

THE ESPIONAGE BILL PASSED BY CONGRESS SIGNED BY PRESIDENT AND IS NOW IN FULL OPERATION

Title VII of the espionage law recently passed by congress follows: Titles I, II, III, IV, V and VI have appeared in previous issues of the Herald.

TITLE VII. Certain Exports in Time of War Unlawful.

Section 1. Whenever during the present war the president shall find that the public safety shall so require, and shall make proclamation thereof, it shall be unlawful to export from or ship from or take out of the United States to any country named in such proclamation any article or articles mentioned in such proclamation, except at such time or times, and under such regulations and orders, and subject to such limitations and exceptions as the president shall prescribe, until otherwise ordered by the president or by congress. Provided, however, That no preference shall be given to the ports of one state over those of another.

Sec. 2. Any person who shall export, ship, or take out, or deliver or attempt to deliver for export, shipment, or taking out, any article in violation of this title, or of any regulation or order made hereunder, shall be fined not more than \$10,000, or, if a natural person, imprisoned for not more than two years, or both; and any article so delivered or exported, shipped, or taken out, shall be seized and forfeited to the United States; and any officer, director, or agent of a corporation who participates in any such violation shall be liable to like fine or imprisonment, or both.

Sec. 3. Whenever there is reasonable cause to believe that any vessel, domestic or foreign, is about to carry on or in violation of the provisions of this title, the collector of customs for the district in which such vessel is located is hereby authorized and empowered to cause the vessel to be stopped, to examine the vessel, to refuse clearance to any such vessel, domestic or foreign, for which clearance is required by law, and by formal notice served upon the owners, master, or person or persons in command or charge of any domestic vessel for which clearance is not required by law, to forbid the departure of such vessel from the port, and it shall thereupon be unlawful for such vessel to depart. Whoever, in violation of any of the provisions of this section, shall take, or attempt to take, or authorize the taking of any such vessel, out of port or from the jurisdiction of the United States, shall be fined not more than \$10,000 or imprisoned not more than two years, or both; and, in addition, such vessel, her tackle, apparel, furniture, equipment, and her forbidden cargo shall be forfeited to the United States.

TITLE VIII. Disturbance of Foreign Relations.

Section 1. Whoever, in relation to any dispute or controversy between a foreign government and the United States, shall willfully and knowingly make any untrue statement, either orally or in writing, under oath, be-

fore any person authorized and empowered to administer oaths, which the affiant has knowledge or reason to believe will, or may be used to influence the measures or conduct of any foreign government, or of any officer or agent of any foreign government, to the injury of the United States, or with a view or intent to influence any measure of or action by the government of the United States, or any branch thereof, to the injury of the United States, shall be fined not more than \$5,000 or imprisoned not more than five years or both.

Sec. 2. Whoever within the jurisdiction of the United States shall falsely assume or pretend to be a diplomatic or consular, or other official of a foreign government duly accredited as such to the government of the United States, with intent to defraud such foreign government or any person, and shall take upon himself to act as such, or in such pretended character shall demand or obtain, or attempt to obtain from any person or from said foreign government, or from any officer thereof, any money, paper, document, or other thing of value, shall be fined not more than \$2,000, or imprisoned not more than five years, or both.

Sec. 3. Whoever, other than a diplomatic or consular officer or attaché, shall act in the United States as an agent of a foreign government without prior notification to the secretary of state shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

Sec. 4. The words "foreign government," as used in this act and in sections one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and seventy-three, one hundred and seventy-four, one hundred and seventy-five, one hundred and seventy-six, one hundred and seventy-seven, one hundred and seventy-eight, one hundred and seventy-nine, one hundred and eighty, one hundred and eighty-one, one hundred and eighty-two, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven, one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-one, one hundred and ninety-two, one hundred and ninety-three, one hundred and ninety-four, one hundred and ninety-five, one hundred and ninety-six, one hundred and ninety-seven, one hundred and ninety-eight, one hundred and ninety-nine, and two hundred, shall be construed to include any government, faction, or body of insurgents within a country with which the United States is at peace, which government, faction, or body of insurgents may or may not have been recognized by the United States as a government.

Sec. 5. If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more of such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than \$5,000, or imprisoned not more than three years, or both. Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy.

TITLE IX. Passports.

Section 1. Before a passport is is-

sued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be acted as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the department of state, or other federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

Sec. 2. Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than \$2,000, or imprisoned not more than five years, or both.

Sec. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Sec. 4. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be falsely made, forged, counterfeited, mutilated, or altered any passport, or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another, or whoever shall willfully and knowingly use, or attempt to use, or furnish to another for use, any such false forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

University Heights is fast coming to the front.

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LICENSE NEEDED TO FISH IN ELEPHANT BUTTE DAM, OPINION

Attorney General Patton Advises State Game Warden That New Mexico Has Jurisdiction Over the Government Project.

Special Correspondence to The Herald. Santa Fe, N. M., July 7.—That the sovereign rights of the state of New Mexico extend to her great inland sea, otherwise known as the Elephant Butte reservoir, regardless of the fact that it is a government project; that the federal government has no jurisdiction over the fish in the waters thereof, and that Texas residents who have been fishing in the reservoir without New Mexico licenses on the ground that they will ultimately pay in part for the project, should be vigorously prosecuted, are declarations of Attorney General Harry L. Patton in an important opinion written for State Game and Fish Warden Theodore Hounolt, Jr., today.

The opinion was requested by Mr. Hounolt because of information that residents of El Paso and other Texas points were fishing in the reservoir without licenses, and further because of a letter written by P. W. Dent, district counsel for the U. S. reclamation service, in which he held that the reservoir was a government project, and therefore not subject to state jurisdiction, and that the contention of the Texans relative to their right to fish in the reservoir because of financial consideration in connection with the project was correct.

In his opinion Attorney General Patton brands both contentions as absurd and presents convincing arguments to prove it. He shows, at the outset, that there is no ground for believing jurisdiction, and then says:

"The power of the state to regulate the taking of fish is based upon the theory that the fish in the waters of the state, as well as the game in the forests, belong to the people in their sovereign capacity, and are not subject to private ownership except insofar as the people may elect that they shall be. Unquestionably, under the statutes of this state, fish and game are the property of the public or of the state. Our statute makes exception in instances of parks or lakes wherein the land is held by private ownership. In such instances, the owner of the land may procure license for maintaining such parks or lakes, and the taking of fish or game therefrom under the regulations prescribed in the state. The statute authorizing such procedure is found in sections 2482 and 2506, Codification of 1915. This provision of our statute with reference to the taking of fish from lakes on land held by private ownership can have no application to the Elephant Butte reservoir, for in my opinion, for such lake to come within the provisions of the statute, it must be of such nature that there is no communication between it and the public waters of the state. You may readily see that fish in the Rio Grande river beyond the reservoir, which are subject to the protection of the law, may easily enter the waters of the reservoir. In fact, they might accumulate there, where they might be taken with impunity by persons who were not required to pay a license. It has been held that, since there is an opportunity for fish to go from the fishery of one riparian owner to other waters over which the state has control, the state has an interest in the fish which enables it to make reasonable regulations as to their taking, and this is but another statement of the fact that the fish belong to the public. This may be illustrated further by an application of the law relative to killing game. If the state has no right to impose a license for the taking of fish in this reservoir, it would have no right to impose a license for the killing of game upon the adjacent land, which belongs to the federal government. Immediately outside of this reservation, the game of the state is protected by the state laws, but, as it would cross the line, it might be killed by persons upon the reservation who had no license. Such same might likewise be killed out of season. Again applying this doctrine, such game as elk, mountain sheep, or antelope might be slaughtered upon the government reservation, and the state would be powerless to afford protection. From these illustrations, the fallacy of a contention that the state has no right to exact a license for fish taken in these waters is very apparent.

"My attention has been called to the letter written you by P. W. Dent, district counsel for the U. S. reclamation service, which includes the Elephant Butte project. In his letter, contending against the exercise of the state's authority in this matter, he urges two reasons in support of his contention. He insists, first, that the government is the absolute owner of this land, and, for that reason, has the control of same, to the exclusion of the state and the operation of state laws. If such contention is well founded, the state has no jurisdiction as to the enforcement of the game and fish law upon forest reserve located within the state. The government is likewise the absolute owner of more than 21,000,000 acres of public land within the state. Also, the government is the owner of lands held and occupied by homestead entrymen until patent is issued. Considering the vast amount of land owned by the United States government within the boundaries of this state, the contention urged in this particular is too absurd to require further discussion.

"The other contention advanced by Mr. Dent is that various Texas water users hold the view that, the lake being government property for which they will ultimately pay, in part at least, they should be permitted to fish in the reservoir without payment of license and without molestation by the state authorities. If these Texas water users are correct in their claim that they have a property interest in the waters of the Rio Grande, they can come on up and be joined by the water users of this state or New Mexico, when the water users of the two states may assume the same attitude with reference to the state of Colorado, and the water claimants of Texas, New Mexico and the republic of Mexico could fish in the waters of the Rio Grande in the state of Colorado in defiance of all game and fish laws and regulations. Again, the water users of the Pecos, living in the state of Texas, may, with equal propriety, fish in the waters of that stream from the south line of the state of New Mexico to the head of the Pecos. If such rights should be

upheld by the courts, a person with rights to the use of the waters of the Missouri river in the state of Missouri would have unrestricted use of the waters of that river in some half dozen states. I dismiss this contention by saying that, if anything, it is more absurd than the other.

STATE LEGISLATURE OF COLORADO CALLED TO CONVENE JULY 18

Denver, Colo., July 7.—Governor Gunter today issued a call for the state legislature to convene July 18 in special session.

The call includes an appeal for issuance of bonds or taxes to pay expenses connected with mobilization of the national guard and preparing them for federal service; formation of a home guard to maintain order in place of the national guard; conservation and distribution of food and increase of production through legislation; and a law to permit state banks to enter the federal reserve system.

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Don't allow yourself to become weak and run-down from womanly troubles. Take Cardui. It should surely help you, as it has so many thousands of other women in the past 40 years. Headache, backache, sideache, nervousness, sleeplessness, tired-out feeling, are all signs of womanly trouble. Other women get relief by taking Cardui. Why not you? All druggists. NO-123

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