

MYSTERY AROUND JUDGE MANN'S WRIT OF PROHIBITION

No One Knows Just What It Prohibits. NO SUPREME COURT CLERK IN SANTA FE TO ISSUE THE WRIT

Meanwhile Judge Mills Is Preparing to Give His Decision in Hubbell Habeas Corpus Case This Morning.

Special to the Morning Journal. Santa Fe, N. M., Oct. 3.—Nothing is known here of the rumor that Judge Edward A. Mann has issued a writ of prohibition directed to Judge Ira A. Abbott and restraining him from further action in the case of T. S. Hubbell.

Save for the information given to the Morning Journal last night by Col. E. W. Dolson of counsel for T. S. Hubbell, the above dispatch from Santa Fe is the only information which the Morning Journal has been able to obtain in regard to the writ of prohibition ordered by Judge Mann.

That Judge Mann has issued an order for a writ of prohibition is undoubted for Mr. Dolson told the Morning Journal last night that he had been directly advised of the issuance of the order by Judge Mann.

Order Issued on Amended Petition. "I was advised today," said Mr. Dolson last night, "that Judge Mann now in Santa Fe, had issued a writ of prohibition upon the amended petition of counsel for Mr. Hubbell against Judge Abbott last Friday after Hubbell had been committed for contempt of court."

Efforts made yesterday and last night to secure the exact text of the writ from Santa Fe, Alamogordo and Santa Fe were unavailing and up to this time no one, whether interested in the case or not, seems to know exactly what it is that Judge Mann seeks to prohibit Judge Abbott from doing.

Result of Thursday's Action. As reported by the Morning Journal Monday morning, W. B. Childers of counsel for Hubbell went before Judge Mann in Alamogordo last Thursday with a petition for a writ of prohibition. Later while Judge Mann had this petition under advisement and after Hubbell had been committed for contempt, an amended petition was filed by counsel for Hubbell asking that Judge Mann also prohibit Judge Abbott from restraining Hubbell of his liberty.

As the matter now stands, however, the exact scope of the writ is indefinite, and its effect is therefore an unknown quantity, although it will undoubtedly serve to further complicate the business of the unfortunate taxpayer, who is watching with more or less amusement the strenuous fight to hold the sheriff's office. The writ does not become effective in any event until it is issued by the clerk of the supreme court and unless Mr. Sena can be induced to return from Taos to his office in Santa Fe at once, the writ cannot be issued until Friday.

The announcement of Judge Mann's decision served to somewhat detract from the interest of the hearing in Taos, where the doubtful ex-sheriff of Bernalillo county is on trial for his liberty before the chief justice of the territory.

Decision Withheld. The hearing was commenced yesterday morning and the day in the Taos court was occupied with the argument of counsel. At its conclusion Judge Mills announced that he would render his decision this Wednesday morning on the controversy of the court. Whatever the decision it is expected that the corpulent person of Mr. Hubbell will return to Albuquerque tonight, whether in charge of the sheriff or conducting his own tour, rests upon this morning's decision.



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SAWED THROUGH BARS AT PENITENTIARY

PRISONER AT SANTA FE HAD MADE GOOD START TO ESCAPE WHEN DISCOVERED. Special to the Morning Journal. Santa Fe, N. M., Oct. 3.—James Scott, a United States prisoner, held in the penitentiary for passing counterfeit money, made a daring attempt to escape from the penitentiary early this morning by sawing through the bars of the prison kitchen.

Prisoner at Santa Fe had made good start to escape when discovered. His start toward liberty was suddenly checked by the appearance of a rifle man, the weapon having a guard at the other end. Scott was taken back to a cell. He is believed to have had the assistance of several other men who had been more or less at liberty in the prison kitchen and who had almost the positions of trustees.

Mrs. Chadwick Again on Trial. Cincinnati, O., Oct. 3.—A petition for a writ of error for Mrs. Cassie I. Chadwick, charged with bank wrecking and convicted of conspiracy to defraud, was at the head of the calendar in the United States circuit court of appeals which opened today. The record of the case is one of the most voluminous ever brought to the court.

Typhoon's Work WAS DIRE AND DEADLY. LOSS IN HEMP ALONE WILL BE \$5,000,000—BODIES STREW ALONG COAST. Manila, Oct. 3.—The estimated loss in the hemp growing districts from the ravages of the recent typhoon is \$5,000,000 gold. Hemp in warehouses ready for shipment is also a total loss.

Victim of Another Man. New York, Oct. 3.—Miss Kathleen Leonard, sister of Harry A. Leonard, the young man who has confessed the theft of \$259,000 worth of securities from the National City bank, declared today that he was the victim of another man whom he was trying to protect. Miss Leonard said she had given the police the name of a woman who placed a part of the securities in a safety deposit vault.

Electric Strike Spread. Berlin, Oct. 3.—The strike of electrical workers has extended to two more factories. The total number of men out is 25,000. No disturbances have occurred. Two-thirds of the street cars are running.

Women Burned—Husbands Escaped. Edington, W. Va., Oct. 2.—Mrs. J. Algo and her three children and Mrs. Joseph Cardell and one child were burned to death in their cabin last night. The husbands of the women escaped.

Reward for Train Robbers. Seattle, Oct. 3.—Five thousand dollars reward is offered by the Great Northern Express Co. for the capture and identification of the bandits who dynamited the express car on the Astoria river north of Ballard's last night. Division Superintendent Scott said today that as far as known the robbers secured \$246.

Noted Novelist for Mayor. Toledo, Ohio, Oct. 3.—Brand Whitlock, the novelist, was nominated for mayor by the independents' convention last night.

Well Known Sheepman Killed. Newcastle, Wyo., Oct. 3.—Charles Minter, one of the best known sheepmen of Tipton, was shot and instantly killed by his herder during a quarrel yesterday. The name of the herder was not learned. According to the report the herder acted in self-defense, but this is not verified.

RAMSEY WOULD STOP WABASH MERGER

GOLD'S FORMER RIGHT HAND MAN IS IN OPEN REBELLION. St. Louis, Mo., Oct. 3.—A suit for an injunction was filed in the circuit court today by Joseph Ramsey, Jr., president of the Wabash railroad, against the Iron Mountain and Washburn railroads, the Missouri Trust Co. of New York, Walter S. Wilson, H. M. Walker and George J. Gould. Ramsey asks the court for an injunction preventing the proposed amalgamation of the Iron Mountain and Washburn railroads, the Missouri Trust Co. of Toledo, Ohio, where it is proposed to elect a board of directors and a president to control the Wabash road next year.

Government Control WOULD BANKRUPT ROADS. JAMES J. HILL SAYS RATE REGULATION MEANS RAILROAD COLLAPSE. Portland, Ore., Oct. 3.—President J. J. Hill, of the Great Northern railroad, was the principal speaker at a banquet tendered by the Lewis and Clark exposition to him and President Howard Elliott of the Northern Pacific today. Hill said: "Notwithstanding the average rate paid by the people of the United States is only about 90 per cent of that of Russia, we have a great many people who are preaching a new doctrine—the regulation of railway rates by the federal authorities. I am not afraid any federal regulation will ever get down deep enough to touch us where we live, because long before they do the country will be strewn with railroad wrecks. They are bankrupting two-thirds of the mileage in the United States."

Amistice Not Accepted. Tokyo, Oct. 3.—An official report of the acceptance of the armistice by the Japanese and Russian armies in northern Korea had not yet been received. It is believed that the chief obstacle to an agreement is the Russian insistence upon an extension of the boundary of the neutral zone, so as to include the position at present held by the Japanese troops.

Best Declines to Stand. New York, Oct. 3.—Congressman W. B. Hearst, in a letter to Justice Samuel Seabury tonight, declined to accept a nomination for mayor by the Municipal Ownership League.

Care Orders Elections. St. Petersburg, Oct. 3.—An imperial decree was published today directing that immediate arrangements be made to conduct the elections of members of the national assembly. Regulations for the conduct of the elections are also published.

Troops "Suppress" Rioters. Tientsin, Peking, Oct. 3.—Troops suppressed rioters at Epeiman after eight assassinations and two Armenians had been killed and eleven persons wounded. The trouble arose from the attempt of Armenians to rescue some of their fellow countrymen who had been arrested for murdering a Tartar.

Cincinnati Was Aggrieved. Tokyo, Oct. 3.—According to later information received here the American cruiser Cincinnati was floated without assistance after being grounded for seven hours. She has been reported passing Shimoda, bound for Shanghai.

Justice Barker Dead. Boston, Oct. 3.—Justice James Madison Barker, of the supreme judicial court of Massachusetts, died today of heart disease at the Union club in this city. He was a resident of Pittsfield.

BASE BALL

NATIONAL LEAGUE. At St. Louis—R. H. E. St. Louis 4 11 4 Brooklyn 3 10 0 Batteries—Taylor and Shea; Scanlon and Ritter. Second game—R. H. E. St. Louis 2 8 6 Brooklyn 3 11 2 Batteries—McDougal and Leahy; Scanlon and Ritter. At Chicago—R. H. E. Chicago 2 8 6 Philadelphia 3 11 2 (Philadelphia batting). Batteries—Pfeiffer and O'Neill; P. C. and Doherty. At Pittsburgh—R. H. E. Pittsburgh 14 12 1 Boston 2 8 1 Batteries—Lynch and Peltz; Young and Needham. Second game—R. H. E. Pittsburgh 4 11 4 Boston 3 7 1 Batteries—Liedfield and Peltz; Willis and Moran. At Cincinnati—R. H. E. Cincinnati 4 9 2 New York 3 9 0 Batteries—Overall and Schlie; Taylor and Bowerman. Second game—R. H. E. Cincinnati 14 12 1 New York 4 6 3 Batteries—Ewing and Street; Elliott and Bowerman.

AMERICAN LEAGUE. At Washington—R. H. E. Washington 1 3 3 Chicago 3 6 1 Batteries—Wolfe and Hayden; Owen and Sullivan. At New York—R. H. E. Detroit 0 5 1 New York 3 8 0 Batteries—Mullin and Warner; Gray and Counts. Second game—R. H. E. Detroit 1 7 2 New York 10 12 1 Batteries—Wicks, Dinch and Brill; Griffin and Kleinow. At Philadelphia—R. H. E. St. Louis 2 10 2 Philadelphia 3 9 3 Batteries—Sullivan and Suggen; Healy, Bender and Schreck. At Boston—R. H. E. Boston 7 5 1 Cleveland 4 10 1 Batteries—Barry and Armstrong; Dunham and Clark.

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