

## CHARGE TO JURY.

Judge Baker Tells the Jurors to Make Investigations.

### INQUIRE INTO VIOLATIONS.

The charge given the territorial grand jury was as follows:

In the district court of the Second judicial district of the territory of New Mexico, within and for the county of Bernalillo.

Gettlemen:—You have been legally selected, empaneled and sworn as grand jurors for the September, 1903, term of the district court of the Second judicial district, within and for the county of Bernalillo. For more than a thousand years, throughout the civilized world, has lived in some form and under some name the embodiment of the grand jury of today, having always had for its object the prevention for trial of violators of the law, doing their work in secret, so that the influence of wealth and position could not be present to prevent the presentment of the guilty, nor to force the presentment of the innocent. It is incumbent upon the court to instruct you generally as to what the law is, and your duty under the law; and where the instructions are not particular and exhaustive you can apply to the district attorney or to the court, at any time, for further instruction, or as to what the law is upon any particular matter.

It is the duty of the grand jury to inquire into all violations of the law that have been committed within this county, or that may be prosecuted within this county, irrespective of persons. Your foreman is empowered with authority to administer oaths to the several witnesses that will appear before you. It is expected of the grand jurors that you will be controlled by evidence only that is produced before your body. The general rules of evidence will govern you in determining whether or not an indictment should be presented. You will consider none but legal evidence, and the best evidence in degree, when you are deliberating upon whether or not a presentment should be made. You may consider hearsay, or secondary evidence, for the purpose only of assisting you in ascertaining or running down proper persons where legal evidence may be thus ascertained or found; but in all your deliberations you will allow no secondary or hearsay evidence to weigh with you. You are not bound to hear evidence submitted to you, and when you have reason to believe that other evidence within your reach will explain away the charge, you should order such evidence to be produced, and for that purpose may require the district attorney to issue process for such necessary witnesses.

It is the duty of the grand jury to present indictments against any and all persons when all the evidence taken together is such, as in the judgment of the several members of the grand jury, would warrant a conviction, beyond a reasonable doubt, before a trial jury. If any of your number know of any violations of law, or have reason to believe there has been an offense of the law, it is your duty to bring the matter to the attention of the grand jury. In other words, it is the duty of the grand jury to investigate and carefully consider any charges of violation of the law from whatever source they may come.

You must be very careful not to allow your desires or inclinations to sweep you from returning an indictment where the evidence warrants. You should be equally as cautious not to allow your personal hatred or prejudice to prevent any person not fully warranted by the evidence.

You will allow no one to remain in your room during your considerations and deliberations upon any subject calling for an official act of your body, nor will you advise with any one as to what you should do except amongst yourselves. After a thorough and full consideration of all legal evidence before you as to whether or not a true bill should be found against any person or persons, it is your duty then to vote upon the question, and if twelve or more of your number are of the conscientious opinion that a bill of indictment should be presented, you will then request the district attorney to prepare an indictment in accordance with your desires, upon the back of which indictment will be the words "A true bill," which must be signed by your foreman and by you presented in open court.

The first matters for your consideration, will be to investigate the parties now in custody, having been bound over by magistrates or justices of the peace to this court to await the action of your body. If twelve or more of your number find a bill against these persons, then a true bill should be presented; if less than twelve of your number only think a bill should be presented, then the parties should be discharged; and you will so report your findings in these matters.

You will next consider any and all charges against persons who have been bound over to the district court and are now upon bond, awaiting the action of your body.

It will be your duty to inquire of any willful and corrupt misconduct in office of any of the public officers of this county. For the purpose of use of the grand jury, or of any member, you will have free access to all public records of the county. Among other things it will be your duty to inquire into whether or not the fall of the county is properly kept. In this connection, I advise you that there has been charges made in the newspapers of our city, of corruption and malfeasance in office of some of our county officers, as well as in elections. It is of great value to a community to have newspapers that

have the courage to ferret out crime, especially of public officers and give the public the result of their efforts. If, on the other hand, such newspapers charges are without foundation in fact, and are made through partisanship or sectional feeling and malice, there could be nothing more harmful to the community as well as to the individuals attacked. It is your duty to call before you the managers of such newspapers and get from them their knowledge or information of crimes committed and most thoroughly and vigorously investigate all such charges and let no guilty person escape.

The law requires, as well as the good service of the grand jury, that all your doings be kept absolutely secret; all matters should be kept in confidence by every member of the grand jury; and, in fact, the law provides that if any grand juror shall disclose the doings of the grand jury while sitting, or even thereafter, that they may be punished, in any sum not exceeding the sum of fifty dollars, unless such disclosure is made under due process of law.

The law makes it a part of my duty to charge you and call your special attention to Section 495 of the Compiled Statutes of 1897, which law provides in substance that it shall be unlawful for any county commissioner, sheriff, treasurer, assessor, probate judge or probate clerk, or any other person who as principal or deputy holds any county office to either directly or indirectly buy, sell, deal in or speculate in any certificate, warrant or other evidence of indebtedness issued by such county or by the territory of New Mexico, except such warrant or certificate as might be issued to such person. The law also provides in Section 496 that it is unlawful for any mayor, councilman, collector, marshal, clerk or other person holding any office of appointment in any incorporated city or town in the territory, to either directly or indirectly buy, sell, barter, deal in or speculate in any such certificate or warrant of such incorporated city or town, except such as are legally issued to them; and a like provision is in the statute for the clerk of the district court or his deputy with orders or certificate issued by such officer.

It is my duty to call your attention particularly to Section 1377 of the Compiled Statutes of 1897, wherein the law provides in effect, that if any person shall carry a deadly weapon either concealed or otherwise on or about the settlements of the territory, except upon his own premises or in the lawful defence of his person, property or family, it is an indictable crime under the laws of the territory. The law also provides that if any person shall draw a deadly weapon upon another, or if any person shall handle a deadly weapon in a threatening manner towards another, except in the lawful defence of himself, his family or his property, it is an indictable offense. The law upon this subject will be more particularly explained to you by the district attorney in case any such matter shall come before your body.

You are further instructed that if any person shall be found upon the first day of the week, commonly called Sunday, engaged in any sports, or in horse-racing, cock-fighting, or in any other manner disturbing any worshiping assembly or private family, or attending any public meeting or public exhibition, except for religious worship or instruction, or engaged in any labor, except works of necessity, charity or mercy, it is an indictable offense, and should any violation of this statute come to your knowledge or information, it is the duty of the grand jury to indict all such persons. In this connection, I charge you that the selling of liquors in a saloon and running of gambling devices on Sunday, is a violation of the so-called Sunday law, and it is your duty to investigate the subject and make such presentments as the evidence warrants.

It is also made the duty of the presiding judge to call your attention to any violations, if there be any, of Section 1, Chapter 33, of the Sessions Laws of 1903, which makes it the duty of parents, guardians or other persons having the control, care or direction of children, when such children do not attend some private or denominational school, to send such children to a public school for at least three months in each year, such children being over the age of seven and under the age of fourteen years. Neglect or refusal so to do is an indictable offense, and I here specifically call your attention, as well as that of the district attorney to any violation of the law, if there be any, within this county.

It is my duty also to specifically call your attention to section 1548 of the Compiled Laws of 1897, as amended by Section 17 of Chapter 119 of the Session Laws of 1903, to the effect that it shall be the duty of all officers collecting moneys that go to the school fund to report the same on or before the first Monday in January, April, July and October, of each year. In case they fail or neglect so to do, it is the duty of your honorable body to inquire into and make presentment of any violations of this law.

In case an interpreter is needed in the examination of witnesses or in your discussion of evidence you will have one at your command, but in no event must the interpreter or any other person be in your room or within your hearing during your balloting, or determining whether or not an indictment shall be returned.

It will be the duty of the grand jury to select one of your number as clerk, whose duty it will be to make and preserve the minutes of your proceedings, except your votes on indictments. Such minutes should be furnished the prosecuting attorney to aid him in drawing indictments, if you find any in accordance with your findings. The law is a little lax as to whom and how the grand jury shall carry on its proceedings, and I direct that your hours of labor shall be from nine till twelve o'clock in the forenoon, and from two until half past five in the afternoon; and further direct that during all your hours of labor you work earnestly and honestly and as speedily as possible,

and let me ask that you make for yourselves an enviable record.

By the court:  
BENJ. S. BAKER, Judge.

### KINGMAN.

From Mineral Wealth.  
Quite a delegation from Stockton Hill was down attending a case in the justice court.

John Kirkpatrick returned to Prescott, after visiting with relatives a couple of weeks.

Mrs. John P. Feeny and son, who have been spending the summer with relatives in San Diego, Cal., arrived home.

The charge of malicious trespass brought against H. C. Maloy and C. G. Carr by W. H. Taggart, which occupied the attention of the justice court, was dismissed.

Daniel F. Royer, native of Pennsylvania, aged 51 years, and Hattie Wilbur, a native of Missouri, aged 27 years, were married in Kingman on Wednesday. Both are residents of Orange, Cal.

After hearing the evidence against J. K. Bell, who was charged with grand larceny by O. A. Ellis, Justice Collins rendered a decision that the case was brought without probable cause and taxed the cost amounting to \$115.35 to Mr. Ellis.

From the Miner.  
W. W. Dunbar, at one time an attorney of Kingman, is located in Tombstone.

Mr. and Mrs. H. H. Watkins entertained friends from Peoria, Ill., this week.

Mr. and Mrs. Samuel Kuhn of Shelby, Ohio, visited with Mrs. Ida Crozier and family last week. Mrs. Crozier accompanied them to the Grand canyon.

Miss S. H. Finley, principal of the Kingman school, came in from her home at Santa Ana, California, on Thursday last.

Mrs. B. F. Hoyt, daughter of Mr. and Mrs. N. H. Botaford, died at the home of her parents at Chloride. Deceased leaves a husband in Port Huron, Michigan, and many friends to mourn her loss. The body was taken to Los Angeles for interment.

Kingman public school will begin its session next Monday. Miss Sarah Finley and Mrs. M. B. Teggars, who taught the last term, have been engaged for the season. On account of the growing number of children of school age it is thought that another teacher will have to be employed.

Had Been Drinking.

He had been drinking, the police said, and it is supposed he became despondent.

The family relations of Baird and his wife had been very pleasant, his friends say, and he had but a few days ago returned from a trip to St. Louis, on which he had accompanied him. Yesterday Baird seemed to be in his usual good spirits.

He was very popular here, having been a bartender for more than five years. He was at the Gem for some time and then worked at various bars in the city from time to time. He had no regular work at the time of his death.

Relatives Notified.

The deceased has two brothers, one in Albuquerque and one in Bisbee. Both were notified of the suicide and may come here to arrange for his funeral. The remains were viewed by Coroner Spencer, who rendered a verdict in accordance with the facts.

The corpse was taken to the city morgue to be prepared for interment. Mrs. Baird is unable to account for the rash act of her husband. She says that she was standing looking out of the window waiting for her husband to go out to his work. Baird, she says, had finished tying his cravat, having put on a clean collar and was, as she thought, moving about the room, when she turned just in time to see him fire the fatal shot. He laid down his smoking pistol before he fell, but she says that she was so horrified she was unable to help him or to try to get the pistol away from him.

Monte Baird was born in Hot Springs, Ark., about 35 years ago. His father is A. Baird, who still resides in Hot Springs with the aged mother of Monte. The parents were notified by telegraph last night of the suicide of their son.

Yours truly,  
DON A. SWEET,  
Traffic Manager.

21 Years a Dyspeptic.

R. H. Foster, 218 S. 2d St., Salt Lake City, writes: "I have been bothered with dyspepsia or indigestion for 21 years; tried many doctors without relief; recently I got a bottle of Herbine. One bottle cured me; I am now tapering off on the second; I have recommended it to my friends; it is curing them, too." 50c at J. H. O'Reilly Drug Co.

LAS VEGAS.

Lucian Rosenwald expects to leave soon for Kansas City, where he goes to take the management of the B. S. Floerbach wholesale liquor house.

The asylum directors, at the meeting, let the contract for the extensive walks, which are to be the first step in beautifying the grounds of the institution. The contract was awarded to Wallace, the lowest bidder.

Quantities of hay and grain are coming in daily from the country to the north of town, one string of seven wagons coming in this morning. Quality as well as quantity distinguish this year's crops. From one load of oats sixty-four inch or four bushel sacks were taken this morning weighing 2,900 pounds.

Enrique Sena, the county jailer, who assaulted Editor Antonio Salazar, the other day, and Daniel Baca were placed under \$200 bonds to keep the peace, in Judge Wooster's court yesterday. Sena had earlier appeared before a justice of the peace on the west side, pleaded guilty of assault and paid a fine.

F. H. Pearce received a telegram with the sad news of the death of his sister in law, Miss Sue Watkins, of Louisville, Ky. The announcement of her death will be received with the sincerest regret in Las Vegas, where, having visited in years past, was known to many as an exceptionally beautiful and charming woman and where she numbered many among her friends.

## MONTE BAIRD SUICIDES.

A Brother of Billy Baird, of this City, Commits Deed in El Paso.

### SENT BULLET THROUGH HEAD.

Billy Baird, a clerk at "The St. Elmo" resort, was called to El Paso on Monday night in response to a telegram that his brother, Monte Baird, had shot himself. The telegram gave no particulars, but the following article from the News tells the sad tale:

Without a word of warning and with no apparent cause Monte Baird, one of the best known bartenders of this city, placed a 38 caliber pistol to the back of his head while standing in front of a mirror in his room in the Hotel Phoenix and fired a bullet which in three hours ended his existence.

The deed was a perfect surprise to all his friends and his wife, who had just come into the room with Monte a few minutes before, was horrified and rendered prostrate by the horrible act of her husband.

The suicide occurred at seven o'clock, just after Mr. and Mrs. Baird had partaken of their supper. Mr. Baird did not seem to be in good spirits, but he gave no intimation that he intended doing away with himself.

The sound of their steps had hardly died away when they left the dining room before a shot was heard and Mrs. Baird was heard to scream: "My husband! My poor husband has shot himself!"

Then she ran out of the room and down the stairs, weeping hysterically, to tell the lady of the house of the suicide. The police were summoned and Night Captain Mitchell and Officer Larrazola responded. They found the dying man lying on the floor in front of an open drawer in the bureau. He had evidently stood before the mirror of the bureau and guided the gun to the fatal spot. The bullet had crashed diagonally through the brain, splattering blood in the bureau drawer.

Dr. I. J. Bush was summoned and pronounced Baird's wound fatal. The bullet was lodged under the skin over the left temple, having gone in behind the right ear. Baird never regained consciousness and made no statement relative to his deed, nor did he leave a letter of explanation.

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side of the department, says the Denver Republican. Some time last summer Leonica de Gerra, a citizen of Casa, said that he mailed in the post office of that town a registered letter directed to a man living in old Albuquerque, which contained a \$5 bill. Later he had reason to believe that the gentleman in old Albuquerque had never received the bill, so he made a charge against Panuleon Mora, postmaster at Casa, that he had stolen the letter. The latter was arrested, tried and acquitted.

Immediately upon the result of the trial Gerra was overcome by the throbbing of his hot southern blood, and administered personal chastisement on Mora for the value of the missing bill. At a session of the United States grand jury, Mora was one of the jurors. Though the case against him was presented, no indictment was found. These circumstances led to a special inspector being sent south to investigate. Mr. Smithers found that Gerra, whose occupation is said to be that of a gambler, had gone to Arizona, but he found time to send word that he was satisfied. The postmaster said he was satisfied. As the inspector could find no resident of either town named desirous of continuing the investigation, and was also unable to find anyone dissatisfied with the result, he recommended to the department that no further money be spent trying to trail the missing bill.

It is folly to suffer from that horrible plague of the night, itching piles. Doan's Ointment cures, quickly and permanently. At any drug store, 50 cents.

Signs Must Be in Spanish. The Mexican government is going to make all landscape advertisers print their signs in Spanish hereafter. They can place translations below if they choose, but it is thought that it is beneath the dignity of Mexico to be littered up with signs in a foreign language.

Two MEXICO Americans suffer the torturing pangs of dyspepsia. No need to Burdock Blood Bitters cures. At any drug store.

DEMING.

From the Graphic.  
Mrs. Steve Birchfield, Jr., who has been on a visit to the old folks in Texas, returned home, and is now located at the ranch ten miles east of Deming.

Col. F. R. Smith and wife returned from California, where they went to pay the remains of their son, Paschal, in their last resting place.

Mrs. Ed Pennington, who has been visiting Fred at Douglas for the past ten days, returned home. She reports Douglas forging ahead and putting on all the airs of a big city.

The lower floor of the new city hall is about completed, the big alarm bell in place and the truck of the fire department will be moved into its new and permanent quarters as soon as the painters get through with the work of rejuvenating it.

One night last week two United States prisoners, Pascual Torres and Carlos Mayos by name, who were being held for the grand jury on the charge of smuggling, made their escape from jail here. This makes three United States prisoners to escape during the past three months, as Senovia Mayas, a brother of Carlos, made his escape some time ago. At this rate the fall term of court will have very little to do in a criminal way.

It is a sure proposition that the county which has the best exhibit at the territorial fair will get the largest percentage of settlers from the eastern people who attend the fair. It is stated that the Pecos valley and Mesilla Park will each send a car load of fruit to compete for the prizes at the territorial fair. San Juan will probably be a close competitor. Now, while these counties are advertising their resources in this liberal manner what is Luna county doing?

For Over Sixty Years.

An old and well tried remedy. Mrs. Winslow's Soothing Syrup has been used for over sixty years by millions of mothers for their children while teething with perfect success. It soothes the child, softens the gums, allays all pain, cures wind colic, and is the best remedy for diarrhoea, is pleasant to the taste. Sold by druggists in every part of the world. Twenty-five cents a bottle. Its value is incalculable. Be sure and ask for Mrs. Winslow's Soothing Syrup, and take no other kind.

SANTA FE.

From the New Mexican.

The Capital City band has accepted an engagement to furnish music for the teas, day at Santa Cruz on October 15.

Miss Maggie Johnson, primary teacher in the First ward school, who has been seriously ill, is convalescing, and will be able to resume teaching within a fortnight.

The New Mexico Educational association will convene in Santa Fe for a three days' session on December 28. The sessions will in all probability be held in the capitol building.

Hon. L. Bradford Prince returned from Ogden, Utah, where he attended the national irrigation congress of which he has been first vice president for two years.

Chicken thieves in town. Some debt miscreant stole fifteen of these birds from the corral of Clementine P. Ortiz who lives near the Presbyterian church. The city authorities should be more vigilant.

Prof. C. J. Crandall, superintendent of the United States industrial Indian school, is at the Cochiti pueblo, settling a dispute which arose over a trespass on Indian lands. Mr. Crandall was accompanied by one of his young Indian boy pupils, who will act as interpreter.

The Weight of Report. True or false, that which is said of men often occupies as important a place in their lives, and, above all, in their destinies, as that which they do.

—Victor Hugo.

## PRINTING

There are different kinds, to be sure. Moreover the quality of stock on which it is done must be considered if you would create a good impression of yourself amongst your customers. You might think it would not make any difference, but if public opinion on that point was weighed you would find that it is quite a factor in drawing trade. Don't be behind the times. If you want to keep pace with civilization, you must follow customs which is naturally the greed of every man, now-a-days, who has genuine pride. The art of printing is something that few people can acquire. They may print, but the art is not present. Again, the art may be there, but the stock on which the printing is done is of the poorest quality, which entirely obliterates the art that would otherwise be apparent. Then again, the quality of ink and nicety and distinctness of color used are something that counts in bringing out beauty of art into display. The CITIZEN printing department carries nothing but the best quality of stationery, such as letter heads, note heads, bill heads, etc., as well as the finest of ink, and turns out daily evidence of the finest workmanship in the city. If you want cheap, tacky-looking printing, go to the places where you can obtain it; but if you want first-class printing, send it to The CITIZEN printing department, or telephone to us and we will call and get your order.

## RULING

requires an exactness that is much admired when accomplished. If your blank books are ruled properly they will always look neat, if in the hands of a first-class book-keeper. If they are not ruled with exactness they will never look neat, even though handled by an artist in book-keeping. To be exact requires skill and patience, which is acquired by long experience and perseverance. When a person possesses it his services are in demand in any first-class bindery. The CITIZEN has a first-class bindery and therefore employs the best skill. Bill heads, letter heads, note heads, vouchers, invoices and blanks of every description are ruled with the same skill and neatness as the finest blank book that was ever turned out. If you want such work telephone to The CITIZEN.

## BINDING

is everlasting when properly done. Every business man would like to preserve his books, but he cannot do it when they are in a dozen pieces after he uses them up. He does not want them to break, neither does he want them to be tight in the fold, if so, they cause him great inconvenience. There is much in the way a book is sewed. If it is not sewed properly the breaking of a single thread will occasion an entire section of twenty pages to come out, necessitating the rebinding of the book, causing loss of time and inconvenience. If you want a good blank book you should get one with a patent flat-opening back, thereby enabling you to utilize all the space in the fold, that you would otherwise not be able to do. Then the quality of paper used is just as essential in turning out a fine book as is the workmanship. The CITIZEN carries a full stock of the finest ledger paper manufactured. When you want any kind of a fine blank book telephone to The CITIZEN and our representative will call.

## Advertising

The word itself is exhilarating to a man that has a high ambition, whether socially, financially or otherwise. It is the same with a business man. He has to obtain advertising in some way before he will be successful. There are different degrees of success. The more advertising you get the greater amount of business you transact, a fact that non-advertisers admit themselves. "All things do not come unto man." He has to go after them. If he wants advertising he pays for it just the same as any commodity. You may say some men obtain advertising for nothing, but the don't. They pay for it in an indirect, if not a direct way. Thus every man pays for his share. The world owes a man a living, but he has to earn it, and if a man wants advertising he must pay for it. It is better to pay in a direct way and obtain more results than to pay in an indirect way and obtain fewer results. The direct way for a business man to advertise is to talk to the people through an advertising medium that has a place by the fireside of every home within his field for business. The CITIZEN has that place and will always have it.

If the ability of its readers to buy articles of luxury as well as articles of necessity is questioned, then forever will The CITIZEN defend them. Regarding the comparative value of morning and evening papers, it is a fact that a morning paper is before its readers but for an hour or so, while an evening paper is before the public from 5 o'clock until bedtime, and is read by men who labor all day and who have not time to read the morning papers. Therefore the superior value of an evening paper over the morning paper as an advertising medium is quite evident.

The CITIZEN is a home paper. Why? Because the residence portion of the city being not more than ten minutes' walk from the business center, the business man has ample time to read the evening paper before going to lodge or to the club, and he does so. When he has finished reading his paper it is left at home and thoroughly read by the other members of his family.

The ladies of Albuquerque read The CITIZEN, and as it contains all the news, both foreign and local, why should it not command the circulation that it does? If you want results advertise in the

## The Daily Citizen

THREE THOUSAND MORE CARS. that it is believed by the freight department, will afford all the truck facilities the road will require for some time. The present truck capacity of the Rock Island here is about 5,000 cars.

Rock Island Planning Increased Trackage Facilities. The Rock Island commenced grading for its new trackage on the seven acres of ground recently purchased in Armourdale, Kansas. It is expected the work will be completed within thirty days. When the tracks are laid there as planned the road will have room for about 8,000 more cars, and

L. M. Gazi, of Topeka, Kansas, and a corps of assistants, is at work at the local shops repairing the electrical engine damaged by the Saturday night fire.