

3-4-1889

## Santa Fe Daily New Mexican, 03-04-1889

New Mexican Printing Company

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S. SPITZ.  
GOLD & SILVER  
FINE FILIGREE JEWELRY

DIAMONDS, WATCHES, CLOCKS, SILVERWARE.  
No false representation made of goods.  
Store and Factory, Northeast corner of the Plaza.  
Diamond Setting and Watch Repairing Promptly and Efficiently Done

1888. Z. STAAB & BRO., 1888.  
IMPORTERS AND JOBBERS OF A. STAAB,  
Gen'l Merchandise  
San Francisco Street,  
SANTA FE, N. M. NEW MEX.

W. A. MCKENZIE,  
DEALER IN

## HARDWARE

Plumbing, Gas &amp; Steam Fitting.

B. KAHN,  
WINES, LIQUORS AND CIGARS  
Imported and Domestic.

FISCHER BREWING CO.  
MANUFACTURERS OF  
Strictly Pure Lager Beer!  
Finest Mineral Waters.

J. G. SCHUMANN,  
DEALER IN  
BOOTS & SHOES  
Leather and Findings.

Orders by Mail Promptly Attended to  
P. O. Box 55, SANTA FE, N. M.

GOOD NEWS!  
New Store, New Goods, Lower Prices,  
At Your Old Time Friend's,  
ABE GOLD

In consequence of the increase of my business I have found it necessary to enlarge my store, and have refitted the house familiarly known as Herlihy's Hotel as a store room. I have enlarged my entire stock of goods and will carry one of the most complete stocks in the entire territory. It will be my aim, as of old, to sell as cheap as my competitors, and I will not be undersold by anybody. I shall also continue to buy and sell  
NATIVE PRODUCE  
And farmers and ranchers will find it to their advantage to deal with me. A Free Corral in connection with my new store, to all those coming to Santa Fe by team. Call and be convinced.  
Santa Fe, N. M., January 1, 1889.

N. MONDRAGON &amp; BRO.

Mexican Filigree Jewelry

We guarantee full satisfaction in this special branch of exquisite Mexican art. All persons visiting our establishment will be shown fine specimens of this work.

PRICES MODERATE

San Francisco Street Santa Fe, N. M.

4 AT NO. 4. 4  
New Goods Just Received.

Oranges, Lemons, Cranberries, Platt's Canned Goods and Vegetables, Batavia Canned Goods and Vegetables.

REASER BROTHERS,  
The Finest Staple and Fancy Groceries

LARGEST & MOST COMPLETE STOCK IN THE CITY  
A FINE LINE OF  
Coffee, Tea, and Spices, Preserves, Jellies, Jams, Pickles, Olives, Sauces, Olive Oil, Catsups, Horse Radish, Fruits, Vegetables and Confectionery, Best Creamery Butter in the market, Corn, Oats, Hay and Potatoes  
Read these Prices and Remember Them:

Tomatoes, 3 lbs. per can	15	Batavia Grated Pineapple, per can	35	Highland Milk, per can	20	American Sardines	10
Corn, 2 lbs.	15	Sliced Pineapple	30	Crown " 3 cans for	50	French "	20
Peas, 2 lbs.	15	Pitted Cherries	30	Sweet Chocolate, per lb.	50	Mustard "	20
Apples, 3 lbs.	15	Platt's Sliced Peaches	30	Roller Oats, 3 pkgs for	50	Salmon, 1 lb.	20
Cranberries, per qt.	15	Strawberries	30	Wheat Flakes, 3 pkgs for	50	Boned Turkey	60
Boss Patent Flour, 50 lb sack	2 00	White Cherries	30	Batavia E. S. Peas, per can	25	2 lb Lunch Tongue	30
Magnolia Patent Flour, 50 lb sack	2 00	Grated Pineapple	30	" " " "	25	1 lb Ox Tongue	25
Crown of Kansas, 50 lb sack	1 85	Raspberries	35	" Lima Beans "	20	Chip Beef	30
Boston Brown Bread Flour, per pkg	20	Sliced Pineapple	35	" Tomatoes "	30	Corn Beef Hash	30
Farina, per pkg	20	Sweet Potatoes, 3 lbs. per can	25	" Shrimps "	30	Deviled Crabs	25
El Oro Flour, 50 lb sack	1 50	Roast Beef, 2 lbs	10	" Beans "	20	Little Neck Clams	25
Gold Belt, 50 lb	1 75	Potted Tongue, per can	10	Platt's Small June Peas	25	Cove Oysters	25
Red Ball, 50 lb	1 75	Bologna Sausage	25	" Early "	30	Lobster, 2 lbs.	30
Self-raising Flour, per pkg	25	Pigs Feet	25	" Marrow Peas "	25	Clam Chowder	30
Cerelaine	25	Chili con Carne	25	" Royal Peas "	25	Codfish Balls	25
Oat Meal, 3 pkgs for	50	Russian Caviar	25	" Lima Beans "	25	Truffled Pheasant, Partridge, Woodcock, Grouse, Snipe, Duck, Chicken	35
Pearl Barley, per pkg	20	Roast Chicken	30	" Maine Corn, "	25		
Batavia Red Raspberries, per can	35	Corn Turkey	30	" Asparagus, 2 lbs	30		
" Strawberries	35	Corn Beef, 2 lbs.	35				
" White Cherries	35						

## Telegraphic Tidings

## WASHINGTON MATTERS.

## HARRISON'S INAUGURATION.

WASHINGTON, March 4.—The inauguration ceremonies are in progress to-day. The weather is fair and the city is crowded with visitors from all parts of the nation. The streets about the capitol and White house are packed with spectators. Nothing like such a crush was ever witnessed here before.

## THE CEREMONIES.

are proceeding without a hitch of any kind. The procession presents a grand and imposing spectacle, and the decorations of the city are of a character to excite wide spread attention. Along the route of the procession every window, doorway and balcony is held at a high premium; as much as \$200 have been paid for this day's use of rooms commanding full views of the inauguration platform.

## THE OATH OF OFFICE.

At 11:40 the house adjourned and proceeded to the senate chamber, where President Cleveland and his cabinet officials arrived just ahead of them.

President-elect Harrison and Vice President-elect Morton entered the senate chamber shortly before noon and each took the oath of office. After which came the ceremony of swearing in the new senators.

## INAUGURAL ADDRESS.

After this the procession formed and proceeded to the outside platform. President Harrison began reading his inaugural address at 1:30 and concluded amid deafening cheers at 1:45 p. m. At 2 o'clock the procession was moving through the principal streets amid the most intense enthusiasm.

## REPUBLICAN MAJORITY IN THE NEXT HOUSE.

WASHINGTON, March 4.—The general clerk of the house of representatives to-day received from Gov. West, of Virginia, certificates of the election of congressmen for the 34 and 4th districts of that state. They are issued in the names of the Democratic candidates. This makes a Republican majority in the next house.

## A COURT MARTIAL ORDERED.

The secretary of war to-day ordered a court martial for trial of Major Garret J. Lydracker, of the corps of engineers, on the charge of neglect of duty on the work of constructing the aqueduct tunnel.

## SATURDAY'S SENATE.

Cullom said he had two weeks ago reported from the committee on territories the Oklahoma bill, and has desired every day since to call for action, but was prevented by other business before the senate. He agreed with Vest that the Indians had no sort of claim to the Cherokee strip that would prevent the extension of a territorial form of government over it.

## THE OKLAHOMA BILL PASSED.

The senate then proceeded to vote on the amendment which was to strike out the paragraph as passed by the house providing for negotiations with the Cherokees for a cession of the Cherokee outlet, and to substitute for it the paragraph reported from the committee on appropriations. It also provided for negotiations, but requiring the result reported to congress for its ratification. The amendment was agreed to. All the other amendments reported by the committee were also agreed to. The bill passed and a conference requested. The senate then took a recess till 8:30 p. m.

## PASSED OVER HIS VETO.

The president's veto of the direct tax bill was presented and read in the senate, and after a short debate the bill was passed over the president's veto, yeas 45, nays 9. Negative votes were given by Blair, Call, Coke, Edmunds, Jones, of Arkansas, Pasco, Reagan, Saulsbury and Vest.

## COMMITTEE REPORTS.

The majority report submitted to the senate by Senators Platt and Chandler from the special committee on Indian traders and Chippewa lumber contracts. The minority report was by Blackburn and Faulkner. The majority report charges inexcusable neglect of duty and serious administrative incapacity on the part of the late commissioner of Indian affairs, J. D. C. Atkins, wilful and deliberate disobedience of the laws and orders, and gross abuse of official power on the part of the Chippewa Indian agent, J. S. Gregory, and resulting in the oppression and spoliation of hundreds of destitute, ignorant helpless Indians, who as the waste of this nation have been under a care and protection, have mistakenly confided to these two unfaithful officers.

That for misconduct Agent Gregory and

for wrongs done by him to Indians since March 1888, the secretary of the Interior, Hon. Wm. F. Vilas, is also fully responsible and is concerned.

## GLADSTONE'S PROPHET SPEECH.

LONDON, March 4.—The Telegraph says: The speech of Mr. Gladstone is historical. He was seen on the warpath at his post. His attack on the liberal unionists was tremendous. It was the greatest force of invective and sarcasm of a great master. During his speech Joseph Chamberlain smiled nervously and glanced furiously at Mr. Gladstone. His peroration was spoken in the character of a prophet telling of the wrath to come. With a resonant voice, and flashing eyes, the old man seemed like another Isaiah crying to the high places of Jerusalem. He finished his speech amid a tempest of cheers.

## 3,000 A MONTH.

The Summer Outlook for Panhandle Immigration.

DENVER, March 4.—Gen. R. A. Cameron, immigration commissioner of the Denver, Texas & Fort Worth returned from the east yesterday. He has been holding immigration meetings in Iowa, Illinois, Indiana and Ohio, and stated to a reporter that he expected 3,000 people per month would settle in the Panhandle country. "A May," he continued, "I think the number who will settle along the road will be at least 5,000. The greatest interest is manifested in the east. At all places, after holding an immigration meeting, I have been kept up till after 11 o'clock at night answering the many questions asked."

## LAND GRANT SUE.

EL PASO, March 4.—The town council of Yuleta has, through its attorney, entered suit against New York parties for the recovery of 500,000 acres of mesa land lying a few miles east of El Paso, and which was patented to the Texas & Pacific railroad by the state of Texas. Yuleta claims the land under a grant from the Mexican government, issued in 1828, under which the state of Texas was ceded to the United States. The Mexican government made numerous other grants at the same time. But when the state of Texas accomplished its independence and established its own government, only a few of the beneficiaries of the numerous Mexican grants took the precaution to secure their interests by application to the new republic, in consequence of which no note of such grants appear upon the records of the state.

## CANNED GOODS VIA CAPE HORN.

SAN FRANCISCO, March 4.—The continental associations having refused to reduce the rate on canned goods, local shippers have chartered a vessel and will send an amount equal to 300 car loads canned goods around Cape Horn to New York. Ship rates are 55 cents per 100, which added to rail rates to Chicago, 22 cents, will place goods on the market in the latter city at 77 cents per 100, exclusive of wharfage, insurance, etc.

## DEMANDS OF THE "STAR."

LONDON, March 4.—The Star, Mr. T. P. O'Connor's paper, in a rampant attack on the government, accuses Right Hon. William Henry Smith with sharing Pigott's guilt, and demands his impeachment. That paper brands Attorney General Wodehouse as an impudent and shameless liar, and advocates criminal prosecution of Houston.

## SYRUP OF FIGS.

Is nature's own true laxative. It is the most easily taken, and the most effective remedy known to cleanse the system when bilious or costive; to dispel headaches, colds and fevers; to cure habitual constipation, indigestion, piles, etc. Manufactured only by the California Fig Syrup company, San Francisco, Cal.

## HE KILLED IT.

Mr. Cleveland and the Direct Tax Measure.

WASHINGTON, March 4.—The president in his message vetoing the direct tax bill, after discussing the bill in detail and giving a full history of the matter says: The conceded effort of the bill is to take money now in the treasury the sum of more than \$17,000,000, or if percentage is allowed, is not included more than \$15,000,000, and pay back to the respective states and territories the sum their citizens paid, more than twenty-five years ago upon direct tax levied by the government of the United States for defense and safety. It is my belief that this appropriation of public funds is not within the constitutional power of congress, and is a usurpation of authority conferred by the constitution upon general government.

Avoid Appearances.—A worthy gentleman, having an unusually red nose, was long suspected of being a tippler on the sly, by those not well acquainted with his strictly temperate habits. His unfortunate disfigurement was readily cured by the use of Ayer's Sarsaparilla.

Old papers for sale in quantities to suit at this office.

## A COWARD'S DEATH.

Pigott, the Spy and Forger, Suicides in Spain.

LONDON, March 4.—A Madrid dispatch removes all doubt as to the identity of the man who shot himself Friday and the body has been fully identified as that of Pigott, by officials of the British embassy. On Thursday an interpreter showed Pigott the sights of Madrid. On that day Pigott sent a telegram addressed "Pigott" to the office in London of Shannon, the Times solicitor. This telegram announced his safe arrival in Madrid, and gave his address. Inferred English government learned from this telegram Pigott is in Madrid. It is reported that a note book containing the addresses of a number of persons in Ireland was found on his body. Pigott's suicide caused a profound sensation throughout England. Witnesses have started from Paris for Madrid for the purpose of formally identifying the body. The Madrid police intend to hold the effects of the suicide pending an order from the court relative to their disposal.

## A CORNER ON TERRAPINS.

PHILADELPHIA, March 4.—The caterer for Harrison's inaugural ball has cornered the terrapin market of the country. None are to be obtained here for New York or Baltimore. Over 5,000 terrapins have been bought for that occasion, making 250 gallons of soup when boiled down, worth \$5,000.

## DESPERADOES CAPTURED.

WICHITA, Kas., March 4.—T. C. Canfield, alias The Kid, and F. Burnett, desperadoes, were surrounded by a sheriff's posse on open prairie and taken after a sharp fight. Both were wounded. The Kid is wanted in Idaho and other territories for murders and stage robberies.

## GONE TO MEET JACKSON.

MINNEAPOLIS, March 4.—Patsey Cardiff, accomplice by John Donaldson, his henchman, and a desperado, started for San Francisco this morning to meet Jackson, the colored champion. Cardiff is in excellent health and spirits.

## DISGUSTING SKIN DISEASES.

What spectacle is more disgusting than that of a man or woman with a skin disease which shows itself in pimples or blotches on hands, arms, face and neck? It is simply impure blood. See what Brandreth's Pills did for a chronic case:

George Chapman, Pinesburg, Mich., says: For four years I was in the mounted infantry in the U. S. army, residing during that time principally in Texas. Almost all of that time I had a chronic skin disease, characterized by an eruption over the entire surface of my legs and thighs, arms and chest. The doctors termed it eczema. I had given up all hopes of ever being cured, when Brandreth's Pills were recommended to me. I concluded to try them, and did so, and I have thanked God daily since then that I did so. I think I used them altogether for about three months, and by that time, was completely cured and have never had any trouble since. My skin is as clear as any one's.

## COURT HOUSE HALL.

Santa Fe, Saturday, March 9th.

Grand Scenic and Spectacular Production of all Dramas, Melodramas, Harriet Beecher Stowe's immortal work, Uncle Tom's Cabin in Six (6) acts, and twelve tableaux including the Grand Allegorical Vision of Eva's ascension into heaven, at the stupendous cost of (\$1,000) One Thousand Dollars. This famous Company, Chas. Kirk & Co., sole proprietors, F. W. Whittier, manager, comprises twenty-five dramatic Artists and carries a car load of special scenery painted for them by Chas. Hoyt & Co., of New York City, Two Trick Donkeys, "Jack and Jill," the educated Shetland pony, "Grover," the smallest of his kind ever imported, the Cuban Man Eating Blood Hound, "Jack and Tiger," Our 1,000 Challenge Natchville colored Jubilee Singers, and Prof. Smith's Ideal Operatic Orchestra. The two funniest "Lawyer Marks" before the public; The greatest living "Topsy," Miss Julia Barrett. The quintet of all "Cutes," Mr. Jack Smith. The Ideal "Uncle Tom," Mr. Chas. Willis. The Best "Aunt Ophelia," The Greatest "Simon Legree," Mr. Dave Wright, and the Star "Eva" of America, Little Mable. Don't forget the date. Remember Popular Prices Prevail. Reserved Seats for sale at the usual place. Grand and unique street parade at 2 p. m. daily by Prof. Scott's Solo Silver Cornet band.

## IT IS A CURIOUS FACT.

That the body is now more susceptible to bad medicine than at any other season. Hence the importance of taking Hood's Sarsaparilla now, when it will do you the most good. It is really wonderful for purifying and enriching the blood, creating an appetite, and giving a healthy tone to the whole system. Be sure to get Hood's Sarsaparilla, which is peculiar to itself.

## Peculiar

Many peculiar points make Hood's Sarsaparilla superior to all other medicines. Peculiar in combination, proportion, and preparation of ingredients, Hood's Sarsaparilla possesses the full curative value of the best known remedies of the vegetable kingdom. Peculiar in its strength and economy—Hood's Sarsaparilla is the only medicine of its kind which can truly be said to be "One Hundred Doses One Dollar." Medicines in larger and smaller bottles require larger doses, and do not produce good results as Hood's Sarsaparilla. Peculiar in its medicinal merits, Hood's Sarsaparilla accomplishes cures hitherto unknown, and has won for itself the title of "The greatest blood purifier ever discovered."

## Peculiar to Itself

—there is now a more complete record of sales abroad, than of all other blood purifiers. A national record of sales abroad, never attained such popularity in so short a time, and retained its popularity and confidence among all classes of people so steadfastly.

## DO NOT BE INDUCED TO BUY OTHER PREPARATIONS,

but be sure to get the Peculiar Medicine,

## Hood's Sarsaparilla

Sold by all druggists. 61 cents for 100 Doses. Prepared only by C. I. HOOD & CO., Apothecaries, Lowell, Mass.

## 100 Doses One Dollar

## OUR LITTLE SON,

Four years old, afflicted with a painful skin disease. Six doctors tried to cure him; all failed. Got worse and worse. Completely cured by one set of Cuticura Remedies, costing \$1.75.

Our little son will be 4 years of age on the 25th inst. In May, 1888, he was attacked with a very painful breaking out of his skin. We called in a physician, who treated him for about four weeks. The child received little or no good from the treatment, as the breaking out, supposed by the physician to be hives in an aggravated form, became larger in blotches and more and more distressing. We were frequently obliged to get up in the night and rub him with soda in water, strong liniments, etc. Finally we called other physicians until no less than six had attempted to cure him, all alike failing, and the child steadily getting worse and worse until about the 20th of last July, when we began to give him Cuticura Resolvent internally and the Cuticura and Cuticura Soap externally, and by the last of August he was so nearly well that we gave him only one dose of the Resolvent about every second day for about ten days longer, and he has never been troubled since with the horrible malady. In all we used less than one-half of a bottle of Cuticura Resolvent, a little less than one box of Cuticura and only one cake of Cuticura Soap.

## BY N. K. CAYNE, Livingston Co., Ill.

Subscribed and sworn to before me this 4th day of January, 1887.

## SCROFULOUS HUMORS.

Last spring I was very sick, being covered with some kind of scurvy. The doctors could not help me. I was advised to try the Cuticura Resolvent. I did so, and in a day I grew better and better, until I am as well as ever. I thank you for it very much, and would like to have it told to the public.

EDW. HOFMANN, North Attleboro, Mass.

## CUTICURA, the great skin cure, and Cuticura Soap prepared from it, externally, and Cuticura Resolvent, the new blood purifier, internally. The positive cure for every form of skin and blood disease from pimples to scrofula.

Sold everywhere. Price: Cuticura, 50c.; Soap, 25c.; Resolvent, \$1. Prepared by the Potter Drug and Chemical Co., Boston, Mass.

## BABY'S SKIN AND SCALP PRESERVED AND BEAUTIFIED BY CUTICURA MEDICATED SOAP.

Free! Free from Pain

In one minute the Cuticura Anti-Pain Plaster relieves rheumatic, sciatic, sudden, sharp and nervous pains, strains and weaknesses. The first and only pain killing Plaster.

## Ashdown &amp; Newhall,

## TRANSFER CO

All kinds of Hauling done promptly and reasonably.

## DEALERS IN COAL.

## OFFICE IN

HUDSON'S JEWELRY STORE

On the Plaza.

The Freshest Native

California and Tropical Fruits

Note, Candies, Fish Quail, Poultry, Butter and Eggs received daily at the

SANTA FE FRUIT STORE,

South side of Plaza.

R. ANDREWS, Manager.

## REMOVAL

After March 1 we shall be located in our New Store on Palace Avenue. From now on until removal we shall offer our Immense Stock at a trifling margin above actual cost. We have a full line of everything kept in a first class Jewelry Store, in addition to our "Native Specialty." We would invite a careful inspection of our Elegant Assortment of Gold Watches, Diamonds, Silverware, etc., etc.

GEO. W. HICKOX &amp; CO. On the Plaza

## LABOR-CAPITAL-HEALTH

Ugly words sometimes, full of discords—that is, the first two—when not tuned to a proper key; but a regular "symphony" whenever used to prove

That labor invariably produces capital;  
That capital can find a capital field of labor; in  
That "Good digestion waits on appetite";

## The Mesilla Valley!

He must be blind indeed who can not see that it is a most favored section. Seekers after health, profit and pleasure, after a thorough search from the lakes to the Pacific coast are finding their El Dorado in New Mexico; and to these new comers, as well as to everybody else, the

## RIO GRANDE LAND COM'Y

extends a cordial greeting, and invites a careful and thorough inspection of its **FINE COLONY LANDS**. Some 2,000 acres of which are subdivided and platted into ten and twenty acre blocks (from which incomes can be produced equally as great, if not greater, than the average farms of eighty and 160 acres in the western and northwestern states), and all within a radius of one and one-half miles of the railroad depots at

## LAS CRUCES AND MESILLA PARK

Some of these blocks are cultivated, or have bearing orchards and vineyards; others not. Some have tasteful and modern cottages upon them; in others Nature has undisputed dominion. It's merely a question of choice—and money—although the latter does not cut such a figure as one might suppose in these days of booms; and our "long term payment and low interest" plan often adds a little spice to a transaction to one who has an eye to the future. Warranty deeds given. Write or call for plans and circulars. Command us for carriages or other courtesies within our power to give.

J. K. LIVINGSTON, VAN PATTEN &amp; METCALFE

General Agent, Local Agents,  
Over 24 National Bank, Opposite Railroad Depot,  
SANTA FE, NEW MEXICO. LAS CRUCES, NEW MEXICO.

33 1/2 PER CENT DISCOUNT

On all HOLIDAY GOODS

For New Year's Presents.

SELIGMAN BROS.

Men's Boys' and Youths'

CLOTHING AT COST

## THE FIRST NATIONAL BANK

—OF—

Santa Fe, New Mexico.

Wm. W. GRIFFIN, President

PEDRO PEREA, Vice President

R. J. PALEN, Cashier

## The Second National Bank

OF NEW MEXICO.

CAPITAL PAID UP \$150,000

Does a general banking business and solicits patronage of the public.

L. SPIEGELBERG, Pres. W. G. SIMMONS, Cashier

## SANTA FE NURSERY

FIRST CLASS

Acclimated Stock!

All varieties of Fruit Trees, selected especially for their adaptability to the various altitudes of New Mexico; any age desired. Ornamental Trees, Shrubs and Vines.

PATRONIZE HOME INDUSTRY

Send for Catalogue.

GRANT RIVENBURG, Lessee Bishop's Gardens











# C. M. CREAMER

ESTABLISHED 1865.

The Wholesale and Retail

# Druggist!

We have in stock a line of Tol-  
er description;  
of imported Cl-  
and California  
andies.

Everybody's  
Largest Stock  
our line, com-  
petition  
prices.

imits we carry the  
in the territory in  
equently we defy  
a quality and in

# OPEN DAY AND NIGHT

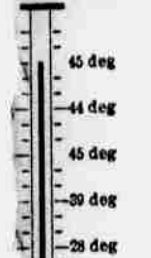
# The Daily New Mexican

MONDAY

MARCH 4.

TEMPERATURE

TO-DAY



Corrected de-  
thermometer

from self-registering  
Creamer's drug store.

METEOROLOGICAL

OFFICE OF OBSERVATION,  
16 P. N. M., March 3, 1888.

Time of day

Direction of wind

Maximum temperature

Minimum temperature

Total precipitation

W. L. W.

# SUBSCRIPTIONS

The best ad-  
entire copy  
day of the  
of the law  
cedings, and  
other mat-  
occurring

DAILY AND WEEKLY.

THE NEW MEXICAN

Published by W. L. W.

in the establishment  
newly furnished with  
machinery, in which  
all of the latest  
and a splendidly  
no blank book work  
not excelled by any.

Connected with a job  
material per-  
work is fast  
and cheaply  
specialty of  
and ruling.

IN ITS 27TH YEAR

AND STILL ALIVE AND KICKING

# SUPREME COURT.

Dates Fixed for Holding the District  
Courts—Lincoln in the 3d  
District.

Opinion in the Farish-Ortiz Mine Grant  
Case—Victory for the  
Company.

At its session on Saturday afternoon the  
supreme court made an order fixing the  
time for holding the United States and  
district courts, making the dates for the  
United States courts harmonize with the  
dates for the district courts as provided  
for by the legislature. After reciting the  
new act as passed by the 28th assembly,  
the order reads:

It is therefore ordered that terms of the  
district court of the said territory for the  
1st judicial district, there be held in the  
county of Santa Fe, one commencing on  
the first Monday of February of each year  
and to continue until the second Monday  
of March of each year, and on commencing  
in said county of Santa Fe on the last  
Monday of July of each year and continuing  
until the first Monday in September  
of each year; that terms of said court for  
the 2d judicial district be held in the  
county of Bernalillo, one commencing on  
the second Monday of May each  
year and to continue for seven  
weeks, and one commencing the second  
Monday of November of each year and  
continuing seven weeks; that terms of  
court for the 3d judicial district be held  
in the county of Dona Ana, one com-  
mencing on the second Monday of March  
each year and continuing until the third  
Monday of April each year, and one com-  
mencing on the third Monday of September  
each year and continuing until the third  
Monday of October of each year; that terms  
of the court for the 4th judicial district  
be held in the county of San Miguel,  
one commencing on the third Monday of  
April on each year and continuing seven  
weeks, and one commencing on the third  
Monday of October of each year and con-  
tinuing seven weeks.

As to said several terms herein provided  
for, the judge presiding may adjourn the  
same at any time in his discretion when he  
believes the public interest requires  
such adjournment.

All orders heretofore made by the su-  
preme court or the judge thereof, in con-  
flict with any of the provisions of this  
order, are hereby set aside and vacated,  
and all orders heretofore made by the  
supreme court or the judge thereof, fixing  
the times and places of holding the dis-  
trict courts, in conflict with the act of the  
legislative assembly herein recited and set  
out, are hereby set aside and vacated.

DISTRICT COURTS.  
In other counties, where United States  
courts are not held, the time for the open-  
ing of the terms as provided by the legisla-  
ture were approved by the supreme court  
as follows:

San Juan county—Second Monday in  
March and the first Monday in September.

Rio Arriba—Third Monday in March  
and second Monday in September.

Taos county—Second Monday after the  
third Monday in March and the fourth  
Monday in September.

Valencia county—First Mondays in  
April and October.

Lincoln county—Third Mondays in  
April and October.

Sierra county—First Mondays in May  
and November.

Grant county—Third Mondays in Feb-  
ruary and August.

Colfax county—Second Mondays in  
March and September.

Mora county—First Mondays in April  
and October.

All bonds, warrants, writs, etc., return-  
able at any other time are made return-  
able to the time above provided.

In accordance with the legislative as-  
sembly's resolution of request, the court  
also made an order attaching Lincoln  
county to the 3d judicial district.

THE FARISH CASE.  
Appended is the full text of the court's  
opinion in the Farish case, decided in fa-  
vor of the New Mexico Mining company  
and involving interests in the Ortiz mine  
grant:

In the Supreme Court. Edward T. Farish et al.  
Plaintiff in Error, vs. The New Mexico Mining  
Company et al. Defendants in Error. Error  
San Fe County.

Plaintiffs in error filed in the court be-  
low a bill, the object and purpose of which  
was to establish in their favor a title  
and by descent an equitable title to a half  
interest in a mine called Santa Rosalia  
and four square leagues of land measuring  
two leagues from Santa Rosalia mine to  
the cardinal points of the compass, two  
leagues to the north, two leagues to the  
south, two leagues to the east and two  
leagues to the west from the office of the  
mine.

The bill alleges that a grant was made  
by the Mexican government in the year  
1833 to Jose Francisco Ortiz and Ignacio  
Cano of a mine called Santa Rosalia, with  
a right of possession for wood, water and  
grazing privileges upon four square leagues  
of land described as above. Possession  
by Ortiz and Cano as tenants in common  
is alleged until the death of Cano about  
the year 1836, and possession by Ortiz for  
himself and the heirs of Cano until the  
death of Ortiz in the year 1848. That the  
grant was presented to the surveyor gen-  
eral for approval, and by him approved  
and recommended for confirmation on the  
24th of November, 1860. That in the  
month of March, 1861, the grant was con-  
firmed by congress as recommended by  
the surveyor general, but that the confir-  
mation should only be construed as a  
claim or relinquishment on the part  
of the United States, and should not affect  
the adverse rights of any other person.

The grant was surveyed and approved in  
the year 1875, and patented to the New  
Mexico Mining company in 1876. The bill  
alleges fraud on the part of the New  
Mexico Mining company in procuring the  
patent to be issued to it. It sets out a  
conveyance from the New Mexico Mining  
company to defendants, Elkins, Chaffee,  
Donnell and Anderson, and charges notice  
to them when they purchased. It is  
further charged that defendants are in  
possession and are taking large profits out  
of the mine. The bill prays that defend-  
ants be declared trustees as to a half in-  
terest, for an account of rents and profits  
and for general relief.

Defendants filed a joint and several  
answer in which they admit the original  
grant of the mine, but neither admitted  
nor denied the grant of the four leagues  
of land. They deny that Ortiz and Cano  
acquired title to any mines within the  
four leagues except the Santa Rosalia.  
They admit the joint possession and own-  
ership of Ortiz and Cano in 1833, but  
set up a purchase by Ortiz from Cano.  
They deny that Cano at the date of his  
death had any interest in the mine or  
lands, or that his heirs from that date  
until the date of Ortiz' death in 1848  
claimed any interest or asserted any title  
or were in possession of the mine or  
lands. That Ortiz, being sole owner,  
died leaving a will in due form by which  
he devised the lands to his widow, from  
whom the defendants through means  
conveyances have acquired title to the en-  
tire property. The answer denies pos-  
session by the heirs of Cano or their  
grantees at any time since Cano's con-  
veyance to Ortiz. It denies all fraud on  
the part of the New Mexico Mining com-

pany in procuring the patent to be issued  
to it. Admits the approval by the sur-  
veyor general, confirmation by congress,  
survey and patent, of the dates as stated  
in the bill. The defendants set out and  
pleaded a former adjudication in bar of  
this action. They also plead the statute  
of limitation of ten years.

It further appears from the bill, answer  
and exhibits taken together that A.  
Rencher, Eliza Whitley, Ferdinand  
W. Riser, Andrew S. O'Bannon, Charles  
W. Sherman and W. M. Miller filed their  
petition for the approval of the grant by  
the surveyor general, and that they were  
found to be the owners of it by him. That  
afterward the New Mexico Mining com-  
pany in the year 1865 filed an amended  
petition setting forth that by virtue of an  
act of the legislative assembly of New  
Mexico, approved February 1, 1858, the  
original petitioners for approval had been  
made and constituted a corporation and  
body politic, and prayed that the patent  
issue to the company, which was accord-  
ingly done. That the New Mexico Min-  
ing company has been in the exclusive  
possession of the mine and property since  
the date of its incorporation in 1858 is  
certain from all that appears in the re-  
cord. This bill was dismissed for want  
of equity, but the ground stated by the court  
below was confined to the plea of res-  
judicata and proofs in support thereof.

These complainants, or some of them,  
representing the title derived through Ig-  
nacio Cano, deceased, in the year 1865,  
filed a bill in the district court of Santa  
Fe county based on the same legal title,  
and substantially the same facts as this,  
in which they sought to have their title  
heirs of Cano established and the mine  
and grant partitioned, one-half to the  
representatives of Cano and one-half to  
the representatives of Ortiz. The bill was  
under oath and called for an answer to its  
allegations under oath. The answer was  
under oath and contained substantially  
down to date, the facts for want of  
answer filed here, as to the history of  
the grant, the sale by Cano to Ortiz, and  
the title acquired by the New Mexico  
company, and the other facts vital to the  
claim made by the bill. The answer in  
that suit was responsive to the allegations  
contained in the bill. The cause was re-  
ferred to a master to take proof. Two  
depositions were taken by the defendants,  
sustaining the title of the defendants, or  
contending to do so, by proving a deed from  
Cano to Ortiz as claimed. No replication  
was filed by complainants. After the  
time had expired to file a reply and take  
proof before the master, defendants  
moved to dismiss the cause for want of  
prosecution. The order of the court is as  
follows: "On this day (Feb. 24, 1888)  
came the said parties by their solicitors  
and the said defendants by their solicitor  
and move the court to dismiss this  
cause for want of prosecution, and the  
same having been argued by counsel ap-  
pearing on both sides, and the court having  
been fully advised in the premises, it is con-  
sidered that the same be and is hereby  
dismissed. It is therefore so ordered by  
the court, that the said defendants recover  
their costs of the said complainants in  
this behalf expended, to be taxed, and that  
execution issue therefor."

On this proposition is contended on  
behalf of plaintiffs in error that the re-  
citals in the record show affirmatively that  
the dismissal of the bill in 1868 was not  
upon the merits of the controversy, but  
simply because complainants had not  
been diligent in the prosecution of the  
suit, and that in such case the judgment  
is not a bar. It is conceded that the suit  
is between the same parties or their priv-  
ies, upon the same state of facts, founded  
upon the same original title, and that  
the judgment heretofore recited can be  
construed to have been upon the merits  
of the controversy, raised by the bill  
and answer, it will be a bar to the present  
action. It is true that, only a final judg-  
ment is a bar, and that the present final  
judgment is not a bar to the present  
parties or their privies upon the same  
subject matter can be treated as a bar.  
The court speak through their records  
only, and when these records are in-  
spected by other courts, they will find  
them such effect as the rules of law ap-  
plicable to their construction will allow.

Defendants in error insist that the  
cause had progressed to answer and depo-  
sitions and a reference to a master, and  
that the merits of the cause as shown  
by the evidence, and that therefore the  
court must have looked into the whole  
case made at that stage of the suit and  
entered the order of dismissal, not strictly  
because the suit had not been pro-  
secuted, but because the issue presented  
was found in favor of the defendants;  
and that whether this was so or not, sol-  
icitors for complainants were present, and  
that the plea of res adjudicata only  
embraces all matters actually litigated,  
but all matters that might or could have  
been litigated by the parties at the time.  
While the court refused to enlarge the  
time for taking further proofs, complain-  
ants could have had the cause set down  
for final hearing on the bill, answer and  
proofs taken, and not having done so,  
and no saving in favor of a new bill, or  
without prejudice to a fresh action, or  
words of any kind appearing to prevent  
the dismissal from becoming absolute and  
conclusive upon the merits, the merits  
are presumed to have been passed upon  
and the rights of the parties concluded  
thereby. Upon looking up the record, a  
presented as a former adjudication we  
think it proper to conclude that the court,  
in passing upon the motion to dismiss,  
examined into the state of the pleadings  
and into every step taken in the  
cause, in order to determine the question  
raised, and by so doing the evidence con-  
sidered and influenced the action of the  
court in dismissing the cause. Had it  
been true that the cause was dismissed  
simply because the suit had not been pro-  
secuted with diligence, and the court  
refused to permit it to be dismissed with  
a qualification such as without prejudice,  
or other words, limiting the effect of the  
dismissal, this court upon appeal would  
have reversed the decree. See *De la Cruz*,  
Essex, 7 Wallace, 107.

No effort, as appears from the record,  
was made by the parties to prevent the  
decree being made absolute. The defendants  
were entitled to a decree in their favor upon the  
pleadings and proofs as they stood when  
the order or decree of dismissal was en-  
tered.

To give the decree less force and effect,  
now after the lapse of twenty-one years,  
and as stated in the answer, after hun-  
dreds of thousands of dollars have been  
paid out by the company in improvements,  
and as against purchasers for value,  
would be inequitable and contrary to  
what we conceive the correct rule of law  
to be.

To prevent a decree becoming a bar be-  
tween the same parties or their privies,  
for the same cause of action, it must be expressed  
in the decree that it is without prejudice,  
or other language employed indicating a  
right or privilege to take further legal pro-  
ceedings on the subject. See *Story's Eq.  
Juris.*, Sec. 1523; *Story's Eq. Plead.*,  
Sec. 793; *Durant vs. Essex*, 7 Wallace,  
107; *Foot vs. Gibbs*, 1 Gray, 412; *Coop.  
Eq. P.*, 270; *Freeman on Judgments*,  
Sec. 270; *Burrows vs. Tuttle*, 5 Allen,  
37.

This would not be the case where the  
bill was dismissed for want of jurisdiction  
or want of prosecution, where no steps  
had been taken to bring the cause to issue  
and determination on proofs.

In the case of *Hume vs. Escurra*,  
17 Wallace, 347, Davis, J., in deliver-  
ing the opinion of the court where a for-  
mer adjudication and lapse of time were  
pleaded and relied upon, said: "While  
it is not necessary for the purposes of this  
case to decide whether the decree of the  
former adjudication of the matter in con-  
troversy, yet it is quite clear that forty  
years ago a Maryland court of equity, sit-  
ting on the spot where the transactions  
occurred, while they were fresh in the  
memory of men, did not believe Beale

guilty of the breach of trust with which he  
was charged, and that the near kindred  
of the complainant acquiesced in the re-  
sult of the suit."

The court treated the demand in that  
case as stale, and following the equity doc-  
trine, without the aid of any statute of  
limitation, repudiated the claim. That  
case has application to this by analogy.  
Here Cano, from and through whom com-  
plainants claim title, died in 1836. No  
suit was brought until 1865. That suit  
had been pending for three years when it  
was dismissed in 1868. This action was  
not brought until 1883. Nothing is al-  
leged in the bill by way of justification or  
excuse for this delay. The legal title  
vested by the act of congress approv-  
ing the grant in 1861. No legal imped-  
iment has been shown to an action at law  
during all this long period. Had we any  
doubt of the correctness of the ruling of  
the court below on the sufficiency of the  
plea and proofs to sustain the defense of  
a former adjudication it is plain upon the  
face of the pleadings and facts therein ad-  
mitted that the claim of complainants is  
barred by the New Mexico statute of lim-  
itations of ten years and that the decree  
below upon the whole record is right and  
should be affirmed, and it is so ordered.

W. T. HENDERSON, Associate Justice.

ELISA V. LONG, Chief Justice.

W. H. BRINKER, Associate Justice.

Miners' Fund.

The San Pedro miners and mill em-  
ployes have adopted a scheme that all  
the miners at Cerrillos, Dolores and in  
the coal mines at Waldo station might  
emulate with profit. Even the charcoal  
burners at Lamy can well afford to take a  
hand. The San Pedro miners each pay  
to the Sisters hospital \$1.50 per month,  
and for and in consideration of such  
contribution whenever a miner is sick or in-  
jured by accident he is removed to the  
hospital, and there he receives the most  
comfort, including medicines and medical  
attention. This plan has been found to  
be a great saving for the miners, as heret-  
ofore whenever a man was taken ill or  
injured by accident he was obliged to  
hire a doctor, and pay him \$10 to \$20 per  
week for hospital care, medicines, etc. Every  
miner in Santa Fe county should become  
a subscriber to this fund. In time of  
health prepare for sickness or accident.

University Roll of Honor.

The following list of pupils of higher  
department of university obtained a grade  
of 70 and over at the monthly examina-  
tion, March 1, 1889:

Grade "A"—Bessie Reed, 81; John  
Conway, 86; Blanche Reed, 80; Esther  
Warner, 78.

Grade "B"—Benton Longwell, 82;  
Nelson Blanchard, 79; Elmer Berger, 84;  
Willie Hogle, 71; Fred Kahmer, 86;  
Horace Longwell, 78; Arthur Eselbach,  
75; Clay Patterson, 70; Daisy Patterson,  
70.

DEED.

On the 16th of February Hon Samuel  
Hull, Mrs. Hull and Mrs. W. R. Weld  
accompanied by the remains to Marshall-  
town. He was buried from his son's resi-  
dence by the Masonic fraternity, Rev. M.  
Faskett officiating. Mr. Hull had  
been for many years a live member of the  
Baptist church, and a staunch Mason. He  
was loved and respected by all who knew  
him.

Deceased was at one time a resident of  
Minnesota and an influential member of  
the legislature of that state. In 1875 he  
married Miss Anna Perry, this side of  
the Atlantic. He was a successful and  
accomplished lawyer and teacher in our  
public schools, and changed his residence to  
Iowa, locating at Marshalltown. There  
he won popular regard and was intrusted  
with various positions of responsibility.  
He stood high in the Masonic fraternity  
and his circle of friends was large and  
composed of people of worth, integrity  
and honor.—Waterloo, (Iowa), Tribune.

Is Consumption Curable?

Read the following: Mr. C. H. Morris,  
of Newark, Ark., says: "Was down with  
coughs, colds, and friends and physi-  
cians pronounced me an incurable con-  
sumptive. Began taking Dr. King's New  
Discovery for consumption, and now  
my third bottle, and able to oversee the  
work on my farm. It is the finest medi-  
cine ever made."

Jesse Midglett, Decatur, Ohio, says:  
"Had it not been for Dr. King's New  
Discovery for consumption I would have  
died of lung troubles. Was given up by  
doctors. Am now in best of health."  
Try it. Sample bottles free at C. M.  
Creamer's drug store.

PERSONAL.

Dr. K. Cameron, of Montreal, is a  
sight seer at the Palace.

Mrs. Dr. Sloan and Mrs. John Thom-  
son are sojourning at Ojo Caliente spring.

Mrs. A. J. Eastman and Mrs. Carl  
Clauson, of Las Cruces, are guests at the  
Palace.

Hon. T. B. Catron left yesterday for  
Denver, expecting to return the last of  
this week.

F. M. Rust and wife, New York; Mr.  
and Mrs. Thos. R. Cooke, Norfolk, Va.,  
are sojourners at the Palace.

Hon. Pedro Perea and family left yester-  
day for Denver, where Mr. Perea's  
little son will be placed at school.

Ernest F. Tucker, New York; A. D.  
Cruikshank, Michigan; Miss M. McCun-  
niff, La Jara, Colo.; Jas. Lerry, San  
Francisco; John Sparks, Nevada; H. C.  
de Sollar, Denver; F. C. Little, Chicago;  
Norman Barwise, Pueblo; D. W. Lidey,  
Kansas City; S. Heiman, Chas. K. Laidy,  
Cincinnati.

Valuable Acquisition.

Whatever uncertainty there may have  
been about the precise location of the  
Glorieta iron mines—whether or not they  
were located in San Miguel or Santa Fe  
county—has been definitely settled by the  
act of the legislature fixing the county  
line between this and San Miguel county.

The mines of the New Mexico Iron Co.  
are not far from Glorieta, and clearly within  
Santa Fe county. The new line brings  
Glorieta some three miles west of the San  
Miguel-Santa Fe boundary. One of these  
mines, known as the wide bank No. 3  
mine, and appears to be getting more per-  
fectly developed and less fluctuating in  
thickness. Quite a force is being em-  
ployed to develop, and a car load a day is  
being shipped for smelting, besides which  
a considerable amount is accumulating.

Job Printing.

Merchants and others are hereby re-  
minded that the NEW MEXICAN is pre-  
pared to do their printing on short notice  
and at reasonable rates. Much of the job  
printing now going out of town could  
come to the NEW MEXICAN office. There  
is no better excuse for sending out of  
town for printing than there is for sending  
away for groceries or clothing. Our mer-  
chants should consider these things. The  
NEW MEXICAN is acknowledged the lead-  
ing paper of this section. The patronage  
of our people will enable us to keep it so.

CRYSTALS

This paper is kept on file at E. C.  
Dale's Advertising Agency, 64 and 65  
Merchants' Exchange, San Francisco,  
Cal., where contracts for advertising can  
be made for it.

# ROUND ABOUT TOWN.

The water overseers are being elected  
to-day.

Prof Hood held services at Trinidad  
yesterday.

Improvements are in progress at the  
cathedral grounds.

Some sort of an excursion party is  
booked to arrive to-morrow.

The board of county commissioners be-  
gan a three days' session this afternoon.

And still the demand increases for  
modern dwelling houses. Who will supply  
the want?

Geo. W. Hickox has removed his  
jewelry establishment to his new quarters  
on Palace avenue.

Posters announcing the coming of Kirk  
& Co's. double Uncle Tom's Cabin com-  
bination illuminate the bill boards.

Parties in from southern Colorado say  
the mountains are sufficiently coated with  
snow to justify the prophecy that a great  
flood will come down the Rio Grande this  
summer.

The regular monthly communication of  
Montezuma Lodge No. 1, A. F. and A. M.,  
takes place at 7:30 this evening at Ma-  
sonic hall. Visiting brethren are cor-  
dially invited to attend.

Mr. Wm. Mallan is wearing a broad  
smile these spring-like days, all on ac-  
count of a boy baby at his happy home.  
It is said he has named the youngster  
Gerdes Walker Esley Mallan.

Gov. E. G. Ross is in Albuquerque. It  
is understood that he is preparing to com-  
mence the publication of a Democratic  
newspaper there. The governor is ex-  
pected to return to the capital to-morrow.

Mr. P. L. Vanderveer leaves to-night  
for Washington, D. C., and will be absent  
some little time. He is a candidate for  
judge of this judicial district and will very  
likely stay in Washington till the appoint-  
ment is made.

The master in chancery, Mr. Twitchell,  
in the coal mine suit between J. Lucas  
and Messrs. Green & Wooten, of Cer-  
rillos, is to-day engaged in taking testi-  
mony. A number of witnesses are up  
from the mining districts.

Representative Spear's coal weighing  
bill failed to become a law by a close  
scratch. It passed both houses and was  
signed by the governor, and on Saturday  
Secretary Lane discovered that the mea-  
sure contained no enacting clause. This  
kills it.

Two excellent men are contesting for  
election as mayordomos on the south side  
to-day, Jose Maria Martin and Francisco  
Gonzales. Both have had experience  
and are esteemed as honest men who  
will give the people fair play. Success to  
the winning man.

Every line in a newspaper costs some-  
thing to somebody. If it be for the ben-  
efit of an individual or a firm it should be  
paid for, says an exchange. If a grocer  
was asked to donate groceries to a person  
abundantly able to pay for them, he would  
refuse. The proprietor of a newspaper  
must pay for the free advertising if the  
beneficiary does not. One of the great  
bores of a newspaper man's life is the  
sponger.—Ex.

The resignation of Hon. R. A. Reeves  
as judge of the 1st judicial district court  
took effect to-day. Under the new dates  
for opening courts the San Juan county  
term should open next Monday, but  
since this district is without judge the  
term will have to go over. The governor  
has commissioned John P. Victory, esq.,  
district attorney for the district composed  
of the counties of Santa Fe, Rio Arriba  
and San Juan. Mr. Twitchell holds a  
similarly commission under authority of  
the senate. Mr. Victory will make a con-  
test for the place before the courts, taking  
the ground that under the organic act  
only the governor has power to appoint.

"Can't eat a thing." Hood's Sassa-  
parilla is a wonderful medicine for creating  
an appetite, regulating digestion, and giv-  
ing strength.

The soft glow of the tea rose, a acquired  
by ladies who use Pozzoni's Complexion  
Powder. Try it.

Green the Kuster.

Mr. Chas. W. Greene, formerly of this  
city, has issued a circular setting forth the  
proposals of the La Noria Mesa company,  
which has recently secured a large tract  
of land, on the northeast of El Paso. A  
syndicate of capitalists has recently se-  
cured 50,000 acres of the choicest land up-  
on the mesa east of Franklin mountain,  
approaching almost to the city limits of  
El Paso. The company is expected to  
pay \$100,000, or at the exceedingly low rate  
of \$10 per acre, and each share represents  
an acre of land. A town site has been  
projected, which is to be platted and im-  
proved immediately, allowing large, at-  
tractive residences, wide, handsome  
streets and boulevards, and providing a  
sufficient water supply. A liberal grant  
of land will be made for the sanitarium,  
and correspondence is now in progress  
with a view to its early establishment.  
Mr. Greene has located himself at 132 La  
Salle street, Chicago, for the purpose of  
pushing this enterprise.

Daily Plaza Concert.

Program for to-morrow afternoon's open  
air concert in the plaza pagoda. Time,  
from 2 to 3 p. m.

Grand March—The Silver Trumpets... Viviani  
Overture—The Night... Samson  
Waltz—Breath of the Night... Samson  
A. Nightingale Party... Boulevarde  
Qu