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Old time corn bread, pies of all kinds, cakes, doughnuts, fritters—
Everything you shorten or fry is made more tempting when you use Cottolene. It is a cooking aid which allows the natural flavor of foods to be at its best.
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Cottolene makes good cooking better

The-
Midnight Call
Takes you to the
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It's then you
must be sure
**THE DRUGS
ARE PURE**

IT IS A STRONG MAN who can cut drug prices and withstand the temptation to even up by cutting quality. The margin of profit in drugs is small. Price cutting means a loss unless you save on quality.

I NEVER CUT EITHER PRICES OR QUALITY.

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QUO WARRANTO LIKELY TO BE KLEIN'S MOVE

Fire Chief Council Is Trying to Reinstall in Office Will Confer With Lawyer Tomorrow; Exonerated by Verdict.

Fire Chief Jacob Klein, removed by Mayor Boardright, reinstated by the city council and barred from his job by Chief Arthur C. Burtless, the mayor's acting appointee, announced today that he would continue to fight to regain the place from which he and the majority of the city council contend he was unjustifiably and illegally dismissed. Klein said he would confer with his counsel, Judge W. C. Heacock, tomorrow morning as to the next step to be taken.

It is said that Judge Heacock has obtained permission from the attorney general to institute quo warranto proceedings in the district court against Burtless. In quo warranto proceedings the de facto office holder is put on the defensive. His title to the place is challenged and he is required to come into court and show by what right or authority he holds office. Because such proceedings are in the nature of a direct challenge the permission of the attorney general is required before they may be instituted.

Klein said today that he did not know what Judge Heacock's plan of procedure would be. The judge had a brief talk with him this morning in which he arranged to confer with him tomorrow. Judge Heacock was then on his way to Bernalillo, where he had a case before Judge Reynolds who is holding a Sandoval county term of the district court.

Klein laughed at the idea that he might seek to slip into Burtless' place by surprise or when control of the office by force.

"There will be nothing of that sort," he said. "We will have all the legal rights on our side and we are content to let the courts dispose of the case. When the court passes on the question Burtless will be out and I will be in and that will be the end of an unjustifiable attempt to lower me in the eyes of the people."

Regarding the verdict of council last night as complete personal vindication as well as exoneration from the specific charges against his official conduct, Chief Klein was naturally in a cheerful mood today. He has been confident all along that his defense would win a favorable verdict, and he was even more confident today that court proceedings would establish his right to retain office and his right to full pay for all the time he has been out.

The verdict of the council, passed with Aldermen Hammond, Gibson and Gilbert voting against it and Aldermen Scheer, Grunfeld, Hunt, Coen and Skinner in the affirmative, was as follows:

"The city council of the city of Albuquerque, having heard all of the evidence introduced in the matter of the charges preferred against Jacob Klein, chief of the fire department of said city, and having fully considered all of said evidence, finds that said charges have not been proved.

"Therefore the action of the mayor in suspending said Klein as chief of the fire department be and the same is hereby disapproved and the said Jacob Klein is hereby reinstated to the position of chief of the fire department of the city of Albuquerque."

As soon as the verdict was announced Klein made formal demand for the office on Burtless. Burtless said he had been instructed by the mayor to refuse any such demand.

Today Mayor Boardright and Burtless said they were standing pat. "Well wait and see what develops," is what both said in substance. Burtless remained at the firehouse this morning and had his breakfast brought in, presumably because it was feared that some sort of surprise move might be attempted if he left his post. That was before Klein announced he would make no attempt to act except through the courts.

A Strong Indorsement.
W. H. Holmes of the Decorah, Ia. Journal says, "I have been a sufferer from Piles and Hemorrhoids for years. I got no relief until my druggist recommended Meritol Pile Remedy. Before I had taken half the package the distress was gone and I have had no trouble since. I would not take a thousand dollars and be back in former condition." Price \$1.00. Otwell Drug Co., exclusive agency.

HAMMOND IS IN FAVOR OF A NOTE ON M. O. NEXT APRIL

Alderman Reviews Situation and Urges Immediate Action in an Extended Statement to the City Council.

THINKS \$400,000 IS ENOUGH FOR A PLANT

Suggests That Bond Issue for That Amount Be Submitted and Another Ballot on Buying or Building.

Immediate action looking toward the establishment of municipal ownership of the water supply is urged by Councilman George D. Hammond in a statement laid before the city council last night. Councilman Hammond calls for the submission of a bond issue of \$400,000 to the people at an election on April 4, and a subsequent election, if the issue is carried, to determine whether the city shall proceed to build its own plant or buy out the present company.

Mr. Hammond offers a suggestion for the administration of the proposed water department that he thinks would keep it out of politics and insure efficient management. He is of the opinion, basing his conclusion on former City Engineer Gladding's report, that approximately \$400,000 would be sufficient to give the city a system adequate to its needs. He is not in favor of bonding the city for \$750,000 to purchase the present system, which he says "has been advocated by some." He asserts that sum would "net 200 per cent to the owner and render a handsome profit to the man who engineered the job."

"Albuquerque, N. M., February 7, 1916.

"To the Honorable Mayor and City Council:
Gentlemen:

"The water question, which is the most important one to confront the people of this city in recent years, is still unsettled and I believe a few remarks on this subject at this time are in order.

"The water franchise will expire on April 7, 1919, or only three short years away. I believe it is the desire of each and every one of us that this question should be so settled that it will serve as an aid to the upbuilding of the city and the beautifying of our homes, and to making this a desirable place in which to live, and that the city treasury may be relieved from the drain now placed upon it by reason of the necessity of paying an annual hydrant rental of nearly \$10,000, and in my judgment this is a sum the city should not have to pay for the reason that if the franchise has any value at all (which it certainly has) it is worth the water the city now pays in round numbers \$10,000 per year to the Water Supply Co., and \$15,000 to the Albuquerque G. E. L. & P. Co. \$25,000 in all, and which sum must necessarily increase with the growth of the city. This sum alone if properly expended would go a long way toward the maintenance of a municipal water light and power plant under one roof and practically under one head of steam. I believe this plan is perfectly feasible and that it will be worked out by the citizens of this city in the next few years. However, the light and power franchise has several years yet to run and that will have to be dealt with in the future, but the water question is with us now, to be settled now.

"The term of office of this council will expire April 12, next, less than twenty days away, and I believe it is up to us to take such action as will insure the proper solution of the water question, for its solution will mean a great deal to us and to the city at large.

"I wish here to make a short review of the situation.

"At the special water meetings held by this body last summer there were several propositions under discussion. The water company's proposition was considered first, but as you know offered little benefit to the consumer or to the city over the franchise now held by that company.

"There was also presented by the water company the proposition of the city buying the present water system under certain conditions. This perhaps would be the simplest solution were not the conditions imposed so plainly advantageous to the water company.

"The conditions I mention are that after the city has granted the water company another 25-year lease to use the city streets and alleys for water mains the city may elect to purchase the water system, the purchase price to be based on the system as a going concern, and as you know the value of a going concern is augmented proportionate to the number of years the franchise has yet to run. In my judgment if we are going to buy the present water system the time to buy is now, when it has the value of but three years of unexpired franchise, and not after we have given to it the value of 25 years of unexpired franchise. But I do not believe this city can afford to consider the purchase of a system that has been in use for a quarter of a century or longer, and especially is this true if the value of that system be enhanced by the value of a new franchise given by the taxpayers themselves. The president of the water company stated in your presence that the franchise he so anxiously awaits has no monetary value, yet I fancy you would not be in the position if that same franchise were the property of the water company. We cannot afford to give away a thing so valuable as a term franchise with the expectation of getting it back without paying dearly for it.

"It might be well for the city to buy

the present water system if it could be purchased at or near its real value, but I am not in favor of this city bonding itself, as has been advocated by some, in the sum of \$750,000 to purchase this same water company's holdings, which sum would net 200 per cent to the owner and render a handsome profit to the man who engineered the job. Nor do I favor bonding the city with half a million dollar bond issue for the same purpose, for I do not believe this city can afford to pay such a sum for a second-hand system when we can replace it absolutely new for the same or even less money.

"As you know on July 19, 1915, City Engineer Gladding was instructed by this council to make a complete estimate, together with the cost of maintenance, of a new water system adequate for the needs of the city and its inhabitants. I believe that an estimate of this kind is essential in determining the action to be taken by the council and by the citizens generally. We now have on file in the clerk's office the above mentioned report, which is a full and concise statement of facts which serve as a working basis in determining the question at hand. Mr. Gladding places the cost of a new system at approximately \$400,000. I believe this amount is ample for the construction of a system such as is needed for this city and it will serve as a basis in determining whether or not the taxpayers want a municipal water system. Owing to the short length of time from now until the expiration of the water franchise the question of a municipal system must be settled at this city election (April 4), if it is to be settled within two years. I wish to suggest that the council authorize a bond election to be held April 4, 1916, for the amount of \$400,000, to be used wholly in part for a municipal water system, and if \$250,000 bonds carry that provision be made for a special election to be held within six months to determine whether a new system shall be installed or the old one purchased; provided, of course, that terms could be reached with the water company.

"It is often stated that a municipal water system would be all right if it could be kept out of politics and away from the corrupt influence of professional politicians but that could not be done in Albuquerque. I am convinced that a very different condition does not exist in Albuquerque than in many cities where municipal water and light systems are honestly administered and properly run and I am sure that we have men here who are honest and capable, and that a way can be provided to put such men in charge of our water system. With that end in view, I would suggest that the council take the necessary action to put before the people for ratification at the coming election the following plan or some similar one:

"I would provide that the municipal water system be placed in charge of a permanent non-partisan water commission composed of three taxpayers qualified to hold office, who shall serve for a term of six years. The mayor should be ex-officio president of the commission, as he is of the library board and park board, and the city clerk should be the clerk of the commission and should collect all rentals and fees.

"The election for said commissioners should be held on the Tuesday after the first Monday in April in each odd numbered year, thereby keeping it one year away from the regular city election, in order to make it truly non-partisan, and to further divorce this commission from political influence. Any person who had held office or had been a candidate for office as a partisan politician within three years prior to any water commission election would not be eligible to be a candidate at that election or to hold office as a water commissioner.

"At the first election one commissioner should be chosen for two years, one for four years and one for six years, and thereafter each would serve for six years. The water commission should be paid a nominal salary with the duties, and owing to the length of term and the importance of the trust a commissioner should be subject to recall by a majority vote of the qualified voters. A recall election should be called only on petition of 40 per cent of the voters having voted at the election of the commissioner, whose recall is petitioned.

"There are many details which I might mention but those may be worked out later should the council see fit to work along these lines.

"Thinking you of your attention, I remain, yours for the progress of the city.

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"At the first election one commissioner should be chosen for two years, one for four years and one for six years, and thereafter each would serve for six years. The water commission should be paid a nominal salary with the duties, and owing to the length of term and the importance of the trust a commissioner should be subject to recall by a majority vote of the qualified voters. A recall election should be called only on petition of 40 per cent of the voters having voted at the election of the commissioner, whose recall is petitioned.

"There are many details which I might mention but those may be worked out later should the council see fit to work along these lines.

"Thinking you of your attention, I remain, yours for the progress of the city.

"GEO. D. HAMMOND."

A Special Purchase

-of-

20,000 Yards Mill Remnants and Short Lengths

Will Be Offered the Buying Public, Saturday Morning, February 12th.

This is another one of our Special Merchandising Events—and will be another demonstration of the buying and selling power of the J. C. Penney Company. We want you to look forward to this event with the same interest and enthusiasm that characterized your interest in the special event held just one month ago.

We want it clearly understood that this is not a "scheme" to get rid of a lot of JUNK in the way of old and unsalable merchandise. Every piece we offer is new and desirable—consisting of Mill Remnants or short lengths, ranging from 5 to 20 yards—in much needed, reasonable merchandise, and bought especially for this event.

And, furthermore, there will be no "grab bag" methods used in this store to dispose of merchandise. Everything we do must be done openly and fairly.

We want you to see what you buy before you buy it—and after you have bought it, if you think—or your neighbor thinks—that you have gotten the worst of it in any way, your money will be refunded just as cheerfully as it was taken.

The 20,000 yards of LOOM ENDS are now on display in our windows—full details as to prices and descriptions will appear in tomorrow's paper and the opportunity will be yours to buy all you want Saturday, February 12th.

J. C. Penney Co.

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SMART ON STAND IN OWN BEHALF IN U. S. COURT

Defendant in Alleged Land Fraud Scheme Says He Had No Desire to Use Mails for Improper Purpose.

The case of the government against Thomas R. Smart accused of using the mails to defraud, went to the jury in federal court at 11:40 o'clock this morning. Smart is charged with fraud in connection with government timber and operations in Idaho, Utah, Colorado, Oregon, Oklahoma, and New Mexico, the specific charge here being that he used the mails in forwarding three letters to a Mr. Fink, of Oklahoma, in furtherance of his alleged scheme to defraud people anxious to obtain timber lands.

Smart took the stand in his own behalf this morning and denied that he was guilty of any intent to defraud. He said he was in reality employed by others and that he has always received his pay and never suspected that the business was other than legitimate. Applicants making application for

lands were assessed a filing charge of \$15 by Smart while the legal charge is only \$5, it appeared. Of seventy applications taken in Oklahoma not one of them had been filed with the government, according to the receiver of the land office, who testified yesterday.

On cross examination Assistant United States District Attorney Coon asked Smart the names of some of fourteen people said to have been taken from Denning to San Francisco as a result of his activities, but Smart replied that he did not care to incorporate any of their names in the indictment. "Getting too close to home," said Coon.

In his arguments before the jury Coon branded Smart as a real criminal, asserting that his story that he was working for others was a falsehood and that it was the last effort of a guilty man to shift the blame onto others.

John A. DeWesse, of Denver, represented Smart.

The case of Ignacio Aragon vs. the Santa Fe railroad is on the docket for this afternoon.

Aragon alleges that while working as a car inspector at Belen, July 12, 1912, a string of cars were "kicked back" against him, breaking a leg, crushing a thumb and causing other injuries which incapacitated him and permanently diminishing his power of earning a livelihood. He asks \$5,000 damages. This case was removed from the district court of Valencia county. Tomorrow will be heard the case of Matilda Wilson against the City of Albuquerque in which the plaintiff asks \$2,000 for injuries alleged to be sustained in falling into an excavation on which there was no lights

or other signals of warning. The excavation was on Sixth street.

The jury in the Smart case this afternoon returned a verdict guilty.

DEAFNESS CANNOT BE CURED
by local applications, as they cannot reach the diseased portion of the ear. There is only one way to cure deafness, and that is by constitutional remedies. Deafness is caused by an inflamed condition of the mucous lining of the Eustachian Tube. When this tube is inflamed you have a rumbling sound or imperfect hearing, and when it is entirely closed, Deafness is the result, and unless the inflammation can be taken out and this tube restored to its normal condition, hearing will be destroyed forever, nine cases out of ten are caused by Catarrh, which is nothing but an inflamed condition of the mucous surfaces.

We will give One Hundred Dollars for any case of Deafness (caused by Catarrh) that cannot be cured by Hall's Catarrh Cure. Send for particulars free.

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Are beginning to bring in their Essays in

OUR ESSAY CONTEST FOR GIRLS

in connection with the great Educational SALE of GINGHAMS SATURDAY MORNING, at 10 o'clock

The Letter Box is ready. Do not wait too long to bring in your essay. Every letter goes into the Contest Manager's box—SEALED. All will be opened by the Judges Friday afternoon at 2 o'clock. Remember—every girl in Albuquerque, over 8 and under 15 years, may enter this contest, and may buy Golden Rule Gingham Saturday morning at

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