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THE ARIZONA REPUBLICAN

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NINETEENTH YEAR.

16 PAGES.

PHOENIX, ARIZONA, THURSDAY MORNING, MARCH 11, 1909.

16 PAGES.

VOL. XIX. NO. 304.

THREE VETOS OVERWHELMED

Educational Qualifications Bill Finally Made a Law

GENERAL APPROPRIATION

House Sends a Preliminary Draft to the Council—A Good Roads Measure Decided Upon—County Ranger Bill Now a Law.

The business of the legislature yesterday consisted for the most part in clinching its work in behalf of the caucus bills by overriding vetoes of the governor. The first matter taken up in the house was the Mauk-Robinson appropriation bill, which had been returned without the approval of the governor the afternoon before and laid over for a day. The executive objection to this bill was that it was contrary to the organic act. That fact, however, was not permitted by the house to cut any figure and it was passed over the veto by a vote of 17 to 6.

Later a message was received in the council from the governor announcing his disapproval of the second educational qualifications bill. The governor referred briefly to his objections to the first bill, but went into no matter in proof that the bill was not a copy of the Maine law, either in form or in spirit, as the friends of the bill had said it was. In this case the veto was overridden by a party vote and the bill was sent to the house, where its coming was awaited with some apprehension. The majority believed that it would be able to hold the line, but was not quite sure of it. It had been rumored that four of the democrats were ready to give way in behalf of favored bills still in the hands of the governor. But the roll call failed to bring out any defections and the bill was passed by a party vote.

Another bill which became a law in spite of the veto of the governor was that of Mr. Sutter, giving justices of the peace jurisdiction as police judges in incorporated towns which have no recorders or police judges. The governor's objection was based largely on legal grounds, the powerlessness of the legislature to extend or abridge the jurisdiction of the justices. Besides it was proposed to establish a want of uniformity in procedure which in itself was not a good thing. The bill, too, was passed in each house by a party vote.

Road Building.
The council has finally agreed on the road legislation it will enact. This conclusion was reached in a meeting in the afternoon behind closed doors. The council had heard all that representatives of different systems had had to offer and some of the members complained that the crowds confused them. It was therefore decided to admit no outsiders except representatives of the press while the matter should be threshed out in the whole committee in executive session.



We Have a Bargain

in a half section at \$50 per acre. This is good soil, level and within three miles of railroad station. This will double in value in a short time.

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The bill before the committee was a substitute, a composite of the Ainsworth and Goodwin bills, said to have been drafted by Hon. T. C. Norris of Prescott, who had appeared before the committee the day before.

The bill provided that there should be a territorial engineer, who should exercise a supervision over the county road superintendents provided for in an earlier act. Originally this bill provided for a tax levy of 25 cents on each \$100, but this levy was finally cut to 5 cents for the first year, but to be 10 cents thereafter. A 5-cent levy will raise about \$40,000. The salary of the engineer is to be \$2,000.

As originally contemplated, the engineering to be a sort of Admirable Crichton in proficiency, and Mr. Weedlin desired to increase his accomplishments still further by compelling him to be also an irrigation engineer in order that he might come in under the Carey act. But he was finally shorn of all qualifications except that of being competent.

The first draft of the bill gave the territory unusual rights in the condemnation of property, authority amounting to the power of confiscation. But the bill was so amended that under it rights of way will be condemned in the ordinary manner. There were a few other minor changes, after which the bill was agreed to by the committee.

The board of control is all powerful in carrying the law into effect. The engineer can make no move toward acquiring of property, authority amounting to the power of confiscation. But the bill was so amended that under it rights of way will be condemned in the ordinary manner. There were a few other minor changes, after which the bill was agreed to by the committee.

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The house shoved the general appropriation bill off its hands for the time being with the understanding that much would be added to it in the council and that finishing touches would be given it in the house.

Notwithstanding the early threats of trimming the territorial administration, nothing of that sort is done in the bill. The salaries of the officials are left exactly at the figures of the last two years. The district judges will receive the same salaries, and in the case of deputy clerks of the supreme court the salary is increased \$25 a month, bringing it to \$190.

Following the precedent of two years ago, there is an appropriation of \$100 for the portraits of the speaker and the president of the council.

Only one sub-division of the bill occasioned any controversy, but that one was pretty well drawn out. It related to an appropriation for the chaplains and other attaches of the legislature in addition to the appropriation for the clerks, who are allowed the usual per diem. An effort was made by Messrs. Morris and Reed to have included in this appropriation items for the janitor of the capitol, the messenger and the elevator conductor. This proposition was opposed on two grounds. One was that all of the functionaries except the elevator man were named in the organic act as employees of the government, and that the elevator man was not, because at the time the act was passed there were no elevators in Arizona. But as none of them were employees of the legislature, it was contended that it would be improper to pay them any sum in addition to what had already been provided for them. Besides, two years ago extra pay voted these attaches had been disallowed by the auditor's office.

It was pointed out in reply that the chaplains were also federal employees, and that the bill proposed to give each \$90 in addition to the federal compensation. Then ensued a discussion as to the comparative meritorious services of him who looks after the spiritual welfare of the legislature and the janitor who attends to the sanitary surroundings; between the services of the chaplain, who elevates the souls of the legislators, and those of the elevator man who spends the day in elevating their bodies to the third floor of the capitol building.

Mr. Pace was not averse to allowing the contention of Messrs. Reed and Morris, but he must assert that the chaplain who assumes responsibility for the souls of the members of the twenty-fifth legislature has entered upon a run for his money.

In the end Messrs. Morris and Reed won and the appropriations were allowed.

The chief clerks and the assistant chief clerks are each appropriated \$350, whereby probably another controversy will be started to that which has been settled by the Mauk-Robinson appropriation bill has been started. There was a sharp debate over a proposition to make an allowance of \$25 to one of the young lady clerks who has been furnishing typewritten copies of the morning journal to the members, an innovation of the twenty-first legislature.

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MAINE'S LAW AND ARIZONA'S

Governor Kibbey Points Out the Difference

HIS VETO OF BILL 123

In His Second Message He Marshals Additional Reasons Why It Is Not For the Good of Arizona That It Should Be Enacted.

In his message to the legislature yesterday disapproving of the second educational qualifications bill, Governor Kibbey said:

This is the second time a bill of precisely this tenor has been transmitted to me. The first was known as council bill No. 60. This bill is known as council bill No. 123 and is entitled as was council bill No. 60, a bill for "An Act to Amend Paragraphs 232, 233, 234, 235 and 236, Chapter III, Title 29, Revised Statutes of Arizona, 1901, Relating to Qualifications of Electors and Paragraphs 2374 and 2375, Chapter IX, Title 26, Revised Statutes of Arizona, 1901, Relating to Voting and Challenging."

I duly returned council bill No. 60 without my approval, stating my objections to it. I now return this bill to you without my approval.

It is hardly necessary to reiterate the objections which I stated to council bill No. 60. They are applicable to this bill and are of course presumably known to you, and I regard them as sufficient grounds for my disapproval of the bill. Since the transmittal of my objections to council bill No. 60, this proposed law has been the subject of some newspaper comment. It has been sought by some of a partisan press to justify this law by a statement that it is taken from the constitution of the state of Maine.

It seems to have been thought necessary to cite some example of like legislation to escape the imputation of gross injustice proposed to be inflicted by this law by the disfranchisement of a large number of citizens who ever since the organization of the territory nearly a half century ago, have had the right to vote. Hence Maine is cited as a respectable precedent for this sort of legislation.

And this naturally enough directs our attention to the provisions of the Maine constitution which are cited as the excuse for this bill.

A casual consideration of the matter discloses a singularly close analogy between the conditions here and in Maine, both past and present.

Maine was once a part of New France, just as Arizona was once a part of New Spain.

Probably the earliest grant of lands in North America by European sovereign was the grant by the French king of lands which include the territory of the present state of Maine. That grant antedated the Virginia grant by the English king and in subsequent contests between England and France for American possessions the priority of grants was practically conceded to be the basis of right; but it was claimed that because the earlier French grant had been subsequently annulled by the French king himself, the French lost their prior right to that part at least of New France which embraces Maine.

But even earlier than this, Spain had occupied and therefore claimed a vast extent of American territory including what is now Arizona.

A large part of Maine was early settled by the French and so a larger part of the early population of Arizona was Spanish.

In Maine these French settlers and their descendants have the Spanish settlers and their descendants in Arizona retained their Spanish language as their mode of intercommunication. The like causes operated in the two sections; the one to the French and the other to the Spanish, and like conditions resulted. In Maine no rapid progress had been made in substitution of the English for the French language than has been made in Arizona of the English for the Spanish. Indeed probably the transition has not been as rapid in Maine as it has been in Arizona.

In 1820 when Maine became a state of the American Union she had been for one hundred and fifty years subject to English or American institutions; the English language was and had been one of those institutions. Yet in 1820 there were more citizens of Maine who spoke French than there are now citizens of Arizona who speak Spanish. In that year (1820) fully aware of these conditions, Maine adopted her first constitution. In that constitution the qualifications of electors were that the voter should be a male citizen of the United States of the age of twenty-one years and upward, having his residence established in the state and town or plantation for three months next preceding an election. There are the usual exceptions of insane and other incompetent, and

felons. There was no exception because of inability to read in the English language. So far the conditions bear an analogy to those in Arizona.

In 1893 the constitution of Maine was changed. It was then provided that "no person shall have the right to vote or be eligible to office under the constitution of this state who shall not be able to read the constitution in the English language, and write his name: Provided, however, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age or upwards at the time this amendment shall take effect."

Comment is hardly necessary. The people of Maine would not and did not disfranchise those who had had theretofore the right to vote. All they sought to do was to require of new voters a knowledge sufficient to be able to read the constitution. But this bill disfranchises hundreds of voters not only of our Mexican citizens, but many possibly of Swedish or Danish descent or birth, of German, Italian and others. So sensitive were the people of Maine of the rights of its citizens that they would not even attempt to disfranchise men who had attained the age of sixty years, realizing that men of that age are not likely able to acquire a new language. The proposed law of Arizona, however, is as ruthless and harsh that it disregards these just principles and disfranchises and penalizes citizens for not doing what no other people ever did—acquire under like circumstances a knowledge of the use of a language not their own native tongue.

The justification of this law cannot be found in the provisions of the Maine constitution. Those provisions teach exactly a contrary lesson. They condemn, rather than warrant, the unjust provision of what it has pleased some to call our "educational qualification law."

Hundreds of tax payers will be disfranchised by this proposed law.

(Continued on page 2)

FROZEN TO DEATH AT ALBUQUERQUE

Roofs Blown Away and Buildings Damaged by Fierce Gale in New Mexico.

Albuquerque, N. M., March 10.—This city was swept by a terrific gale today, the wind attaining a velocity of 60 miles an hour. An unknown man was found frozen to death a few miles south of town. The roof of the Shortle Tuberculosis sanitarium was blown away and the new federal building was badly damaged. Both buildings were under construction and unoccupied. The storm was accompanied by a rapid fall in the temperature to 10 degrees below zero and it is feared that cattle and sheep grazing on the open plains suffered severely.

Five sheep herders abandoned their flock and attempted to make their way to the city this morning. No trace of the men can be found and it is feared they have perished.

DEATH AND RUIN IN WAKE OF TORNADO

Ten Perish in Gale Swept Districts of Alabama and Georgia.

Atlanta, Ga., March 10.—Ten persons were killed in the tornado that swept across Alabama and Georgia last night, according to returns received tonight. The storm plowed through miles of timber and farms near Cumming, Ga., and destroyed much property.

Cuthbert, Ga., reports the damage there at half a million dollars. Nearly half of the main business block is damaged. Homeless persons wandered through the town searching for household goods which the wind had scattered.

BRINKLEY WANTS HELP.

Brinkley, Ark., March 10.—Thirty-five persons were killed by Monday night's tornado here and more than 100 were injured, according to a statement issued tonight by Mayor Jackson. An appeal for outside aid for the homeless was made by the mayor.

BIG WOOL INCREASE.

Great Falls, Mont., March 10.—The first estimate of the proportion of the Montana wool clip for the coming season, which has been disposed of by advance contracting, was made today by W. R. Sheldon, general agent for the Wisconsin Central lines. Mr. Sheldon states that eastern buyers have already contracted for 14,000,000 pounds, or about 40 per cent of the entire clip. The clip this year is estimated at 35,000,000 pounds, an increase over last year of about 2,000,000 pounds.

PERMANENT HEADQUARTERS.

Denver, Colo., March 10.—John T. Burns, secretary of the Dry Farming congress, arrived in Denver today to open permanent headquarters in accordance with the action of the recent congress held in Cheyenne.

MINERS RESCUED

Salt Lake City, March 10.—George and Jerry Peterson, two miners who have been entombed in the St. Patrick tunnel for forty-eight hours by an open permanent headquarters in accordance with the action of the recent congress held in Cheyenne.

STANDARD IS "NOT GUILTY"

Famous Rebate Case Decided In Favor of Defendant

DECISION IS FAR REACHING

Jury Instructed to Find For Defendant—Other Indictments Pending—Authorities Say Anderson's Ruling Will Invalidate Class Tariffs.

Chicago, March 10.—"Not guilty." This is the result reached today in the government's famous suit against the Standard Oil company of Indiana. The suit of the government, wherein the defendant company at one time faced a fine of \$29,240,000 on the hands of Judge Landis on a charge of having accepted rebates from the Chicago & Alton railroad, came to an end abruptly. Judge Anderson, before whom the case was brought after reversal by the United States court of appeals, instructed the jury to find a verdict of not guilty.

Judge Anderson's decision was not altogether unlooked for, he having previously announced that the proof relied upon in the first trial was incompetent, and it was with something of an air of hopefulness that District Attorney Sims and his assistants attempted to show the admissibility of the Illinois classifications to prove the existence of a legal rate of eighteen cents. This was a vital point in the government's argument. Assistant District Attorney Wilkerson admitted that the prosecution could not supply a dismissal. Attorney Miller then moved for the instruction of a verdict of not guilty. This was ordered.

The decisions of Judges Grosscup, Baker and Seaman of the United States circuit court of appeals, reversing Judge Landis, together with the action of the United States supreme court, in refusing to review the decision of the court of appeals, played an important part in disposing of the case.

As to whether the prosecution on seven other indictments still pending against the company will be instituted, District Attorney Sims would not express an opinion, stating that this rested entirely with the attorney.

The federal authorities said tonight that Judge Anderson's ruling would invalidate class tariffs and make it impossible to convict a shipper for violation of class tariff regulations.

Judge Peter S. Grosscup, who wrote the opinion of the circuit court of appeals upon which Judge Anderson based his action, said: "The thing for the government to do is to do away with classification in the regulation tariff rates and make the railroads file tariffs that specify the rate on each commodity without regard to classification. This might mean a great cost to the railroads, but I know nothing of that. Changing of tariffs, however, means particular changes to meet conditions, and means no more of a complete change than is made in different editions of a telephone directory."

DONE BY TWO MEN.

A Carson, Nevada, Gambling Place Held Up.

Carson, Nev., March 10.—Early this morning two masked men held up "Dick's" saloon in this city. Two men entered the saloon, one remaining at the door while the other robbed the men in the place.

LICENSE OR NO LICENSE

The Latter Has the Best of it in Minnesota Towns.

St. Paul, March 10.—Village elections were generally held throughout Minnesota yesterday and returns received today indicate that the question of license or no license the only issue. Returns from 51 villages show that 24 voted for license and 27 against it. Saloons were voted out of several of the larger towns.

UTAH SEGREGATION BILL.

Senate Passes Bill Aimed at the Liquor Interests.

Salt Lake City, March 10.—A liquor bill so stringent that it will almost reconcile the saloon men to prohibition was passed by the state senate unanimously here today. It gives to all counties local option and to cities of 12,000 population or more a separate vote on the abolition of saloons. The question must be submitted when 25 per cent of the voters petition.

Where prohibition is not adopted, saloons are to be closed from 7 p. m. to 7 a. m.; the bars are to be visible from the street; chairs, tables, booths, music and free lunches are tabooed; liquor is not to be sold to anyone who has been drunk within six months, and the cost of licenses of breweries and distilleries will be increased many fold. It is conceded the bill will be passed by the house and signed by the governor.

GALE HITS ROSWELL

Roswell, N. M., March 10.—Telegrams from Torrence say two feet of snow had fallen at that place at noon today and that it is still snowing. The traffic of the Roswell Automobile company, which transports mail and passengers daily between Roswell and Torrence, a distance of 111 miles, is completely blocked by the storm.

MAY NOT BE REASSIGNED.

Washington, March 10.—Marines may not be reassigned to duty on the battleships and armored cruisers, despite the recent provision of congress. The money appropriated could not be used unless the marines were aboard. Secretary of the Navy Meyer asked the opinion of the attorney general in regard to the constitutionality of the restoration provision.

"EDDARD" NOT DEAD

Extras Issued by Frisco Papers on False Report.

San Francisco, March 10.—Reports of the death of King Edward, received along the coast, created considerable excitement. Despite the denials of the Associated Press, several papers got out extras.

HE ISN'T EVEN ILL

London, March 10.—Absolutely unconfirmed in London is the report emanating from Biarritz and published in the United States that King Edward is seriously ill.

ASSASSINS' BULLETS STRIKE DOWN PREST.

Members of His Church Suspected of Being Implicated in Murder of Polish Father.

Newark, N. J., March 10.—Three men walked into the study of Father Eramus Anston, pastor of the Polish church of St. Stanislaus today, and opened fire on him. Three bullets from their revolvers hit the priest, killing him instantly.

The three men turned to escape and found their way blocked by Mrs. Antonio Sewrzytska, the housekeeper. One of the men then shot her, inflicting what is probably a fatal wound. All three escaped.

Two hundred of Father Anston's parishioners, who were attending services in the church adjoining, heard the shots and rushed out, led by the assistant priests, but not soon enough to capture the assassins.

There has been considerable factional trouble in the congregation, and Father Anston, when he came from Patterson to take charge of the church five months ago, made several changes which caused wide spread dissensions.

Four members of St. Stanislaus church were arrested on suspicion. The police ordered the arrest of all the former trustees whom the priest ousted.

REUBEN H. LLOYD DEAD.

Was Prominent in Law and Masonry on Pacific Coast.

San Francisco, March 10.—Reuben H. Lloyd, one of the most prominent and successful attorneys of the state, whose name is known in business and Masonic circles the country over, died at his home in this city today at the age of 74 years.

SNOW AT PIKE'S PEAK.

Colorado Springs, March 10.—With several inches of snow now covering the ground and no sign of abatement, the storm which has prevailed since noon today, one of the heaviest snowfalls of the winter is promised for Colorado Springs and the Pike's Peak region. A strong wind is drifting the snow.

STIRLING DIVORCE CASE.

Edinburg, Scotland, March 10.—The sensational Stirling cross divorce suits were decided today, but Lord Guthrie, who granted the husband's petition and awarded him the custody of the child, denied the cross petition of Mrs. Stirling. Mrs. Stirling was an American show girl from New Jersey. Each accused the other of unfaithfulness.

END OF STERLING CASE.

Husband Gets Divorce From His American Girl Wife.

Edinburgh, March 10.—A decision was handed down here today granting divorce to Captain John Alexander Sterling from his wife, Clara Elizabeth Sterling, an American girl.

NO CHOICE IN ILLINOIS.

Springfield, Ill., March 10.—Senator Hopkins received seventy-two votes on the forty-second joint ballot of the legislature for United States senator today, which resulted in no choice.

THE SPHINX MR. CANNON

Insurgents and Democrats Kept Guessing

A FEARFUL POSSIBILITY

That the Speaker Will Recognize No Difference Between Them and Mistake Them All as Democrats In Making Up Committees.

Washington, D. C., March 10.—The "insurgents" and democrats were indulging in much speculation at the capitol today as to what would be the policy of Speaker Cannon in selecting the committees of the next house in the event that he is successful in the present fight. The democrats are apprehensive that the speaker will assume the right to fill the minority as well as the majority places on the committees.

Several democrats have appealed to the speaker directly for appointment on certain committees. When John Sharp Williams was minority leader Speaker Cannon referred all such applications to the minority leader. He has taken no such action at this time. Minority Leader Clark's friends say he can interpret this course in but one way, when no conferences have been had between the minority leader and the speaker, and it is understood none is scheduled.

The democrats will make political capital out of the failure to recognize the minority leader. They will argue that this is another illustration of the despotic power of the speaker. Another possibility worrying both the democrats and insurgents is that Speaker Cannon may classify insurgents as minority members of the house and make up the committees on that basis. That would reduce the democratic representation on the committees and might prove embarrassing to the insurgents.

Mr. Clark conferred today with Messrs. Nelson and Gardner of the insurgents. All said afterward that the fight on the rules was not to be abandoned, and it was denied that the democrats and insurgents had entered into an agreement as to voting for any specific rule.

TRAINS MET

Two Fast Passengers Without Great Damage.

Suisun, Cal., March 10.—East bound overland train number 4, the Atlantic Express, and west bound fast mail train number 9, from Sacramento for San Francisco, came in collision, head on at Cannon station at noon today. No passengers were injured.

The engineers and firemen of both trains jumped and all escaped injury except Engineer O'Leary of the mail train, whose shoulder was severely sprained. Both engines and one mail car were badly smashed.

GRIND IS TELLING.

Participants in the Six-Day Race Narrowed Down to Eleven Teams.

New York, March 10.—Eleven teams of pedestrians continued tonight in the six-day go-as-you-please race at Madison Square garden. There was but one desertion from the ranks today—Edelson, who was paired with Quackebush. Edelson got beyond the control of his trainers and insisted on going for a walk about town. When he returned the physicians in charge of the race said he was unfit to continue and he was ruled out of the course. The feature of the day was the work of Deegan and Prouty, who went ahead of Peegan and Curtis, and took third place.

NOTICE

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\$100,000

to loan on Income Business Property or Improved Farm Lands. NOT ONE DAY'S DELAY.

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