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Black-Robed Justice in New Mexico, 1846–1912

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BLACK-ROBED JUSTICE IN NEW MEXICO, 1846-1912

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CHAPTER XIX

CLEANING UP FOR STATEHOOD

The Hon. William Hayes Pope who succeeded Judge Mills as chief justice was a pious man. He was a devout Christian and an active member of the Presbyterian church. To his religious devotion Pope Hall, annex to the First Presbyterian church in Santa Fe, stands as a lasting memorial and tribute.

Judge Pope originally came to New Mexico from Georgia in 1894, a health seeker, after being admitted to the bar in Georgia in 1890. He resumed his practice of law in 1895 and quickly became interested in Territorial affairs, serving as the assistant United States Attorney for the Court of Private Land Claims under the eminent Matt G. Reynolds from 1896 until 1902. Mr. Reynolds, writing to the Attorney General of the United States in 1904, reported that when Summers Burkhart resigned as Reynolds' assistant,

> Mr. William H. Pope of Santa Fe, N. M., was appointed to succeed him and continued with the office until the litigation was substantially concluded, when he resigned to accept appointment under the Philippine Commission as judge of the first instance. To Mr. Pope is due much of the credit for the painstaking and careful preparation and trial of some of the most important cases. His fidelity and ability in the discharge of the many and burdensome duties and the magnificent success accompanying the same deserve special commendation by those associated with him, the government and the people; no official connected with this entire litigation rendered better and more lasting service for good than Mr. Pope, and his public service since on the bench in the Philippine Islands and on the supreme bench of New Mexico is but a continuation of that high and honorable standard fixed and attained by him in the Court of Private Land Claims.[1]

Pope also served as special United States attorney for the Pueblo Indians from 1901 to 1902 when he received the appointment of judge of the Court of the First Instance referred to by Mr. Reynolds. William Howard Taft, then gov-

1. R. E. Twitchell, *Leading Facts of New Mexican History*, 471-472, note. 395.

ernor general of the Islands, was impressed with Pope's energy and integrity. Later when Taft became President he remembered Pope and unhesitatingly nominated him to become chief justice of New Mexico. As chief justice Pope established his headquarters at Roswell, presiding over the fifth judicial district. He received his original appointment on the court as an associate justice in December, 1903.

While serving as associate justice, Pope's knowledge of Indian law and experience as special attorney for the Pueblo Indians stood him in good stead in preparation of his opinion in *United States v. Mares.* In this case the Supreme Court upheld its previously established interpretation that the Pueblo Indians of New Mexico and Arizona are full-fledged citizens of the United States. As a result of this legal conclusion the court found that these Indians did not fall within the class of the "First Americans" to whom the sale of intoxicating liquors was prohibited by the then existing acts of Congress on the subject.

Benito Mares and Anastacio Santistevan were charged with selling or giving intoxicants to Taos Indians in the town of Taos outside of the pueblo jurisdiction. The lower court, upon a stipulation of these admitted facts, discharged the defendants and the Supreme Court upheld the ruling. These Indians, Judge Pope wrote on behalf of the Court,

> have been judicially determined to be a people very different from the nomadic Apaches, Comanches, and other tribes 'whose incapacity for self government required both for themselves and for the citizens of the country the guardian care of the general government.' They are not tribes within the meaning of the federal intercourse acts prohibited [prohibiting] settlement upon the land of 'any Indian tribe.' They are not wards of the government in the sense that this term has been used in connection with the American Indian.[2]

Soon after he became chief justice there came before the court a case which tried the churchman's soul. On June 20, 1907, Mr. Francisco Chaves of Peralta came to the home of a prominent Methodist minister, the Rev. Thomas E. Harwood, in Albuquerque, and requested him to perform a marriage ceremony between his son and a girl named Amalia

2. *United States v. Mares*, 14 N. M. 1, at pp. 3-4.

Perea. The marriage license issued by the probate clerk appeared regular in every respect, the birth dates of the parties would indicate that they both were of legal age to be married with consent of the parents and this consent was clearly indicated by the parents' signatures. Mr. Chaves, however, told the preacher that he had visited Father J. B. Raillere, a Catholic priest, who had christened Amalia, and that from his record it appeared that he had christened the girl when she was eight days old in July, 1894. This would make the girl only thirteen years of age whereas the law set a minimum of fifteen years if the parents gave their consent. Chaves also intimated that the reason he went to Father Raillere to obtain this record was that the Pereas and the priest had squabbled over a son, a few years older than Amalia, who had failed to keep an agreement with the priest to be baptized in the Catholic church. Chaves further told the minister that Amalia's mother had vouched in the most positive of terms that the girl was well over fifteen.

Fortified with this advance warning Preacher Harwood went to Peralta on June 23. There several people told him they knew Amalia was of legal age for marriage with parental concurrence. The parson relied in particular on the statement of Pedro Marquez who told him that he knew Amalia was older than his own daughter, who he said was then over fifteen and that when his wife was confined the mother of Amalia came over to their house with Amalia in her arms, Amalia being several months old at that time.

Thus reassured the Rev. Harwood prepared to perform the marriage ceremony. In doing so he carefully complied with the formality of asking whether anyone present knew of any impediment to the marriage and if so to speak up. No objection was made and the knot was tied.

When the next grand jury met Harwood was indicted for wilfully and knowingly marrying a girl under fifteen. The defense sought to show that Father Raillere's record was in error, but Harwood admitted he knew nothing about the accuracy of baptismal records in the Catholic church. He was told at the trial that it is a rite of the Church always to baptize an infant with the time of the circumcision of the

Savior—eight days, though it also was brought out that the priest had no personal recollection of the girl's birth nor of the christening and that all he had to go by was a memorandum in his baptismal record.[3]

The jury returned a verdict of guilty and after in vain seeking an arrest of judgment Harwood appealed. It fell to Judge Pope to write the decision.[4] The judge's opinion distinguishes between legal and religious concepts. He concluded that it made little difference whether the person who united the couple in matrimony had actual knowledge of the age of the parties. He said: "In our opinion the statute does not make such knowledge an element of the offense."

While there was a prohibition in the statute against knowingly uniting in marriage males and females under the ages of 21 and 18 respectively, Judge Pope pointed out that the portion of the statute which dealt with marriages between relatives and of females under fifteen omits the word "knowingly" and prescribes a penalty for simply "uniting in wedlock any of the persons whose marriage is declared invalid."

"We are of the opinion," Judge Pope concluded, "that the marrying of a female under fifteen belongs to the class of statutory misdemeanors where knowledge . . . is not a necessary element of the offense. In a matter of such importance to the race the law imposes upon the officiating officer the duty of ascertaining at his peril the age of the persons marrying." [5]

He then declared that legally the case fell within the same principles as the case of *Territory v. Church,* 14 N. M. 226, 91 Pac. 720, wherein punishment of a saloon proprietor was approved for unintentionally permitting a minor to gamble away in his establishment.

On March 3, 1910, Judge Pope began his first term as chief justice. He began for the Supreme Court a vigorous policy to catch up on the docket which had fallen somewhat behind. After several months of the fast pace, one Santa Fe attorney remarked that Chief Justice Pope evidently ex-

3. *Transcript,* pp. 13-18.
4. *Territory v. Harwood,* 15 N. M. 424, 110 Pac. 556, 29 L.R.A. (n.s.) 504.
5. *Territory v. Harwood,* 15 N. M. 424, at p. 429.

pected to work the court and the bar to death. The results of his energetic and progressive policy, however, soon became apparent in the number of opinions which flowed from the bench in a continuous stream. The Santa Fe *New Mexican* reported:

> Five more opinions were handed down by the Territorial supreme court today and it is understood that five more are prepared and will be announced shortly, making altogether twenty-seven opinions thus far for the term, with two more weeks for the court to sit. This is establishing a new record for hard work and speedy disposal of business before it.[6]

In order to accomplish his purpose of clearing up cases as promptly as possible, Judge Pope did not await the "erratic convenience" of some attorneys to appear for oral argument. A time for hearing them was set and if the lawyers were not present when their cases were called, they lost their chance and were required to submit their cases solely upon briefs. This was in sharp contrast to the earlier practice of granting delayed hearings whenever the attorneys so requested.

Likewise indicative of the progress of the court in mopping up for statehood during this period is the report which appears in the Santa Fe *New Mexican* for August 30, 1910, which states that the court had disposed of every one of the fifty-six cases on the docket when the term began, five by continuance for the term, all the others through argument and submission. Forty-three cases had actually been decided, said the article, "and before the court adjourns tomorrow afternoon, several more will be handed down. This record is not equalled, much less surpassed by any previous session."

The *New Mexican* again alludes to the ambitious policy of the Supreme Court in an article reporting adjournment of the tribunal until January 2, 1911. It pointed out that

> one consequence of this energetic work is that only about a dozen cases remain to be finally disposed of and that the Territorial Supreme Court will have completed its work, giving the state supreme court and the federal court a clean slate.[7]

6. *Santa Fe New Mexican*, Aug. 16, 1910.
7. Sept. 2, 1910.

When the court reconvened for its January term, a campaign was in full swing to gain support, at a forthcoming election, for the Constitution which had been drawn up by the Constitutional Convention from October 3, 1910, to November 3, 1910. Many attorneys were active in this drive to secure its adoption. Upon request of a number of members of the bar the court recessed its term from Saturday, January 7, to Monday, January 23, 1911, when oral arguments were to resume. The court invited counsel to submit their cases upon brief wherever possible, dispensing with oral argument, in order to expedite its business.

Among the numerous cases upon the docket during Chief Justice Pope's tenure as presiding judge, were several of a political nature which were of more than ordinary interest. In *Sofia Garcia de Vigil, administratrix of the estate of Eslavio Vigil v. Andrew V. Stroup,* the suit was the outgrowth of the removal of Eslavio Vigil by Governor Otero from the office of Bernalillo county superintendent of schools, and appointment of Stroup as his successor. Vigil contested the legality of his removal and sued to collect the fees of the office for the unexpired term. The trial court had dismissed Vigil's complaint.

The Supreme Court upheld the lower court's decision despite its previous holdings in *Hubbell v. Armijo,* 13 N. M. 480, 85 Pac. 477, *Conklin v. Cunningham,* 7 N. M. 445, 38 Pac. 170, and *Eldodt v. Territory,* 10 N. M. 141, 61 Pac. 105. According to the opinion:

> If the commission of the governor reciting a vacancy and appointment of Stroup to fill it was a nullity, it should not be permitted to stand unless grave public interests require it and certainly not as between individuals. As far as the rule announced in *Hubbell v. Armijo, Territory v. Eldodt,* and *Conklin v. Cunningham,* is concerned, its application will not be by this court extended any further than to such conditions as obtained in those cases.[8]

In *Territory ex rel. Felix H. Lester v. A. W. Suddith et al.,* Lester had run as the Democratic candidate for the office of mayor of Albuquerque at the spring election in 1910. Dr. J. W. Elder was the Republican candidate. The official

8. 15 N. M. 544, at p. 556.

returns gave Elder a plurality of one vote. Lester prayed for a writ of mandamus directing the boards of election in the second and third wards of the city to count two and seven ballots respectively which he alleged they had failed to consider. The court sustained the motion in each instance and peremptory (absolute and unconditional) writs were allowed. Dr. Elder appealed to the Supreme Court, Lester meanwhile holding the office.

Chief Justice Pope wrote an exhaustive opinion in the case, which declared that the writ had been improvidently granted because the ballots in controversy had been deposited in the ballot box with the other ballots cast at the election and the box locked, sealed and returned to the clerk of the city of Albuquerque, and therefore the judges of election had no opportunity to carry out the court's mandate. Said Judge Pope:

> It is argued that there is no assurance that the writ if granted can be obeyed and that courts will not grant the writ in doubtful cases where a compliance with it depends upon the caprices of a third person not before the court. This argument impresses us as sound and its conclusion unavoidable. It is fundamental that to authorize the writ it must appear that if granted it will be effectual as a remedy and that it is within the power of the defendant, as well as his duty, to do the act in question.[9]

This case settled the argument and Dr. Elder moved in as the lawful mayor of the city.

George S. Klock was appointed district attorney for Bernalillo, McKinley and Valencia counties on February 18, 1909, by Governor George Curry, and was duly confirmed by the Legislative Council, as the law required, for a term of two years and until his successor should be appointed and qualified. On November 18, 1910, the new governor, William J. Mills, made an order seeking to remove him from office, and on the same day entered another order appointing former Justice Edward A. Mann in his place.

Klock brought *quo warranto* proceedings against Mann to test the latter's right to the office. By stipulation between attorneys the case was moved rapidly to the Supreme Court for final determination. The legal question involved was the

9. 15 N. M. 728, at p. 741.

governor's power to remove summarily a gubernatorial appointee before expiration of the fixed statutory term. The court, speaking through Chief Justice Pope, upheld its decision in *Territory v. Ashenfelter,* 4 N. M. 93, 12 Pac. 879, to the effect that the governor was without power to remove a district attorney, or other official, appointed for a fixed term, before expiration of the term. In doing so the court rejected argument of counsel that the right to remove exists incident to the power to appoint in a case where the tenure of the office is fixed by legislation.

Klock resumed his duties on March 24, 1911, but on April 6, Mann reappeared with a new commission from the governor dated March 29, 1911, purporting to appoint him to the office, and again entered upon the duties of district attorney. Klock brought *quo warranto* a second time. The only difference between this case and the earlier one was that the two years had expired prior to March 29. Klock took the view that even though his two years were up, still his successor had not been duly appointed and qualified, contending that there was no vacancy, and no new appointment until the Council had concurred in the governor's nomination; and also, that even if there had been a vacancy under the laws of the Territory, operation of these laws had been, in effect, suspended through enactment by Congress of the Enabling Act of June 20, 1910. Klock said that such act had the effect of continuing him in office until the proclamation of the President declaring New Mexico to be a state.

The court once more found in favor of Klock by upholding the district court in its ouster of Judge Mann. The Court said:

> In the case at bar the relator, having the right to hold over until a duly elected and qualified successor should demand the office, has the right to the office of district attorney and can hold the same until some qualified person appointed by the governor by and with the advice and consent of the Legislative assembly appears and demands the office.[10]

Having decided the case in favor of Mr. Klock on the first point, the court found it unnecessary to consider the effect of the Enabling Act upon the term of office.

10. *Klock v. Mann,* 16 N. M. 744, at p. 748.

A case involving a determination of the elements necessary to sustain a conviction for embezzlement reached the high court in the summer of 1911. It involved a sum of $150 obtained from Bronson M. Cutting in purchasing a baby grand piano when Cutting came from New York to Santa Fe to live. According to the evidence Otto J. Eyles received the money to purchase the piano for Cutting. He was charged in the indictment with having embezzled the money which came into his possession as Cutting's agent. The defendant moved for a peremptory instruction of not guilty on the ground that the proof failed to establish either the agency or the felonious intent necessary to convict under the provisions of Section 1122 of the Compiled Laws of 1897. In disposing of the case in favor of the defendant, Judge R. Wright writing the opinion, the court stated:

> We have carefully examined the record in this case, and feel constrained to hold that the evidence upon the questions of agency and intent is so meager as not in law to justify the verdict returned in this case. The record discloses that the defendant was guilty of nothing more serious than a breach of trust.[11]

One of the hardest workers on the Supreme Court during the last two decades of the Territory was Judge John R. McFie who came to New Mexico in 1884. In Civil War days he had marched with General Sherman to the sea. In March, 1889, he was appointed associate justice of the Supreme Court. After serving for four years he re-entered private practice, but in 1897 he was re-appointed to the Court by President William McKinley, when he became presiding judge of the first district. During his first term Judge McFie demonstrated his eminent qualifications for the judgeship, and the bar of New Mexico, ever quick to criticize any judicial act showing the slightest tinge of bias or of prejudice, expressed the highest confidence in his integrity and marked sense of justice. Moreover, the court records indicate that not one of his opinions written for the Territorial Supreme Court was ever reversed by the Supreme Court of the United States during the years he was a member of the New Mexico tribunal. In all, Judge McFie was on the bench

11. *Territory v. Eyles*, 16 N. M. 645, at p. 660.

for nearly nineteen years, or until New Mexico's admission to the Union as a state in 1912.

Of considerable consequence to many of the old settlers in the Territory, especially those who had acquired land titles and rights within the boundaries of land grants, was the decision in *Montoya v. Unknown Heirs of Vigil,* 16 N. M. 349, 120 Pac. 676, affirmed by 232 U. S. 375, 58 Law Ed. 645, 34 Sup. Ct. 413, in the Supreme Court of the United States. Action was brought for a partition of the Alameda Land Grant containing some 89,346 acres of land. This litigation did not involve any question as to validity of the grant itself but was a contest between the individual claimants who asserted ownership of interests in the land as heirs, assigns, purchasers and the like. The suit was brought by plaintiffs against the "Unknown heirs and unknown owners," service being, of course, by publication only. After service in this manner numerous persons appeared, claiming to be heirs and asking for a share in the partition. In the final decree which followed, the intervening heirs were declared to be owners and the decree defined the amount of land to which each of them was entitled. In appealing from this partition by the lower court, the plaintiffs raised as their first and most important point the right of persons, who claim to have an interest in all or part of the property sought to be partitioned, to intervene and to have their rights settled in the same suit.

Judge McFie in writing the opinion for the court held in favor of the intervening claimants, basing his decision on Sec. 3182, Compiled Laws of 1897, which provides that "persons claiming to be interested in the premises may intervene during the pendency of a suit or proceeding having for its object the partition of lands." The order of the court allowing claimants to intervene stated that the suit was still pending at the time the intervention was sought, and that being so, Judge McFie concluded, there was no discretion to refuse the right. Judge McFie further declared that a judgment in a partition suit is interlocutory only and may be modified or even rescinded at any time before final judgment or decree.

A controversy developed during Chief Justice Pope's time as a result of removal of the county seat of Lincoln county from the town of Lincoln to Carrizozo. After an election was had to determine whether the county seat should be removed from Lincoln in accordance with a petition presented to the Board of County Commissioners, it appeared that Carrizozo received 900 votes and Lincoln 613 votes. The Board of County Commissioners accordingly declared Carrizozo to be the new county seat. An attempt to build a courthouse and jail at Carrizozo in response to this change was vigorously contested by taxpayers, however, when the board sought to expend $28,000, the proceeds of bonds issued and sold, for this purpose.

The case of *Territory ex rel. White v. Riggle*, 16 N. M. 713, 120 Pac. 318, represents six controversies which all stemmed from the removal issue. The Board of County Commissioners rented office space for the county officials in Carrizozo until the new jail and courthouse were completed, but a number of the officers declined to move into the rented quarters. The legal question for determination before the Supreme Court was whether under several apparently conflicting statutes these officials could be required to move their offices before the new courthouse and jail were finished.

Relying upon the legal principle that repeals of statutes by implication are not favored and that where possible two statutes treating the same subject shall be construed together, the court found that Chapter 38, Laws of 1903, and Sec. 1, Chapter 87, Laws of 1907, had been enacted for the purpose of preventing county officers from maintaining their offices in their own homes or at other places convenient to them away from the county seat. Such legislation had been passed, the court maintained, to remedy a bad situation which had developed in the Territory at the time. This clearly was a sound interpretation of the purpose of the statute, which read:

> All sheriffs, treasurers and probate clerks of the various counties in New Mexico shall establish and maintain their offices and headquarters for the transaction of the business of their respective offices at the county seat of their respective counties and shall there keep

all the books, papers and official records pertaining to their respective offices: *Provided*, that such offices shall be provided for such officers at the expense of the respective counties.[12]

Sec. 633, Compiled Laws of 1897, however, according to the court's conclusion, had been enacted to provide that offices should not be removed from an old county seat to a new one until proper facilities had been completed. The court reached this conclusion from these words at the beginning of that section:

So soon as convenient buildings can be had at such new county seat the courts for said county shall be had therein, and so soon as the new courthouse and jail shall have been completed, the county commissioners shall cause all the county records, county offices, and property pertaining thereto, and all county prisoners, to be removed to the new county seat.

There was no conflict between these two sets of statutes, the court held, and the officials had a legal right to refuse to move their offices under the law until the new court house was ready for occupancy.

Land title controversies confronted the court until the very last days of its existence. An important boundary conflict which had been in the court since 1876 was adjudicated by the Supreme Court on January 2, 1912, only to be reversed later by the United States Supreme Court.

According to the evidence the Preston Beck grant conflicted with the Perea grant to the extent of some 5,000 acres. Both grants had been confirmed by the same act of Congress, approved on June 21, 1860. The district court had reached the conclusion that inasmuch as the Beck grant had been made by a Mexican *Jefe politico* (political chief) prior to the Perea grant, and since the United States had in effect recognized validity of the grant by issuing a patent, the latter act had declared the grant by the Mexican official to be valid under Mexican law pursuant to our guarantees in the Treaty of Guadalupe Hidalgo and that the Beck grant, being the older, held priority over the Perea grant. It further supported this conclusion by the observation that the Beck

12. Laws of New Mexico, 1907, Chap. 87, Sec. 1.

people had taken the first steps to clear their title by applying to the surveyor general, and that upon Congressional approval of their patent dated back to December, 1823, the date of the original Mexican grant.

The Supreme Court of New Mexico, however, was of the opinion that these steps taken by the Beck interests prior to the Act of Congress could not be considered; therefore, their title could not be dated back prior to the act confirming their title and that, for this reason, both parties holding "by the same act of Congress, in so far as their grants conflict or overlap," each held an "equal undivided moiety of the lands within the conflict." [13]

The compromise arrangement satisfied no one and on appeal the United States Supreme Court likewise found itself unable to agree. In resolving the question in substantially the same manner as the district court had done, the court observed:

> The confirmation [by Congressional act] cannot be disassociated from what preceded it, and it may be said of such direct confirmation by act of Congress . . . that it constitutes a declaration of the validity of the claim under the Mexican laws and that the claim is entitled to recognition and protection by the stipulations of the treaty.[14]

The Territorial Supreme Court finished its business with the denial of a rehearing in the Stoneroad case late in the evening on January 4, 1912, and then adjourned to January 10, leaving its docket clean. No business was to be transacted on the tenth, except to turn over to the State Supreme Court.

On the night of January 5 statehood negotiated a last minute hurdle. Supreme Court Clerk Jose D. Sena was enjoying himself at a dance when he received this disturbing telegram from the nation's capital:

Washington, D. C. January 5, 1912
Clerk, Supreme Court,
Santa Fe, New Mexico.

Issue at once writ of error to review judgment rendered by district court, sixth judicial district, last month, dismissing bill of complaint in cause number 14, entitled United States against the Alamogordo

13. *Stoneroad v. Beck*, 16 N. M. 754, at p. 774.
14. *Jones v. St. Louis Land Co.*, 232 U. S. 355, at p. 361.

Lumber Company, a corporation. Absolutely necessary writ should issue tonight to prevent delay in signing proclamation for admission of New Mexico as state. Answer tonight.

KNABEL, Acting Attorney General.[15]

Sena, of course, hustled over to the capital and prepared the writ. The statehood proclamation was signed shortly before noon the next day, January 6, 1912. The writ of error was the federal government's protection to its interest in certain public lands, which were involved in the suit, before the Territorial Supreme Court passed out of existence and the status of the Territorial lands was changed by the statehood proclamation.

On the evening of January 10 the Territorial Supreme Court gathered at ceremonies terminating its existence. The members of the new State Supreme Court were present to be administered their oaths of office. Shortly before the judges of the Territorial Court took their places on the bench, the judges-elect, C. J. Roberts, Frank W. Parker and R. H. Hanna, drew lots to determine the length of their terms, one of which was for four, one for six, and one for eight years. The respective figures were written on slips of paper which were placed in a hat. Justice Roberts drew the short term of four years, Justice Hanna the one for six years, and Justice Parker, the eight year term. Judge Roberts, having drawn the shortest term, became chief justice.

Chief Justice Pope was unable to come up from his home in Roswell to attend this closing session but, no doubt appropriate because of his long tenure on the court, Judge McFie presided at the ceremonies of swearing in the new court. After a brief review of the sixty years history of the Territorial tribunal by Judge McFie, the new judges were administered the oath of office. Then Ireneo Chaves, deputy United States Marshal, stepped forward and proclaimed:

"Hear Ye! Hear Ye! The honorable Supreme Court of the Territory of New Mexico is adjourned sine die." [16]

Thus the Territorial Supreme Court closed its record. During the last year it had disposed of more cases than it

15. Benjamin M. Read, *Illustrated history of New Mexico*, p. 632.
16. *Ibid.*, p. 636.

had passed upon in any two consecutive years before Judge Pope became the presiding officer.

On January 22, President Taft nominated Judge Pope for the position of judge of the United States district court for New Mexico. His nomination was confirmed by the Senate. For four years he served in this capacity.

Judge Pope died on September 13, 1916, in Atlanta, Georgia, where he had been staying at the home of his sister-in-law, Mrs. Philip Weltner, since the latter part of June, 1916, in an effort to recover from pernicious anemia.

—THE END—