numerous oil derricks have been blown down.

WILL EARTH PASS THROUGH TAIL OF HALLEY'S COMET?

New York, N. Y., May 16.—Halley's comet will cross the disk of the sun Wednesday. Astronomers disagree on the question as to whether the tail will extend through space far enough to enwrap the earth. Calculations by Semmlrig, of Austria, indicate the tail is twenty million miles long. If his figures are correct, the earth will only be 15,000,000 miles away, and so will pass through the tail. The tail is supposed to be extremely tenuous and gaseous, but most scientists agree that it doesn't contain any meteors. There is no probability that there will be any sensible effect on the earth's atmosphere. It is likely there will be an aurora.

MILLION DOLLAR MONKEY DIES FROM SUFFOCATION

Seattle, Wn., May 16.—The celebrated educated Monkey Charles I. valued at a million dollars owing to the fact that he earned \$52,000 yearly, suffocated in a baggage car enroute to Portland today. At three o'clock the keeper left him to get a sleep, and when he returned the monkey was dead. It is believed a steam pipe burst nearby was responsible. The monkey was playing on the Orpheum circuit.

W. COOPER MORRIS GETS SIX YEARS

EMBEZZLING CASHIER IS SENTENCED TO PRISON

Judge Gantenbein Pronounces Sentence—Defense Will Ask for New Trial on Grounds That Juror Barton Was Not Qualified to Judge.

Portland, Ore., May 16.—W. Cooper Morris, formerly cashier of the Oregon Trust and Savings bank of this city, was today sentenced to 6 years in prison following his conviction for the embezzling of \$75,000 in notes from the bank. Judge Gantenbein of the circuit court pronounced the sentence. The defendant will ask for a new trial on the grounds that Juror Barton's mind was in no condition for a decision after Howard Gullford had confessed he had attempted to bribe him. Another ground for a new trial will be that the judge erred in giving Barton private instructions after Barton had reported Gullford's attempt.

GERMANY FORCED TO REMAIN IN WAR TRIM

Berlin.—That Germany will in the near future take steps to secure a large expansion of the naval program receives striking corroboration in the Weserzeitung, an influential newspaper published in Bremen. The journal says:

"The tremendous efforts which France is making to enlarge her fleet of submarines, and the colossal exertions of Great Britain to construct her Dreadnoughts, show that cessation in the extension of German armaments will be impossible.

"If the British and French governments force the pace in ship-building as at present, the German admiralty will have no choice but to take such measures as are necessary to provide an adequate protection against such gigantic fleets.

"After having made inquiries in official quarters, we consider it by no means improbable that after the fulfillment of the provisions of the navy act of 1909, the imperial German government will be obliged to put forward legislative proposals for a more extended and more powerful coast defense.

"Whether this necessary coast defense will be secured by the enlargement of our flotilla of submarines, or by the building of substitutes for battleships which are becoming obsolete, or by the creation of a squadron of auxiliary airships is still open to question.

The "Weserzeitung," which is a radical organ, adds the following editorial comment: "This prospect of another acceleration in the rate of naval shipbuilding can only be described as terrible."

WIFE PAYS RANSOM TO BRIGAND'S BAND

St. Petersburg.—M. Kosbelev, a wealthy merchant of the Caucasus district, has had an experience that rarely happens outside the covers of a "Wild West" romance.

Recently he was taken prisoner by brigands, who demanded for his release a ransom of \$9000. The money was paid by the merchant's wife in 500rouble notes, the numbers of which she had previously taken.

A few days after his liberation, Kosbelev was playing at his club with the local chief of police, when he was astonished to see his opponent pay his losses with some of the identical notes given for the merchant's ransom. The suspected dealings between the police and the brigands are now the subject of an official inquiry.

"Bring Hill to Medford," says the Medford Mail. But Hill is not to be brought except on his own volition.

T. R. ARRIVES IN ENGLAND

Roosevelt and Party Arrive in Land Where Sorrow Prevails.

GREAT AMERICAN LOOKS UPON DEAD POTENTATE

Royal Carriage Meets Roosevelt Party and Conveys Them to Home of American Ambassador — Papers Praise Teddy—Instead of Audience With Edward as Originally Planned Roosevelt Goes to View Remains of Dead King—George Meets Visitor.

London, May 16.—The Roosevelt party arrived here today and was met at Victoria station by municipal and official representatives of the British government. The king sent the royal carriage to convey the Roosevelts to Dorchester house, the home of Ambassador Reid. The morning papers print columns of praise for the American. When official courtesies were exchanged, Roosevelt proceeded to Buckingham castle where he viewed the remains of Edward. He then went to Marlborough house, where Ambassador Reid presented him to the king. The meeting was simple, brief and cordial. George expressed pleasure at Roosevelt's appointment as a special representative of the United States to the funeral which occurs tomorrow.

FUNERAL TOMORROW

London, May 16.—Troops are pouring into London today for service at the funeral of Edward when troops will line the street through which the royal cortege passes. It will be one of the most magnificent pageants ever witnessed in England. A host of royal personages of Europe will follow the casket. It is estimated that half a million dollars will be paid for seats along the line of march, rich Americans being partly responsible for the high prices of seats. One American paid \$5000 for the storeroom of a small merchant and others paid like prices for advantageously located positions.

DISCOVERS PLAN TO DYNAMITE 120 CHINESE

Vancouver, B. C., May 16.—Authorities are investigating today the plan to dynamite 120 Chinese immigrants, which was prevented by the discovery of dynamite hidden in stoves by the agent for the Canadian Pacific. The Chinese were in the cars ready to start on their journey across to Winnipeg, after landing from an oriental liner. One cook of a gang of sixty started to make a fire when the agent found a stick of dynamite in the stove. He searched the other car and found another stick.

CONVICTED MURDERER WOULD CHEAT GALLOWS

San Quentin Prison, California, May 16.—It is reported today that Ernest Wirth, the convicted murderer who attempted to hang himself in his cell yesterday will recover. Wirth made strips from a pillow, kicked the chair from under him, but his cellmate, D. Treschenke held his body up until the guards arrived. Wirth was sentenced to hang June 14 for the murder of his wife in Los Angeles.

Supreme Court to Adjourn

Washington, May 16.—The United States supreme court has announced that it will hear no arguments today and will adjourn for the summer recess on May 31. Many important cases will have to go over to the October term.

MERCHANTS WILL AID WORK OF BETTERING OLNEY CEMETERY

There is going to be some fine work done Friday, May 20, towards getting Olney cemetery into good condition for the Memorial day exercises. Councilman Dyer, chairman of the cemetery committee, has instituted a move to get scores of local people at the cemetery on the afternoon of that day to assist in the work of cleaning the cemetery. In order to secure volunteer workers for the occasion the stores have been asked to close up between noon and 4 o'clock in the afternoon. The following have agreed to do this. Central meat market, Lyman's meat market, the Clark Grocery company, the Ingram grocery, the Standard Grocery, the East End gro-

JURY FINDS HYDE GUILTY

Verdict for Murder in First Degree Returned Against Physician.

IS SENTENCED TO LIFE IMPRISONMENT

Jury After Being Out Since Friday Finds Accused Guilty of Murder of Col. Thomas Swope—Hyde is Unmoved and Seeks to Comfort Hysterical Wife—Attorneys Will Ask for New Trial on Appeal Case—Judge Expresses Sorrow for Mrs. Hyde.

Kansas City, May 16.—Dr. Hyde was today convicted of murder in the first degree, and sentenced to life imprisonment for the murder of Col. Thomas Swope, the Kansas City millionaire, whom it is alleged he poisoned for the purpose of inheriting the Swope millions. The jury had been out since Friday evening and for a time it appeared that a verdict would not be found and that the judge would have to declare a mistrial.

A great crowd was present when the verdict was returned. Mrs. Hyde and her husband's sisters were with Hyde, who was apparently unmoved when the verdict was read. Mrs. Hyde burst into wild tears, and was led from the court room. Afterward Hyde was taken into an anteroom guarded by deputies, and there attempted to console his wife. His sisters also wept. Hyde was remanded without bail. Formal sentence will be pronounced probably on Thursday and the attorneys will then move for a new trial and if denied that will appeal.

Judge Latschaw said: "I am awfully sorry for the little woman," referring to Mrs. Hyde. "I will give the attorneys the full limit time in asking for a new trial and preparing an appeal."

Dr. Hyde was convicted on the indictment charging him with the murder of Thomas Swope, and there are ten other indictments, one charging him with the murder of Chrisman Swope, the colonel's nephew, who died of typhoid fever and one charging him with manslaughter of Colonel Moss Hunton, whom it is alleged Hyde bled to death.

The eight others charged Hyde with attempting to inoculate other members of the Swope family with typhoid fever germs.

NATIONAL STRIKE LEADER TO HELP SPOKANE COOKS

Spokane, May 16.—The cooks and waiters' strike assumed a new phase today when it was said the national headquarters of allied unions had taken official action to send a representative to take personal charge of the strike. Thirty hotels and restaurants have signed the new scale, while 30 members of the Hotel and Restaurant Protective associations which is the backbone of the opposition, has announced their intention of staying with the fight.

SENATE DEFEATS CUMMINS AMENDMENT 37 TO 28

Washington, May 16.—The amendment of Senator Cummins to strike out the court of commerce section from the administration's railroad bill was defeated, 37 to 28, in the senate today.

Church of Christ

Anderson, Ind., May 16.—Delegates from nearly 1000 churches, with 150,000 members, are here today at the opening of the annual state convention of the Missionary Society of the Church of Christ in Indiana.

LA GRANDE SUGAR COMPANY FORCED TO REFUND MONEY

Portland, Ore., May 16.—The Amalgamated Sugar company of La Grande, Oregon, will have to pay the United States bank of Portland, \$4,000 as a result of a decision of Judge Bean in the United States court today. About the time of the failure of the Farmers' and Traders' bank of La Grande, for the alleged shortage of which Scriber is on trial here, the Sugar company drew a check against itself for deposits in the La Grande bank in favor of the First National of Ogden. This it sent to the Portland bank for collection, the La Grande failed the company stopped payment and the Portland institution sued and recovered.

MISTAKES BOY FOR FOOTPAD AND SHOOTS HIM DEAD

Oakland, Calif., May 15.—Leslie Herbert, aged 19, was mistaken for a footpad and probably fatally shot today by a stranger. Herbert had lost his hat, and jumped from his buggy to get it when a stranger drew a revolver and shot point blank. The bullet entered his body. The stranger said "thought you were a footpad," and then fled.

SWITZLER'S ISLAND IN LIMELIGHT AGAIN

EARNHART REGAINS POSSESSION FOR AWHILE

Another Chapter in Controversy Written—Judge Wolverton's Injunction Reversed in San Francisco Court of Appeals.

Another chapter has been written in the controversy for possession of Switzler's island in the Columbia river, northwest of Pendleton. It will be remembered that in March, 1909, F. E. Earnhart "jumped" the island which had been in possession of J. B. Switzler for 20 years and took armed possession. He alleged that it had never been legally obtained by Switzler and was unsurveyed government land.

Switzler brought suit to obtain possession and secured an injunction from Federal Judge Wolverton, which put Earnhart off the land and gave Switzler possession. Earnhart, through his attorney, D. W. Bailey, appealed to the United States circuit court of appeals at San Francisco and secured a reversal of the degree. The San Francisco court held that Wolverton's court had no jurisdiction, so the decree was reversed and the case remanded with instructions for Judge Wolverton to dismiss. This gives possession to Earnhart, at least temporarily.

The island contains 80 acres of land, much of which is valuable for the production of alfalfa.

Severe Quakes in California

Los Angeles, May 16.—Reports today from southern California indicate that yesterday's earthquakes were the most severe in years. Most damage was done in Pasadena, where several walls were cracked and in other places, San Bernardino, Riverside, and Santa Ana, a number of chimneys fell.

Rebellious Indians Quelled

Santa Fee, May 16.—Leaders of the revolted Taos Indians were arrested today and their followers returned to the reservation. The state militia was recalled and an order for the United States troops to take the field from Fort Wingate rescinded. Civil authorities now control the situation.

SAXONY LEADS WORLD IN MINES OF RADIUM

Berlin.—Saxony is wonderfully rich in radium, according to an official report issued by the government, after a comprehensive search throughout the kingdom.

Specimens of water for testing were taken from 484 different sources, including mines, springs, brooks and ponds, and 84 of these showed radioactivity. Twelve were classed as strongly radio-active, some being much stronger than the well-known Bräbenack spring at Gasteln and Buettquelle in Baden.

The government report adds that besides water, stones, ores, sand, mud and air taken from different parts of Saxony are being tested to find radium. The government proposes to create a state monopoly of all pitch blends (in which pure radium is found) discovered in privately owned mines.

OFFICER FORGETS BOMBS ARE LOADED

St. Petersburg.—A policeman of Ekaterinoslav is doing a four months' fast, with prayer by order of the church, for a piece of fatal forgetfulness.

In connection with a bomb case the policeman took two bombs to a local blacksmith's shop to be opened. But he omitted to warn the smith that the bombs were filled with explosives. This lapse resulted in the death of the smith and his assistant.

ARE DECIDING WATER RIGHTS

State Water Commissioners Meet in Echo to Adjust Disputes.

MANY LOCAL ATTORNEYS PRESENT AT HEARING

State Board Meet for Adjudication of Water Rights Along Umatilla River—Settlement May Require Years—Hearing to be Held in This City Thursday—Movement to Settle Disputes Will be State Wide in its Effects.

Litigation having for its object the adjudication of all the water rights along the Umatilla river and which will probably require several months, if not years, to complete, was started at Echo this morning. The original hearing is taking place before State Engineer John H. Lewis of Salem and F. M. Saxton, of Baker City, who is the eastern Oregon member of the state board of water commissioners. A large number of Pendleton attorneys went down this morning to attend the hearing which will probably continue over until tomorrow or next day. Thursday a similar hearing is scheduled to be held in this city.

Commissioner Saxton came over from Baker City last evening and went on to Echo early this morning. Among those going down from here this morning on the local were Col. J. H. Riley, Judge James A. Fee, Attorney Frederick Steiner, Attorney Harrison Allen of Portland, W. H. Daughtry of Portland, Will Moore, Judge H. J. Bean and Judge S. A. Lowell. Attorney Oliver P. Morton of Portland and Attorney Edward S. Taylor of Hermiston are also there to represent the government.

The Echo hearing and the one which is to follow in this city next Thursday are the first steps in the movement to settle once and for all the question of water rights in the state of Oregon. The Umatilla river has been selected as the place of beginning by reason of the demand for an immediate adjudication. More water has already been appropriated than flows down the stream during the irrigating season and it is absolutely necessary that some adjustment be reached as soon as possible.

By the present arrangement every man using water from the river will be compelled to appear before the commission either in person or by attorney at the Echo or Pendleton meeting. He will then be compelled to make affidavit showing when he first began taking water from the stream, giving the dimensions of the ditch, the number of acres irrigated and the amount of water he uses and needs. If there is no objection to this claim on the part of other users, the claim will be allowed and the claimant will be given the proper papers making his rights permanent and showing the amount of water to which he is entitled.

In case any mans claims are disputed by any other, and there is every promise that scores of them will be contested, the disputants will be given a hearing before the commissioner in case this decision is not favorable to both sides an appeal will be taken to the circuit court and will then be appealed to the state supreme court whose decision will be final. Papers will then be issued as in the former case.

After the rights have all been adjudicated it will then be an easy matter for the water masters to make an investigation and see that each man is taking no more water than he is entitled to.

It is estimated that there are approximately 400 users of water along the Umatilla river and its tributary streams of McKay, Birch and Butter creeks, so that the task before the water commission is a gigantic one. Settlers under the various reclamation projects will be represented by the project owners.

ARMY OFFICERS' DEBTS ARE ALL TO BE PAID

Vienna.—The question of freeing the officers of the Austro-Hungarian army from the weight of their personal debts, a matter which has long engaged the attention of high military circles, has at last been solved. A fund, consisting of some millions of kronen, will be established and the first draft upon it for the purpose indicated will be made on August 18, next, the eightieth birthday of the Emperor Francis Joseph.

The capital sum, it is understood, will be \$1,000,000 and the interest on this amount will be advanced to the officers for the purpose of discharging their obligations.

The assistance to the officers will be dispersed with the utmost prudence. The highest sums granted will be \$600 to a lieutenant; \$1000, to a first lieutenant and \$1800 to a captain.