Albuquerque Weekly Citizen.

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JUSTICE VINDICATED!

The Board of Aldermen In Special Meeting Last Night.

The Star of Marshal Cobert Promptly Restored to Him.

Alderman Marron Made a Gallant Fight but was Knocked out.

THE VERDICT HEARTILY ENDORSED

The board of aldermen, in pursuance of notice, met in special meeting last night to hear the charges preferred against Marshal Cobert.

Although the call was for 7:30, out of courtesy to Alderman Marron, the examination in the case, Mayor Ambright did not open until 7:45 o'clock.

The following members answered to the roll call:

Present: Mayor Ambright, Aldermen Morton, Horner, Johnston, Marron, Tierney and Lombardo. Absent: Otero.

Mayor Ambright then announced that reading of the minutes would be dispensed with, and as the board had convened in a special purpose it was now prepared to proceed to business. The mayor then made the following announcement:

Gentlemen of the City Council: Whereas, there were filed with the mayor charges against Marshal Cobert, preferred by Alderman Marron, and charges against W. F. Cobert, city marshal of Albuquerque, by Chas. L. Tyler, justice of the peace, in and for said city, mayor of the city of Albuquerque, by virtue of the power vested in me by law, do on the same day, October 11, 1897, issue all other compulsory process to W. F. Cobert, and summon him to appear before the city council, sitting as a board of aldermen, on the night of Thursday, October 14, 1897, at 7:30 o'clock p. m., to be held at the city hall, on the night of Thursday, October 14, 1897, at 7:30 o'clock p. m., before the city council has now met and organized for the purpose of hearing the charges and investigating and determining whether or not said W. F. Cobert shall be removed from the office of city marshal, as prayed by the said aldermen, Marron.

Gentlemen of the council, and all who may become concerned in this matter, you will remember that this is a special meeting called for a special purpose, namely, for the trial of W. F. Cobert, who is charged by O. N. Marron with having violated the law and the oath of office, and that the said O. N. Marron has filed with the said W. F. Cobert, city marshal, the charges that the said W. F. Cobert be removed from the office of city marshal. You further remember, also, that the only question which can be decided by us to-night is that W. F. Cobert be removed from his office. No other question will be entertained by the chair to-night.

This is not a court of competent jurisdiction to decide questions in law, but is simply convened for the purpose of investigation, pleading and discussion. All matters that are regularly brought before it must be decided and disposed of by vote of the councilmen in accordance with the rules governing legislative bodies.

Therefore, gentlemen of the city council, I hope and trust that you will act with the dignity of a parliamentary tribunal, as you are supposed to be governed, and that no part in these proceedings will be taken in prejudice of parties concerned or the propriety of good order.

It will please read the charges, after the mayor had concluded, Mr. O. N. Marron asked if Cobert was present.

Judge W. C. Heacock arose and answered that it did not matter whether Cobert was present or not, as he had his attorney.

Alderman Otero stated that it seemed just proper that he marshal should be present, as he might be asked questions which his attorney could not answer.

Judge Heacock assured Mr. Otero that he was fully capable of answering all questions addressed to him by Mr. Cobert.

Then the much wanted marshal came in, made his appearance, and took a seat by his attorney.

The charges preferred by Alderman Marron against the marshal, that he refused to serve a regularly and properly issued warrant of arrest, were then read, as follows:

The warrant.

After the reading of the charges and specifications Judge Heacock asked the indulgence of the council as he was present here for Mr. Cobert, and then proceeded to argue a point of law, stating that it was his opinion, that the warrant was illegal.

There is no complaint set forth, and a warrant is not sufficient in law. He would not take advantage of any technicalities, but would hear the evidence. He disclaimed any intention to question the legality of the council, but he had never heard of an investigation of a public officer in a manner such as this, and all courtesy should first be shown. He stated that he would not question the jurisdiction of the council in the matter, but he would like to have the charges specified.

Mr. Marron replied that he appreciated Judge Heacock's courtesy, as Mr. Marron intended to offer testimony on the part of the accuser. This, however, is not a legal examination, but an investigation, he thought. Judge Heacock stated in reply that he understood that the mayor has the right to call an officer and interrogate him in the presence of council meetings, in cases of emergencies. The mayor then stated that he instructed the marshal in the presence of the Board of Aldermen, "to appoint deputies, if he saw fit."

The mayor then read his instructions to the marshal on June 1, 1896, which is as follows:

"The mayor instructed the marshal and police that if the management of Walker's circus would engage with them protection, which was the case on the previous night, they should do so, and that they were instructed to do so, and that the marshal and police were ready and willing to do so, if the management would make application in the performances were being given, and that a second license should be issued to the management refused to pay it, then the law should be enforced against them, and they arrested, if money should be demanded and not paid, and be treated as lawless people the law."

The mayor was then asked if he had intended the marshal to act as a special policeman, although a commission was not issued, to which he replied in the negative.

Marshal Cobert was then called, and after Mr. Marron had administered the oath to the witness, the marshal gave his testimony, which has already been published in the citizens.

Judge Heacock then read a section of ordinance No. 12, that gives a police court, giving the marshal power to exercise his own judgment and opinion in the matter.

Mr. Marron contended that the mayor and city had usurped their power, and that the former had no absolute right to whip in officers the marshal.

Mr. Marron called on City Attorney Lee for his opinion, and the latter arose and commenced talking, but as Mr. Marron could not understand the attorney he sat down and said: "If you don't want my opinion, all right."

Alderman Montfort arose and stated that he (Marron) had misstated materially the evidence of Mr. Marron and his witnesses, and that they now wanted to have the chair side.

Cobert then stated that he believed a continuous performance was going on from 7 o'clock until closing time at night, and it is the usage here instructed him to make arrests if he considered otherwise. He then told about the warrant, and intended to serve it after the show, he related having met John Trimble, city clerk, and Alderman Tierney, and told them that he was looking for some of those men mentioned in the complaint so as to serve the warrant. A short time after this Tyler came and demanded the warrant, and as Tyler walked away he called to him that he intended to serve the papers if he could find the men. He also told of his meeting Alderman Marron in front of Zeiger's Cafe, and that he was "warm under the collar" because he could not find the men upon whom to serve the papers.

On some question propounded by Alderman Marron to Mr. Cobert, which was declared irrelevant by the mayor, he appealed from the decision of the chair and was knocked out by the following vote: Montfort, Horner, Johnston and Lombardo, 4, sustaining the chair, and Otero, Marron and Tierney, 3, against.

Mr. Marron put the same question again, but in different words, and was again declared "irrelevant."

Alderman Montfort stated that he objected to such technical questions, which Marron himself would not answer.

City Clerk Trimble and Alderman Tierney were called and stated that Cobert had come to them and stated that he was looking for the circus people. Tierney remarked that he would have a hard time finding them.

The case for the defense was then closed.

Alderman Marron then called A. C. Emery, extra policeman on circus day, but his evidence was of no special consequence.

Seeing that he had been knocked out at almost every point, Alderman Marron wrote out a resolution and desired to offer it in evidence. The resolution wanted to know how many complimentary tickets had been received by the members of the city council.

Although the resolution was ruled out, Mr. Marron persisted in reading it.

Alderman Montfort stated that it was generally understood by a majority of the council, that under the circumstances, that one license was to be collected, and that under these conditions he objected to holding up the circus for another license.

Alderman Marron, however, stated that he did not understand it that way.

The mayor then stated that the manager of the circus said to him that they were just as almighty strangled, and could not pay high license. He stated that he would give a continuous performance and pay the one license, and if that was accepted would show over in old town.

The city attorney gave his opinion and said that if a continuous performance was given that only one license could be collected.

Alderman Otero thought there were two performances, and also said that the marshal had no right to return the warrant to Tyler; he should have returned it to the police court, and for that reason he should be removed.

The argument of Alderman Otero carried no weight whatever.

Alderman Tierney desired the council to know that he was one of the aldermen who agreed that the city accept the one license of $125.

Considerable talking was then indulged in between Aldermen Marron, Montfort, Otero and Tierney, City Attorney Lee and Attorney Heacock, after which Marron offered the following resolution:

Whereas, The charges against W. F. Cobert, city marshal, have been fully proven to the satisfaction of the city council, and that he has violated the statutes of New Mexico and the ordinances of the city; be it

Resolved, That said W. F. Cobert, city marshal, be removed from the office of city marshal of the city of Albuquerque. And it is so ordered.

Alderman Montfort opposed the resolution, and stated that he did not understand that Cobert had violated any statutes of New Mexico.

Alderman Marron then tried to substantiate his resolution by reading a territorial law of 1884, thirty years before Albuquerque was a city.

The resolution was voted down by 4 to 3, after which, on motion of Alderman Montfort, seconded by Alderman Horner, W. F. Cobert was reinstated city marshal by the same vote.

The special meeting then adjourned, and right and justice had been thoroughly vindicated.

Territorial Tax Collections.

The territorial treasurer has received reports of September tax collections from twelve counties in the territory, as follows:

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Colfax	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Doña Ana	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Eddy	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Grant	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Lincoln	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Mora	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Rio Arriba	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Sierra	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Taos	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Valencia	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Total	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

TOTALS BY COUNTIES.

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
Total	[illegible]

The district clerks have reported collections as follows:

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]