THE ORATORS.

Statehood Committee Select Speakers.

Proceedings of District Court Up to Noon Today.

The Western League Players Failed to Materialize.

OTHER LOCAL HAPPENINGS.

The committee to select speakers for the statehood convention and to prepare a program met yesterday afternoon and agreed upon the following speakers, to whom invitations have been mailed:

Hon. Elwin T. Munger, president of the Hamilton club, Chicago; Dr. Nathan R. Boyd of Washington, D. C.; Governor N. O. Murphy of Arizona; Delegate Dennis Flynn of Oklahoma, and Governor M. A. Otero of New Mexico.

Other orators will come as delegates and will not be debarred from orating on the statehood question.

A special invitation was extended to Congressman Lacey of Oskaloosa, Ia., to attend. This morning the following telegram in response to a letter was received:

Oskaloosa, Ia., Oct. 1.

Hon. H. B. Ferguson, Albuquerque, N. M.:

My Dear Sir: Your letter of the 28th is received. It is utterly impossible for me to be in New Mexico at the time named. A reunion of my old regiment occurs at Oskaloosa on the 15th, 16th and 17th of this month. Many thanks for your courteous invitation. Yours truly,

JOHN LACEY.

The committee on finance—Messrs. Newcomb, Hopkins and Chaves—will no doubt call upon the dear people for contributions tomorrow. The committee on arrangements has estimated that it will take about $150 to hold the convention and to properly entertain the delegates.

As soon as the committee on finance gets through its labors Chairman Ferguson of the executive committee will call all committees to meet and submit reports.

The statehood convention committees are working together nicely and it is now a foregone conclusion that the convention will be a whopper.

KRUGER FAILING.

The Grand Old Man Is Rapidly Declining in Health.

The Hague, Oct. 4.—A. D. W. Wolmarans, one of the Boer envoys, who has been visiting ex-President Kruger at Utrecht, found the mental condition of the former president of the Transvaal by no means satisfactory. Kruger is slowly growing weaker physically and mentally. His slowness of reaching a decision on important questions is found a serious hindrance to those working in Europe in behalf of the Boer cause. The approach of winter causes anxiety, as Kruger refuses to leave Holland.

Bank Statement.

Washington, D. C., Oct. 4.—The comptroller of the currency today issued a call for a statement of the condition of all the national banks at the close of business on Monday, September 30.

KING EDWARD'S CANCER.

English People Much Disturbed By the Recent Reports.

London, Oct. 4.—The coincidence in the announcement of King Edward's indisposition with the publication of revived rumors regarding his cancer in the newspapers of Copenhagen from which city his majesty has just returned and where the secrets of the Danish court are more likely to leak out than elsewhere, is causing some consternation here, and the fact that the anxious court circular does not appear in this morning's papers adds to the uneasy feeling. A story is in circulation among the clubs, purporting to come from a titled member of the late Queen Victoria's household, is giving color to the cancer story and saying that court circles are discussing the possibility of no coronation next year.

Sickness of King Edward.

Aberdeen, Oct. 4.—Sir Jenks Reid, a distinguished physician staying in this vicinity, has been summoned to Balmoral. The Aberdeen Evening News says that King Edward is suffering from lumbago.

MASSACHUSETTS REPUBLICANS

Nominate Complete State Ticket and Denounce the Anarchists.

Boston, Mass., Oct. 4.—The Massachusetts republican state convention held today nominated a full state ticket. Governor W. Murray Crane was renominated. Reference was made to the assassination of President McKinley and legislation was suggested in view of that tragedy. Chairman Elder said:

"The right of free speech must not be denied; full and fair discussion of public men and political issues are a part of our heritage, but caricature, denunciation, foul abuse and contemptuous ridicule of the American president, from whatever source they come, must cease."

Petty Thieving.

Last night, while Capt. C. A. Hudson was dreaming of his boyhood's happy days back in Michigan and of hunting game on the eastern mesas, a thief called at his residence on West Silver avenue, entered the barn and purloined four sets of harness. The thief was reported to City Marshal McMillin, and with his sleuth hounds they are around today watching the pawnshops and all suspicious characters.

The city marshal is aware that suspicious characters and real tough citizens—always an undesirable element—are coming to the city on the approach of the fair and he intends to make the place very hot for them.

This morning several hoboes, all of whom could get work if they so desired, were up before Judge Crawford. Two were given fifteen days on the chain gang and five were marched to the city limits and told to keep as far away as possible during the present century.

A NEW BUSINESS.

C. R. Hotelling of Chicago to Open Bicycle Manufactory in This City.

That the population and business of Albuquerque is gradually increasing there can be no questionable doubt, and to further substantiate this fact E. R. Hotelling, formerly of Chicago, has located here with his family, and is already making arrangements to open up a new manufacturing institution in the city. He has secured a house on the storeroom at No. 110 West Gold avenue and is now engaged in unpacking machinery which arrived from Chicago. Mr. Hotelling is an expert machinist and will manufacture bicycles, repair old cars and will have the agency for the famous Rider-Erie gas hot air engines and the celebrated Foos gasoline engine. A couple of these machines will be placed on exhibition at the storeroom and their working parts will be fully explained to the prospective purchaser. Mr. Hotelling is highly proficient in the art of photography and a large stock of cameras and photographers' supplies will always be on hand. From present indications it appears that he has made splendid calculations for carrying on a very profitable business in Albuquerque. The Citizen joins company friends of Mr. Hotelling in extending the right hand of fellowship.

Should Serve a Sentence.

Postoffice Inspector C. L. Doran is in Pueblo and he announces that he has evidence which will convict J. W. Grummeaux, who was recently arrested on a charge of obtaining money under false pretenses on a large number of claims of that nature. It is claimed that Grummeaux represented himself as agent for a publishing house and secured a considerable amount of money, estimated at from $2,000 to $3,000, from people all over Colorado and in parts of New Mexico. He is said to have operated under the names of H. A. Baldwin, A. C. Graham and E. G. Burton.—Optic.

DISTRICT COURT.

Testimony Being Taken in a Case of Assault With Intent to Kill.

The entire attention of the district court was taken up this morning in securing a jury and the hearing of testimony in the case of the territory vs. David Chaves, Reymundo Lucero and Vicente Martin. The defendants were indicted by the last grand jury for assault with intent to murder Meliton Garcia, an aged gentleman of Los Corrales, on December 18 of last year. According to the testimony rendered at the preliminary hearing in the justice court Garcia came to town for the purpose of transacting business and while here met the three men whose names are mentioned above. The quartet began drinking at the downtown saloons and finally they decided to visit the Tijeras district on Third street. Before they reached the last named place they circled around the corner at the Grant building, walking up the alley to a vacant spot and there an assault was made on the aged visitor. Garcia sustained a gash on the head, a broken rib and a pair of black eyes. The three men in question were later arrested by Officer Mike Martinez upon information furnished by a couple of men who found the prostrate body of Garcia on the ground.

The defendants' interests are being looked after in the district court by Attorneys Hacock and Montoya, and District Attorney Clancy is representing the plaintiff.

It is probable the trial will be concluded this evening.

Only a Rumor.

Sheriff Hubbell today received a dispatch from Sheriff Goodell at Silver City which stated that the Apache Indian scare in the Mogollon mountains was only a rumor and that it was not confirmed.

Correction.

At the request of A. C. Emery I state that he is not the man against whom there have been cases pending in the district court which were off the docket yesterday. The paragraph published in yesterday's Citizen among court matters was wrong, as the other man is A. L. Emery, and a stranger to Albuquerque.

F. W. CLANCY,
District Attorney.

Colored "Peeping Tom."

A few evenings last week the residents of the Fourth ward were disturbed by a "Peeping Tom" in their neighborhood and everybody in that ward thought that a thief was around. The matter was reported to City Marshal McMillin. He investigated and found that the bold, bad man was a peeping fellow of African extraction. He rounded up the fellow and, together with several others of his race, marched them out of the city, since which time the housewives have not been disturbed.

Base Ball Disappointed.

The aggregation of Western league players, who made arrangements to play here a series of three games, commencing this afternoon, showed the "white feather" at the eleventh hour yesterday afternoon by telegraphing to Manager McGaffey that they could not make good their agreement. The local ball players, under whose auspices the visitors were to have played, are greatly disappointed and are out on the proposition to the extent of several dollars for printing, etc.

Washington, D. C., Oct. 4.—The Schley court of inquiry began proceedings today. Captain Lemly still has quite a long list of witnesses and it was said that he would probably not be able to present his conclusion of the case for the department before the end of next week.

Lieutenant Dyson on the witness stand yesterday when the court adjourned, was recalled. He added to the coal history of the fleet information as to how long the supply of coal on hand May 26 would have held out under forced draught. The information was contained in the chart read by Judge Advocate Lemly and covered the period from May 18 to June 1, and showed that on May 26 the Brooklyn's supply of coal was 362 tons, Iowa 784 tons, Texas 468 tons and Marblehead 122 tons. He said that on May 24 the Brooklyn had coal enough on board to have remained on blockade duty off Santiago twenty five days and then returned to Key West; the Massachusetts enough to remain seventeen days and then go to Key West; the Iowa eleven days, Texas seven and Marblehead one.

Rayner brought out information concerning the time the coal on each vessel would last on forced draught, chasing the enemy's vessels, taking the amount of coal on each on May 26 and leaving sufficient coal to return to Key West. Rayner read the information from Dyson's tabulated statement showing that the Iowa would have consumed 243 tons of coal a day, the Texas 180 tons, the Marblehead 77 tons. The estimate would, he said, give the Brooklyn 2.3 days' chase, the Iowa 1.2 days, the Texas three-fourths of a day, Marblehead twelfths of a day, the Massachusetts 1.8 days.

Lieutenant Dyson was followed on the stand by Commander Raymond P. Rodgers, executive officer of the battleship Iowa during the summer of 1898. He was examined at length concerning the coaling of the flying squadron. He said he thought he could have coaled the Iowa late in the afternoon of May 26. He related two or three instances when the ships of the flying squadron were cleared for action upon a signal from the flagship Brooklyn before May 31, when vessels were discerned in the distance. In each case the vessels proved to be American ships. Each time the signal was to clear for action and make a speed of 12 knots an hour. He also told of the bombardment or reconnoissance of the Cristobal Colon on May 31, in which the Iowa participated. Describing Commodore Schley's blockade of the harbor of Santiago Captain Rodgers said that the fleet maintained a position seven or eight miles out with the Marblehead and Vixen inside the line. This concluded the testimony in chief when the court adjourned for luncheon.

At the afternoon session of the court Rodgers was still on the stand. He stated that he was senior member of the naval board of survey appointed by Admiral Sampson to examine the wrecked Spanish vessels. The purpose of this line of examination was to bring out the witness' knowledge of the effect of the Brooklyn's gunnery in the battle off Santiago, July 3. Captain Rodgers stated that the Brooklyn was the only vessel that fired 5-inch shells and Rayner said careful computation based upon the report of the board of survey showed that twelve 5-inch shells had been found on four of the Spanish vessels.

Rayner presented a statement showing the number of shells found on the vessels of the Spanish fleet and witness was asked to state the percentage of 5-inch shells, assuming the statement to be correct. Captain Rodgers replied that the total number of hits was thirty-five and therefore the 5-inch shell hits constituted thirty-four per cent of all the hits. Rayner said the statement had been prepared by Admiral Schley. The question as to whether the word in the "Dear Schley" letter should be Santiago or Cienfuegos again came up on a statement of Captain Lemly, who said he would continue to hold to the Santiago version. Rayner then said that if this was the case he would be compelled to summon Admiral Sampson, the author of the dispatch, as a witness.

Adding to His Enterprises.

George A. Kaseman, who is now engaged in half a dozen thriving enterprises, has added another to his list, having negotiated the purchase of the Calvin Whiting real estate and insurance business. He will take immediate charge. It is also understood that Mr. Kaseman is figuring on a clerical position in a government office here, but this matter up to 4 o'clock this afternoon had not gone far enough for definite announcement.

The Troopers Coming.

Bids have been asked for oats, hay, straw and wood from the government for the troop of cavalry which will march overland from Fort Wingate to take part in the Territorial fair festivities. Bids are wanted for 15,000 pounds of oats, 20,000 pounds of hay, 4,000 pounds of straw and eight cords of wood. The asking of bids for the above shows that the troopers from Fort Wingate will be here.

New York, Oct. 4.—The same strong northwester as that of yesterday blew the Columbia to victory, prevailed this morning. As in the case of yesterday, it increased steadily after sunrise and at 8 o'clock was blowing from 18 to 20 knots. In fact, it seemed to have more power than at same time yesterday, due perhaps to a reported storm nearby. Under the rules today's race will be fifteen miles to windward or leeward and return, and it was a foregone conclusion that the course would be a dead run before the wind to the first mark; and if the wind held true a long beat back to the finish. Both yachts got away from their moorings earlier than usual this morning, the Shamrock hoisting her mainsail inside the hook. The Columbia, however, went out under tow and bare poles and before 9 o'clock both flyers had passed Sandy Hook. Shortly before 10 o'clock the Columbia hoisted her mainsail and soon after dropped her tow.

At 10:15 the committee boat hoisted the signal indicating that the course would be fifteen miles south southeast to leeward and return.

When the preparatory gun was fired at 10:55 neither skipper wanted to cross first. The windward position was coveted, as it gave the stern boat the opportunity of blanketing the other. Some pretty jockeying for this was indulged in by both and ten minutes later, when the warning gun sounded, both were holding away from the line as if it were a reef or sandbar. At last Captain Barr sent the Columbia forward, the Shamrock coming right behind. The Columbia crossed the line apparently 18 seconds ahead, but the official starting time of the handicap gun having been fired 11:02 was the time for both boats.

After crossing the line the Shamrock seemed to cut the Columbia's wind to some extent and there ensued a little luffing match, Captain Barr trying to get the wind clear. The foreigner began to inch up on the Columbia. It was a magnificent neck and neck race until at 11:17, when the Shamrock drew ahead. In ten minutes more the Shamrock was good ten lengths ahead. After thirty-five minutes sailing the yachts had sailed about half of the first leg.

It was about 12:15 when the boats were nearing the outer mark that the wind began to flatten a little, which was instantly shown in the decreased speed of the sloops.

Drawing near the outer mark the weather is becoming more and more Shamrock-like. With a flamming wind the sea is comparatively smooth. All the conditions are absolutely ideal for a before the wind race. At 12:45 the Shamrock luffed around the stakeboat. Right in her wake came the American yacht. After rounding, the Shamrock held off toward the Jersey shore on the starboard tack, while the Columbia went off shore on the port tack. But they only held this for an instant before the Columbia swung around on the starboard tack and the racers began to thresh to the windward, which was to decide the contest.

Five minutes nip and tuck and then patriots took new hope, for the white flyer seemed pointing higher and footing faster than her opponent and slowly forging to the front. At the turn the foreigner was forty-nine seconds ahead which left the Columbia only six seconds to make up to get within the time allowed. At 1:12 o'clock it was seen that the American had turned the other mark in windward work and was ahead. The wind is getting light and is inclined to be flunky and the race is becoming slower. It was getting to be the closest kind of a race. At 2:15 it was evident that the Ulster yacht had secured a slight lead. For the next fifteen minutes the yachts continually split tacks.

At no time was the Shamrock's lead more than a minute. Almost as one boat they went across the line, the Shamrock first, but the Columbia so few seconds behind her that it made no difference. Thus the Columbia won in three straight races. She is the victor of 1901 and retains the cup.

Official time of the finish: Shamrock, 3:25:58; Columbia, 3:25:40.

J. D. Hughes, business manager of the New Mexican, is in the city from Santa Fe.

Rev. Gabaldon Remdon came in from Santa Fe last night and continued west to Flagstaff.

The Shriners are making arrangements to turn out in the big trades' display during the fair.

Fred Hamm left last night for the west in the interests of the wool commission firm of Charles Chadwick & Co.

C. E. Newcomer, chief deputy sheriff, was at Santa Fe yesterday on business, returning to the city last night.

C. T. Blackington, the sheriff of Socorro county, who was here yesterday on business, returned south to Socorro last night.

Two well known wool buyers from Boston, Mass., A. Vanderwort and F. D. Wetherby, are in the city, feeling the pulse of the local wool raisers.

John Sorenson, with his son and daughter, left last night for southern California, where they will visit for a few weeks. Mr. Sorenson is a contractor of El Paso.

A. W. Clelland, jr., has granted permission to the Highland Tennis club to use his lots, corner of Railroad avenue and Walter street, where a court is being established.

Yesterday afternoon the remains of W. A. Fraser, whose death was mentioned in Wednesday's Citizen, were buried in Fairview cemetery. Attorneys J. H. Stingle, A. J. Mitchell, Horton Moore, H. F. Raynolds, C. S. Burg and S. E. Newcomer officiated as pall-bearers. Deceased was a young attorney and came here from Emerson, Manitoba.

Charles and Roy McDonald, who represent the Mutual Life Insurance company of New York, on the road, returned this morning from a very successful trip to Arizona towns.

There will be a concert and dance at the Orchestrion hall tomorrow night and a concert Sunday afternoon. Superintendent Trimble wants it understood that the public is invited to these free concerts.

J. D. Lucas, the popular Cerrillos mine expert, who was here the other day calling on his Kentucky friends, says that everybody in and around Cerrillos who can possibly get enough money together will be here to attend the fair. Mr. Lucas is an admirer of good horses and he is coming to see the races.

A. R. Gibson, president of the American Consolidated Copper company, with other officers of the company, passed down the road last night for their mining properties in Grant county. This company, through its officers, is doing great work in advertising the mineral resources of this territory.

The grading outfits of C. L. Sprague and J. Hoskins, which have been working on the new Rock Island railroad east of Santa Rosa, passed through this city today en route to Deming. There were several carloads of horses, grading implements and a coach load of men. They will go to work on the construction of the new Bisbee railroad which is building south from Deming.

The local Presbyterian ministers, accompanied by Prof. C. H. Thompson, who is in charge of the Menaul mission school on the mesa, all got away last night for Flagstaff, where the synod of New Mexico convened this morning, and will continue in session for several days. Reva Craig, Beattie, and others in this city, are down on the program to address the synod.

Prof. Tight, president of the New Mexico university, is a great admirer of the national sport of base ball and is regarded as a first-class pitcher, with many deceptive curves. He has just presented the university team with enough money to purchase the necessary paraphernalia without uniforms, and states that he will see to it that the university team is victorious in future games, especially against the high school club.

The firm of Metcalf & Strauss has just received 400 head of thoroughbred Merino and Shropshire rams from the east. It is one of the finest shipments ever received in the territory. The fleecy flock can be seen on South First street.

WINSLOW.

From the Mail.

Mr. Rand of the firm of Rand & Perkins, wool growers, has gone to California, presumably to buy bucks.

Mrs. D. B. Thurston and children returned the latter part of last week from a visit to her aunt in Ventura, Cal. The colonel went to Williams to meet them.

Mrs. John McAndrew departed for her new home, Ash Fork, A. T., the latter part of last week. Mr. McAndrew has leased the Ash Fork house and will no doubt be successful in the hotel business.

Burr Williams took a lay-off for a few days to practice with the lariat for a while. He was becoming uneasy for fear his hand had lost its cunning in handling the rope.

The game law of the territory as enacted by our last legislature was framed to suit the southern portion of the territory and is not at all suited to the northern tier of counties. The seasons in the two sections are almost alike as that between Maine and Florida.

WILLIAMS.

From the News.

Mrs. Oliver Lyons and children left to join Mr. Lyons at Maderia, Cal., where they will make their future home.

Oswald Raeckert, formerly connected with the Grand Canyon hotel in this city, is now serving customers at the Commercial in Flagstaff.

Mr. and Mrs. George Hammond, accompanied by Miss Harriet Wells, came down from Flagstaff and left for a pleasure and sight-seeing trip to the Grand canyon. Mr. Hammond occupies a responsible position with the Arizona Lumber and Timber company of Flagstaff.

The first of this week a couple of tramps broke into the store of P. R. Weatherford & Co., at Flagstaff and stole some goods. A description of the men was immediately sent out from the sheriff's office and about ten minutes after its arrival here Deputy Sheriff Kennedy had the men under arrest. They were taken to Flagstaff and placed in the county jail for safekeeping.

FLAGSTAFF.

From the Sun.

Miss Agnes Todd met with a painful accident while endeavoring to manipulate a hatchet, resulting in a wounded finger.

The big Navajo blanket which has been on exhibition the past two weeks at Babbitt Bros.' store was purchased by J. P. Wells of Tucson. It was the largest native wool blanket ever made by the Navajos.

Mrs. G. H. Verkamp and daughter arrived from Cincinnati. Mrs. Verkamp is here on account of the dangerous illness of C. J. Babbitt's little girl. The sick child is reported a little better today.

Thomas Powlas of Big Bug has been placed under arrest for the killing of Bruce Profitt near that place on the 22d. It transpires that Profitt and Powlas had trouble previously and footprints leading to and from the place where Profitt was assassinated indicate the guilt of Powlas.

The Elks have under consideration a vaudeville show, which if produced will give opportunity to introduce many entertaining features for the enjoyment of the public. The lack of proper hall facilities is a serious handicap to amusements in Flagstaff and prevents their giving one of their old-time justly celebrated events.

NEEDLES.

From the Eye.

Monaghan & Murphy are sprinkling oil in the streets and about their business block to keep down the clouds of sand and dust. The oil seems to have the desired effect.

George H. Notley has returned from a trip to Ash Grove, Mo., on a visit to his son. Mr. Notley was particularly observant of the country passed through and tells many interesting stories of his trip.

Needles should ask the supervisors to impose a tax on dogs, making every owner pay a license and put a tag on each dog. The proceeds should then be instructed to kill all unattached dogs. Owners of most dogs are willing to pay the tax and in this way the town could be rid of the hordes of worthless curs running the streets.

The Needles school opened with Principal Williams, Miss Florence McKee and Miss Lottie Carlyle in charge, and with an increased attendance of school learners. The enrollment is now 170 and exceeds the seating capacity. This overflow, however, will be accommodated by the introduction of kindergarten chairs and tables for the little tots, while the young ladies of the high school will occupy the library.

IMPORTANT DECISION.

Statute of Limitation Not Against County or Territory.

RELATIVE TO DEL'NQUENT TAXES.

The following important decision handed down by the supreme court of the territory at the special term, which adjourned Wednesday, will be found of great interest, and will work for the good of the commonwealth. Solicitor General E. L. Bartlett represented the territory, and A. C. Campbell, Esq., of Roswell, the defendant.

In the supreme court of the territory of New Mexico—No. 886.

James J. Hagerman, appellant, vs. Territory of New Mexico, appellee.

SYLLABUS.

An action, brought in the name of the territory of New Mexico, for delinquent taxes, which are by law declared to be the property of the county in which they are assessed and when collected to be payable directly into the funds of such county, is not barred by the general statute of limitations of the territory of New Mexico.

Appeal from the judgment of the district court of the Fifth judicial district of the territory of New Mexico, within and for the county of Eddy; before Justice Frank W. Parker.

Mr. A. C. Campbell, attorney for appellant.

Mr. Edward L. Bartlett, solicitor general, for appellee.

OPINION.

J. W. Crumpacker, J.

This is an appeal from the judgment of the court rendered against lands owned by the appellant, in an action instituted in the district court of Eddy county, on February 26, 1900, by the district attorney, in the name of the territory of New Mexico, against the persons, real estate, land and property described in the delinquent tax list of the county of Eddy, for the years 1890 to 1898, said action being brought under the provisions of chapter 22, Session laws of New Mexico, 1899.

The complaint sets forth every allegation necessary to confer jurisdiction upon said court and shows that in 1891 certain taxes were levied against the property therein described belonging at that time to the Pecos Irrigated Farms company; that the said taxes had not been paid and had long been delinquent and judgment was thereby demanded against said property for said delinquent taxes, accrued interest, penalty and costs. On March 7, 1900, one Hunt herein filed his answer to said complaint alleging as a first defense that after the taxes for the year 1891 had been levied against the property of the Pecos Irrigated Farms company and prior to June 5, 1893, he became the owner of a portion of said lands against which judgment was sought to be obtained for said taxes of 1891; that prior to July 1, 1898, he had tendered to the county treasurer of Eddy county all taxes then claimed to be due against said property and that the said treasurer had failed to notify him that there were any taxes due against said property for the year 1894. As a second defense appellant alleged that four years had elapsed since said taxes became due and payable and that no proceedings had been instituted to enforce the collection thereof until after the expiration of four years from the time the same became due, payable and delinquent. No reply was filed to the first defense. To the second defense, the district attorney interposed a demurrer which was sustained by the court. Upon entering the order sustaining the demurrer, appellant excepted; and refusing to plead further, trial was had without the intervention of a jury upon the pleadings, resulting in a judgment in favor of appellee against the property described in appellant's answer, for the sum of $283.82, being the taxes levied against said property for the year 1894, exclusive of any interest, penalty or costs.

Appellant assigns the following errors: "1. The trial court erred in sustaining the demurrer of the attorney for appellee to the second defense of appellant's answer. 2. The trial court erred in rendering judgment in favor of appellee and against the land described in appellant's answer."

Both assignments involve the same principle of law. Can the statute of limitations of the territory of New Mexico be invoked to defeat this action brought February 29, 1900, to recover a judgment for taxes levied in 1894? That statutes of limitations never apply to the sovereign or government unless expressly named therein is universally accepted as the law in the United States.

City of Wilmington vs. Crowley, 26 S. E. Rep. (N. C.) 7.

Gobson vs. Chateau, 13 Wall. 92.

Greenwood vs. Town of La Salle, 37 Ill. 225.

State vs. School List., 34 Kas. 242.

Des Moines county, etc., vs. Harper, 34 Ia. 84.

Weber vs. Habor Commrs., 18 Wall. 70.

Dillon, law of Municipal Corporations, vol. 2, sec. 675.

We conclude therefore, without further argument, that appellant's contention that the New Mexico "general statute of limitations is applicable as a defense unless the statute provides otherwise" is untenable.

Nor is the contention that the territory of New Mexico has no attribute of sovereignty tenable. The New Mexico legislative assembly has all legislative power.

Walker vs. Southern Pacific R. R. Co., 165, U. S. 604.

And this power includes the legitimate exercise of the power of taxation.

Thomas vs. Guy, 169 U. S., 264.

It is further insisted by the appellant that the general principle that the ordinary statute of limitations cannot be interposed to defeat a claim of the government has no application to the case at bar, as the government, i. e., the territory of New Mexico has no interest in the taxes delinquent July 1, 1895, here involved, the legislature having provided (section 21, chapter 60, Session Laws 1897; section 4184, C. L. of N. M., 1897) that "all delinquent taxes due the territory on the first day of July, 1895, are hereby declared the property of the respective counties in which the same are assessed and when collected shall be paid to the general county fund of the several counties of the territory." We think, however, that the principle has application to this case. Under our system of government a county is a civil subdivision of the territory and exists as a municipal corporation merely for the purpose of carrying on the territorial government; and it is well settled that the plea of the statute of limitations is no defense to those actions by such corporation involving public rights such as taxation, unless the statute expressly so provides.

Dillon, Municipal Corp., sec. 533.

County of Piatt vs. Godsell, 97 Ill., 92.

City of Memphis vs. Looney, 9 Baxter.

Magee vs. Comm., 46 Penna St., 365.

Greenwood vs. Town, 137 Ill. 228.

County of Madison vs. Bartlett, 1 Scam. Ill., 79.

People vs. Town, 121 Ill., 655.

1 Wood on Limitations, 24 ed., 117-118; 13 a. & E. Ency. of Law, 714.

City vs. County, etc., of San Francisco, 20, Fed. 190.

And, as we have already observed, our statute contains no such proviso.

Finding no error in the record of this cause, the judgment of the court below will be affirmed with costs.

J. W. CRUMPACKER,
Associate Justice.

We concur: William J. Mills, chief justice; Daniel H. McMillan, John R. McFie, associate justices.

HOSTETTER'S CELEBRATED STOMACH BITTERS

This medicine by strengthening the stomach and perfecting the digestion, prevents Constipation Biliousness, Steadies the Nerves, Purifies the Blood, and stimulates the Liver and Kidneys. We urge you to try it.

HOLBROOK.

From the Argus.

Mrs. Fred Wetzler is visiting friends and relatives in Albuquerque.

D. B. Hunter and family left for New Mexico overland Tuesday. They expect to locate in the White Oaks country.

Mrs. Maud A. Judson of Whittier, Cal., has been engaged to teach our school this term. School begins Monday, October 7.

F. J. Wattron is visiting with his family at Los Angeles this week. J. L. Clark is attending to the drug store while he is away.

John L. Fish left for Salt Lake City. He will fill a five months' mission in Utah in the interests of the Y. M. M. I. A. of the Latter Day Saints' church.

About thirty people from the upper country left for Salt Lake City to attend conference. We understand that several will enter the matrimonial state while there.

KINGMAN.

From the Miner.

Fuel oil is being hauled out to the Prince George mine and the new hoisting plant will be in operation in a few days.

People who have visited the New Comstock mine believe that it is one of the most wonderful properties on the Pacific coast.

Samples of the oil sands found in the vicinity of Kingman have been sent to Los Angeles for the purpose of analysis. Tests made in Kingman show the sands to be oil-bearing.

James W. Hass, who brought the turquoise mines of this county to the attention of the capitalists of the east, was in Kingman a few days ago. He is working a force of men on the mines and is getting out very nice gem stones.

Charles E. Sherman returned from a two months' trip to the east. He stated that he was in the Temple of Music at the time the assassin Czolgosz shot down President McKinley. While in the east he made arrangements for the sale of the Distaff, one of the rich mines of the Chloride district.

We have direct outlet for stocks and bonds. Will finance any good proposition you may have. The Mayne C. P. Parker company, 22 Grant bldg.

SANTA FE COMBINES.

Deal With Harriman for Joint Trans Pacific Steamers.

Community of interest between the Atchison, Topeka & Santa Fe and the Harriman interests have just been established, in so far as the Pacific ocean or Oriental traffic is concerned, says the Chicago Tribune.

Instead of the Santa Fe establishing an independent Pacific ocean line from San Francisco, or making an arrangement with the Hamburg-American steamship company, as has heretofore been reported, negotiations have just been concluded whereby it will abandon its San Diego ocean line on February 1, 1902, and will jointly with the Southern Pacific use the Pacific Mail steamship company for its trans-Pacific outlet. Under the new arrangement with the Pacific Mail steamship company the Santa Fe is given equal rights with the Southern Pacific railroad and is guaranteed a certain percentage of the Oriental traffic.

DIVORCED AND WEDDED AGAIN.

Neal E. Wills and Wife Are Again United After Short Separation.

After being divorced for fifteen days, Neal E. Wills and Lydia C. Wills of Albuquerque each decided that life would be inconsolable without the other, so both came to the carnival, took out their second marriage license yesterday at the county clerk's office and were married later in the day by Rev. E. W. Simon, pastor of the English Lutheran church at Twenty-second and California streets.

Mr. Wills is a mining man of Albuquerque. His wife has been living at Osawatomie, Kas., and went to Albuquerque for the divorce. In her complaint she charged desertion and the verdict was awarded her without contest. Several days after the signing of the decree she received a declared letter from her husband, which changed her determination to live single forever.

They registered at the Albany hotel yesterday and were met by Dr. Joseph Caneo, who officiated as best man. Mr. Wills will return to Albuquerque and Mrs. Wills will join him after a short visit with friends in Kansas.—Denver Republican.

Both are well known in this city, Mr. Wills holding a position in a business house on Railroad avenue. On their return here they will receive the congratulations of friends.

OFFICIAL MATTERS.

Few More Territorial Court Opinions —Statehood Delegates.

In the territorial supreme court Wednesday afternoon, in case No. 892, the territory of New Mexico vs. Delegates Taxpayers of Bernalillo county, thirty days were granted for the attorney of the defendants, W. H. Pope, to file an additional brief. The suit involves the question whether the territory has a right to tax the Pueblo Indians.

In case No. 885, writ of error to Santa Fe county, the United States of America vs. the Denver & Rio Grande Railroad company, the decision of the district court was affirmed, the opinion being by Judge F. W. Parker. The case had been heard in the district court by Judge McFie upon an order of the territorial supreme court for a rehearing, it having been originally tried before Judge S. B. Laughlin. It is a timber depredation case and will probably be appealed to the United States supreme court.

The territorial supreme court adjourned to January 7, a day before the next regular term commences.

STATEHOOD DELEGATES.

A mass meeting of citizens of Otero county held at Alamogordo elected the following delegates from Otero county to the statehood convention, which is to be held at Albuquerque this month: E. W. Dedman, W. H. Slaughter, W. B. Shepherd, J. H. Maurie, G. C. Bryan, A. P. Jackson, Byron Barry, R. H. Pierce, J. C. Dunn and W. L. Pelfer.

PENSIONS GRANTED.

Pensions have been granted to Joseph Lujan, Garfield, Doña Ana county, $8 a month; Jose Francisco Martinez, Mora, Mora county, $6 a month; Charles Bailey, Fort Bayard Grant county, $12 a month.

SUPREME COURT.

Important Opinions Handed Down Tuesday Afternoon.

RESOLUTIONS OF CONDOLENCE.

After the territorial supreme court Tuesday afternoon had handed down a number of opinions, solicitor General E. L. Bartlett moved the adoption of the following resolutions, after which the court adjourned for the afternoon out of respect to the memory of the late S. B. Newcomb, Esq., of Las Cruces:

Whereas, Death has again entered our bar since the last meeting of this court and has taken from us one of our oldest and most respected members in the person of Hon. S. B. Newcomb of Las Cruces, who was admitted to practice here in January, 1879, and has been present at almost every session since that time; be it

Resolved, That in the death of Judge Newcomb this court has lost an able and faithful counsellor and advisor; the bar an earnest, eloquent and respected member; the territory an honest and progressive citizen, and his family a tender, loving and provident head.

That the deepest sympathy of the bench and bar are extended to his widow in her sad bereavement.

That these resolutions be spread upon the record of this court and a copy thereof under its seal be transmitted to Mrs. Newcomb; and that out of respect to the memory of our deceased brother this court do now adjourn.

In case No. 857 Herbert T. Strong, appellant, vs. Mattie L. Eakin et al., appellee, an appeal from Bernalillo county, the judgment of the lower court was directed to set aside the judgment dismissing the case. The opinion is by Associate Justice McFie. It holds that the rule of civil law regarding the community of property married persons is not repealed in New Mexico except by the act of the wife.

In case No. 874, an appeal from San Miguel county, territory of New Mexico, vs. Nicanor Herera, the lower court was directed to sentence Herera, who had been convicted of murder and had been sentenced to ten years in the penitentiary. The record of the lower court failed to show that Herera had been asked by the court before he was sentenced whether he had anything to say. The opinion was by Associate Justice J. W. Crumpacker.

In case No. 886, James J. Hagerman, appellant, vs. the territory of New Mexico, appellee, involving the payment of taxes, an appeal from Chaves county, the judgment of the lower court was affirmed; the opinion, which was by Associate Justice Crumpacker, holds that the statute of limitation does not apply to taxes.

In case No. 887, T. P. Robinson vs. the Palatine Insurance company, the judgment of the district court was affirmed. Robinson had secured a verdict in the district court for $2,500 insurance due him. The opinion was by Chief Justice Mills.

In case No. 889, the Early Times Distillery company vs. Charles Zieger et al., an appeal from the district court of Bernalillo county, involving the payment of a debt, the judgment of the district court was affirmed. The opinion was by Associate Justice McMillan.

In case No. 895, the territory of New Mexico vs. Manuela Olguin de Guillen, an appeal from San Miguel county, the judgment of the lower court was affirmed. The woman had been convicted of murdering her husband while he was outside the house sleeping in a wagon. The opinion was by Associate Justice McFie.

In case No. 898, Jesse S. Gale and Walter Farr, appellants, vs. Raymundo Salas, appellee, an appeal from Bernalillo county, the judgment of the lower court was affirmed. The case involved the replevin of 200 to 300 sheep valued at $650, the lower court having dismissed the case for want of sufficient evidence. The opinion was by Associate Justice McFie.

Case No. 820, Thomas B. Catron et al., appellant, vs. S. N. Laughlin, et al., was continued until the next term of court.

In case No. 895, territory of New Mexico vs. Manuela Olguin de Guillen, an appeal from San Miguel county, an order was entered to correct the original transcript.

In case No. 909, an appeal from Bernalillo county, George K. Neher, appellant, vs. Ambrosio Armijo and Anita Armijo, appellees, the judgment of the lower court was affirmed. The case involved some property rights.

In case No. 907, an appeal from Bernalillo county, M. W. Flournoy et al., vs. Bullock, Baker & Co. and George W. Champion, the judgment of the lower court was reversed and the case remanded to the district court to sustain the first exception of Appellant Rice to the report of the referee and to dismiss the petition of intervenor. The opinion was by Chief Justice Mills.

In case No. 833, Levi Spiegelberg, Willi Spiegelberg, surviving members of the firm of Spiegelberg Bros., plaintiffs in error, vs. Bernhard Meyer, defendant in error, error to the district court for Bernalillo county, a motion for a rehearing was overruled.

In case No. 881, an appeal from Grant county, John Sturtz, appellant, vs. Albert C. Burrage, appellee, a motion for a rehearing was overruled.

All the justices except J. W. Crumpacker were in attendance Tuesday.

The Guggenheim Party Here.

In a special car of the Union Pacific Railroad company a number of distinguished passengers passed through this city today from the south. The party consisted of Mr. and Mrs. Daniel Guggenheim, Mr. and Mrs. Simon Guggenheim and their maids. Messrs. Robert Guggenheim, Henry F. Guggenheim, H. R. Sturtevant and Leon P. Freeman. The gentlemen are the leading officers in the American Smelting and Refining company. They are just returning to their extensive properties in the states after a thorough inspection tour to the plants in Old Mexico. The special with its occupants was taken on No. 2 to Denver.

A False Rumor.

Michael Brenner, the second advance agent of the Norris & Rowe's shows, is in the city today and called at this office. He stated that the rumor along the Santa Fe road that the show was quarantined at Denver is false in every respect. He left the show at Canon City, Colo., Monday night of this week, and that the show would be here positively for two performances on Saturday, October 5.

English and Spanish Conference.

In the Methodist Episcopal church at Santa Fe on October 10-14, the New Mexico English and Spanish mission conference will be held, Bishops James N. Fitzgerald, D. D., presiding. A fine program has been prepared and a large crowd will att