

TESTIMONY OF THE EXPERTS WANTED BY HYDE'S LAWYERS

DOCTORS DUE ON THURSDAY

When the Grand Jury Investigating the Swope Mystery Finishes With Them They Will Testify in Damage Suit.

NURSE ONLY WITNESS EXAMINED YESTERDAY

Deposition of Dr. Hyde Will Be Taken by the Attorneys for Paxton Friday Unless the Suit Is Dismissed Meantime.

NIGHT SESSIONS OF JURY

Kansas City, Feb. 15.—When Drs. Ludwig Hektoen, Victor Vaughn and Walter S. Hines arrive on Thursday to give their testimony before the grand jury investigating the Swope mystery they will find themselves much in demand. Especially are they wanted by attorneys for Dr. B. C. Hyde, who desire to take the physicians' depositions in connection with Dr. Hyde's suit against Attorney John G. Paxton.

By the terms of an agreement reached tonight between Prosecutor Virgil Conkling and Attorneys John M. Cleary and John H. Lucas, representing Dr. Hyde, the physician's attorneys will not interfere with the witnesses while they are testifying before the grand jury. But no agreement was reached whereby Mr. Conkling is duty-bound to notify these attorneys when he has finished with the witnesses. Therefore, it behooves Dr. Hyde's attorneys to keep a constant watch on the physicians so that they will not complete their testimony before the grand jury and leave before their depositions are obtained.

Determined to Find Out.

If Dr. Hyde's attorneys fail to obtain the depositions of the physicians here, then Attorney Frank P. Walsh will go to Chicago and to Ann Arbor to take the depositions. He is determined to know the exact contents of the reports of these experts on their examination of the vital organs of Chrisman and Thomas H. Swope and of the contents of the stomach of Miss Margaret Swope.

Another Deposition that Dr. Hyde's attorneys want badly is that of Miss Pearl Keller, the nurse who attended Colonel Swope in his last illness.

Only One Witness.

An attempt was made to get her deposition today, but Attorney Walsh was notified that Miss Keller had not completed her testimony before the grand jury. She was the only witness today.

Night sessions of the grand jury may be held. It appears that at least two weeks will be required to finish the inquiry.

Formal notice was served on Dr. Hyde that his deposition would be asked by attorneys for Mr. Paxton Friday. It is believed the suit will be dismissed before then.

CAUGHT BY SNOWSLIDE

Two Men Killed at Burke, Ida.—Bodies Not Received.

Spokane, Wash., Feb. 15.—Searching parties out all day today failed to find any trace of Walter McKinley, aged 25, and Louis Vakil, an Austrian, who were buried in a snowslide at Burke, Ida., yesterday. The men were on their way to the Arlington tunnel when struck by the slide.

Snow continues to fall at Wallace. It is now two feet deep, and at the Taft mine three feet. This is the hardest winter these places have experienced in many years.

LEGISLATION ON SUBJECT MIGHT DISTURB BUSINESS

President of New York Cotton Exchange Talks Against Anti-Option Bill.

Washington, Feb. 15.—Warning that the disturbance of a business having such world-wide ramifications as the cotton industry might precipitate financial and commercial conditions not now foreseen was given today by Vice President Arthur R. Marsh of the New York Cotton Exchange at the anti-option hearing before the House committee on agriculture.

Mr. Marsh, in concluding his testimony, suggested that the committee may not realize the full extent of the consequences of the proposed legislation to do away with future transactions in the market, pointed to last year as an instance, and drew a picture of the great stock of additional gold that might have been sent across the ocean from America if the cotton industry had been disturbed by legislation.

He also suggested to the committee that contracts made on the New York cotton exchange were all entered into within the state of New York, and were not interstate commerce. He told the committee that the exchange's building in New York was worth approximately \$1,000,000, but he had no way of estimating the volume of its transactions.



DOCTOR B.C. HYDE.



MRS. B.C. HYDE.



MISS LUCIE LEE SWOPE.

Dr. B. Clark Hyde, charged by the jury with administering a capsule containing strychnine to Colonel Swope, which caused his death. His wife and Miss Lucie Lee Swope.

TURNED UP HIS TROUSERS

Methodist Minister at Lajara Resigned Because the Official Board Regarded Him as Sporty.

Lajara, Colo., Feb. 15.—If a minister, a Methodist minister, wears gay hose, turned-up trousers and fashionable shirts, is he a sport, and unfit to lead a flock?

Apparently the official board of the First Methodist church of Lajara and Bowen thinks such a mode of dressing indicates a "sport," for as a result of charges brought against him, Rev. B. F. Turner, pastor of the church, who came to Lajara from the east three months ago, has resigned, and his resignation has been accepted.

CHALLENGE TO STONE.

Gov. Hadley Does Not Believe "Gumshoe Bill" Was Fairly Elected.

Jefferson City, Mo., Feb. 15.—Governor Hadley challenged Senator Stone today to consent to a recount of the ballots cast in the senatorial primary election.

He said if Senator Stone and former Governor Folk consent and the recount shows that Senator Stone was not nominated, he will appoint Folk as Stone's successor.

PRISONERS PLOT TO ESCAPE

THROUGH the discovery of five small saws Sunday, a wholesale break was frustrated at the county jail by Sheriff Joseph C. Sharp and his deputies that, if successful, would have resulted in the freedom of L. E. Driskell, held for complicity in the murder of Special Officer Riley; William Morgan, his cellmate, held for alleged counterfeiting; John Fury, charged with the Finch cafe holdup, and Dominic Albense, a notorious Austrian, together with other more or less dangerous prisoners.

The break was frustrated before it was really started through the discovery of five fine steel saws, which are thought to have been taken into the jail in a tray of food sent Sunday morning by Tracy Driskell to his brother. As a result of this theory, Tracy Driskell has been arrested on suspicion and is an inmate of the jail. That a jailbreak was planned was the belief of Sheriff Sharp Saturday, and he kept a sharp watch for tools that might be used in sawing bars. The first hint came to him when John Delaney, who was on trial in police court for dynamiting the hoisting engine at the Fair hotel, threw a note to some of his pals who were onlookers at court.

HEAVY DAMAGE IS SUFFERED BY ROAD

Four Miles of Western Pacific Track Washed Out by Waves.

Lashed into a fury by the fierce gale that raged Monday night and all day yesterday, the heavy waters of the Great Salt Lake did damage to the line of the Western Pacific that will, perhaps, total \$50,000.

Almost four miles of track, between Garfield and Grant stations, along the edge of the southern arm of the lake, were washed out, and the road is temporarily out of commission.

Definite reports of the amount of damage done were not obtainable last night, but sufficient information came over the wires to acquaint the officials here with the fact that the remaining mileage of the ten-mile stretch of embankment is in serious danger from the encroachments of the heavy brine.

When word of the disaster reached Superintendent R. M. Ogilvie yesterday he immediately made plans for the repair of the damage done. Early this morning a work train, with a large force of workmen aboard, will leave for the scene of the washout. Superintendent Ogilvie, Roadmaster A. M. Hendrickson and Division Engineer J. M. Ferguson will be on this train, and upon their arrival will give personal supervision to the repair work.

In addition to the work train, there are already two work trains on the west side of the lake. With crews working from both sides, it is hoped to be able to make temporary repairs at least within four or five days. Until then through traffic will be effectually tied up.

From the meager reports obtainable it seems that the greatest amount of damage done was in the immediate vicinity of Lago station, a few miles west from Garfield. The track was washed out was not in one place, nor in several places even, but extended in spots over a distance of ten miles. The waves, with the force of titanic battering rams, broke through the weak spots in the embankment, and scattered like so many pebbles the huge boulders that had been placed there as rip-rapping.

STUBBS ON THE STAND IN GOVERNMENT SUIT

Cross-Examination of Traffic Manager of Harriman Lines by C. A. Severance.

New York, Feb. 15.—Evidence of minimized competition and practical control of the Asiatic freight traffic moved west from the Missouri river to Portland and to San Francisco by the Union Pacific-Southern Pacific railway systems since the merger of the two roads in 1901 was brought out today with the resumption of the hearing in the federal government to dissolve the merger.

MADE HASTE TO GET AWAY

General Chamorro, Insurgent Leader, Who Captured Matagalpa, Nicaragua, the Other Day, Forced to Evacuate.

Managua, Feb. 15.—The forces of President Madriz again have taken possession of Matagalpa, which, on February 10, was occupied by General Chamorro, insurgent leader.

The bombardment of the city, which began Sunday night, after notification had been given to the non-combatants to withdraw, was abandoned for some hours, but was renewed yesterday.

The government forces had heavy guns on the hills, but the insurgents were without means to reply at long range. Chamorro, therefore, deemed it advisable to retreat under cover of darkness, and evacuated Matagalpa early this morning.

Generals Lara, Chavarri, Martinez and Divas, each of whom commanded sections of the government troops, occupied the city at noon. Chamorro did not escape any too soon, as he was nearly surrounded by the government forces, which had been brought up as quickly as the condition of the country would permit in the last few days.

Chamorro's Ambition. It is reported General Chamorro has broken away from General Estrada and proclaimed himself president.

Overtures have been made to President Madriz by Chamorro through the medium of American Consul Agent W. H. DesVigney at Matagalpa, for the re-establishment of peace. Chamorro's offer, embodied in a letter, is in the hands of Vice Consul Caldera, and

(Continued on Page Two.)

UNITED STATES TO HONOR THE LEADER

THOUSANDS OF ACRES OF FOREST RESERVE OPENED TO FARMING

(Special to The Herald-Republican.) Ogden, Feb. 15.—Word has been received at local forest service headquarters that 400,000 acres of land, included in the forest reserves of Idaho, is to be restored to public domain under the recent ruling of the department of agriculture, and that all lands better fitted for ranches and farms than for forest reserves, be opened to the public.

It is said about 34 per cent is sufficiently fertile to allow of dry farming or irrigation. The remainder will be valuable chiefly as grazing land. Local forestry officials say that in the same manner over a million acres is to be restored to public domain throughout Utah, Idaho and Wyoming.

G. C. Bentz, assistant chief forester of district No. 4, left Ogden today for Humboldt, Nev., to supervise the allotment of grazing permits to sheep and cattle men.

WILL DISPOSE OF ITS TELEPHONE HOLDINGS

Mackay Companies to Compete With the Western Union for Telegraph Business.

New York, Feb. 15.—The annual report of the Mackay companies was issued this afternoon. A striking feature of the report is the following extract announcing the intended sale of all Bell Telephone stock now held by the Mackay companies.

"The Mackay companies will sell its entire holding of stock in the American Telephone & Telegraph company. That step being in deference to public opinion, which views with suspicion this large holding of stock in a company which has recently purchased the control of the Western Union Telegraph company. Moreover, this stock was acquired by the Mackay companies with a view to bringing about economies in the construction and maintenance of joint pole lines over long stretches of country wherever the business was not sufficient to justify either company constructing an independent pole line by itself. Many such arrangements were made, each company owning one-half of the pole line, but having nothing to do with the business of the other company. Since however, the American Telephone & Telegraph company has acquired control of the Western Union Telegraph company, the time has come for the Mackay companies to sell its holdings of stock in the American Telephone & Telegraph company, and that will be done.

"The Postal Telegraph system will continue to be free and independent, prepared to maintain the competition which it has furnished for twenty-five years."

MADE RATES AND ROUTES

Interstate Commerce Commission Enables Colorado Coal Company to Market Its Product.

Washington, Feb. 15.—Against the vigorous protest of the Atchison, Topeka & Santa Fe and several other railways, the interstate commerce commission today in an opinion handed down in the case of the Cedar Hill Coal & Coke company of southeastern Colorado, do established through routes and joint rates from the Walsenburg coal district of Colorado to points in Kansas, Texas and New Mexico.

Heretofore the rates on coal from the Walsenburg district to some points in other states have been prohibitive. As was testified to by a Santa Fe official, "The figures are prohibitory. They are meant to be so."

Under the law a satisfactory through rate is required if demanded, and the commission established the routes and rates requested by the complainant.

LONG-WINDED ANSWERS OF GLAVIS IRRITATE LAWYER

Ballinger-Pinchot Inquiry Dragging Along Like an Endurance Contest.

Washington, Feb. 15.—The Ballinger-Pinchot inquiry dragged wearily along through two sessions today without any of the striking incidents or features that marked the interesting sessions of yesterday.

Louis R. Glavis continued on the stand under cross-examination by John J. Vertrees, attorney for Secretary Ballinger.

Mr. Vertrees examined the witness representing the "prosecution," sat with a contented grin the whole day long. Subpoenas were issued today for a number of witnesses, who, Mr. Vertrees announced, would give testimony as to the finding of twenty-four official letters, which had been missing, in boxes left by Mr. Glavis in the grand jury room in the Seattle federal building.

Mr. Vertrees devoted a large part of the day to bringing out the fact that, when Mr. Glavis protested against the clear listing of the Cunningham claims by telegram on January 22, 1908, the order for clear listing was immediately revoked without awaiting further explanation from Glavis, and that this state of affairs has continued down to the present time.

The inquiry will be resumed tomorrow afternoon.

Mrs. Roosevelt Sails.

New York, Feb. 15.—Mrs. Theodore Roosevelt and her daughter, Miss Ethel, sailed today on the Hamburg-American line steamer Hamburg for Naples, en route to Khartoum where in March 14 they will meet Colonel Roosevelt and return with him to Europe on his way back to the United States from his African hunting trip.

Colonel Roosevelt will reach the United States between June 1 and June 15.

Alderman Johnson today introduced a resolution in the board of aldermen providing to set apart the day on which former President Roosevelt arrives in this city from his journeyings as "a day of rejoicing for his safe return."

The resolution also asks that the governor designate the day as a state holiday. The resolution was referred to the committee on rules.

Loeb to Make Arrangements.

Washington, Feb. 15.—At the request of President Taft, Collector Loeb of New York has taken upon himself the arrangement for the reception of Colonel Roosevelt when he returns to New York.

(Continued on Page Two.)