

9-28-1907

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FIXING FRAUD
ON SENATOR
BORAH

DAMAGING LETTERS
PRODUCED IN COURT
Documents Read to Jury Show
Connection of Murdered Gov-
ernor With Alleged Fraudu-
lent Idaho Transactions.

Boise, Idaho, Sept. 27.—Half a
score of letters which the government
attorneys in the trial of Senator Bor-
ah declared to show the complicity
of former Governor Steunenberg
in the alleged Idaho timber land
fraud conspiracy, were offered in evi-
dence today and read to the jury.
The letters were written by William
Sweet, one of the indicted men, who
is reported to have been the stand as
a witness for the United States.
The documents were produced by J. H.
Richards, a local attorney, to whom
they were written, and who acted as
legal adviser to Sweet. Most of the
letters were dated from New York
and Boston and several of them were
replies to letters or telegrams urging
him to return to Idaho.

"I can't see why I should return
to Idaho," I can't see why I should
come back unless it is in regard to
the timber, and that is all in the gov-
ernor's hands," wrote Sweet in one of
his notes. Then, proceeding, "As
money is coming to me, but it is in
the hands of the government, I have
absolute faith in the
governor. He came to my assistance
and helped me out of a bad mess. I
never asked to have gotten in. I don't
know what I have done if it
hadn't been for him."

In another letter Sweet gave the
amount he was "in" on the timber
deal. The total amount was about
\$25,000, including a \$7,500 note sign-
ed by himself and Steunenberg.
Senator Borah's name was dragged
into the case here for the first time,
just before adjournment, when H. S.
Worthman, another local attorney,
stood up and introduced more
letters from Sweet. In one letter to
Worthman he wrote:

"Richards used his power of attorney
to turn all my money, \$10,000,
over to Steunenberg, and it is like
pulling a cat through a stocking to
get it back. I don't want to make
a settlement statement of the govern-
ment's obligation to me. He is the
governor's attorney, but is a first class
gentleman and knows a little state-
ment is only fair to me. Tell him I
haven't a scratch of a pen from Steun-
enberg to show that he has \$10,000
of my money. He said the copy of our
agreement was lost."

A. B. Campbell, a millionaire of
Spokane, Wash., said he was intro-
duced to Steunenberg, and Sumner
G. Moon, of Klamath Falls, Wis.,
the governor thanked Campbell for hav-
ing put him in touch with the Wis-
consin interests.

Several "dummy" entries, who
made deals conveying the title to
their lands to George S. Long, were
examined at the morning session in
order to get the deeds in evidence.
These deeds all bear endorsement as
having been recorded at the register's
office in Boise, Idaho. The entriesmen
declared that they paid nothing
for recording the deeds, authorized no
one to pay fees for them, never em-
ployed an agent or attorney, and never
received any money from the govern-
ment by the land office at Washington.

The entriesmen examined today all
declared that they got their money
through former State Senator John
McKenzie, and that they were the
policy of putting the alleged
"dummies" under cross examination.

Shanghai, Sept. 27.—An outbreak
of Boxerism has occurred at the
province of Kiangsi. An Italian priest
and a number of converts have been
murdered at the village of Tawouties.
The Lazarist Fathers' mission at Man-
chow, Peking, has been burned. The
missionaries escaped to Kiauf, whence
they telegraphed for assistance.

Gambling War in Chicago.
Chicago, Sept. 27.—Another explo-
sion, the ninth, was added last night
to the mysterious series credited to
fists between the factions of Chicago
gamblers. This explosion shattered
the "Cash Register" building at 123 South Clark street,
the ground floor of which is occupied
by the "Cash Register" business of
Monte Tennes. This is the third at-
tack on Tennes.

Disastrous Floods in Japan.
Victoria, B. C., Sept. 27.—Advice
of a terrible disaster, due to the
great floods prevailing in Japan have
been received here. The overflow of
the river Otomatschiga, running
through the town of Fukuyama, near
Kyoto, caused a loss of over 100,000
lives. The river rose more than
fifty feet in a short time.

SECOND TRIAL OF HARRY
THAW TO BE TAME AFFAIR
Long Confinement in Tombs Has
Robbed Prisoner of Desire to
Pose as Hero.

REPAIRS HALT
DEPARTURE
OF FLEET

EXTENSIVE CHANGES
NEEDED IN EVANS' SHIPS
Will Spend Additional Fifty
Days In Navy Yards Fitting
Up for Long Voyage Around
the Horn.

Washington, Sept. 27.—As the re-
sult of additional changes found to be
necessary in the battleships of Ad-
miral Evans' fleet now under orders
to sail for the Pacific, it has been
found that an additional period of
fifty days must be spent by the big
ships in the navy yards, where they
are undergoing the repairs required
to fit them for the voyage. It is
hoped, however, that the additional
work can be executed without delay-
ing the fleet beyond the date set for
its departure, December 15 next.

The new work will consist in the
installing in each ship a system of
fire control, involving the construction
below the protected deck of half a
dozen separate telephone booth ex-
changes. These little booths will con-
nect not only by telephone, but by
voice tubes with the captain's sta-
tion on the bridge, and in the coning
tower, and there will be one booth for
each caliber of gun, in order that the
commanding officer can personally di-
rect the fire of the guns at will.

For the first time since they were
placed upon the statute books seven-
teen years ago, sections 1292 and 1293
of the Compiled Laws of New Mexico
of 1897, providing for the punishment
for conspiracy in restraint of trade
and modeled after the Sherman act,
have been invoked by a New Mexico
grand jury in an effort to conduct an
inquiry into the causes of the present
high prices of coal. Simultaneously
prominent lawyers representing the
coal operators and dealers have at-
tacked the validity of the laws in
question, upon the ground that they
are in conflict with the act of con-
gress in that the New Mexico law
seeks to modify the terms of the
Sherman act, modifying the punishment
for conspiracy in restraint of trade,
the territorial statute being otherwise
a copy of the Sherman act.

COAL OPERATORS AND DEALERS
DECLINE TO TESTIFY
Early in the present week subpoenas
were issued for the local officers
of the American Fuel company, oper-
ating the mines of the company at
Chapin, in the Santa Fe railroad zone,
managers of the two local retail coal
dealers, and the manager of the ter-
ritorial grand jury in session.

Thursday the mine managers and
retailers appeared in the grand jury
room and were asked a series of ques-
tions relating to the management of
the mines, and the price of coal at
the mines, and the price of coal at
the consumer. Nearly all of these ques-
tions the witnesses declined to answer
on account of the want of knowledge.
As a result, the grand jury Thurs-
day afternoon presented to Judge Ab-
bott the following:

To the Honorable J. A. Abbott,
Judge of the District Court of Ber-
nalillo County:

The grand jury of said county at
the September term, 1907, of said
court, respectfully report that there
exists in the management of the
mines, and the price of coal at the
mines, and the price of coal at the
consumer, which appear to indicate
the existence of a combination to control
and unreasonably increase the said
prices.

We have, therefore, acting under
sections 1292 and 1293, of the Com-
piled Laws of 1897, endeavored to in-
vestigate the matter, and have been
compelled to report to the court that
certain witnesses summoned before us,
have refused to answer questions pro-
pounded to them, on the single ground
that they had been advised by counsel
so to refuse, and without assigning
any other reasons.

These witnesses are William Hahn
and John S. Heaven, coal dealers in
Albuquerque, and John Jennings of
Gibson, N. M., general superintendent
of the coal mines of the American Fuel
company; Peter Westwater, of Heaton, N. M.,
superintendent of the Heaton coal
mine; and John Jennings of Gib-
son, N. M., superintendent of the
Weaver coal mine, who refused to
answer the questions, copy of which
is attached hereto, propounded to
them, except the first and sixth; and
Thomas Patton, of Gibson, N. M.,
general superintendent of the coal
mines of the American Fuel company;
Peter Westwater, of Heaton, N. M.,
superintendent of the Heaton coal
mine; and John Jennings of Gib-
son, N. M., superintendent of the
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Thomas Patton, of Gibson, N. M.,
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mines of the American Fuel company;

INDICTMENTS AGAINST
HARRIMAN OFFICIALS
San Francisco, Cal., Sept. 27.—Ac-
cording to a report in circulation here,
the indictment returned yesterday by
the federal grand jury against the
Pacific Mail Steamship company and
the Southern Pacific railroad company.
In these indictments it is understood
that the names of Edward H. Harri-
man, John C. Stubbs, and R. P.
Schwehn are mentioned. The indict-
ments, it is said, embrace 140 counts
and relate particularly to violations of
the law on shipments from the Orient
through the port of San Francisco to
Chicago.

Pettibone Trial Postponed.
Boise, Idaho, Sept. 27.—George A.
Pettibone, one of the men charged
with the murder of former Governor
Frank Steunenberg, has so far re-
covered from his recent illness that
he was able to appear in court to-
day and listen to the order fixing his
trial for October 15. Both prosecu-
tion and defense announced that
they would be ready at that time.
Pettibone plainly showed the emaciat-
ing effect of his sickness.

Eight Men Hurt in Wreck.
Harrisburg, Pa., Sept. 27.—Eight
persons were injured in a wreck on
the Pennsylvania railroad at the Jun-
iata bridge at Duncannon today when
the Altoona accommodation train ran
into a freight train.

Henry M. Flagler III.
New York, Sept. 27.—Henry M.
Flagler, vice president of the Stand-
ard Oil company, is seriously ill in
Mount Washington hotel in Bretton
Woods, N. H., with symptoms of a
general nervous breakdown. His
condition is regarded as serious.

Alton Purchase Approved.
The following is the list of ques-
tions which the grand jury propounded
to W. H. Hahn and J. R. Heaven:
1.—What is your name, place of
(Continued on Page 7, Column 1.)

COAL MINE
INQUIRY BY
TERRITORY
ILLEGAL

New Mexico's Seventeen-Year
Old Anti-Monopoly Law De-
clared in Conflict With Sher-
man Act—Interesting Ques-
tion at Issue.

JURISDICTION OF COURT
AND GRAND JURY DENIED
American Fuel Company Men
Say They Do Not Seek to
Impede Proper Investigation,
But Merely to Protect Their
Rights.

For the first time since they were
placed upon the statute books seven-
teen years ago, sections 1292 and 1293
of the Compiled Laws of New Mexico
of 1897, providing for the punishment
for conspiracy in restraint of trade
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SUSPECT
ENORMOUS
PENALTY

INDICTED FOR VIOLATION
OF HEPBURN RATE LAW
Fines of Two Million Dollars
May Be Imposed on Southern
Pacific and the Pacific Mail
Steamship Company.

San Francisco, Sept. 27.—The fed-
eral grand jury today returned indict-
ments of 124 counts against the
Southern Pacific company and Pacific
Mail Steamship company, charging
violation of the Hepburn commerce
law. These indictments, if followed
by convictions, are sufficient to render
the corporations liable to fines of from
\$124,000 to \$2,480,000. The mini-
mum penalties provided by the law
for each count are \$1,000 and the maxi-
mum, \$2,000. The defendant corpo-
rations are accused of secretly cutting
to \$1 the published rate of \$1.25 on
shipments coming from Japan to
San Francisco, and thence throughout the
United States.

Two indictments of eight counts
each were returned against the Pa-
cific Mail Steamship company, which
transported a cargo from Kobe to
San Francisco, and one indictment of
eight counts, and two indictments of
fifty counts, each, were returned
against the Southern Pacific company,
for forwarding the cargo in broken
shipments from this city eastward.

Commerce Commission
SENT ON ENFORCING LAW
Los Angeles, Sept. 27.—The rail-
road must understand that they will
have to obey the law. There will be
no violation of a single one of its pro-
visions if we can prevent it. We are
here to enforce it. That is our duty
and we shall fulfill it. The transpor-
tation companies are regulated by the
Hepburn law and other railroad sta-
tutes and they may as well understand
as of last that there will be no trifling
with the provisions of this act. Such
was the statement of Franklin
K. Lane, secretary of the commerce
commission, when informed of the in-
dictments said to have been voted by
the federal grand jury in San Francisco
against the Southern Pacific officials.

"The indictments are no surprise to
me," continue Mr. Lane. "For some
time the commission has been coop-
erating with the department of justice
in a concerted effort to see that all
the provisions of the law are en-
forced. Experts are at work in var-
ious cities of the west, examining
carefully into alleged infractions of
the statutes. Wherever instances of
the kind have occurred, evidence has
been and is being gathered, against
the guilty of violation. The work is
not directed against the Southern
Pacific particularly, or Mr. Harriman
or anyone else. It is intended to ap-
ply to all companies and the work will
be prosecuted with the same refer-
ence to any individual or corporation."

BRIBE TAKERS REPEAT
CONFESSIONS IN COURT
San Francisco, Sept. 27.—In the
Ford bribery trial today Supervisors
Sanderson and McGushin repeated
their confessions to the effect that
they had each received \$4,000 for vot-
ing to grant the trolley franchise to
the United Railroads, though they fa-
vored it before being paid. Sanderson
said the first money he had re-
ceived was \$4,000, and the second
\$4,000, and the third \$4,000, and the
fourth \$4,000, and the fifth \$4,000,
and the sixth \$4,000, and the seventh
\$4,000, and the eighth \$4,000, and the
ninth \$4,000, and the tenth \$4,000,
and the eleventh \$4,000, and the
twelfth \$4,000, and the thirteenth
\$4,000, and the fourteenth \$4,000,
and the fifteenth \$4,000, and the
sixteenth \$4,000, and the seventeenth
\$4,000, and the eighteenth \$4,000,
and the nineteenth \$4,000, and the
twentieth \$4,000, and the twenty-first
\$4,000, and the twenty-second \$4,000,
and the twenty-third \$4,000, and the
twenty-fourth \$4,000, and the twenty-
fifth \$4,000, and the twenty-sixth
\$4,000, and the twenty-seventh \$4,000,
and the twenty-eighth \$4,000, and the
twenty-ninth \$4,000, and the thirtieth
\$4,000, and the thirty-first \$4,000,
and the thirty-second \$4,000, and the
thirty-third \$4,000, and the thirty-
fourth \$4,000, and the thirty-fifth
\$4,000, and the thirty-sixth \$4,000,
and the thirty-seventh \$4,000, and the
thirty-eighth \$4,000, and the thirty-
ninth \$4,000, and the fortieth \$4,000,
and the forty-first \$4,000, and the
forty-second \$4,000, and the forty-
third \$4,000, and the forty-fourth
\$4,000, and the forty-fifth \$4,000,
and the forty-sixth \$4,000, and the
forty-seventh \$4,000, and the forty-
eighth \$4,000, and the forty-ninth
\$4,000, and the fiftieth \$4,000, and
the fifty-first \$4,000, and the fifty-
second \$4,000, and the fifty-third
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and the fifty-fifth \$4,000, and the
fifty-sixth \$4,000, and the fifty-
seventh \$4,000, and the fifty-eighth
\$4,000, and the fifty-ninth \$4,000,
and the sixtieth \$4,000, and the sixty-
first \$4,000, and the sixty-second
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and the sixty-fourth \$4,000, and the
sixty-fifth \$4,000, and the sixty-sixth
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and the sixty-eighth \$4,000, and the
sixty-ninth \$4,000, and the seventieth
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seventy-third \$4,000, and the seventy-
fourth \$4,000, and the seventy-fifth
\$4,000, and the seventy-sixth \$4,000,
and the seventy-seventh \$4,000, and the
seventy-eighth \$4,000, and the seventy-
ninth \$4,000, and the eightieth \$4,000,
and the eighty-first \$4,000, and the
eighty-second \$4,000, and the eighty-
third \$4,000, and the eighty-fourth
\$4,000, and the eighty-fifth \$4,000,
and the eighty-sixth \$4,000, and the
eighty-seventh \$4,000, and the eighty-
eighth \$4,000, and the eighty-ninth
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the ninety-first \$4,000, and the ninety-
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seventh \$4,000, and the ninety-eighth
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one hundred and sixty-seventh \$4,000, and the
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one hundred and sixty-ninth \$4,000, and the
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one hundred and seventy-third \$4,000, and the
one hundred and seventy-fourth \$4,000, and the
one hundred and seventy-fifth \$4,000, and the
one hundred and seventy-sixth \$4,000, and the
one hundred and seventy-seventh \$4,000, and the
one hundred and seventy-eighth \$4,000, and the
one hundred and seventy-ninth \$4,000, and the
one hundred and eightieth \$4,000, and the
one hundred and eighty-first \$4,000, and the
one hundred and eighty-second \$4,000, and the
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FAGSTAFF SENDS NINE HORSES TO FAIR

FAIR GROUND STABLES ARE ABOUT TO RUN OVER

Baby Show Entries Will Close Next Tuesday, October First and All Who Have Candidates to Enter Must Hurry.

It hasn't been generally known before but Flagstaff, Ariz., is a racing center. There is no doubt about it, judging from the bunch of horses which came in yesterday from the west to enter the territorial fair races. W. W. Francis and H. C. Lockett, of Flagstaff, arrived with nine horses now stabled at the fair grounds and all of them billed to start during the big meeting. The fair grounds stables are filled to running over and there will be a demand for all the stables the association can provide between now and the opening of the meeting. The barnet string of horses has arrived in Albuquerque in charge of Trainer Frost. The barnet string has been doing stunts on the Missouri circuit during the summer and has had a very successful season.

BABY SHOW ENTRIES WILL CLOSE TIGHT ON TUESDAY

If you have a candidate to enter in the baby show, changing suddenly from horses to babies, it will be well to get busy, and get busy quick, for there are only three more days in which entries can be made and the baby show is a very important feature of the fair. The baby show is one of the biggest enterprises of the kind in the amusement line on earth and its production in Albuquerque a life size indication of the magnitude of this year's fair.

PYTHIANS PREPARE TO ENTERTAIN GOVERNOR

Albuquerque Knights—Extend Elaborate Invitation to Executive to Attend Fair Week Convention.

When Governor Curry arrived in Albuquerque last night on his way to Socorro, he was welcomed at the station by a party of members of the local lodge of Knights of Pythias, who presented to him a handsomely engraved invitation to be present at the great fair of the territorial association of the order to be held here Monday through Thursday of this week. Governor Curry is a member of the order and accepted the invitation which was presented by Messrs. J. B. Crum, J. E. Elder, and George Annot for compliance on invitation for the convention.

EL PASO HAS TAKEN ON A SPEEDY PITCHER

Roy Hit Coming With Pass City Aggregation at \$100 Per Game—Team Defeated in Douglas.

(El Paso Times.) The El Paso team, which will visit the Albuquerque fair and join in the baseball tournament with the idea of securing one of the prizes offered in the contest, is hard at work preparing for the game on Saturday. If present plans carry, the base ball boys will take with them to the New Mexico fair a big wad of El Paso advertising matter, to distribute on their journey.

It is probable that they will carry also advertising matter for the fair of El Paso to be held here in 1908. They have taken up the matter of the members of the chamber of commerce and one influential director of that organization declared himself heartily in favor of the idea.

Plans for the trip are beginning to shape under the direction of Manager Clements, and he is busy setting things in shape. His efforts to make a star aggregation to the tournament is evidenced in a clipping from the Cincinnati Enquirer which says:

"Roy Hill is well thought of in Texas. He has received an offer of \$100 a game to pitch two games during the week in Albuquerque next month. Roy is a home town and anxious to get back to that dear old California."

but \$200 to 250 plunks and not to be sneezed at by an athlete with a fairly good hand. Therefore, he will probably stop off at El Paso on route to the coast and swing his arm at \$1 per swing.

El Paso Defeated at Douglas.

The following article which is taken from the Douglas Dispatch of Wednesday will be of interest to the local fans as it gives an account of the game between the International of El Paso and the Midland team.

Douglas Champs, 7; Internationals, 2.

That tells the story, but it does not convey the real, unalloyed, solid, satisfied and exhilarating baseballistic insinuated by the crowd of fans at the new park yesterday afternoon.

Oh, but it was great!

Did you notice the array of new faces in the grand stand? Men and women who have not attended a game in Douglas before this season?

Well, they were there.

And how they did "root" and enjoy the game. In the breast of every one in the grand stand there stirred a feeling of exultant pride when the local champs, looking "just the spot for anything," as one young lad expressed it in the excited and purple uniforms of the El Paso, marched on to the field when his "umps" called "batter up."

"Shorts" was there. "Shorts" Lewis, he had on the suit that Cook used to wear, but that made no difference. He frequently took a hit in all the seats of his "bloomers" and at times it looked as if his "hose" were coming down, but that cut no ice. He was every where in the infield with the goods, and his blunders at the "slat hand" extended could be discerned even through the dust assuming from numerous slides. Yoho, Rula Walters, Crum, Carr, Harber, Rader, Wagon, Bradford, and all of them, received a reception that really made the champs feel glad to "get back home."

"Doc" Carey had a try out in left field, and he made good, pulling down two deep flies.

The champs gave a beautiful exhibition of the "squeeze play," "hit and run," and other line and diplomatic major league plays, and it was fun to see how they had the Mexican boys from El Paso tangled up at critical periods of the game. It was an article of base ball that held the attention of the grand stand so close that the "rooters" forgot what they were there for, and didn't "come to life" till the play was over.

It was an ideal day for the game and both teams were a treat. The grand stand was greeted by an augmented number of ladies, because ladies are admitted free now to all games except on Sundays.

CONSTRUCTION TO START AT SHOP MONDAY

New Storehouse and Machine Shops Are to be Hurried as Fast as Big Force of Men Can Do the Work.

Construction of the new Santa Fe storehouse and the addition to the general machine shops will begin Monday morning and both structures will be completed in short order. The order to clear the ground for the structures was issued early this week and yesterday sites for both buildings were ready.

L. J. Custer, storekeeper of the Santa Fe coast lines, arrived here yesterday morning and spent the best part of yesterday going over the site for the new storehouse with T. Scully, division storekeeper.

"I cannot give the exact date when the construction work will begin, but it will be sometime next week," said Mr. Custer to a Journal reporter yesterday afternoon.

"The work on the shops will be started at the same time as the storehouse and Mr. Anson, the contractor, has been authorized to rush them both to completion."

General Storekeeper Custer declined to comment upon the new brass foundry to be erected here soon by the Hewitt Manufacturing company, although he said it would be a good thing for Albuquerque. He knew nothing definite of the company's plans.

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The day he was taken to Leavenworth, Dr. Hall was given his daily allowance of dope, but during the time that he was on the train he was denied the drug. After being subjected to the penitentiary he asked for the drug, but was denied it.

Immediately he collapsed, and while his condition is reported as serious, Dr. Yoho, the prison physician, believes he can cure him entirely of the drug habit. Warden H. W. McClaughry, it is believed, will give Hall a clerical position.

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THE ECONOMIST

WE ARE NOW READY FOR AN ENORMOUS BUSINESS

WITH LARGER ASSORTMENTS AND GREATER VALUES THAN EVER BEFORE, WE MIGHT FILL SEVERAL PAGES WITH A LIST OF THE BARRETS WARE FOR THIS WEEK'S PRICING, BUT THE FOLLOWING ITEMS WILL BEING CHOSEN TO PROMOTE THE EXTRAORDINARY SALE. WE BUY IN QUANTITIES THAT ARE UNCOMPARABLE WITH MOST OTHER RETAIL STORES, AND WE MAKE OUR GOODS AT PRICES THAT COMPARE A GREAT AND VARIOUSLY OF BUSINESS. STYLES AND QUALITIES ARE NOT ONLY SUPERIOR TO ANY SHOWN DURING ANY PREVIOUS SEASON, BUT ASSORTMENTS ARE MUCH LARGER THAN EVER BEFORE. WE CAN SAVE MONEY FOR YOU IF YOU BUY HERE. DON'T THINK THIS IS A RANDOM STATEMENT. PROVE IT BY COMPARISON.

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PUMPS
FIXTURES
ELECTRIC IRONS.
And Other Heating Devices.

All work guaranteed.

T. N. LINVILLE.
STAPLE AND FANCY GROCERIES
Best grade of Flour, Coffee, Tea and Spices a Specialty.
Everything in the market always on hand.
THE BEST ALWAYS.
Phone 238. — — — 304 West Central Avenue
at 8:30 o'clock, and the second at 9:35 o'clock.

J. L. Snyder, bonus supervisor at San Bernardino, Cal., was one of yesterday's arrivals in the city.

J. H. Hinton, section foreman at Gonzales, N. M., has returned from a vacation spent in the east.

E. J. Gibson, superintendent of the Albuquerque division, and W. K. Elder, superintendent of the Rio Grande division, arrived in the city last night.

Clark Armstrong, a news agent on trains Nos. 1 and 2, between here and La Junta, is off on a short vacation in Kansas City, Denver and Chicago.

J. E. McMahon, trainmaster of the New Mexico division, with headquarters at Las Vegas, arrived in the city last night on No. 7.

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THE ECONOMIST

WE ARE NOW READY FOR AN ENORMOUS BUSINESS

WITH LARGER ASSORTMENTS AND GREATER VALUES THAN EVER BEFORE, WE MIGHT FILL SEVERAL PAGES WITH A LIST OF THE BARRETS WARE FOR THIS WEEK'S PRICING, BUT THE FOLLOWING ITEMS WILL BEING CHOSEN TO PROMOTE THE EXTRAORDINARY SALE. WE BUY IN QUANTITIES THAT ARE UNCOMPARABLE WITH MOST OTHER RETAIL STORES, AND WE MAKE OUR GOODS AT PRICES THAT COMPARE A GREAT AND VARIOUSLY OF BUSINESS. STYLES AND QUALITIES ARE NOT ONLY SUPERIOR TO ANY SHOWN DURING ANY PREVIOUS SEASON, BUT ASSORTMENTS ARE MUCH LARGER THAN EVER BEFORE. WE CAN SAVE MONEY FOR YOU IF YOU BUY HERE. DON'T THINK THIS IS A RANDOM STATEMENT. PROVE IT BY COMPARISON.

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THE BIG FAIR

New Mexico's

Twenty-Seventh Annual Territorial Fair Association

October 7th to 12th Inclusive

Albuquerque, New Mexico.

TRADES DISPLAY PARADE

FILL IN BELOW, CUT OUT AND SEND TO GENERAL JOHN BORRADAILE, MARSHAL OF PARADE.

We, the undersigned, will take part in the TRADES DISPLAY PARADE, Thursday morning, October 10, With Representing

(Signed)

RAILWAY RATES: HALF FARE OR BETTER

J. A. WEINMAN President
JAY A. HUBBS Manager
ROY A. STAMM Secretary

ALBUQUERQUE FOUNDRY AND MACHINE WORKS.
H. P. Hall, Proprietor.
Iron and Brass Castings, Ore, Coal, and Lumber Cars, Pulleys, Grate Bars, Babbit Metal, Columns and Iron Fronts for Buildings. Repairs on Mining and Milling Machinery our specialty. FOUNDRY, East Side of Railroad Track, Albuquerque, New Mexico.

ALBUQUERQUE PLANING MILL
Showcases, Mission Furniture, Store and Bar Fixtures and Building Material.
A. J. Love, Proprietor
Phone 403. 403 S. First Street

READ JOURNAL WANTS.
St. Elmo Sample & Club Rooms
Joseph Barnett, Proprietor,
110 West Central Avenue.
CHOICE LIQUORS SERVED. ALL the popular games. Keno every Monday, Thursday and Saturday nights.

THE ECONOMIST

ALBUQUERQUE'S EXCLUSIVE DRY GOODS HOUSE.

Dry Goods, Millinery and Women's Ready-to-Wear Garments Exclusively
Phone Order Filled Promptly Mail Orders Promptly Filled

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Reception—J. E. Elder, C

Irrigation and Reclamation
Projects Already Under Way
Furnish Homes for Half Mil-
lion Sturdy Americans.

Land Open for Settlement.

It is sixty years since Americans first began the practice of irrigation. During that time they have edited in the settlement and cultivation under irrigation of something like eleven million acres. Of this total about ten million acres are to be irrigated by the Federal reclamation. The conversion of so large an area of barren lands into productive farms and orchards and the establishment of the many industries which these fields and orchards foster and maintain has been one of the greatest degrees of recultivation there have been decades when little place was made and these have been followed by periods of the widest expansion. In no period of the past has such progress been made. The construction of irrigation works has followed the passage of the Reclamation act of 1902. At no other time period in the history of the west has there been an area of almost open for settlement. This is shown by the following figures:

Two or three weeks ago I sent requests to the large number of state engineers, canal superintendents and land officers in the west for the purpose of ascertaining with some degree of accuracy the extent of arri-



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Important Duties of Well-Informed of the

If this view be correct, fully a thousand skilled men could be profitably employed under the more recently built irrigation systems. These men should be familiar with all the details of farm work and of irrigated culture and possess sufficient engineering and scientific knowledge to enable them to direct and supervise the work of con-

DRAFTSMEN

To Be Happy
You must have good health. You can't have good health if your liver is not doing its duty—slow but sure poisoning is going on all the time under such circumstances. Chlody's Herbina makes a perfectly healthy liver—keeps the stomach and bowels right and acts as a tonic for the entire system.
Sold by J. H. H. H. Co.

ROOMS FOR RENT—A few nicely furnished rooms with use of bath, by the week or month. No invalids taken. Hotel Craig, Silver Ave.

OR RENT—Neatly furnished rooms at very low prices. The La Veta Homing House, 113 West Lead avenue. Mrs. J. Leming.

OR RENT—Modern rooms and board, \$15 per month. Mrs. Eva L. Craig, 592 1/2 North Second street.

527-021 W. Tijeras Ave., Phone 24.

Herb—keeps the stomach and bowels soft as a tonic for the entire system.

Fleming
FOR RENT—Modern rooms and
per month. Mrs. Eva L. C.
North Second street, upstairs.

623-624 W. Tijeras Ave., Ph

31.

JURYSAYS MRS. WEBB IS INNOCENT OF CHARGE

UNITED STATES FAILS TO SECURE CONVICTION

September Term Has Been a Busy One for Albert Cooley, Expert Buyer of Cheap Whiskey—Indictment Expected Against Hastings.

The September term of United States court came to an end yesterday at noon when the jury in the case of Mrs. Maud Webb, indicted for selling liquor to an Indian, returned a verdict of not guilty. The prosecution made its case with practically the same witnesses and on the same grounds as in the case against H. Tott who was found guilty, but the jury took a different view of the case of Mrs. Webb. Attorney W. C. Hancock making a strong argument for her.

The September term has been a busy one for Superintendent Cooley of the local Indian school and Albert Cooley, an Indian boy, whose evidence has been the mainstay of the government in the liquor selling cases. It is said that Indian boys from the government school had been getting very drunk with such frequency that the superintendent determined to run it down. One evening he went out on a still hunt, taking with him Cooley and some small change. He would go to a saloon suspected of having sold the Indian boy liquor, give Cooley a quarter, instruct him to buy whiskey and then watch proceedings. The result of this amateur detective work on the part of the superintendent was the series of indictments at the present term of court.

MAN WITH MANY CHECKS GOES TO GRAND JURY

The territorial grand jury will work today upon the case of Clifford Hastings, arrested at Las Vegas Thursday afternoon, returned here and bound over the grand jury yesterday by Justice of the Peace Craig, after he had waived examination.

After sleeping upon a quilt on the floor of the city jail Thursday night, Hastings appeared before Justice Craig yesterday morning as neatly dressed and sprightly as though he had just come from his room at the Alvarado.

After watching examination, Justice Craig bound Hastings over to await the action of the grand jury and placed his bond at \$500. In default of the bond he was remanded to the county jail, where he slept last night.

Hastings showed his usual self control yesterday. He did not say a word about his case.

New Suits Filed.

Three suits to recover judgment on accounts were filed in the district court yesterday by local firms.

H. Lester was attorney for the trio of plaintiffs.

The McIntosh Hardware company against the Golden State company of Golden, Santa Fe county, was the first action, and is over the nonpayment of \$2,059.33 for goods and merchandise purchased by the defendant between February, 1906, and March 15, 1907. Judgment with interest and the costs of the action are prayed for by the petitioner.

Alfred Grunfeld and Ivan Grunfeld, doing business under the name of Grunfeld Bros., against J. B. Archuleta of San Rafael county, was the title of the second action, and it is to recover \$522.58, the amount due on goods purchased between February 2, 1906, with interest of \$79.74. The plaintiff prays for judgment of the indebtedness, with interest and costs of action.

The third case filed is that of the First National bank of this city against Petronella C. Crane, for the collection of a judgment rendered in favor of the plaintiff. The petition seeks for the court to compel J. D. Emmons and James Smith, against whom Mrs. Crane won judgment on June 14, 1907, to pay the amount rendered against them, which when turned over to Mrs. Crane will be taken by the First National bank.

Jones Will Fight Injunction.

W. H. Childers, attorney for Charles Jones, the Thomas, N. M., saloon keeper, yesterday filed in the district court a demurrer to the complaint filed against Jones by the American Lumber company, seeking to enjoin him from doing business at Thoreau. The gist of the demurrer states that the American Lumber company has no right to bring suit against Jones, that right belonging to the territory.

The territorial grand jury yesterday returned two no bills.

NO HURRY NOW TO GET BILLS INTO THE COUNTY

Interesting Change From Time When It Took Ten Years to Get Your Bill Paid at the County Court House.

A curious and a very interesting change has come about in the transaction of business at the county court house since the present board of county commissioners have been in charge of the county finances.

For the past week County Clerk Walker's office has been tearing its official hair in an effort to get all outstanding bills against the county into the office in order that they may be audited and classified for presentation to the county commission at its meeting on October 2, when all bills for the past quarter which are presented will be paid. The people who have bills against the county just decline to bring them in in spite of frequent notice by the county clerk and the chairman of the commission.

It used to be, and not so very long ago, that it didn't take any time to get people with accounts against the county to get them on file. Prior to the first of every quarter there was a rush for the county clerk's office in the effort of each creditor to get his bill in ahead of the others, for in those not very distant days some bills

DR. PRICE'S CREAM BAKING POWDER

A PURE, healthful, grape cream of tartar powder, the only kind that can be used without impairing the healthfulness of the food. Makes the biscuit, cake and pastry more digestible and wholesome. Absolutely free from alum and phosphate of lime.

Chemical analyses show the low priced powders made of alum to contain large quantities of sulphuric acid, and that a portion of the alum from alum baking powders remains unchanged in the food! You cannot afford to take alum and sulphuric acids into your stomach.

STUDY THE LABEL

were paid and others were not, and once in a while when political conditions were particularly strenuous, no bills at all were paid. The money was busy elsewhere. In fact, some of those good old accounts are not paid yet and when the county business was looking after when there wasn't anything else to do.

The difference in conditions now is striking. Since the present county commission took charge and the present county government got itself in working order all bills against the county have been paid at the end of each and every quarter. Candidates in the county's credit has been restored, simply by the application of honesty and business methods and as a result people with accounts against the county being no longer worried about the money, forget to turn them in.

The commission, however, insists on business methods and it wants all bills on file with the clerk prior to October 2.

ALBUQUERQUE ELKS TO HAVE A BAND

Take Over Remnant of American Lumber Company Organization With M. C. Grady As Director.

Albuquerque is still to have a crack band in spite of the recent disbanding of the Elks orchestra. A large number of the members of the old organization are here and there is plenty of material with which to fit out the organization. The Elks of Albuquerque have taken the organization in hand and have secured the services of Marcello C. Grady, formerly of Emporia, Kas., and one of the best known band masters in the state, who will become a director. Mr. Grady has established a reputation as a competent and talented director and will take up the work of bringing the new organization up to the right standard at once.

ALBUQUERQUE MEN MAY BUY GALLUP CONCERN

Corporation Negotiating For Purchase of Wholesale Business of Late C. F. Weidemeier in Western Town.

George Arnot, manager for Gross, Kelly & Co., and Ivan Grunfeld, of Grunfeld Brothers, wholesale dry goods, left on the California limited yesterday for Gallup, where it is understood they go to enter on negotiations for the purchase of the extensive business of the late C. F. Weidemeier, who for many years conducted a large wholesale dry goods and grocery jobbing trade through western New Mexico and who were operating the business at the time of his death.

It was stated yesterday that Grunfeld Brothers and the Gross, Kelly interests had practically completed the formation of a corporation to take over the business and that negotiations looking to immediate purchase were well under way. The proposed transaction is a large one and will mean it completed, a considerable extension of the trade territory of the two big wholesale houses.

WEST MINSTRELS PLEASE AUDIENCE

Old-Fashioned Minstrels With Some Modern Innovations—Best Show of the Season Thus Far.

The best of this season's attractions at Elks' theater thus far was the West minstrel aggregation last night. The company is a strong one, evenly balanced, a minstrel aggregation of the old fashioned kind, with enough of modern innovation to refresh the monotony. The audience was a small one, but enthusiastic enough to make up for the lack of numbers. The performance throughout was pleasing.

PYROGRAPHY WOOD,
Burning Outfits,
EXTRA BULBS,
TUBING and NEEDLES.

We are displaying an exceptionally fine line of these goods and now is the time to make your holiday selections while the stock is complete.

F. J. HOUSTON CO.,
205 West Central Avenue.

RAABE & MAUGER

115-117 N. First, Bet. Central and Copper Aves.

Hardware and Ranch Supplies

STOVES AND RANGES,
KITCHEN UTENSILS,

ENAMELED WARE,
CUTLERY,

HARNESS AND SADDLES,
AMMUNITION.

Try a Morning Journal Want Ad

E. A. Gertig,
CONTRACTOR and BUILDER
Shop 410 W. Copper Ave.
Phone 847.

W. E. MAUGER
—WOOL—
Representing Manager & Avery, Boston
(With Raabe & Mauger)
115 North First St.
Albuquerque, N. M.

B. RUPPE
THE PRESCRIPTION
DRUGGIST
203 West Central Avenue

Arthur E. Walker—
Fire Insurance, Secretary Mutual
Building Association, Phone 595
203 West Central Avenue.

Try a Morning Journal Want Ad

204
W. Gold

THE RACKET

205
S. Second

MEN'S WORK GLOVES.

Men's unlined work gloves, fire-proof tannage, wide leather band top with gore at wrist, string fastener, a soft, pliable glove, colors, black, yellow or olive green; the pair50c

Men's heavy work glove, made of heavy drab color fire and water proof tanned rawhide, welted seam, waxed thread sewed, double piece on thumb, wide band and one snap fastener on back of wrist. Strongly made. The greatest glove on earth for rough wear. The pair75c

MEN'S COMBINATION WORK GLOVE.

Indian tan buckskin palm and thumb, buck split back and top band, string fastener, California cut with seams on back of fingers, welted and trimmed seams; an A1 glove, the pair\$1.00

Men's heavy white buckskin gloves, made from extra heavy Indian tanned buckskin, full outseam back and fingers, double piece and

riveted around thumb, straight top with V extension at wrist. This glove is built for rough wear. The pair\$1.25

SPECIAL FOR THIS WEEK ONLY.

We place on sale this week an assortment of toilet soaps at half the regular price. The assortment consists of Harvest Honey, Bouquet, Palm and Olive, Witch Hazel, Carnation, Heliotrope, Oatmeal, Cold Cream, Violets, White Rose and Buttermilk. These are standard soaps and are never sold for less than 10 cents. Our special price for this week only is, the cake5c

Men's unlined gauntlet gloves, made of oil tanned calfskin, 4 inch leather gauntlet, welted and trimmed seams. A good strong glove and will give good wear, pair \$1.00

Men's Saranac Railroad Gauntlet gloves, drab buck palm, thumb and forefinger gun cut, reinforced thumb, pearl color grained leather back and gauntlets. Steam proof. The pair\$1.25

LADIES' CORSETS.

Ladies' F. P. Military Form corsets, made of fine Alexandria cloth, full bias gore, well boned, high in bust, Elongate hips, lace trimming at the top with ribbon insertion; hose supporters over abdomen and hips. This is one of the best fitting corsets made. Each\$1.00

Ladies' Amorside Corsets, latest shape straight front, lace edging with ribbon insertion at top, 5 hooks This is the corset that never breaks down on the side. The best corset made for the price. Each\$1.00

CHILDREN'S SLEEPING GARMENT

This is the time of year that the children take cold by getting the bed covering off during the night. Sleeping garments prevent this as they cover and protect the entire body.

Children's gray ribbed cotton sleeping garments for children from 1 to 8 years of age. Each40c

Children's heavy gray flat fleece lined sleeping garments, good and thick. This is an extra good garment and is generally sold for more money; according to size, each.....60c, 70c, 80c

D. H. BOATRIGHT, Phone 1013.



The Young Man

Cuts a big figure with us, and we have planned for him. In school or college or business his clothes should be the echo of his tastes and not of his father's or his uncle's. So Stein-Bloch have made specially designed sack suits and overcoats for him, in style adapted to his exacting demands in dress. We believe they are what he has been searching for and ask him to come in and find out.

Suits \$18 to \$30

E. L. Washburn Co.

See Window Display

Albert Faber

FURNITURE, CARPETS
DRAPERIES and BED-
DING.

308-310 W. Central Ave.

High Prices

Will prevail in canned fruits this winter.

We still have a big stock of all varieties at the same old prices.

The Monarch Grocery Co.

307 W. Central Ave.
Phone 80.

COAL MEN HOLD INQUIRY BY TERRITORY ILLEGAL

(Continued from Page 1, Col. 4.)

residence and occupation?"

2.—Do you deal in and sell coal which comes from the mines at Gallup, N. M., and from the mines near Cerillos? If so, state at what prices you have sold the different grades of coal, in Albuquerque, from the beginning of the year 1905 down to the present time.

3.—What has been the cost to you of the several kinds of coal sold per ton during the period mentioned in the last question, delivered on the cars at Albuquerque?

4.—Why is the present price of coal so much higher than it was in 1905, 1906 and the first half of 1907?

5.—What is the actual cost, on an average, to you, of handling and delivering coal per ton in Albuquerque?

6.—Have you any knowledge or information of any contract or combination between individuals, associations or corporations which operates to control the price at which coal shall be sold in Albuquerque? If so, state your knowledge and information on that subject.

Of these, the witnesses answered but two, No. 1, the customary question as to name and occupation, was answered, and both coal dealers answered question No. 6, denying any knowledge of any combination or agreement to control the price of coal sold in Albuquerque. Questions 2, 3, 4, 5, they refused to answer on advice of counsel.

The following questions were propounded by the grand jury to the superintendents of the American Fuel company, all of which were the customary introductory question, were declined on advice of counsel.

2.—State as nearly as you are able the cost of the production of coal per ton at the mine under your charge from the beginning of the year 1905 down to the present time, showing the highest and lowest cost of production during that period, and the average in each of the three years, it being understood that this means the cost of the coal put on board the railroad cars for transportation, and the figures called for are to be for the different grades or kinds of coal produced at your mine.

3.—Have you sold any of the production of your mine to coal dealers doing business in Albuquerque? If so, to whom has it been sold, and at what prices during the years 1905, 1906 and 1907?

Mr. Neil H. Field, representing W. H. Hahn, made the principal argument in behalf of the coal men, supplemented by brief statements by Judge Yeaman and Mr. Dougherty.

DENIES JURISDICTION OF COURT AND VALIDITY OF LAW

In his introductory statement Mr. Field said that in refusing to answer the questions of the grand jury the coal men had been actuated not by any desire to prevent or obstruct any proper investigation or inquiry into the price of coal, or any other inquiry, which the grand jury was competent to make, but that the grand jury had no right to ask the questions which had been asked, and that as a result of these questions the constitutional rights of the coal men to their own business affairs had been brought into question in a way which necessitated a refusal on their part to submit, and a defense of their rights.

He then said that he desired to obstruct any proper inquiry into the price of coal, but merely to maintain his rights against an improper inquiry into his private affairs.

Sections 1292 and 1293 of the compiled laws of New Mexico, under which the grand jury sought to make the inquiry, Mr. Field held to be invalid on the broad ground that the law was in direct conflict with the law of congress known as the Sherman act, of which he held the territorial act to be in its purpose a copy.

It was the duty of the courts, he said, to reduce the price of coal to consumers if it could do so in any proper proceeding, and to frustrate any illegal combination in restraint of trade or to increase the cost of coal, if such combination existed. He was persuaded that the courts were not created for any such purpose and that the people were more interested in the preservation of their constitutional rights than they were in the price of coal.

"This court," said Mr. Field, "is utterly without jurisdiction to pursue this inquiry, either through its grand jury or in any other way."

Mr. Field then reviewed the history of the territorial anti-trust legislation contained in sections 1292 and 1293, showing the law to have been passed some months after the act of congress known as the Sherman act. He then entered into an exhaustive argument to show that the territorial law was not only nullified by the act of congress, but that it actually was intended to modify and restrict an act of congress. The congressional act, he said, provided for immunity in certain cases of prosecution for illegal combinations in restraint of trade. The territorial law made no provision for such immunity. It was impossible, he held, for a territorial court to take away from a citizen an immunity held out under a law of the United States. The act of congress, he said, had not only been made especially applicable to the territories, but had gone much further than the territorial legislation in that while the territorial law provided only for the collection of damages to the person injured, the United States law provided that three times the amount of damages might be collected. The territorial law, he said, provided for a fine of not to exceed \$1,000, while the United States law allowed this fine to be extended to \$2,000, while the imprisonment clause of the federal law was greater than that of the territorial law.

"If the territorial legislative act is a law," said Mr. Field, "it has nullified the law of congress."

He held that where congress and the territorial legislature legislated on the same subject, the act of congress superseded the territorial act, and that a citizen of New Mexico could not be twice placed in jeopardy for the same act. He distinguished between the authority of the state and of the territory. The authority of the United States, he said, was delegated to it by the states, while the territory received its authority from the central government. He held the two

Throat Coughs

Ask your doctor about these throat coughs. He will tell you how deceptive they are. A tickling in the throat often means serious trouble ahead. Better explain your case carefully to your doctor, and ask him about your taking Ayer's Cherry Pectoral. Then do as he says. Get the best medicine, always. We have no secrets! We publish the formulas of all our preparations.

courts, deriving their authority from the same source, could not call a man to answer for the same act. The court, he concluded, had no jurisdiction to pursue the inquiry, and the territorial act was an obstruction to the act of congress. To sustain the legislation in question, Mr. Field argued that the court would have to hold that the territorial legislature had the power to minimize the effect of an act of congress, since the penalties of the territorial act were lower than those of the Sherman act.

Mr. Field cited numerous authorities, and his argument throughout to show the invalidity of the territorial act was clear and convincing.

H. M. Dougherty, local attorney for the American Fuel company, followed, speaking in behalf of the mine managers from Gallup. Mr. Dougherty reiterated the statement made by Mr. Field, that there was no desire on the part of his clients to obstruct or hinder any proper inquiry by the grand jury, but that in this case the grand jury had sought to secure possession of private papers and business affairs to which it was not entitled, and which were as sacred as were life or any other kind of property. He was willing to rest on Mr. Field's argument to show the invalidity of the territorial law and the lack of jurisdiction of the territorial court, and himself almost entirely to the extent to which a grand jury might go in seeking evidence. He held that a grand jury had no right to reach out with a "grab hook" and drag in citizens' answers to general questions. That a grand jury had the right only to seek relevant, legal testimony such as would be allowable before a trial jury. He said the mine managers who had been subpoenaed were in the first place not competent to answer the questions asked as to the cost of production, and the price of coal, as they did not make the price, but that they had been instructed not to answer because he held the grand jury had no authority to demand the information. The American Fuel company, he said, was incorporated in New Mexico under the laws of this territory. Its mines and offices located at Gallup, its managers and superintendents living there, its coal sold there, its business affairs conducted from there, and he failed to understand what right a territorial grand jury had to investigate into affairs in McKinley county.

The grand jury had no right, he held, to ask questions at random. In the present case had it the right to proceed, he held it could only ask questions bearing directly on the effort to establish conspiracy in restraint of trade or to control the price of coal. He held the questions asked, as to the cost of production and the price at the mine had no relation or bearing on any inquiry as to a conspiracy charge, and were therefore irrelevant, even had the jury the right to make the inquiry. The questions which had been asked he held to go into the inviolate private rights which were as sacred as the rights of life and liberty.

HOLDS TERRITORIAL LAW IS AN AID TO SHERMAN ACT

District Attorney Clancy was forced to be present in the grand jury room and could not avoid hearing the argument for the territory being conducted entirely by Attorney Julius Staab. Mr. Staab held that unless congress had expressly legislated exclusively, the territorial legislature had the right to legislate on the same subject, with the single provision that it might not legislate in opposition to congress. He held that the act in question was not in opposition to the Sherman act, but in furtherance of it. The law, he said, had been on the statute books for sixteen years, and had repeatedly passed the inspection of congress and the officers to whom all acts of the New Mexico legislature are submitted. He cited decisions to show implied sanction to an act of a territorial legislature on a standing without disapproval of congress.

The United States had legislated as to the number of employees who might serve at a session of the territorial legislature. Mr. Staab said, yet this did not prohibit the territory from providing other employees by an act of the territorial legislature. There was no such thing as double jeopardy, Mr. Staab held, and the content of the United States and the territory could provide laws on the same subject, and covering the same offense, citing the case of the municipal ordinance and the territorial statute on the same subject, as proof of his contention. Mr. Staab then pointed out the state laws relating to counterfeiting, which were identical with the federal laws, in which he held there was no conflict of authority.

Mr. Staab cited numerous authorities to sustain his contention that the territorial statute was not in conflict with the Sherman act, but in furtherance of its terms.

Judge Yeaman, of Denver, general counsel for the American Fuel company, closed the argument. The questions involved, he said, were grave ones, involving the power of the territorial legislature, the jurisdiction of the courts and the grand jury, the liberty of citizens and the rights of property. Judge Yeaman elaborated on the difference between the sovereignty of the state and the power of a territory, and reiterated Mr. Dougherty's argument as to the questions involved. He held the power of a grand jury to pursue an inquiry and the nature of the questions it had a right to ask and to which it might demand answers. He spoke briefly in support of Mr. Field's argument upon the jurisdiction of the court and the validity of the territorial statute. Judge Yeaman closed with the statement that he and the company he represented had no desire to impede any investigation, but merely to defend vital rights as citizens of the territory.

Judge Abbott withheld his ruling, stating that he desired to reserve the authorities cited. A decision is expected today.

If the contention of the representatives of the coal company and district attorney be carried out by the territorial grand jury will have to be suspended and the matter will be one for the consideration of a United States grand jury, should there be any further effort to pursue the inquiry. The question is an interesting one, involving as it does a decision on the validity or invalidity of a statute which has stood in the New Mexico statute books for seventeen years.

MINING STOCKS.

The following Boston quotations are furnished by F. Graf & Co., brokers, over their own private wire to Albuquerque, N. M., September 27, 1907:

Amalgamated Copper	58 1/2	58 1/2
Arizona	57 1/2	57 1/2
Alamosa	28 1/2	28 1/2
Arcadia	25 1/2	25 1/2
Arizona Commercial	11 1/2	11 1/2
American Smelter, stock	8 1/2	8 1/2
Atlantic	8 1/2	8 1/2
Boston Consolidated	10 1/2	10 1/2
Bingham	9 1/2	9 1/2
Black Mountain	3 1/2	3 1/2
Battle Mountain	15 1/2	15 1/2
Commercial	8 1/2	8 1/2
Columbia	12 1/2	12 1/2
Columbia and Arizona	10 1/2	10 1/2
Copper Range	22 1/2	22 1/2
Deer Creek	5 1/2	5 1/2
Davis	8 1/2	8 1/2
East Butte	5 1/2	5 1/2
Gold Consolidated	7 1/2	7 1/2
Green	5 1/2	5 1/2
Hecla	2 1/2	2 1/2
Idaho	14 1/2	14 1/2
Keweenaw	5 1/2	5 1/2
Michigan	9 1/2	9 1/2
Miner	21 1/2	21 1/2
Old Dominion	25 1/2	25 1/2
Oreocla	91 1/2	91 1/2
Pacific Mining	12 1/2	12 1/2
Quincy Mining	7 1/2	7 1/2
Rhode Island	2 1/2	2 1/2
Santa Fe	10 1/2	10 1/2
Superior	10 1/2	10 1/2
Tamarack	62 1/2	62 1/2
Trinity	12 1/2	12 1/2
United Copper	47 1/2	47 1/2
Utah Consolidated	24 1/2	24 1/2
Wolverine	11 1/2	11 1/2

Binkert Brothers
NORTH EIGHTH STREET
AND MOUNTAIN ROAD
Phone 122.

All our prices on groceries are "specials" every day in the week. We are outside of the high rent district and can afford to shade our prices. Our business is growing because we please our customers.

MILLINERY FASHION
PRICES TO SUIT ALL
Miss Paynter
118 S. FOURTH ST.

SATURDAY SPECIALS

APPLES, eating and cooking.
GRAPES, all varieties.
QUINCES.
ORANGES.
BANANAS.
WATERMELONS, (Rocky Ford, Connecticut and Buckenack melons.
CORN.
SQUASH.
PUMPKIN.
GREEN BEANS.
BREMUDA ONIONS.
CABBAGE.

The Monarch Grocery Co.,
307 W. Central Ave.
Phone 80.

WALL STREET.

New York, Sept. 27. Money on call was strong at 4 1/2 per cent. Prime mercantile paper, 4 1/2 per cent. Closing quotations on active stocks:

Amalgamated	58 1/2
Arizona	57 1/2
Alamosa	28 1/2
Arcadia	25 1/2
Arizona Commercial	11 1/2
American Smelter, stock	8 1/2
Atlantic	8 1/2
Boston Consolidated	10 1/2
Bingham	9 1/2
Black Mountain	3 1/2
Battle Mountain	15 1/2
Commercial	8 1/2
Columbia	12 1/2
Columbia and Arizona	10 1/2
Copper Range	22 1/2
Deer Creek	5 1/2
Davis	8 1/2
East Butte	5 1/2
Gold Consolidated	7 1/2
Green	5 1/2
Hecla	2 1/2
Idaho	14 1/2
Keweenaw	5 1/2
Michigan	9 1/2
Miner	21 1/2
Old Dominion	25 1/2
Oreocla	91 1/2
Pacific Mining	12 1/2
Quincy Mining	7 1/2
Rhode Island	2 1/2
Santa Fe	10 1/2
Superior	10 1/2
Tamarack	62 1/2
Trinity	12 1/2
United Copper	47 1/2
Utah Consolidated	24 1/2
Wolverine	11 1/2

HIDES AND FELTS.

The following quotations on hides and fells are furnished by the John Flinnegan Company of this city:

Dry hides, heavy, Bos.	12 1/2
do, light, do.	11 1/2
Green hides, heavy, Bos.	12 1/2
do, light, do.	11 1/2
Sheep skins, No. 1, Bos.	2 1/2
do, No. 2, do.	2 1/2
do, No. 3, do.	2 1/2
do, No. 4, do.	2 1/2
do, No. 5, do.	2 1/2
do, No. 6, do.	2 1/2
do, No. 7, do.	2 1/2
do, No. 8, do.	2 1/2
do, No. 9, do.	2 1/2
do, No. 10, do.	2 1/2
do, No. 11, do.	2 1/2
do, No. 12, do.	2 1/2
do, No. 13, do.	2 1/2
do, No. 14, do.	2 1/2
do, No. 15, do.	2 1/2
do, No. 16, do.	2 1/2
do, No. 17, do.	2 1/2
do, No. 18, do.	2 1/2
do, No. 19, do.	2 1/2
do, No. 20, do.	2 1/2

RANKS PETITION FOR DISCHARGE

In the District Court of the Second Judicial District of the Territory of New Mexico, sitting for the trial and hearing of the cause seeking under the constitution and laws of the United States:

In the Matter of S. E. Newman, Bankrupt.

To the Honorable J. A. Abbott, Associate Justice of the Supreme Court of the Territory of New Mexico, and Judge of the Second Judicial District Court thereof:

S. E. Newman, of Albuquerque, New Mexico, in the County of Bernalillo and Territory of New Mexico, in said District Court, specially represents that on the 10th day of August, A. D. 1907, just past, he was duly admitted to bankruptcy under the act of congress relating to bankruptcy, and that he has duly surrendered all his property and rights of property and has fully complied with all the requirements of said act and the orders of the court touching his bankruptcy.

Wherefore he prays that he may be discharged from all debts provable against him within said bankruptcy, and that he may be released from all debts provable against him within said bankruptcy, and that he may be released from all debts provable against him within said bankruptcy.

Dated this 25th day of September, A. D. 1907.

S. E. NEWMAN, Bankrupt.

ORDER OF NOTICE THEREON.

In the District Court of the Second Judicial District of the Territory of New Mexico, sitting for the trial and hearing of the cause arising under the constitution and laws of the United States:

On the 25th day of September, A. D. 1907, on reading the foregoing petition, it was ordered by the court that a hearing be had upon the same on the 25th day of October, A. D. 1907, before said court, at Albuquerque, in said district, at 10 o'clock in the forenoon, and that notice thereof be published in the Albuquerque Morning Journal, a newspaper printed in said district, and that all known creditors and other persons in interest may appear at said time and place and show cause if any they have why the prayer of the said petitioner should not be granted.

It is further ordered by the court that the clerk shall send by mail to all known creditors, copies of said petition and of this order, addressed to them at their places of residence as stated.

Witness the Honorable J. A. Abbott, Judge of the said court and the seal thereof at Albuquerque, in said district, on the 25th day of September, A. D. 1907.

(SEAL) JOHN VENABLE, Clerk.

Is your present employment getting to be intolerable? Read and answer a few Morning Journal wags ads.

LET US TRY TO HELP

YOU REALIZE SOME OF YOUR IDEAS ABOUT PIANOS. WE LIKE TO HAVE PEOPLE COME IN WHO ARE INTERESTED IN MUSICAL INSTRUMENTS.

Learnard & Lindemann
The Square Music Dealers
206 W. Gold
Phone 150

Try a Morning Journal Want Ad

Call Up Telephone 789
Whenever you want your Prescriptions filled promptly and accurately—or if you want DRUGS and MEDICINES sent up to your house in a hurry.

WILLIAMS DRUG CO.
BLUE FRONT 117 W. Central Ave.

DRINK PILSENER BOTTLED BEER
Southwestern Brewery and Ice Co.

Telephone 482 and Wagon Will Stop at Your House.

GRAND CENTRAL HOTEL.

Excursions
To Colorado and Eastern points. On sale daily until September 30. Return limit October 31. Rates to principal points.

Central Ave., and Second St.

THE MOST UP-TO-DATE HOTEL IN THE CITY. RUN ON EUROPEAN PLAN.

A. S. BARRETT, Prop.

Consolidated Liquor Co.
Successors to Melini & Eakin and Baebuchi & Glom
WHOLESALE DEALERS IN
WINES, LIQUORS & CIGARS
We handle everything in our line. Write for Illustrated Catalogue and Price List, issued to dealers only.
Telephone 136
CORNER FIRST ST. 2ND COFFER AVE.

THE "SHORT LINE"
To the Mining Camps of Colorado, Utah and Nevada; to Denver, Colorado Springs and Pueblo, is by way of Santa Fe New Mexico, and the

DENVER & RIO GRANDE RAILROAD

Through the fertile San Luis Valley; also to the San Juan country of Colorado.

For information as to rates, train service, descriptive literature, address:

S. K. HOOPER,
General Passenger and Ticket Agent
DENVER, COLO.

Santa Fe TIME TABLE.

Effective June 1st, 1907.

From the East—	Arrive	Depart
No. 1, Southern Cal. Exp.	1:45 p.	4:30 p.
No. 2, California, Limited	12:30 p.	1:00 p.
No. 7, North. Cal. Fast Mail	10:55 p.	12:45 p.
No. 9, El Paso & Mex. City Exp.	11:45 p.	12:20 p.
From the West—	Arrive	Depart
No. 2, Chicago, Fast Mail	8:00 a.	8:25 a.
No. 4, Chicago, Limited	7:30 a.	8:20 a.
No. 6, El Paso & Mex. City Exp.	6:40 p.	7:00 p.
From the South—	Arrive	Depart
*No. 10, Chgo. Den. & E. O. Ex.	8:20 a.	7:00 p.
*No. 10, connect. at Lamy with branch train for Santa Fe and stops at all local points in New Mexico.		

*S. K. HOOPER, Agent.

Sold in Albuquerque by the J. H. O'Reilly Co.

GO TO BELEN

The Future Railroad Center of New Mexico

LOCATED ON THE BELEN CUT-OFF OF THE ATCHISON, TOPEKA & SANTA FE RAILWAY. THE NEW CITY OF BELEN IS 31 MILES SOUTH OF ALBUQUERQUE, N. M., IS AT THE JUNCTION OF THE MAIN LINES OF THE SANTA FE SYSTEM—LEADING EAST AND WEST FROM GALVESTON AND CHICAGO TO SAN FRANCISCO AND LOS ANGELES. FROM THE NORTHERN STATES TO EL PASO, TEXAS, AND THE REPUBLIC OF MEXICO.

The Belen Town and Improvement Company
(INCORPORATED)

Are the owners of the Belen Townsite, consisting of 1000 Business and Residence Lots, size 25x142 feet, fronting upon 80 and 70-foot streets and avenues, right in the business center of the new city and directly upon the Santa Fe Railway Depot Grounds. The Atchison, Topeka & Santa Fe Railway Company is now grading its extensive depot grounds yard limits 800 feet wide and a mile long (capacity of 70 miles of side track) to accommodate its immense passenger and freight traffic, Harvey eating House, round house, coal chutes, water tanks, machine shops, etc.

THE CITY OF BELEN has a population of 1500, and several large Mercantile Houses, the Belen Patent Roller Mills with its 150 Barrels a day capacity, winery, etc. It is the largest shipping point for flour, wool, wheat, wine, beans, hay and fruit in New Mexico. From its location upon the great trunk line leading north, south, east and west, to all points in the United States and Mexico its future growth as a Commercial point cannot be estimated. All fast limited, mail, express and freight trains will pass through Belen to Chicago, Kansas City, Galveston and the Pacific Coast. The water is good and climate unsurpassed. Belen has a \$16,000 public school house, two churches, a commercial club, three hotels, restaurants, etc. It needs right now a good up-to-date newspaper and a good hotel. The lots offered are low in prices and terms easy. One third of purchase money cash; two-thirds may remain on note and mortgage for one year with interest at 8 per cent per annum. Title perfect and warranty deeds given.

Come early if you wish to secure the choice lots. For further particulars and prices of lots call in person or write to

The Belen Town and Improvement Company

JOHN BECKER, President
WM. M. BERGER, Secretary



ADVANCED STYLES IN FALL FOOTWEAR

We are showing the most up-to-date line of footwear ever shown in the city, at popular prices. Values in every pair. Children's shoes shown at a special price. Fit and wear guaranteed.

THE IDEAL SHOE STORE
LEON HERTZOG, Mgr.
We Shoe and Clothe the Feet.
216 West Central Avenue.

LOCAL ITEMS OF INTEREST

In the event that you should not receive your morning paper, telephone the Postal Telegraph Company, giving name and address and the paper will be delivered by a special messenger. Telephone 38.

H. W. Epton, of Winslow, is in the city. E. H. Sackett, of Fort Collins, Colo., is among the visitors.

Dr. H. J. Howell, of Helen, spent yesterday in Albuquerque.

L. Thomas, of Prescott, Ariz., was a visitor in Albuquerque yesterday.

W. S. Martin, of Elmore, N. M., arrived in Albuquerque yesterday.

C. E. de Olla, of Pima, was a visitor in the city yesterday.

Mr. and Mrs. J. C. Dolan, of Denver, are visiting Albuquerque friends.

Leonidas Hane, former sheriff of Socorro county, was in the city yesterday.

L. H. Sweet, probate clerk of Socorro county, was a visitor in Albuquerque yesterday.

The regular meeting of the Woman's club was held yesterday afternoon at the club house.

Miss Ida Midgley, of Colorado Springs, Col., is visiting her brother, W. H. Midgley, in this city.

Mr. and Mrs. John Parkinson, of Topeka, arrived in Albuquerque yesterday for a visit with friends.

A. E. Walker, probate clerk, and Mrs. Walker, have returned from a week's vacation spent in Santa Fe.

Mrs. John Stromquist, 623 Grand avenue, entertained the ladies of the W. C. T. U. yesterday afternoon at her home.

C. L. Smith, division superintendent of the International Correspondence Schools, has returned from a month's tour of Mexico.

Porfirio Sanchez, of Magdalena, was with the Socorro county court house yesterday to see Governor Curry to the Socorro fair.

The Albuquerque Gas, Electric Light and Power company is erecting about forty new arc lights on as many Albuquerque street corners.

M. Nash yesterday sent two electricians to Gallup to begin the wiring of the new McKinley county court house for which he has the contract.

Miss Elizabeth Powers, a well known local music teacher who went to Chicago recently, is expected home soon resumed her class work in this city.

John M. McIntire, of San Antonio, N. M., arrived in Albuquerque yesterday, accompanying the Socorro delegation who came to welcome Governor Curry.

F. W. Perkins, O. J. Walter, F. L. Perry and Ed. Glick, of Flagstaff, Ariz., were arrivals in the city yesterday morning. The men will stay for fair week.

H. Frost, in charge of the Harriet racing stable, has arrived in Albuquerque, after a summer on the Missouri circuit, to enter the Harriet horses in the fair races.

The daughters of the American Revolution will hold their first meeting of the present lodge year this afternoon at the home of Mrs. H. H. Lester. "The History of New Mexico" will be the topic of study for the year.

Paul Truett, local agent for several transatlantic passenger lines, was advised by cable yesterday of the arrival in Naples of Miss Hickey, Miss Henschel and Miss Hagelinde, a trio of Albuquerque ladies who are to spend the winter in southern Europe.

The Fourth Ward "Scrubs" and the immediate Conception School "Slugs" played base ball yesterday afternoon, the latter being defeated by the score of 12 to 2. John Sawelle and Fred La Dure and Leo Garcia and Robert Hildner were the batters.

The wedding is announced for September 30th at St. Michael's, N. M., of Miss Marguerita Chavez and Mr. Ignacio Trujillo, the ceremony to be performed at the Methodist church by Rev. T. M. Hargrave.

Miss J. P. McMurtry, of La Junta, Colo., who has been visiting Mrs. James H. Hosen, at the New Metropolitan for several days, went to Denver this morning on No. 9, accompanied by Mrs. Hosen.

Mrs. Johnson, mother of J. J. Johnson, of this city, died Thursday in Houston, Texas. Mr. Johnson is at present in inmate of St. Joseph's hospital.

H. B. Wallenhorst has returned from a week's vacation spent at Jemez Hot Springs.

William G. Horvath, of Thornton, N. M., arrived in the city yesterday morning.

John Cravens, of Escobedo Springs, Mex., was a visitor in the city yesterday.

and left tonight for New York City. Dr. Stash will establish offices in New York City, where he will practice his profession, and accompanied by his father he will leave for the east tomorrow night. Colonel Stash stated that he would visit Europe before returning to New Mexico.

UNIVERSITY NOTES.

Athletic work is taking on life. A challenge has come for a game of basketball at Las Vegas. It will doubtless be accepted by our girls. The Normal also wants a football game at the same time.

Mr. T. H. Overton has been employed as head janitor and has moved on the hill.

Said to relate the beautiful spirals, which were becoming quite tame, have mysteriously disappeared, every one.

Rev. E. A. Childs, who has just moved to Albuquerque, was at the university this week, because of interest in educational matters, and with the thought of bringing his son here from a university in the northwest.

The assembly singing was helped out on Monday by Miss Vera Fleming's violin taking the lead. The quartet rendered a special selection.

Robert T. Sewell, son of Dr. Sewell, of the city, recently came from the Dayton, Ohio, high school and entered the senior preparatory class. His sister Pauline also registered at the university.

President Tilt is beginning to systematize plans for the coming of the Geological Society of America during the holidays. The question arises, is this the first national organization to hold a convention in Albuquerque? It probably is.

Considerable interest was manifested by the boys for the scheme to be carried out in the parade at the fair. The girls will doubtless appear if called for. The university will also have a booth at the fair grounds with some kind of scientific display.

There is a growing tendency for the schools to become more practical. The N. M. Educational association has given a place on its program at the Santa Fe meeting in the holidays to the discussion of elementary curriculum in the New Mexico schools.

The campus on dark nights has been transformed into light by the four large reflector electric lights placed about seventy feet high on the tower of the steeple. These lights are worked automatically. At 7 o'clock they instantly flash out in brightness, and at 10:30 they promptly go out.

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**MURDER TRIAL ON
IN RATON COURT**
Lewis D. Bolton on Trial for the Murder of Carl Glick in Clayton in 1906.

The September term of Coffey county is now in progress in Raton. The most important case of the session being that of the territory vs. Lewis D. Bolton, now on trial.

It charged with the murder of Carl Glick, who was shot to death in front of the Elkhart hotel in Clayton, Union county, in June, 1906. The defense will be that the shooting of Glick was accidental. Glick was a prominent ranchman.

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