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BOARD APPRAISERS

(Continued from Page One)

Following 1875 there had been subsequent appropriations of water so that for the newer appropriations there was a shortage of water as compared with the supply for the earlier lands, amounting to 1.35 per cent. On account of the appropriation increased to 2.84 per cent. And so on. It increased year by year, some years more rapidly than others, until 1909, when it had reached 41.9 per cent. This column of the table is made up from a record of the flow of the river and the appropriations of water for the last twenty-five years.

The last column of the table shows the values of water rights for the lands appropriated in the years 1869 back to the appropriations previous to 1875. It will be observed that the figures of this column equal the sum of the opposite figures in the third and fourth columns. In cases where there appears to be a discrepancy that arises from the fact that the decimals in the third column are not fully carried out.

The later the appropriation of water for the lands, the smaller is the percentage of water allowed to them in comparison with that to which lands prior to 1875 are entitled. That is shown in the third column. Such lands subsequent to 1875 are entitled to storage water, that is, if signed up in the reservoir, so that in fixing the value of their water rights, the board allows a percentage of the \$15 an acre, the arbitrary value fixed for B and C lands. That percentage is shown in the fourth column.

School lands of the B and C classes are not in the reservoir and in the applications for water for them it is set forth in the sixth paragraph that in the granting of the application no right is admitted. The board however stated that the making of the application placed such school lands in line for rights and gave them precedence over the

22,800 acres which had been stricken out of the project by the review board. It is believed that when these school lands pass into private ownership they will be admitted. It was for that reason that their rights were recognized at \$15 an acre.

Many suggestions came to the board for the fixing of values. Some of them would have given the water rights such values as would have wiped out the lands altogether and have left not even the \$25 an acre that the law requires shall be paid for the lands. These estimates of the values ran from \$75 to \$100 an acre, in addition to the allowances for leveling the land, constructing ditches, fences and making other improvement. One theory which was advanced assisted the board in arriving at the rule. It was that since neither the land nor the water was of value without the other, each, the water and the naked land, should be adjudged to be of the same value. It was found that water rights under the old Arizona canal had sold for as much as \$35 while the simple right to buy water had been sold at \$15. But the value of the rights had been so fluctuating as to afford the board little groundwork for making an estimate. More valuable to the board were the prices at which rights under the Mesa and Tempe systems had been disposed of, especially those of the Tempe system which now, since it is not in the project, are sold and exchanged.

In estimating the value of the land, the board takes into consideration its environment, its distance from towns, railroads and markets. In the opinion of the board such environment could not be taken into consideration in fixing the value of a water right. Therefore it was resolved to adopt a rule that would be applicable to land in every locality.

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TAX COM. PASS UP BIG LEVY

Matter of Excess Levy of Graham County to Be Left to Supreme Court—Will Settle Other Similar Cases

Whether or not the Graham county tax levy, which is said to be \$11,484 over the legal ten per cent limit, is to be declared legal and allowed to stand, is the question which is now up to the supreme court to decide. At the meeting of the state tax commission held yesterday afternoon it was decided to defer action on the matter and submit the question to the state's highest tribunal, with a hope that that body might settle the tangled case.

The case grew out of the fact that some time ago the board of supervisors of Graham county authorized a tax levy, amounting to \$18,000, this sum said to be \$11,484 in excess of the sum which could be legally levied under Section 4829 of the Revised Statutes. This section provides that a tax on the lands made which represents more than a ten per cent increase over the levy of the preceding year and yet section 5278 provides that a levy for the purpose of constructing a bridge over a non-navigable stream (the object of the Graham county levy) may be made and makes no mention of the fact that the supervisors must keep within the ten per cent limit. In a measure the two sections are in conflict, and there is some doubt as to which applies in the Graham county case. Instead of making an order regarding the matter, the tax commissioners decided it would be best for the supreme court to pass on it. This amounts practically to a decision in favor of the Graham county officials, inasmuch as the board did not issue any order which would prevent them from collecting the amount of the levy.

Gibson Taylor, secretary of the Arizona Eastern railroad company, has had filed the complaint questioning the legality of the levy, notified the board and the representatives of Graham county yesterday that he would at once petition the supreme court for an order restraining the supervisors from attempting to collect the levy.

In commenting on the matter yesterday, C. H. Hester of the commission said: "We believe the question should be left to the supreme court for a decision, in view of the fact there is some conflict in the sections of the statutes which bear on the subject, and in this instance we have not considered the merits of the case, but we have simply passed the buck to use an every day expression, and are depending on an order from the supreme court to set us right. This case is very much similar to the proposition from Yuma county which some time ago confronted us, and the same trouble is likely to recur again, as both Coconino and Pima counties consider the levying of similar sums, and we would have the whole matter to thresh over again."

At the hearing of the action yesterday, Assistant Attorney General Harben appeared in behalf of the tax board while Attorney John M. McEwan was present to present the Graham county side of the matter. County Treasurer F. M. Layton of Graham county was also present.

MYERS TO REPRESENT

(Continued from Page One)

election here tonight. It was only what the strikers expected.

Suspicion that the Duncan "refugee" camp is really a concentration camp and that the companies plan to crash in strike-breakers is becoming more pronounced here. The strikers claim to have received information that the companies have agents in southern Arizona and New Mexico gathering up all persons willing to join the colony.

Frank T. Tarble of Morenci returned today from a trip to Bisbee and Douglas, taken for the purpose of buying supplies. He says he found it impossible to purchase anything at any of the Phelps-Dodge stores. He claimed he was followed by a detective from Lordsburg to Bisbee.

Today the relief committee received a cartload of flour, a cartload of beans and two thousand dollars worth of mixed goods. Two farmers from Duncan each brought up a wagon load of potatoes which they donated to the strikers.

Another parade is planned for Sunday. It was reported that an effort is being made, principally by the Mexican strikers to force the American strikers at Metcalf to go and take part in the Clifton parade. The effort, however, is not likely to be successful.

The executive committee tonight decided not to issue any more instructions to committees at El Paso, but it is generally believed that the committee of its own initiative will tomorrow submit a rock bottom proposition and demand its acceptance by the managers.

PREDICT SOME UPSETS

(Continued from Page One)

The chances appear against a second victory.

Pennsylvania will meet a team exceedingly proficient in sprint football. The followers of the United States academy teams watch with unusual interest the outcome of the Army Georgetown game, since three weeks ago Georgetown defeated the Navy. Today will mark the return of Columbia University to the football arena

CORY IS NEW MODERATOR

Arizona Presbyterian Synod Meets and Chooses Officers—Warm Debates Followed by Agreement—Meeting Today

The Presbyterian Synod of Arizona opened Thursday with a rousing sermon by Rev. Fred G. Mitchell of Tolchaco, the retiring moderator. The administration of the communion followed in charge of Rev. Chas. F. Alexander of Flagstaff. The election of officers resulted in the choice of Rev. T. F. Cory, synodical missionary, as moderator and of Rev. Dirk Lay of Stanton and Mr. Alexander of Flagstaff as temporary clerks. A report of the committee on arrangements was presented by Rev. Henry M. Campbell of Phoenix and adopted.

A report on the foreign missionary situation in the Presbyterian church, represented by Rev. Mr. Krichbaum, was highly commended by members of the synod and visitors from abroad. A report was presented by Rev. Chas. H. Ellis, of Salt River church on Sabbath observance and temperance, particularly interesting in reports from pastors all over the state upon the effects of the prohibition amendment.

The principal interest of the session centered in the report of the committee on home missions which was presented by Rev. John Frey of Bisbee. Several of the recommendations of this committee were warmly discussed but the greatest interest was taken in a provision that appropriations for the work in the state should be made by the Home Mission Board at New York in a lump sum to the synod to be reappropriated by the Synodical Home Mission committee. This arrangement was satisfactory to the Presbyteries of Phoenix and Southern Arizona but was warmly opposed by that of northern Arizona and one lone representative of the Phoenix presbytery, Rev. Fraser E. Herndon of Tucson Papago church. The contention of the proponents was that this was simply a provision looking to fairness between the presbyteries but the opponents were of the opinion that it would result in unfairness to the individual missionaries. The discussion waxed so warm that the moderator called a halt for prayer. Some members of the northern division of the synod even threatened to refuse to abide by the action of the state body should the decision be unfavorable to them but Rev. Fred G. Mitchell of Tolchaco, while opposing the measure said he would not endeavor to appeal the matter should his opinion not be upheld. When the vote was taken it was found to be nearly unanimously in favor of the recommendation.

Adjournment was then taken to the afternoon.

The synod met at 2:30 p. m. and immediately began a discussion of the "every member" plan of beneficence. Messrs. Lay, Mitchell and Edgar presented facts with reference to the giving of Indians upon their respective fields.

Rev. William S. Marquis, D. D. of Chicago then presented the matter from the standpoint of the general officers of the church having the propaganda in charge.

At four o'clock adjournment was taken until nine this morning.

The social side of the meeting of the Arizona synod is not being neglected. In the afternoon, the Ladies' Synodical society tendered the members of the synod a reception at which Rev. William S. Marquis, D. D. of Chicago spoke. At eight p. m. the Phoenix church gathered to do honor to the state organization of their demonstration and listened to an address by Hon. Thos. R. Marshall, vice president of the United States delivered in his usual witty and able manner. He was introduced by the moderator of the synod, Rev. H. P. Cory, an old class mate at Wabash College, Indiana, who expressed the opinion that if the vice president continued to go upward in this world he might some day hope to attain the dignity of the position now held by Mr. Cory.

Mr. Marshall said that if he had accomplished anything worth while in this world, credit is due to his Scotch Presbyterian mother who made him learn the shorter catechism and to the ministerial professors of Wabash College who made impressions upon his head and heart which remained with him during his career. He adverted to the theological teachings and discussions of his younger days and declared that the young people of the church are not indoctrinated as they should be resulting in a feeling of being on easy terms with the Almighty even if they do not know nor serve Him. He urged that in the separation of church and state America has gone too far in some things and especially the care of the poor should be a function of the religious body rather than being a duty relegated to the cold, slow, operations of government. In conclusion he recommended to the clergy the preaching of the deity of Jesus Christ and declared his own firm faith in regeneration through the blood of Christ.

The session this morning will be one of business, the report of the Chas. H. Cook Bible school of Phoenix being set for hearing at ten o'clock.

after a ten year ban on the game. Columbia opens against St. Lawrence University.

Conference Games
CHICAGO, Oct. 22.—Though there are four games in which the big nine teams oppose each other on tomorrow's football schedule, two contests outside the conference are likely to attract as much attention in the central states. The two are the clash between Nebraska and Notre Dame, and the annual meeting of Michigan and the Michigan Aggies. Topping the other conference games in interest is the Wisconsin-Ohio State game.

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