

Tonight and Tuesday—Clear and warmer.

MEDFORD MAIL TRIBUNE

UNITED PRESS ASSOCIATION Full Leased Wire Report.

The only paper in the world published in a city the size of Medford having a leased wire.

FIFTH YEAR.

MEDFORD, OREGON, MONDAY, MAY 16, 1910.

No. 48.

LITTLE BUTTE WATER RIGHTS ADJUDICATED

Water Users Who Came to War Remained to Sit in at Love Feast—Amicable Adjustment of All Contention Over Waters of Stream. All Are Happy.

HOLGATE COMPLETES HIS LABORS HERE

Attorneys Representing Contending Factions Are Pleased by Outcome—Was Simple Case of "Get Together."

The taking of testimony in the contest as to the waters of Little Butte creek before H. L. Holgate, state superintendent of water, was suddenly abandoned, and the parties interested, including some fifty water users, discussed the situation informally. As a result, all the apparent difficulties were very satisfactorily adjusted, and all the parties agreed to a stipulated statement of the facts.

Many very valuable water rights are affected by the adjudication before the state board of the rights to the use of water in Little Butte creek, including the water rights for the City of Medford, and for the Fish Lake Water company, which proposes to irrigate some 65,000 acres of land in this vicinity.

Water Duty at Issue. Chiefly the question at issue was one as to water duty; that is, how much water was required for the proper irrigation of the various crops. It seems from the discussion that the difference was one as to the terms rather than as to substance. The Fish Lake Water company contended that half an inch per acre was sufficient, while the water users held that a much larger amount was required. It was disclosed that both parties meant practically the same thing, the Fish Lake Water company referring to a constant flow of water, while the farmers had reference to a periodic application. In both cases the amount of water applied to one acre during the irrigation season amounted substantially to 75 miner's inches, or something more than 3,000 cubic inches.

Through a practical example offered by W. C. Daley, a prominent farmer of Lake Creek, it was shown that half a miner's inch per acre, continuous flow, equaled the extreme amount claimed by any irrigator on the stream for the proper irrigation of the land. On some very porous soils a much larger amount was required to carry this volume of water over the land.

It was stipulated between the parties to the contest, comprising practically all the water users of the stream, that half an inch per acre continuous flow was sufficient for the major portion of the lands, the smaller area of bottom land requiring for the purpose stated, a larger irrigation stream.

Arthur P. Stover, for many years an irrigation expert in the United States department of Agriculture, and a recent addition to the farmer population of Jackson county, rendered very material assistance in bringing about the adjustment of supposed differences.

Many Users Represented. Gus Newberry, representing some twenty water users; A. E. Reames, representing a like number; O. C. Boggs, attorney for the Little Butte Irrigation company, and Mr. Smith of Portland, attorney for the Fish Lake Water company, avoided legal quibbles by bringing out the issues on a broad plane, and made possible the uniting of all the interests in a happy and permanent agreement.

James T. Chinnock, secretary of the state board of control, reported the proceedings.

The unexpected settlement of the question of water duty resulted in a rapid adjustment of other contests.

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LADIES MADE OVER \$1000 ON ISSUE OF PAPER

Will Call Tomorrow on Those Whose Advertisements Did Not Appear, and Refund Money Paid Them—Are Checking Up Paper Today.

That was the amount of money taken in by the ladies of the Greater Medford club from their special issue of the Medford Mail Tribune on Sunday. The ladies will clear over \$1000.

Owing to the heavy pressure of late advertising, when it was impossible to issue eight additional pages, a large amount of advertising as well as reading matter was crowded out. Today the ladies are checking up the edition and tomorrow will refund to advertisers, whose matter did not get in, the amounts collected.

KERBY IS KICKED OUT OF OFFICE BY BALLINGER

Secretary Declares That Stenographer Who Showed Him Up Is "Unworthy to Remain in the Service"—Stormy Water Ahead.

WASHINGTON, D. C. May 16.—Frederick M. Kerby, stenographer in the interior department, was dismissed from the government service today in a special delivery letter sent to his home and signed by Secretary Ballinger.

The letter stated that he was dismissed because he was "unworthy to remain in the service."

The dismissal of Kerby is another of the sensations that have developed in the Ballinger investigation in the last three days. Saturday Kerby made public a statement in which he told of the preparation of the "Lawler memorandum." Following this Wickersham sent a copy of the Lawler memorandum to the investigating committee and later the president took the center of the stage by issuing a letter of explanation, saying that he had ordered Lawler to frame the letter, known as the memorandum and told him to write "as if he were president."

The "prosecution" in the Ballinger investigation today is trying to figure out just why the Lawler draft was not sent to the senate when that body called for "all documents" in the Ballinger-Pinchot controversy, or why it was not produced in answer to a score of specific requests made by the attorneys for the "prosecution" before the committee.

A new phase of the case came up today, when Kerby declared that the interior department was informed by telegraph that his statement regarding the Lawler letter was to be published, and Stenographer Massey, who helped in the preparation of the letter, was sent to him to find out if it were true. The interior department, Kerby said, had received a telegraphic summary of the statement.

Massey asked him, Kerby continued, whether he intended to allow the statement to be published. He declared that he did. Three hours after this, he said, the Lawler memorandum was in the hands of the investigating committee.

The attorneys representing Glavis and others on the side of the "prosecution," will endeavor to investigate this reported conference and will try to find out whether the attorney general and the officials of the interior department were influenced by Kerby's statement.

Other points that it is expected they will probe when the hearing continues is why the president included in the documents regarding the controversy the Wickersham "summary,"

RIGHT OF WAY TO BLUE LEDGE IS OBTAINED

Committee of Jacksonville Commercial Club Meets With Great Success in Efforts to Secure Rights of Way for Road to Blue Ledge—Nearly Every Gap Closes.

MANY SIGN DEEDS FOR RAILROAD RIGHT

Matter Will Be Put Up to John R. Allen Soon—Nearly 35 Miles of Territory Is Crossed and All Rights Secured.

Great progress is being made by the right-of-way committee appointed by the Jacksonville Commercial club to secure the right of way for the proposed railroad to the Blue Ledge mining district. They have made a second trip over the route, signing up those missed on the first trip, until now practically every gap between Jacksonville and Seattle Bar has been closed. At Seattle Bar the land beyond belongs to Uncle Sam or Robert J. Towne, with the exception of a mining claim or two.

Those who have executed right-of-way deeds are: Fredericka Heeley, Sarah A. Cantrall, William Ira Coffman and wife, William Loudon, Mary Bauten and H. A. Bauten, C. M. Ruch, Luke Ryan and Elizabeth St. C. Ryan, Iessie McCully and George H. Merritt, A. D. McKee and wife, Charles Schaefer and wife, Zach Cameron and wife, Maggie Buckley, Martha Watkins, H. B. Stephenson and wife, Robert Ray and Matthew Ray, John Devlin and wife, Prior Eaton, Amos McKee and wife, William Cameron, Sophie Collins, Newbury & Cantrall (contract), Gold Ray Realty Co., Peter Ensele and wife, A. Gilson and wife, Benton Pool and wife, Charles C. Buck and wife, Raymond Phillips and wife, Robert Holzgang and wife, Albert Gangwisch, J. P. Harr and wife and Bert Harr, Wilber Cameron.

In addition to the above, the committee is promised right of way over lands of Vance-Anderson Co., R. J. Cameron estate, Pearce Mining Co. and Ralph Jennings, the owners assuring the committee that as soon as circumstances will allow the necessary conveyances will be executed.

The committee has been very successful in the prosecution of this enterprise, having in less than two weeks' time secured rights of way from more than 30 different parties, covering a distance of nearly 35 miles.

MORRIS GIVEN SIX YEARS FOR EMBEZZLEMENT

Judge Gantenbein of Circuit Court Sentences Former Cashier of Oregon Trust & Savings Bank to Six Years in State Prison.

PORTLAND, Or., May 16.—Judge Gantenbein of the circuit court today sentenced W. Cooper Morris, formerly cashier of the Oregon Trust & Savings bank of Portland, to six years in the Oregon state prison. Morris was convicted of having embezzled \$75,000 in notes from the bank. He is under indictment for other alleged shortages in the bank's cash.

which he admits he didn't have in the form submitted at the time he exonerated Ballinger and did not send the Lawler memorandum, which he admits he did have.

JURY FINDS DR. HYDE GUILTY OF FIRST DEGREE MURDER; IS SENTENCED TO SPEND LIFE IN JAIL



One of the most sensational stories of attempts at wholesale murder of recent years is that told in connection with the deaths of Colonel Thomas H. Swope, the millionaire philanthropist of Kansas City, Mo., and Chrisman Swope, his nephew. Colonel Swope died Oct. 3, and his nephew, a beneficiary under his will, died soon thereafter. Several members of the Swope family, also beneficiaries under the will, became mysteriously ill and had narrow escapes from death. Dr. B. C. Hyde, who signed the death certificates of Colonel Swope and Chrisman Swope, is the husband of a niece of the millionaire and inherited \$175,000. Colonel Swope was considered the most public spirited citizen of Kansas City. He gave to the city 1,350 acres of land for a public park, now known as Swope park. He also made other public donations, among them the land occupied by the splendid new general hospital of Kansas City.

JURY COMES IN AFTER MANY HOURS OF DEBATE

Hyde's Sisters and Wife Break Down and Cry—Remanded to Jail Without Bail—Attorneys Will Do All in Their Power to Get New Trial.

The trial of Dr. B. C. Hyde for the murder of Col. Thomas H. Swope involved two leading families of Kansas City. Col. Thomas H. Swope was a millionaire who earned a title to philosophy by presenting Kansas City with the most beautiful of its public parks. He was the uncle of Dr. Hyde by marriage. The convicted man was a popular young physician. He incurred the enmity of Mrs. Logan O. Swope, sister-in-law of the colonel, by marrying Mrs. Swope's daughter against her wish. Throughout the trial Mrs. Hyde stayed loyally by her husband, and the gulf of estrangement between her mother and herself never was bridged. Two days before Col. Swope died, Moss Hutton, his lifelong companion and named by Swope as executor of his will, passed away. The circumstances surrounding Hutton's death indicated that he had been led to death by Dr. Hyde.

BAKERSFIELD WRECKED BY WINDSTORM

BAKERSFIELD, Cal., May 16.—A terrific wind storm is raging throughout the Bakersfield district today. It is estimated that between \$19,000 and \$30,000 damage has already been done. One wall of the Aerodrome theater in this city was blown over and doors and windows in many buildings broken. Many merchants have closed their stores, sealing doors and windows to prevent damage to stock by the flying dirt. Precautions are being taken to prevent fires in the oil fields, which cause damage amounting to millions of dollars. Many derricks in the fields have been blown down. The Lakeview gusher is reported to have wasted 5000 barrels of oil today.

HUGE QUANTITIES OF SNOW REMAIN

Rogue River Is From Eight to Ten Inches Higher This Year Than It Was at This Time a Year Ago—Not in many years has there been the quantity of snow in the mountains that there is the present season. As a result, the Rogue river is from eight to ten inches higher than for several years past this time of the year, and the probability is that it will continue higher throughout the season than for the past five years. At the Gold Ray power-house the government gauge shows an average flow of eight inches in depth over this date a year ago, and the officials of the Rogue Realty company are confident that the increase will hold up throughout the season. The heavy flood of last winter swept away the gates at the intake of the canal constructed for use at the proposed power plant at Prospect. Reconstruction work will begin at an early date and hopes are held out that actual construction of the power plant will be undertaken at no distant date. This power site is pronounced by experts as the finest in Oregon and one of the finest in the world. A fall of 700 feet is secured, making it possible to develop 100,000 horsepower, enough to run all the engines in Oregon.

QUADRUPLE BLOOD IN THIS MARRIAGE

Wong Dong Kay Takes Miss Hattie McClain to Wife—Four Races Are Represented in Marriage. The first orthodox wedding of a son of the celestial kingdom in Jackson county occurred in Jacksonville Friday, May 13, when Judge Nell united Wong Dong Kay of Placer county, California, and Miss Hattie McClain of Butte county in the same state. There have been Chinese weddings in Jacksonville in the early days, when there were many of that race in the mines, accompanied by all the ceremonies of the religion of Confucius, but this was the first when a man of Chinese blood took unto himself a wife under the laws and usages of the United States. Kay is not a full-blooded Chinese, his mother having been white, and his bride is the daughter of a union between Spanish and Indian. Kay is a native of San Francisco and is thoroughly American in every way except in feature. His bride is fair and comely and shows but little of her Indian ancestry.

ROOSEVELT AT LAST IN LONDON

LONDON, May 16.—Colonel Theodore Roosevelt and party arrived here at 7:30 this morning. He was met at the Victoria station by officials of the municipality and representatives of the British government. King George sent a royal carriage to convey the Roosevelts to Dorchester House, the home of American Ambassador Reid. The morning papers here print columns of praise of the former president of the United States. Official courtesies having been exchanged, Roosevelt proceeded to Buckingham palace, where he viewed the body of the late king. Then the colonel went to Marlborough house, where Ambassador Reid presented him to King George. The meeting between the new king and the recent president was simple, brief and cordial. King George expressed his pleasure at the appointment of Roosevelt as special representative of the United States at the funeral of his father. The king appointed Lord Dunsford and Commander Cunningham Graham to take charge of Roosevelt's entertainment and to serve him a permanent suite during his stay in England. City's Case Set for Trial. Judge Calkins today overruled the demurrer interposed by A. E. Reames in the suit brought by the city against M. F. Hanley. The case is set for trial Wednesday.

KANSAS CITY, Mo., May 16.—

Dr. B. C. Hyde was today convicted of murder in the first degree and was given a life term in the penitentiary for having killed Col. Thomas H. Swope, the Kansas City millionaire. The conviction and sentence of the young and popular physician comes as a climax to one of the most sensational murder trials in the history of Missouri. The jury which brought in the verdict had been out since last Friday night. For a time it appeared likely that the jury would not agree, and Judge Latshaw would grant a mistrial. The first reports from the Hyde jury today declared that the jurors were still deadlocked. All sorts of rumors were in circulation. It was declared the jury stood 11 to 1 for acquittal. Another rumor that was current a little later declared the vote was 11 to 1 for conviction. Great Excitement. When it was finally announced that the jury had reached an agreement and was ready to report to the court opinion was pretty evenly divided as to the nature of the decision. There was great excitement about the courtroom and a large crowd gathered to hear the verdict. The defendant, his wife and his sisters were in court by the time the jury filed in. Dr. Hyde was composed and calm and apparently unmoved as the verdict of "guilty of murder in the first degree" was read. Mrs. Hyde who has expected an acquittal, burst into tears at the words "guilty" and was led sobbing into an anteroom. The jury, which has power to fix the punishment, sentenced Hyde to life imprisonment. Sentence Read. After the verdict with the sentence (Continued on Page 8.)