IT IS PROBABLE THAT WHEN WASHINGTON WROTE OF PREPAREDNESS HE HAD A LION IN MIND AND NOT A BLACK EAGLE

THE WEATHER.
New Mexico: Tonight and Wednesday generally fair, cooler in east portion tonight.

The Evening Herald

WELL, anyway, Half a Holiday Is Better Than None. We Enjoyed None. Thank You.

TRIBUNE-CITIZEN.
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ALBUQUERQUE, NEW MEXICO, TUESDAY, FEBRUARY 22, 1916.

THE EVENING HERALD
VOL. 5, NO. 282.

FIFTEEN STATES JOIN IN BATTLE TO UPHOLD LAW ON PROHIBITION

Most Important Temperance Fight in a Decade Now Under Way Before Supreme Court at Washington.

HINGES ON LEGALITY OF WEST VA. STATUTE

Federal Legislation Also Involved; Question Touches Shipments to and Possession of Liquor in Dry Territory.

[By Evening Herald Leased Wire]

Washington, Feb. 22.—Attorneys general of fifteen states today filed with the supreme court a joint argument in support of the constitutionality of the West Virginia liquor law prohibiting the receipt and possession of intoxicating liquors for personal use and of the federal Webb-Kenyon liquor law prohibiting the shipping of intoxicating liquors into states for use in violation of state laws.

The states reported were Arizona, Georgia, Idaho, Iowa, Kansas, Mississippi, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Virginia, Washington and Alabama.

The decision of the court in the West Virginia cases, now before the court for oral argument, is expected to be the most important adjudication of the temperance fight in a decade.

"It seems strange at this late day," the attorneys general stated to the court in their brief, "to hear a claim made that the state and national governments guarantee to a citizen the right to possess and reserve liquor for personal use and to drink the same in unlimited quantities. If such had been the case, it is difficult to see how any sort of prohibitory law would have ever been sustained, since all of them have a direct tendency to reduce or prevent the use of intoxicating beverages, and it is the purpose of all of them to promote temperance by the prevention of the consumption of intoxicants. This purpose has found repeated expression in adjudged cases.

"If a citizen of a state has a right to obtain intoxicating liquors for his own use in any quantity or in unlimited quantities it would seem to follow he should at least have the right to manufacture such liquor for his own use from the products of his own labor, and yet it is settled he has no such right.

"Turning to the Webb-Kenyon law the attorneys general urged that to accomplish the valid purpose of prohibiting the traffic in liquors it is necessary for a state to have the right to control interstate shipments even for personal use.

"This is a step which has a fair relation to the end to be accomplished," they contended. "What is the difference in principle between the denial of the right to manufacture and a denial of the right to import?"

ROUGH DRAFT OF ARMY BILL IS BEING DRAWN

House Committee on Military Affairs in Agreement on Outline; Senate Framing Reorganization of Regulars.

[By Evening Herald Leased Wire]

Washington, Feb. 22.—The army's part in national defense began to take definite form in congressional committees today.

With the house military committee in practical agreement on the outline of the army bill, Chairman Fox was at work completing the rough draft.

Meanwhile the senate military committee was framing its measure for a thorough reorganization of the regular army with a peace strength of over 180,000 men.

JUAREZ HONORS THE MEMORY OF MADERO

[By Evening Herald Leased Wire]

El Paso, Tex., Feb. 22.—Juarez gave itself up today to ceremonies in memory of Francisco I. Madero, former president of Mexico, who with his vice president, Pino Suarez, was slain in Mexico City when the late Victoriano Huerta took over the reins of government two years ago. Speeches, parades and music featured the ceremonies of the day. Public buildings were draped with black and Mexican flags flew at half mast.

Pueblo Banker Succumbs After Long Struggle

Mahlon D. Thatcher Victim of General Breakdown After Eventful Career; Was Pioneer In Colorado.

[By Evening Herald Leased Wire]

Pueblo, Colo., Feb. 22.—Mahlon D. Thatcher, Pueblo millionaire banker, died this morning after a lingering illness. He was 76 years old. Death was due to a general breakdown.

Mahlon Pascal Thatcher, born near Gettysburg, Pa., December 6, 1838, began his business career as a clerk in his father's general store. His elder brother, John A., who died in Pueblo in August, 1913, had preceded him to this city and Mahlon joined him in 1866.

The brothers conducted a general mercantile business in Pueblo when it was little more than a trading post. In 1871 the need for a bank was met by the formation of the First National bank by the Thatcher brothers, an institution which was destined to become a financial power in the Rocky mountain region. On a capital of a few hundred dollars was founded an institution now one of the largest banking houses of the west.

At the time of his death Mahlon Thatcher was president of the First National bank of Pueblo and part owner and director of the First National bank and the International Trust company of Denver, besides having extensive interests in banks in fifteen cities of southern and western Colorado. He also had large holdings in the National Bank of Commerce of Kansas City and made his influence felt in banking circles of Chicago and New York.

Because of his varied financial interests and his activities in the sugar beet industry of the west and the water power development of Nevada and California, it is impossible to estimate his wealth, which friends place at from $10,000,000 to $20,000,000. He is survived by his widow, one son, Mahlon D., Jr., and three daughters, Mrs. Lydia Wheeler and Mrs. Lucia Waller of Chicago, and Mrs. Ada Heutzinger of New York city. It is expected that his son will succeed to the management of his vast enterprises.

WATER COMPANY OPTION SECURED BY DENVER, GOLD.

Purchase of Plant In Sight After Complex Battles In the Courts Lasting More Than Two Years.

[By Evening Herald Leased Wire]

Denver, Feb. 22.—A contract was approved yesterday by the city commissioners by which the city secures an option on the plant of the Denver Union Water company.

The purchase by the city of Denver of the plant of the Denver Union Water company, as proposed in a report of the public utilities commission to the commissioners of the city, was the result of efforts begun by the city and county in 1910 to acquire control of the water supply and distribution. The controversy was marked by spectacular and complex legal battles fought from the courts of Colorado to the supreme court of the United States.

In May, 1910, the voters of Denver at a special election refused to grant a renewal of the franchise of the water company, rejected a proposal to purchase the company's plant and rights for the sum of $14,000,000, and created a public utilities commission with authority to issue $5,000,000 bonds and construct a municipal water system.

Litigation which followed resulted in a decision of the United States supreme court in 1913 holding the city had power to issue bonds and build the plant.

Early in 1914 another proposal for the purchase of the company's property at a valuation to be fixed by a board of appraisers was made. It was voted down at an election in February, 1914.

An ordinance initiated by petition and enacted by the city commissioners the same year was designed to compel a reduction in water rates an average of 30 per cent. The company brought suit against the city and county for an injunction to prevent the enforcement of the reduction ordinance, claiming the new rate confiscatory.

W. J. Chinn of Colorado Springs was appointed special master by Judge Robert E. Lewis of the United States district court to take testimony in the suit. This hearing was commenced in June 1914 and continued to March 1, 1915. The case was argued before the special master March 2 to 12, 1915. The Chinn report to the district court, made public October 6, 1915, placed a valuation of $12,415,000 upon the property of the water company. The water rates fixed by city ordinance in 1914 were declared to be too low, the report declaring they would yield only 5.64 per cent on the valuation. The findings of Mr. Chinn were approved by Judge Lewis, and the decree was entered January 28, 1916.

In 1913-14 the public utilities commission of the city and county of Denver completed an estimate of the cost of building a municipal plant, fixing the figures at $12,750,000.

Another phase of the controversy arose when a suit to test the validity of the $5,000,000 bond issue to construct a municipal plant was brought. It was tried before the United States district court for Colorado in July, 1914. In this decision Judge Lewis practically threw the case out of court, basing his rulings on the decision of the United States supreme court in the case of the New York Trust company versus the city and county of Denver, which held that the franchise of the water company had expired and that the city was at liberty to proceed in any way it desired to serve itself with water. The Wheeler-Lamb case was taken to the United States court of appeals upon the contention that new features were involved.

The United States court of appeals, sitting in St. Louis, Mo., handed down its decision February 10, 1915, which again threw the case out of court and sustained the rulings of Federal Judge Lewis of Denver. This action is said to have removed the last obstacle to federal courts to the construction by the city of a new water plant and to have cleared the way for the $5,000,000 bond issue voted by the electorate.

Early in 1916 proposals by various civic organizations of Denver look up to the purchase of the present water plant at an agreed figure received consideration. The public utilities commission, the Denver real estate exchange and the water consumer's league were instrumental in the negotiations, in which the five city commissioners also were interested parties.

During the legal battles between the water company and the city the feelings of a large part of the populace was expressed in the action June 16, 1914, of the city council commissioners who adopted resolutions serving notice upon the company requiring it by June 22 to "have its plant in condition properly to protect the inhabitants from menace to health and safety," threatening seizure of the plant by authority of the police power. The action was taken following representations by the company that owing to broken conduits there was a shortage of water and that the city was menaced by a serious famine.

The water company draws its supply from the Platte river and from reservoirs in the foothills.

MORA GRANT CASE FINALLY SETTLED BY TWO SALES

[By Evening Herald Leased Wire]

East Las Vegas, N. M., Feb. 22.—Legal procedure covering a period of forty years and involving such permanent men as the late Senator Stephen B. Elkins, Benjamin Butler and Senator T. B. Catron, was ended yesterday with the sale of the north portion of the Mora grant to the State Investment company of Las Vegas and the south portion to E. B. Wheeler, representing the Butler estate. Twenty-six thousand acres changed hands, and the price involved was $47,000. The Mora grant was made in 1843 to seventy-six grantees and became entangled in litigation through transfer and adverse claims to interests.

FIVE LIVES LOST IN BOARDING HOUSE FIRE

[By Evening Herald Leased Wire]

New York, Feb. 22.—Four men and a woman lost their lives today in a fire which destroyed a theatrical boarding house above a restaurant in the Chester section of this city. The dead were identified as employes of the boarding house and Thomas Kefrass, one of the proprietors.

EAST LAS VEGAS MAN IS KILLED BY HORSE

[By Evening Herald Leased Wire]

East Las Vegas, N. M., Feb. 22.—Gerhard Regehr, 27, was instantly killed yesterday when he was kicked over the heart by a horse. Regehr was single. He recently completed an enlistment in the marine corps.

AMBASSADOR GERARD HURT WHILE SKI-ING

London, Feb. 22, (3:22 p. m.)—A dispatch to the Exchange Telegraph company says that James W. Gerard, American ambassador to Germany, broke his collar bone while skiing yesterday near Munich, and also injured his left side. It is said his injuries are not serious.

CUDAHY EMPLOYES ON STRIKE FOR MORE PAY

[By Evening Herald Leased Wire]

Sioux City, Iowa, Feb. 22.—A strike was called in the hog killing department of the Cudahy packing plant this morning. The men declare it is the beginning of a general strike of all employes of the Cudahy company in Sioux City unless their demands for higher wages are granted.

The men, 150 in number, walked out after demanding an increase of five cents an hour, or forty cents a day, in the wages of butchers, and two cents an hour, or about 70 cents a day, in the pay of laborers.

ZEP DISASTER IN FRANCE IS REPORTED TO BE COMPLETE

Not a Member of Crew Escapes When German Air Raider Is Brought Down by Guns of Defenders.

AUTOMOBILE CANNON DOES THE BUSINESS

First Shot Takes Effect, and Kaiser's "War Eagle" Plunges in Flames to the Earth.

[By Evening Herald Leased Wire]

Paris, Feb. 22, (1:30 p. m.)—The entire crew of the Zeppelin airship brought down by French guns near Brabant-le-Roi yesterday, twenty-two in number, perished, according to a Havas dispatch from Bar-le-Duc.

The Zeppelin was brought to earth by the first shot from an automobile mounted cannon at Bavaux, the dispatch adds.

The Zeppelin was one of the latest models, according to the advices, being of the marine type and numbered L-Z-77. Another Zeppelin was following it fifteen kilometers behind when the French gunners began to fire.

The crew of the second Zeppelin witnessing the destruction of the L-Z-77, turned their airship sharply and proceeded in another direction.

The presence of the Zeppelin was announced between 8:30 and 8:45. It fought against the wind and advanced slowly. As soon as it was within range the cannonade began. Two shells burst in the rear of the dirigible while an incendiary projectile seemed to tear across the Zeppelin, igniting the right side of the craft.

The fire was soon sweeping along the entire length of the aircraft. Little by little, it came down, lighted up by flaming pieces of the envelop which became detached.

In touching the earth the bombs which the Zeppelin carried exploded.

An enormous crowd of persons who had hastened across the country from all directions gathered, while the roads were filled with automobiles on their way to the scene. Those who arrived found on the ground nothing but the debris of the aircraft among which lay some twenty to thirty bodies.

The Zeppelin was struck by the incendiary shell at a height of six thousand feet.

PARIS ADMITS GERMANS MADE A DENT IN LINE

[By Evening Herald Leased Wire]

Paris, Feb. 22, (Via London, 2:55 p. m.)—German forces yesterday evening delivered a strong attack against the French positions at the forest of Grenchy (east of Souchez) according to official announcement made by the French war office this afternoon and were successful in penetrating the first lines of the French trenches.

BRITISH SHIP DINGLES REPORTED AT BOTTOM

[By Evening Herald Leased Wire]

London, Feb. 22, (1:40 a. m.)—Sinking of the British steamship Dinghes is reported to Lloyds. There probably is only one survivor. No details have been received.

GERMANS GET TRENCHES TO THE EAST OF SOUCHEZ

[By Evening Herald Leased Wire]

Berlin, Feb. 22 (via London, 3:10 p. m.)—The capture of 800 meters of French positions east of Souchez by German troops is announced today by the German war office.

GERMANS COMPLACENT AS TO PINSK FRONT

[By Evening Herald Leased Wire]

Pinsk, Russia (by wireless to Berlin, Feb. 21, via London, Feb. 22).—The mildest weather of December has made the German lines in this theater of war has prevented any considerable attack by the Russians. An Associated Press correspondent has just viewed the "machine gun front" in the Pripet marsh district. Every mile fairly bristles with machine guns. In addition to the guns, millions of running feet of barbed wire entanglements are stretched in all directions.

The swamps are from two to ten miles wide in the region of Pinsk, and but once this winter have they been frozen over.

Here the German lines protrude farthest east of any along the whole front from the Dnieper to Galicia, in a semi-oval form. The greatest danger lies in the possibility of a Russian movement from the north, the swamps affording protection from the south.

As a final precaution against surprise attack, a wire is stretched knee-high around each section of star-shaped barracks. On this wire are placed at short distances apart tin cans of empty bottles which clink alarm the moment the wire is touched.

In this section the German troops are composed almost entirely of crack cavalry regiments with high nobles as officers.

The Russians have made only a few half-hearted efforts to push the Germans back from Pinsk. The slightly elevated position they actually occupy enables them to observe all Russian movements. It is predicted that the Russians will be flooded out when the spring freshets come.

BOMBS DROPPED ON TOWN WEST OF NANCY

[By Evening Herald Leased Wire]

Paris, Feb. 22, (10 p. m.)—A Zeppelin dropped bombs last night at Lunville, fifteen miles west of Nancy. The damage was slight.

The dirigible was pursued by French aeroplanes and went off in the direction of Metz.

GERMAN SEA RAIDERS ROVING SOUTHERN LANES

[By Evening Herald Leased Wire]

New York, Feb. 22.—Officers of the French line steamship Lafayette which arrived here today from Bordeaux, reported that a wireless warning was heard on February 14 when she was two days out telling of German commerce raiders on southern sea lanes. The warning was first received from some unknown ship telling that she was being chased by a raider.

A news cable received here two days ago said the French liner Chicago reported on her arrival at Bordeaux having been chased by a German commerce raider.

PARIS MEETING ATTESTS CONCORD OF THE ALLIES

[By Evening Herald Leased Wire]

Paris, Feb. 22.—The Anglo-French parliamentary committee began its sessions today. Viscount Bryce, head of the British section, addressed the French delegates, over whom former Premier Clemenceau presided. He said there would be no separate peace among the warring powers, nor any compromise. He characterized the meetings as definite proof of the indestructible unity of the entente allies.

M. Clemenceau said that some such evidence of Anglo-Saxon accord had been long awaited. He said the French and British peoples would live in a union which would be unbroken and that whatever might happen these two nations would continue the war to the end.

SENUSSI TRIBESMEN ARE ON THE MARCH

[By Evening Herald Leased Wire]

Berlin, Feb. 22 (via wireless to Sayville).—Senussi tribesmen advancing through Egypt from the west are approaching the Nile valley, according to reports from Constantinople given out today by the Overseas News Agency. The reports add that several Arab tribes have joined the Senussi.

BULGARIAN AND FRENCH PATROLS HAVE A BRUSH

[By Evening Herald Leased Wire]

London, Feb. 22, (6:21 p. m.)—French and Bulgarian patrols have had a lively engagement in the Machekovo sector on the Greco-Serbian frontier, according to a dispatch to the Exchange Telegraph company from Athens today. The Bulgarians were obliged to retire, leaving six prisoners in the hands of the French.

AUSTRIAN AVIATORS BOMBARD LOMBARDY

Berlin, Feb. 22, (Via Sayville.)—Air raids over Lombardy, with damage reported at points attacked by the aviators, are announced by Austro-Hungarian army headquarters in today's official statement receiving here today.

SLAYERS OF RAILROAD DETECTIVE CONVICTED

[By Evening Herald Leased Wire]

Pueblo, Colo., Feb. 22.—Joe Kitterman was convicted today of second degree murder, and his companion, Lige Higgins, was found guilty of voluntary manslaughter for the death of William S. Langdon, railroad detective, whom they shot here December 10, last. Langdon was shot by Kitterman while searching the defendants in a local railroad yard.

The penalty for second degree murder is ten years to life imprisonment; for voluntary manslaughter one to eight years.

THE DAY IN CONGRESS

SENATE.

Senator Johnson of Maine read General Washington's farewell address.

Recessed at 1:10 p. m. to noon Wednesday in respect to memory of Washington.

HOUSE.

Representative Kahn of California read General Washington's farewell address.

Rear Admiral Badger testified before naval affairs committee.

Battle Cruisers To Be Queens Of Their Class

Finest and Most Powerful Types in the World Are Planned for the Enlarged American Navy.

[By Evening Herald Leased Wire]

Washington, Feb. 22.—The battle cruisers planned for the new naval program will be the finest and most powerful ships of their class in the world, Rear Admiral Fletcher of the general board told the senate naval committee. With the highest speed ever proposed for heavy fighting craft and using batteries of ten 14-inch guns, he said they would be overwhelmingly superior to any other battle cruisers afloat.

As the new dreadnaughts be built ten 16-inch guns, distributed in five turrets, were advocated strongly by the board because all great powers were increasing the size and power of battleships.

Many of the latest European ships, he said, carried 15-inch weapons. It was reported the French were planning 16-inch and rumor said both German and British designers were planning for 17-inch on ships to come. With ten 16-inch guns, he said the new American dreadnaughts would be the most powerful afloat. Admiral Badger disagreed with Rear Admiral Grant, chief of ordnance, as to types of underwater tubes to be built.

TEN KILLED AND FIFTY INJURED IN TRAIN WRECK

Two Specials Come Together Near Milford, Conn., on the New York, New Haven and Hartford Railroad.

[By Evening Herald Leased Wire]

New York, Feb. 22.—Ten persons were killed and sixteen injured in the wreck of passenger trains near Milford, Conn., today. Six of the dead were passengers and four were trainmen.

More than fifty passengers were injured. The Connecticut River special, No. 19, from Springfield, Mass., for New York, over the N. Y., N. H. & H. railroad, was run into by a special passenger train. This train was made up in New Haven to carry passengers who otherwise would have come on the regular express from Boston to New York, leaving New Haven shortly after 11:30.

It was reported here that among the passengers on the Connecticut River express were a number of Yale students who were on their way to New York and other points.

The injured were taken to Bridgeport, it was stated a number of them being in a critical condition. The dead included, according to the information received here, the engineer and fireman of the special train and the flagman and Pullman porter and six passengers of No. 19.

According to the official version of the wreck given out here, train No. 5, the special, ran into No. 19 three-quarters of a mile east of Milford, No. 19 having come to a stop on account of a broken air hose between the motor and the forward car. Both trains were partly wrecked. The engine on No. 5 turned over. An extra freight train was moving in the same direction on a parallel track at the time. The rear car on No. 19 was turned over and struck, the freight train. All four of the tracks at the point were blocked.

FORMER YALE ATHLETES AMONG THE INJURED

[By Evening Herald Leased Wire]

Bridgeport, Conn., Feb. 22.—Among the injured passengers from the Milford wreck who are at a hotel here are John B. Kilpatrick of New York, former Yale athlete and football player; Allan Corey, son of William E. Corey, former president of the United States Steel corporation, and former Yale baseball captain; Morgan O'Brien, son of former Justice Morgan J. O'Brien of the New York state supreme court, and Ford Johnson. All are Yale men and were on the last car of the passenger train. It is not believed any of them suffered serious injury.

RAILROAD SAYS DEAD IN WRECK ARE SEVEN

[By Evening Herald Leased Wire]

Boston, Feb. 22.—It was stated at the office of President Elliott of the New Haven railroad late today that two passengers and five employes were killed in the wreck at Milford, Conn.

REASSURANCE AS TO LINERS NOT ARMED LIKELY TO BE RECEIVED

Germany to Promise That Lusitania Horror Will Not Be Repeated if Passenger Vessel Has No Weapons.

CONTENTION AS TO STATUS OF THE GUNS

Berlin Will Contend Armament Is for Offensive Purposes and Not for Defense; Washington Awaits Note.

[By Evening Herald Leased Wire]

Washington, Feb. 22.—Confidential advices from Berlin today indicate that Germany soon will inform the United States that her previous assurances that unarmed liners will not be attacked without warning, holds good for future submarine operations, provided, however, that such liners do not carry armament.

The German government will contend, the advices state, that what now is characterized as defensive armament really is offensive armament when submarines are concerned and will propose discussion with the United States of what defensive armament properly may be.

As none of the British and French liners now clearing from American ports carry any guns whatever, such assurances from Germany will be in the nature of reassurances for the safety of the neutrals they carry, even under the terms of the new submarine campaign.

How far such assurances will go toward meeting the state department's objection that the Lusitania agreement as at present drawn applies only to the past and not to the future probably will not be determined when they are formally laid before Secretary Lansing.

There was no confirmation from official quarters today that the United States would resume the negotiations over the general subject of armed ships, now drawn out indefinitely. The administration, it is said, wants to have the situation clarified without delay.

Last night's conference between President Wilson, Senator Stone and Representative Flood, chairman of the congressional committees dealing with foreign affairs, and Senator Kern the Democratic floor leader, was said authoritatively today to have been held in order that the president might inform the congressional leaders on the status of the negotiations being carried on by the state department.

SLUM SCHOOLS HEALTHIER THAN COUNTRY ONES

Professor of Physical Education Urges Rural Boards to Have Pupils Examined Regularly by Physicians.

[By Evening Herald Leased Wire]

Detroit, Mich., Feb. 22.—School children of the city slums are healthier as a rule than those who attend country schools, said Thomas D. Wood, professor of physical education in Columbia university, addressing the national council of education today. He urged that school authorities in the rural districts devote more attention to the physical welfare of the children.

"The general death rate in rural New York," he said, "has for five years been greater than that of New York City. Apparently within the last generation the health of rural America has declined below that of the cities, or perhaps it is truer to say that within this period the standards of living and health of the city have risen above those of the rural regions."

Mr. Wood recommended that rural school boards general health rules including examination by health officers of all school children.

PRISONER OF MEXICAN BANDITS GETS AWAY

[By Evening Herald Leased Wire]

Springfield, Ill., Feb. 22.—Friends of George F. Dudley, formerly proprietor of a restaurant here, received a message from him saying he had escaped from Mexican bandits and had arrived in El Paso, Texas. According to the letter received here received in El Paso he was taken prisoner by Mexicans and held for ransom.