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NINETEENTH YEAR. 12 PAGES. PHOENIX, ARIZONA, WEDNESDAY MORNING, DECEMBER 2, 1908. 12 PAGES. VOL. XIX, NO. 205.

INTELLECTUAL BANKRUPTCY

Inquiry Raised in the Latest Thaw Proceeding

QUESTION OF GOOD FAITH

U. S. Court of Appeals Wants to Know If the Federal Court Will Be Asked to Pass Upon Thaw's State of Mind.

Philadelphia, Dec. 1.—Is it the purpose of these bankruptcy proceedings to raise the question of Thaw's insanity in the United States court? asked Judge Buffington, who with Judges Dallas and Gray, is hearing arguments in the matter of the appeal to bring Harry K. Thaw from Matteawan asylum to Pittsburgh to testify in the bankruptcy proceedings. Former Governor Stone at whom the question was directed replied that he was in court in the interest of the writ of habeas corpus to bring Thaw to Pittsburgh, where his assistance was needed to properly marshal his estate and that he did not know what Thaw's creditors might do. The answer proved to be the most interesting incident in the first day's proceedings in the Thaw case in United States circuit court of appeals which will review the decision of Judge Young of the United States court for the western district of Pennsylvania who dismissed the writ of habeas corpus issued by Judge Archibald of the United States court for the middle district of Pennsylvania.

Judge Buffington wanted to know what Thaw could testify to if he attended a meeting of the creditors in Pittsburgh and Stone replied that he could tell of the contracts he had made with his brother and sisters growing out of their father's will, of the contracts and agreements with the alienists and many other matters. He said there may possibly be some fraudulent claims among those presented by his creditors and bills that might be properly disputed.

"For instance," added Stone, "a law-

yer named Gleason had been given \$20,000 by Thaw and he wants \$60,000 more, and all he did was to hold down a chair at one of Thaw's trials." Judge Buffington also wanted to know if it was the purpose to return Thaw to New York after he had testified in the bankruptcy proceedings and the counsel replied that it was.

THE S. P. OF KENTUCKY.

An Order to Place Its Property on the Assessment Roll.

Frankfort, Ky., Dec. 1.—In circuit court today Judge Stout rendered a decision in which he directs the board of valuation and assessment to assemble and assess the Southern Pacific railroad according to law. Judge Stout does not say what valuation shall be placed on the Southern Pacific, which has its office at Beechmont, a suburb of Louisville.

The suit, however, was to force an assessment on a valuation of \$250,000,000 and will mean about \$6,000,000 for the state if the court of appeals upholds the judgment, as five years' taxes are involved.

A THOUSAND NEW JOBS

Chicago, Nov. 1.—After an idleness of thirteen months, the old open hearth department of the Illinois Steel company's plant at South Chicago was reopened today and 1,000 men resumed work.

Preparations are being made to open five other blast furnaces.

NEW FEET PUT UNDER THE CABINET TABLE

Mr. Newberry Succeeds Mr. Metcalf as Secretary of the Navy.

Washington, Dec. 1.—Mr. Newberry was sworn in today as secretary of the navy and participated in the cabinet meeting. He was accompanied to the White House by Mr. Metcalf, his predecessor who formally presented him to the president's official family. The oath of office was administered to the new secretary in the presence of Mrs. Newberry and Miss Caroline Newberry, Mr. Metcalf, the chiefs of bureaus and other officers of the service.

In a brief speech Mr. Metcalf paid a high tribute to the new cabinet officer, Mr. Newberry responding in an equally felicitous vein.

The last official letter written by Mr. Metcalf was to Admiral Dewey, thanking him for the "most cordial and loyal support" which had been given him.

The retiring secretary will leave tonight for his home in California. After visiting his son in Los Angeles he will go to his shooting box where he will occupy himself in hunting for some time.

WEATHER TODAY.

Washington, Dec. 1.—Weather forecast: For Arizona—Fair Wednesday and Thursday.

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DECLARATION MADE PUBLIC

What We and Japan Have Undertaken to do

AS TWO TRUSTED FRIENDS

The Agreement After all is Said to Be Nothing More Than a Re-affirmation of an Understanding Entered Into Years Ago.

FIVE MONTHS' EXTENSION FOR ROOSEVELT PROJECT

Recent Action Taken in Other Reclamation Enterprises.

Washington, D. C., Dec. 1.—Notes exchanged between the United States and Japan "declaring their policy in the far east" which has been the subject of correspondence between Secretary Root and Ambassador Takahira for some months was made public at the state department tonight. Accompanying the declaration are two letters, one from Mr. Takahira and one from Mr. Root, the former expressing the belief that a frank avowal of the aims, policy and intention of the two countries, in the Pacific, would not only tend to strengthen the relations of friendship and good neighborhood between the two nations, but would contribute materially to the preservation of general peace, and the latter, declaring that "this expression of mutual understanding is welcome to the government of the United States."

Each letter in which is included the declaration is dated November 20, the day on which the exchanges took place. Five separate notes, explicit in terms, are as follows:

"First—It is the wish of the two governments to encourage the free and peaceful development of their commerce in the Pacific ocean.

"Second—The policy of both governments, uninflected by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above mentioned and to the defense of the principle of equal opportunity for commerce and industry in China.

"Third—They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in the said region.

"Fourth—They are also determined to preserve the common interests of all powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity, for commerce and industry, of all nations in that empire.

"Fifth—Should any event occur threatening the status quo as above designed, or the principle of equal opportunity as above defined, it remains for the two governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to make."

Ambassador Takahira, in a statement issued subsequent to making public the notes, declared that they were simply a reaffirmation of what was declared by the two governments years ago. It was something like a transaction between trusted friends.

LITTLE HEADWAY MADE IN STANDARD OIL SUIT

Mr. Archibald Unable to Enlighten the Government to a Great Extent.

New York, Dec. 1.—Seeking to unravel the puzzling ownership of the Security Oil company of Texas and other oil companies which the government says are controlled by the Standard Oil company, Frank B. Kellogg, federal counsel in the United States suit to dissolve the so-called trust, subjected John D. Archibald to a grilling cross examination today.

Mr. Kellogg also sought information regarding certain mysterious loans of \$2,700,000 made to Jas. McDonald by the Anglo-American company; a Standard subsidiary, but Archibald, a director of the Anglo-American company, was unable to throw any light on the question.

For more than a year the government's counsel has been trying to obtain information regarding these McDonald loans, but has failed. The government alleges that the Standard secretly purchased the Manhattan company of Ohio. Mr. Archibald and H. H. Rogers resigned as directors of the Anglo-American company shortly after the election a year ago. The vice president of the Standard denied the resignations were brought about by the present government proceedings.

Archibald was closely questioned about pipe lines and refineries which had been purchased by the Standard. He denied that refiners had been bought that they might be dismantled, therefore removing competition. They were procured, Archibald said, to enable the Standard to succeed to their volume of business.

TRACING THE MONEY

With Which Reef Corrupted the Supervisors.

San Francisco, Dec. 1.—A large number of witnesses were put on the stand by the prosecution in the trial of Abraham Reef today for the purchase of the Standard.

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ELITE OF THE TOWN. CHANGE OF PROGRAM NIGHTLY.
SPECIAL SATURDAY MATINEE 3:00 p. m.

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pose of tracing some money alleged to have been used in bribing the supervisors in the United Railroads franchise grant, beginning with its receipt by the custodian of the relief fund and ending with the depositing of it in a bank.

Herbert N. Storrs, of the California Safe Deposit and Trust company testified that Andrew M. Wilson deposited \$5,000 on August 30, 1906, a few days after he is supposed to have received the second installment of money which he said was paid him for his vote.

PROHIBITION SPREADS

Additional Prohibition Towns Created in Massachusetts Yesterday

Boston, Dec. 1.—The champions of the license succeeded in inducing New Bedford and Marlborough to vote today in favor of closing the saloons. A feature of the municipal elections held in seven cities in the state was the campaign carried on against no license in the two places named and Northampton and Fitchburg.

The two latter cities voted to continue the sale of liquor, but by a reduced majority. Waltham and Quincy, strong no license centers, repeated last year's verdict today. Pittfield again voted for a license. In Marlborough the license majority of 531 last year was turned into a majority of 300 for no license. New Bedford which voted in favor of liquor selling in 1907 by less than 100 votes went dry today by 134 majority.

GOVERNMENT DISSOLVING

The Haytien Revolution Cannot Fail of Success

TWO MINISTERS REMAIN

The Supposed Intention of President Alexis to Have His Successor Named at the Extraordinary Session of the Haytien Congress.

Port au Prince, Dec. 1.—The expected battle between the revolutionists and the troops of the government, which are entrenched a few miles outside the city, is likely to be deferred for several days, the commander-in-chief of the revolutionary forces having decided to attack Jacmel, which is thirty miles southwest of this city, and is the only town that has remained loyal in the department of the south, before assuming his march on Port au Prince.

It is believed that the situation so far as the government is concerned, is best. Louis Borno, minister of state, handed in his resignation and has taken refuge in the German legation and there now remain in office only three high governmental officials, General LeComte, minister of the interior; General Lalauze, minister of justice and public instruction, and General Marielin, minister of finance and commerce. All the other ministers have resigned with the exception of General Celestin Cyrlique who, after his defeat by the insurgents, is believed to have found refuge in one of the foreign consulates.

It is believed that the intention of the president in calling an extraordinary session of the chambers is to have them name his successor. President Alexis favors either of two candidates for office, General Turonne Jean Gilles and Solon Menos, a distinguished lawyer.

Three divisions of government troops entrenched at the crossroads outside of the city, are being depleted by numerous desertions. General Simon will enter Port au Prince probably without striking a blow and it may be without causing a disturbance in the order of things, if President Alexis takes his departure before the arrival of the enemy. The situation will be critical if the president elects to remain.

The cruisers Des Moines and Tacoma represent the United States here while the French training ship Dupuy Trouin is watching French interests along the coast. The British cruiser Seylla and the Italian steamer Plermama are expected to arrive before the advancing army reaches the gates of the city. The president angrily resists the counsel of ministers and diplomatic representations which were made to him to give up the struggle. He accuses War Minister Cyrlique of treachery and threatens if the revolutionists attack the city to blow up the palace.

The advance guard of revolutionists occupied Leogane, twenty miles west of Port au Prince, without the slightest disorder.

NEW NAVAL SECRETARY AND NEW REGULATIONS

Mr. Newberry Has Already Reorganized the Department to Meet His Own Views.

Washington, D. C., Dec. 1.—Apparently the talk of reorganization of the navy with a staff organization to resemble that of the army, has been brought to a conclusion by Secretary Newberry, who has changed the regulations relating to the general board of the navy, which is now limited to seven members, by adding the words, "and such general officers as the secretary of the navy may direct."

With such a provision it will be possible to add to the general board as many officers as may be necessary to perform all practical work such as is accomplished by the general staff of the army, although under this plan the secretary will not surrender his power over the naval organization.

ALL THE MINERS ESCAPED.

Central City, Dec. 1.—One hundred miners in a coal mine of the Central Coal company near this city escaped from workings which had been filled with smoke as a result of an armature blowing off of the dynamo running the pump shortly before five o'clock this morning.

The miners frightened by the smoke hurried to the surface through an air shaft to the joy of the assembled crowd and anxious wives and mothers who had gathered at the mouth of the mine soon after word of the accident got out.

PEARL HARBOR CHANNEL

Washington, Dec. 1.—Bids were opened by the navy department today for the dredging of 5,017,000 yards of material from the channel leading into the naval station of Pearl Harbor, Hawaii.

The Hawaiian Dredging company, limited, of Honolulu, was the lowest bidder at \$2,560,000.

The channel will be six hundred feet wide and 32 feet deep and the entire work will be completed within thirty-six months. The dredging will nearly all be in coral.

EVIDENCE BEING TAKEN IN RUSTIN MURDER CASE

The Widow of the Dead Physician Takes the Stand.

Omaha, Neb., Dec. 1.—It took less than an hour to complete the jury to try Charles E. Davis for the alleged murder of Dr. Frederick T. Rustin, and the presentation of the case was finished by the state's attorney at 3 o'clock this afternoon. Two witnesses, both women, including the widow of the dead physician, were placed on the stand this afternoon.

Mrs. R. E. Fisher, who lives directly across from the Rustin home and who heard the shot and witnessed from her window the struggle of Mrs. Rustin to get her husband from the porch into the house, developed nothing new.

Mrs. Rustin made an interesting witness. Attired in the widow's garb, she showed alertness in replying to the questions in a manner which would tend to disprove the suicide theory and she gave her evidence in

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BIGGY'S BODY UNDISCOVERED

Yesterday Shed No Light on Mystery of His Death

THE CHIEF WAS WORRIED

Hounded by Newspapers on Account of the Haas Suicide, Though When Last Seen He Was in a More Cheerful Frame of Mind.

SAN FRANCISCO, DEC. 1.—

Although numerous boats have patrolled and searched the bay since daylight this morning from the Golden Gate to Hunters point and officers of ferry boats and other crafts were asked to keep a sharp lookout for it, the body of Chief of Police William J. Biggy, who mysteriously disappeared from the police launch "Patrol" and is believed to have fallen overboard shortly before 12 o'clock last night while returning to this city from Belvedere on the north shore, has not yet been recovered.

Up to a late hour tonight the police launch "Patrol" and other boats with searchlights were still on the bay, but it is feared that the body has been carried out to sea by the tide.

Police Commissioner Keil, who lives in Belvedere and to confer with whom, Biggy crossed the bay last night, stated today that the chief was much worried and concerned over the attacks upon him by some of the newspapers and the charges and counter charges growing out of the suicide at the county jail of Morris Haas. The commissioner said he advised Biggy to pay no attention to the attacks upon him and the chief left for his home in a more cheerful frame of mind, but complaining that he was not feeling well.

The police commissioners meet at 6 o'clock this morning with Mayor Taylor and after an executive session appointed A. D. Cutler, president of the commission, acting chief of police, pending the appointment of a permanent head of the department.

RAILROADS NOT TO BLAME.

And Not Required to Wire Consignor If Consignee Cannot Be Found.

Washington, Dec. 1.—In a decision rendered today by Commissioner Lane of the interstate commerce commission in the case of T. M. Kehoe & Co. against the Nashville, Chattanooga & St. Louis Railway Co. and others, it was declared that the commission would not impose on the carrier the duty of telegraphing to the consignor in event a shipment was refused by the consignee or the latter could not be found. The present practice of carriers in this matter is held to be reasonably expeditious.

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