

PRICE MUST GO TO PEN FOR LIFE

Supreme Court So Decides-- Many Other Cases Passed Upon.

Santa Fe, N. M., August 29.—Six opinions were handed down by the territorial supreme court yesterday in cases which had been taken under advisement from the January sessions and in every instance the judgment of the trial court was affirmed. One opinion embraced two causes, which had been consolidated for expediency in the district court and were practically the same. Chief Justice Mills rendered one opinion, Associate Justice A. Fie, one; Associate Justice Parker, one; Associate Justice Mann, one; and Associate Justice Abbott, three.

Probably the most important opinion rendered was that in the case of the Territory of New Mexico, versus Elmer L. Price, the latter having been convicted of the murder of Frank H. Curtis, which occurred March 30, 1906. Curtis was a contractor and Price a news agent on the Pecos Valley and Northwestern Railway running between Armillo, Texas, and Roswell, and the tragedy occurred one night on their train. According to the statement of facts incorporated in the opinion, Price was intoxicated at the time of the killing and it was claimed he had annoyed a woman passenger. Curtis demonstrated with him for his conduct and Price drew a revolver and fired at Curtis. Curtis fell mortally wounded and died within a few minutes. W. H. Cox, a deputy sheriff of Roosevelt county, who was a passenger on the train, placed Price under arrest and the prisoner was taken off the train at Roswell. Price was found guilty of murder in the second degree and sentenced to life imprisonment in the territorial penitentiary. The opinion sustaining the judgment of the trial court was rendered by Associate Justice Abbott.

In the case of the Territory of New Mexico versus L. A. Meredith, who was convicted of the larceny of cattle from Joseph Davis, an opinion was also handed down by Associate Justice Abbott.

Letting By Minors
Associate Justice McFie rendered an opinion in the case of the Territory of New Mexico versus Joshua P. Church. The defendant in this case had been found guilty of permitting minors to enter and frequent his saloon in Roswell and was sentenced to pay a fine of \$50 and costs. Motions for a new trial and in arrest of judgment were overruled and it was then appealed to the supreme court.

An opinion was rendered by Associate Justice Mann in the case of James F. Hancock versus George H. Beasley and Austin Beasley. This case was appealed from the district

court of Dona Ana county. It was alleged that George H. Beasley had converted to his own use 125 head of Angus goats which were the property of Hancock. Judgment was found in favor of the plaintiff which the opinion of the higher court sustained.

Mogollon Case
The case of John W. Stout against the Mogollon Gold and Copper company in which the opinion was prepared by Chief Justice Mills was a civil action involving damages and included a writ of injunction. Stout brought suit against the mining company because of alleged destruction of his crops by the pollution of the water of Mineral creek from which he irrigated his warm, orchard and vineyard. The mining company erected a quartz or stamp mill and the tailings which were dumped into the creek polluted the water and destroyed Stout's crops. Judgment was rendered in favor of the plaintiff in the sum of \$1,250. A motion for a new trial was overruled and a writ of error then sued out. The case was ordered remanded back to the trial court to have the judgment amended from the Mogollon Gold and Copper Mining company to the Mogollon Gold and Copper company.

Associate Justice Abbott rendered one opinion in the case of the Eagle Mining and Improvement company and the heirs of the late H. B. Hamilton were litigants. The litigation grew out of two deeds which were held in trust by the deceased and also for fees alleged to be due him from the corporation at the time of his death. Judgment was found for the defendants in both cases in the trial court.

An opinion was given by Associate Justice Parker in the case of the Browne and Manzaneros company versus Cassius C. Gise which was appealed from the district court of San Miguel county. Mr. Gise it seems has been employed as bookkeeper and cashier of the company and was also a member of the board of directors. The controversy arose over the settlement of their accounts.

The demurrer in the disbarment proceedings against Attorney W. J. Hiltson, which was set for argument yesterday, was postponed until today. The Mariano F. Sena case was argued and submitted. Attorney John H. Knaebel of Denver appeared for the defendant who is also the appellant.

Cases Taken Up
No. 1206, Territory of New Mexico, appellee, versus Manuel Sanchez y Sanchez, appellant, appealed from district court of Sandoval county. Argued and submitted.

No. 1159, Mogollon Gold and Copper company, plaintiff, in error, versus John W. Stout, defendant in error; error to district court of Socorro county. Judgment of trial court affirmed, opinion by Chief Justice Mills.

No. 1142, Joshua P. Church, appellant, versus Territory of New Mexico, appellee; appealed from district court of Chaves county. Judgment of trial court affirmed, opinion by Associate Justice McFie.

No. 1151, James M. Hancock, appellant, versus George H. Beasley and Austin Beasley, appellants; appealed from district court of Dona Ana county. Judgment of trial court affirmed, opinion by Associate Justice Mann.

No. 1169, Territory of New Mexico, appellee versus Elmer L. Price, appellant; appealed from district court of Roosevelt county. Judgment

of trial court affirmed, opinion by Associate Justice Abbott.

No. 1133, Territory of New Mexico, appellee, versus L. A. Meredith, appellant; appealed from district court of Union county. Judgment of trial court affirmed, opinion by Associate Justice Abbott.

No. 1182, Browns and Manzaneros company, appellee, versus Cassius C. Gise, appellant; appealed from district court of San Miguel county. Judgment of trial court affirmed, opinion by Associate Justice Parker.

No. 1177, Eagle Mining and Improvement company, appellant, versus Mary H. Hamilton, et al., appellees; appealed from district court of Lincoln county. Judgment of trial court affirmed, opinion by Associate Justice Abbott.

No. 1178, H. B. Hamilton, Jr., administrator of the estate of H. B. Hamilton, deceased, and Mary H. Hamilton, et al., appellees, versus Eagle Mining and Improvement company, appellant; appealed from district court of Lincoln county. Judgment of trial court affirmed, opinion by Associate Justice Abbott.

No. 1263, Olive Corcoran, appellee, versus Albuquerque Traction company, appellant; appealed from district court of Bernalillo county. Argued and submitted.

No. 1045, United States of America, appellee, versus Mariano F. Sena, appellant; appealed from federal court of First judicial district. Argued and submitted.

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WIDESPREAD EXTENT OF COPPER BEDS

Jerome, Ariz., August 29.—New evidence comes forward with increasing frequency of the widespread extent of the Verde copper beds. The expectation of geologists is thus confirmed, as they have all along insisted that from the invariable tendency of sulphide ore bodies to assume a horizontal rather than a vertical position, it would be highly unreasonable to suppose that the United Verde Mine had obtained even a partial monopoly of the mineral resources of the Jerome district. The latest strike on the Little Daisy, an extension of the United Verde, has disclosed what is virtually solid black copper lying beneath a heavy capping, in which much copper was in evidence. The strike has given a new incentive to the near-by Verde Grande operations, where new machinery has been installed capable of striking the shaft well below the 1,000-foot level. The Verde Grande equipment is said to be the best and most substantial of any yet installed in the district outside of the United Verde.

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LIPTON'S CAPTAIN FINED FOR SMUGGLING CONTRABAND GOODS



London, August 29.—Capt. Sycamore, Tommy Lipton's skipper, who failed to defeat Capt. Barr in the American cup races, has been fined \$500 on the charge of smuggling. The German racing yacht Navahoe was the modern smuggler's craft, and she attempted to bring into Brightlingsea a cargo of contraband tobacco.

The Navahoe has just won the famous race from Dover to Heligoland, under Sycamore's piloting. She ran into Brightlingsea at night without flying the German flag. Late in the evening, the steward, in a small boat, was caught by the custom officers, and a load of contraband tobacco was discovered on her.

The customs men then boarded the Navahoe, and found a large quantity of tobacco, cigars, aprils and perfume, all dutiable articles hidden about the ship. Some of it being tucked away beneath the flooring. Capt. Sycamore admitted that his last port of call had been Ostend in Belgium.

In court, Sycamore said the Navahoe had been fitted for a cruise, and that accounted for the large amount of dutiable goods aboard her. The members of the crew supported their captain, and swore that he had no

knowledge of the contraband stuff. They said they themselves had taken the material aboard without the captain's permission.

The court, however, held the captain responsible, and fined him \$500, while holding over for later consideration the amount of guilt of the other officers and crew.

The British authorities at first insisted on keeping the Navahoe, but representations were made by the German government that this would be unfair to the owner of the boat. Consul Watzen, and as an act of Grace Great Britain agreed not to press the matter.

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