

The Artesia Advocate

VOL. 7.

ARTESIA, NEW MEXICO, OCTOBER 16, 1909

NO 7

Death of Charles E. Milhuff.

During his stay of one year among us, though debarred from many of the ordinary duties and pleasures of life, Charles Milhuff, was an inspiration to all who knew him, so his death Sunday morning, while not unexpected came as a shock and a loss to his friends in Artesia.

Strong in character and intellect, quiet and unassuming in manner, always patient and cheerful, in death as in life, his coming and going among us, must leave their impress upon the community at large, and especially upon those who were fortunate enough to know him intimately.

Charles Milhuff was born in Portsmouth, Ohio Dec. 12, 1869. A large part of his life was spent in Chicago until eight years ago, when he was stricken with pneumonia, from the effects of which he never recovered. In 1901 he came to Alamogordo, N. M., where he was married July 30th 1902, to Miss Ima Gale of Chicago, who with their two children Louise and Gale survive him.

The funeral occurred from the family residence Tuesday afternoon, conducted by Reverends Nicholas and E. P. Aldredge, his pastor Rev. A. E. Boyd being unable to be present on account of illness.

To his parents, Mr. and Mrs. J. M. Milhuff, to his wife and children, all of this city, and his only brother, a resident of Louisville Ky. the Advocate together, with their many friends here extends sincere sympathy.

"I cannot say and I will not say
That he is dead, he is just
away,
With a cheery smile and a
wave of the hand
He has wandered into an un-
known land
And left us dreaming how
very fair
It needs must be, since he
lingers there.
Think of him as faring on, as
dear
In the love of there as the love
of here.
Think of him as the same, I
say,

He is not dead dear—he is just
away."

In the District Court of Eddy County, Territory of New Mexico, October Term 1909.

To the Honorable William H. Pope, Judge of said Court.

We, the grand jury, impanelled at the above term of court; beg leave to submit our final report as follows:

1. We have examined about 50 cases and have returned 29 True Bills and 6 No Bills. We have subpoenaed 113 witnesses and have examined 79 witnesses. As a rule the grand jury has commenced its sessions at 6 o'clock in the morning and remained in session until 12 and reconvened at 1:30 and adjourning for the day at 5:30 o'clock.

3. We have examined the jail and found it properly kept and in a sanitary condition and the prisoners apparently satisfied with the treatment received and board furnished. We find, however, that in the women's department there is no adequate closet and we recommend that this be supplied. We also find that the jail floor as at present constructed does not permit of being properly washed and scrubbed without the leakage of water to the department below. We recommend that this be remedied.

3. In the limited time for investigation of the records and books of the various county officers we were not able to find anything that would lead us to believe the same were not being kept in a regular and proper manner.

4. The grand jurors have made an investigation as to the cause of crime within the limited time of so doing. We find that more than one-half the crime committed within the County of Eddy is a direct result of the liquor traffic, and while we appreciate that the expenses to the county of the persecution of offenses is inconsiderable in comparison with the evil of having such crime committed within this district, yet from this standpoint we call the court's attention to the fact that the

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Softens chapped lips and prevents their cracking.

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Is more than a simple emollient. It has rare healing, softening and whitening properties. It is made of the purest ingredients and can do only good no matter how freely used. Its dainty perfume is delightful.

If not satisfied we will refund your money. Isn't that fair?

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liquor traffic is a very unprofitable one from a financial point of view notwithstanding the licenses paid. For a comparison, we will take the towns of Carlsbad and Artesia, each of said towns being about the same population. The town of Artesia has prohibited the liquor traffic within the limits thereof. The town of Carlsbad has three saloons, in the town of Carlsbad for the quarter ending July 1 the expenses to the county for justice of the peace fees alone were \$168.45. For the same period the expenses to the county for the town of Artesia for the justice of the peace fees were \$8.95. for the quarter ending Sept. 30 1909, in the town of Carlsbad the expenses to the county for justice of the peace fees were \$234.65, and for the same period the expense for justice of the peace fees in the town of Artesia were nothing. We further find that the expense to the county by reason of the justice of the peace fees is not the only expenses connected with the offenses tried in that court, but the additional burden is placed upon the county of boarding prisoners sentences in the justice of the peace court for petty offenses, and we respectfully call the attention of the people of Carlsbad to this condition of affairs and recommend that the board of town trustees of the town of Carlsbad submit

to the voters of that town the proposition of prohibiting the sale of intoxicating liquors within its limits.

5. We further find that in several of the business houses in Carlsbad where tobacco is sold that the proprietors thereof have failed to post a copy of the act of 1901 entitled an act for the protection of miners and pupils in schools. This we deem a minor offense for which we do not see fit to return indictments, but in this matter call this violation of the law to the attention of such dealers with the request that the law be complied with or that the matter be taken up consideration by the next grand jury for failure to comply with the law.

6. We further recommend that the Board of County Commissioners cause the wood-work of the court house to be painted and the offices of the court house be refinished by calcimining or papering as in the judgment of the county commissioners they deem expedient.

7. It was reported by Mr. H. H. Clark, whose postoffice address is Carlsbad, that there is a female child of about twelve years of age residing with her father in Upper Juniper Canon, Eddy County; that this child is not being properly cared for, she being very scantily provided with clothes; that her father is not able to provide for himself and his child; and that they reside some twenty-five miles from the nearest school house. We recommend that the court call this matter to the attention of Dr. C. E. Lukins to the end that some steps be taken to rescue this child from her present condition.

Thanking the court and court officials for courtesies extended we respectfully request to be discharged for the term.

L. L. Fuen,
Foreman.
(Signed) William Dooley,
Clerk

Do you want to save 50 per cent on your fuel. Step in at second door west of Big Racket and learn how-

Offers \$100 For Name For New Hotel.

Artesia's new modern, fifty room hotel is being built, work has begun on the foundation, and will go steadily on to completion.

The only thing in the way now is a name. So much is Mr. Hardwick puzzled that he takes the public into his confidence and is willing to pay for the privilege, provided, some one of that public can help him out of the difficulty.

Its about a name as before mentioned, if you can suggest one appropriate in all respects that meets the approval of Mr. Hardwick and one or two confidential advisers you get the hundred dollars.

Postmaster Harry Hamilton will be glad to give any further information desired on the subject.

The Sipple Building.

C. A. Sipple will at once put up a brick building on corner of Main and 4th street, the same to be used as store buildings, room being provided for four. It will be two stories in height, the upper floors as far as definite plans as made will be used as offices.

This will add greatly to the appearance of that corner and to all of Main street and will also provide much needed room for business men.

E. C. Higgins Buys an Auto.

E. C. Higgins, like most of the other real estate men in town, has decided that he must ride fast in order to show the homeseekers a fair proportion of the land near Artesia, hence the auto, which he bought Thursday.

Christian Church.

Bible School 9:45. Sunday will be observed as "Decision Day." Preaching 11 a. m. and 7:30 p. m. Prayer services Wednesday evening a 7:15 followed by teachers meeting. Choir practice Friday night. A cordial invitation is extended to all.

Kyle Brooks, pastor.

Jelly Roll at Home Bakery every Saturday.

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J. E. ROBERTSON, Cashier.
H. G. GRAY, Assistant Cashier.

The Artesia Advocate

PUBLISHED EVERY SATURDAY

By ARTESIA PUBLISHING COMPANY.

JAMES D. WHELAN, EDITOR.

This paper has been entered in the postoffice at Artesia, New Mexico, as second-class mail matter.

SUBSCRIPTION PRICE \$1.50 PER YEAR

Hobson Again.

Editor of Advocate:

You state that you did not criticize Captain Hobson for leaving the navy to enter politics.

It may be possible, Mr. Editor, that there is a paragraph somewhere in your original seven column write up of Captain Hobson which does not contain a criticism of the Captain and that I possibly overlooked that one paragraph and I hasten to apologize for any "erroneous impression" I created in that respect.

Supposing that Hobson did fail to sink the Merrimac in, what you consider, the right place. Shall the failure of a naval officer to sink his own ship in the right place disqualify him as a naval authority and must he be a naval expert to discuss political questions intelligently.

The enactment of a ship subsidy, the necessity of building a larger navy and other questions which Hobson discussed at Artesia are purely political questions. If Hobson were to tell us how to construct a battleship, it might then be proper for us to demand his naval credentials.

If Hobson did say in his Artesia speech that Japan is a despotism, I believe he got pretty close to the facts.

In her relation with other nations, Japan is practically a one man power. Under the Japanese constitution the Emperor has the right to declare war, make peace and conclude treaties. Few rulers of today are vested with more despotic powers than he. Before we accuse Hobson of mistating the facts, let us study the government and constitution of Japan and let us also remember that a written constitution and a despotism are sometimes found under the same flag.

If Hobson failed to mention the Celtic race in his classification of races, he perhaps did so unintentionally and not from any feeling of malice. Personally I do not believe that anyone would mistake me for an Englishman, even if Hobson did put me in that classification.

In a recent associated press dispatch I find the following:

"Seattle, Sept. 30—Speaking before the largest audience he has faced since his trip began, President Taft today announced that he would urge in his coming message to congress the enactment of a subsidy. Mr. Taft declared that the country was ready to make such experiment and that SOMETHING MUST BE DONE TO BUILD UP AN AMERICAN MERCHANT MARINE. His utterances on this subject were received with great acclaim.

Of course, Mr. Editor, Presi-

dent Taft, like Hobson, may be an alarmist. He may be in league with the trusts and so-called ship subsidy ring. When he says that the country is ready for a ship subsidy, he may be mistaken, but it is my humble opinion that when the President of these United States sounds a note of warning "that something must be done to build up an American merchant marine," the time has come for the American people to sit up and at least take notice.

In another associated press dispatch I find the following.

"Tokio, Sept. 29—A dispatch from Washington announces that the American government will file a protest against the agreement whereby Japan secures a mining monopoly in Manchuria as a breach of faith on the part of Japan and a violation of the open door policy."

The conceding to Japan the right to dictate terms to an American School Board and Japan's "breach of faith" and her "violation of the 'open door policy' in Manchuria" should be sufficient to make every thoughtful American pause and consider.

William Dooley.

We hasten to reassure Friend Dooley that his apology is quite superfluous. Our readers, or at least those of them who waded through our discussion in regard to the matter understand quite well why we referred to Hobson's retirement and those who did not read it, could not possibly be misled by anything which his article contained. So we are quite sure that nobody is laboring under any erroneous impression by reason of anything that Mr. Dooley says in that respect.

Reference to our thinking that Hobson sank the Merrimac in the wrong place: It is an undisputed fact that he was sent to sink the Merrimac across the channel at the entrance of Santiago harbor; that he sank her where he thought the channel to be and that he failed to find the proper location; but sank her at one side of the passage, so that the Spanish fleet which he was supposed to bottle up, steamed out of the harbor without turning a hairsbreath to one side or the other. We did not claim that this disqualified him as a naval authority, if he ever had any standing as such, but we defy his defenders to point to a single naval authority which says that he is an expert on naval matters; and we also ask when and where did he ever do anything of any note in naval affairs outside of his achievement at Santiago. That did not prove that he was not an authority on naval matters, but it certainly did not prove that he was.

Again, we did praise Captain Hobson for his oratory and his sturdy Americanism in the paper which contained our first article.

We quite agree with Friend Dooley that the building of a navy is a purely political question, and we therefore ask our readers (as we presume he wants them to do) to refuse to consider Hobson as a naval authority and look upon him as an ordinary congressman; subject to all the weaknesses

and failings and capability of error which he has in common with all congressmen, and then in a cold-blooded manner examine the argument of this man who makes statements so radically different from the opinions expressed by the majority of his own party and the majority of the dominant party, and in he, aside from all tricks of elocution has furnished a preponderance of the evidence, believe him.

While Mr. Dooley seems to have considered the matter from a purely political point of view, we must say that most of Hobson's defenders with whom we have conversed, based their belief of the correctness of his attitude upon the idea that he was a naval expert and therefore peculiarly qualified to speak with authority. And we submit that his qualifications in this respect, if he had any peculiar ones, might be of importance in determining whether he is right, and the naval boards of strategy wrong in estimating the tactical value of Pearl Harbor. But since he has failed to qualify and since that is a minor matter we shall pass it over, and shall be glad to consider him as what he is: an ordinary congressional politician.

We submit the theory that Hobson forgot to consider the Celts for what it is worth. The Celtic race has furnished more blood to the American people than any other. Even at the time of the Revolution, they were so numerous in America, that Lecky says that one half of Washington's army at Valley Forge was Irish. Now, when a man starts out to state facts upon which to base his main line of argument and forgets to mention the principal fact, we submit that he is so utterly careless that he is unworthy of any serious consideration whatever. But as we pointed out last week, he did not forget, but actually transformed all the Celts into Anglo-Saxons, a people with whom they have less ethnological relationship than Saxons have with Swedes and quite as little as they have with Russians. Comment on the value of an argument based on such premises, would be superfluous.

Reference to whether Japan is, or is not a despotism, we feel that we have sufficiently covered that ground and suggest that our readers consult authoritative works; not only with reference to the sort of constitution which the country has, but also the manner in which its provisions are carried out. We have no fear of the result of such investigation upon our argument.

But the classification of races is not the only matter in regard to which Captain Hobson is in error, if Associated Press reports be true. He asserted that Japan had a greater navy in the Pacific waters than any other nation. The next morning after he spoke here the Albuquerque Journal contained an Associated Press Dispatch giving a list of the British fleet in that neighborhood and showing that it had twice the strength of the entire Japanese navy. The things indicated herein and in pre-

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One, 8 inch well six miles northwest of Artesia for Birt Swift, Artesia, 32 inch flow.

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We would invite anyone looking for information as to our experience or quality of work to write any of the above. We carry a larger stock of Well Supplies than any other firm in New Mexico. Come and see, or write us.

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Artesia, : : New Mexico.

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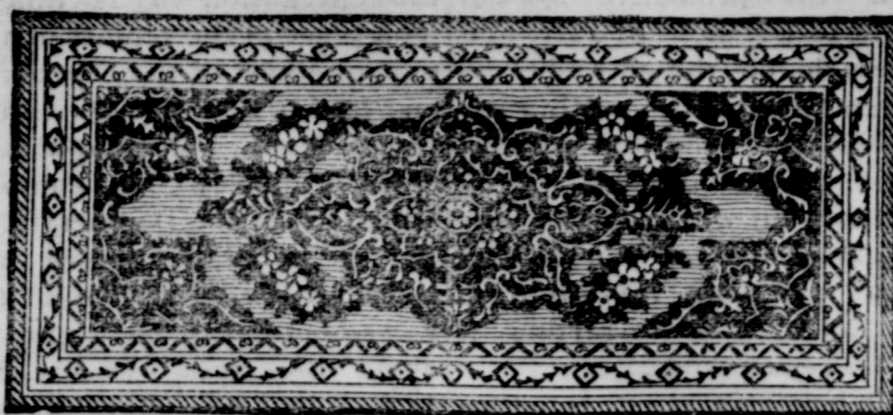
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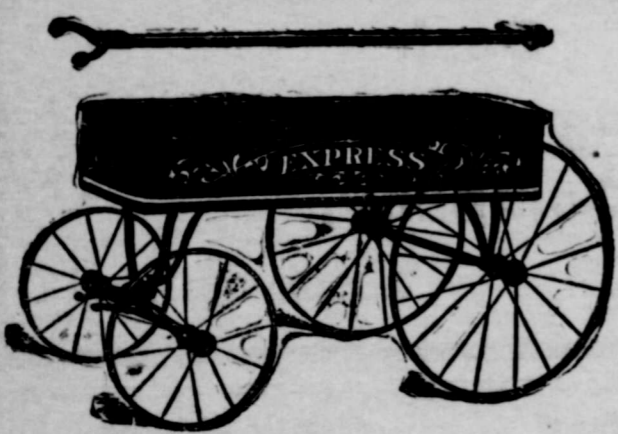
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vious articles show that his statements of facts are wholly wrong in essential particulars.

One further proof, for while Hobson furnished none, though the burden rested upon him, yet we shall introduce a witness who stands high in the journalistic world and in the world of letters: we refer to Henry George, jr. Mr. George has been in the Orient for the past year in the behalf of *Colliers Weekly*. He has taken his time and his present letters are of value as evidence. In the current number of *Colliers* he says:

"If Captain Hobson and those who talk of a possible rupture with Japan were to come here they would see that economic and political problems of such importance are facing this people as to make a foreign war, not to say aggression, a matter of the last extremity."

And now back to Taft and

the ship subsidy. Taft was quoted in the press dispatches last week as having said that war with Japan was never in the range of possibilities. He has always favored a ship subsidy, just as most protectionists do, when they do not fear the people, and if Mr. Dooley will read the contentions of those people, he will discover that their principal argument is economic and that it is simply the argument for high protection applied to ships. As we pointed out in two former issues and can furnish abundant testimony given by shipbuilders to substantiate the fact, if the tariff were taken from trust-made goods there would be no need of a subsidy. But there is a quicker way than either to get a merchant marine and that is to do what the Democratic minority of the shipping commission recommended a few years ago: take

of the tariff from trust made material and at the same time grant free ships; give every man the right to buy ships when and where and from whomsoever he wants to, and then grant a rebate of tariff on the tonnage carried American owned and chartered ships. If this were done, every importer would insist on having his goods carried on American ships, the foreign owners would sell to Americans, and inside of three months we would have the biggest merchant marine on either ocean. And if we are in imminent danger of foreign war this would be the sensible thing to do. But this is not Hobson's plan, for it would be too palpable an argument against protection for trust-made goods. Taft defends the ship subsidy on the same grounds that he defends the Aldrich bill, and nothing in

his address was in the nature of an alarmist cry. He says:

"We must have the subsidy" in the same way and for the reason he asserts that we must have high protection. Protection is a subsidy and he is consistent in urging subsidies for ships as he is in urging them for manufactures. His speech on that question is not inconsistent with his declaration that war with Japan is not probable and never has been probable. He believes in a merchant marine (as we all do,) but he has the protectionist Republican idea of how to get one. He says that it would be a benefit in time of war, which we all realize, but he did not intimate that war with Japan or any other power was probable. His talk was not that of an alarmist, but of a thoroughgoing protectionist, and all his public utterances have been along the same line

and not at all of piece with the Hobson attitude. What he says now all friends of the ship subsidies have said for years, and among them leading Republican statesmen. The same thing was said long before Japan had a ship of war.

The statement of Admiral Dewey, who did sink the Spanish ships in the right time and way, who is a naval expert, and whose knowledge of the Orient is second to none, is a conservative statement of the argument of a believer in a sufficient navy and of a friend of the ship subsidy (which he is) and at the same time sticks a solar plexus blow to alarmists of the Hobson type. In an interview issued October 7.

"Declaring that he saw no war clouds gathering on the horizon, Admiral Dewey discussed several phases of the navy. He expressed himself

as heartily in favor of ship subsidies legislation and made a strong plea for the continued upbuilding of the navy.

"But the American navy is not quite so helpless as one might imagine from Mr. Landis' remarks," said the admiral. "We have fifteen colliers and several transports already in the service. Of course, these would not be enough in time of war and I hope that we will continue to add to that number. If we were to have a war we could purchase many ships as we might need. We did so in the Spanish war. It would, of course, be a great deal better if we had them already."

"But," he said, "there will be no war. And so long as we go ahead steadily and moderately in adding to our navy, replacing the older ships with the most modern type thus keeping our navy abreast of the world, no one will ever be able to say, like Mr. Landis, that other nations do not regard the American navy seriously."

In his trip around the world Mr. Bryan visited Japan and everywhere found the people desirous of peace. As far as the Manchurian dispatch is concerned, there is no evidence that it amounts to anything more than one of the small diplomatic tangles that come up almost daily and are forgotten. Japanese have been found taking surveys in this country but in that respect they are only doing what all governments do. Every European country maintains a system for obtaining the most accurate information in regard to the strategic points of all other countries. The Japanese are simply catching up.

And now we close our side with the advice that our readers take into consideration the things which we have quoted from reliable sources, the things which Hobson said that were manifestly untrue; like his rascal classification, and lastly the testimony of those like Henry George, jr., who are on the ground and who have carefully examined the resources, financial and economic, of Japan, and the evidence of men like Patterson and (though we have not quoted him) Lyman Abbott the editor of the Outlook who have ample means of obtaining accurate information and whose judgments are apt to be sound; consider these things in connection with the manner in which the Democratic National Convention and the Republican Year Book for 1908 virtually written by Roosevelt and endorsed by Tait treated the idea of war with the Japanese: and then determine whether the Hobson trigrade was justified. We might cite others but it would be simply "hauling coals to Newcastle." We submit that the manner in which he tried to stir up race prejudice was all wrong. That his statements were inaccurate and unreliable; that while those who favor a ship subsidy do so consistently if protectionists; there is every reason for opponents of protection to oppose the measure and favor simpler and speedier ways of securing a merchant marine.

That those who favor the subsidy because it is consistent with the protective system ought to do so, as Taft and others do, on the ground of its general utility for getting the desired result and that without abusing our neighbors.

That is all we expect to say about the matter. We rest our case: with the invitation to Mr. Dooley to write further if he desires to do so.

We believe a good constitution for New Mexico is a more important subject than any raised by Hobson and shall act accordingly.

More Than Enough is Too Much

To maintain health, a mature man or woman needs just enough food to repair the waste and supply energy and body heat. The habitual consumption of more food than is necessary for these purposes is the prime cause of stomach troubles, rheumatism and disorders of the kidneys. If troubled with indigestion, revise your diet, let reason and not appetite control and take a few doses of Chamberlain's Stomach and Liver Tablets and you will soon be all right again. For sale by Redford & Mann,

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Retracts Unjust Charge.

The New Mexican is pleased to learn that the report of the segregation of Spanish speaking children at Tucumcari was misinterpreted as to the motive of such segregation. It appears to have been made upon the request of all except one of the Spanish speaking parents who desired a teacher who could speak both languages for their children. This request was granted by the Tucumcari board of education but attendance in this room was made voluntary and not compulsory and Spanish speaking pupils were at liberty to go to the English speaking teachers or to the teacher specially engaged for them and who spoke both languages, had a first class certificate and came highly recommended. However, as a rule any distinction made between English, German, French, Spanish speaking or any other children in the public schools is a violation of Democratic ideals and should be discontinued.—New Mexican.

About ten days before the above appeared the New Mexican charged that the Tucumcari School Board, being, it was alleged, Democratic, had segregated the children of Mexicans by reason of hatred for the race, which the New Mexican inferred was inherently Democratic, and it intimated, further, that the Mexicans receive similar treatment from

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the Democrats of the Pecos Valley. It now confesses that the segregation in Tucumcari took place at the almost unanimous request of the Mexicans and that it was purely voluntary and not at all compulsory. Now, if the New Mexican will explain that the Democrats of the Pecos Valley have not caused the segregation of the races here it will be right all along the line. We are glad to note that this effort to stir up race prejudice for partisan purposes was nipped so early and so effectually.

The Grand Jury Report.

The Advocate trusts that every one of its readers will peruse the report of the Grand Jury which appears in this issue. It is a compliment of the highest order for this city and for the people thereof. It does not mean that all the citizenship of Carlsbad is bad; it does not mean any reflection upon the majority of the people of the county seat, but it does show that there is an element there that is not here.

That sort of element always did exist there and the grand jury reports every time from the foundation of Artesia to the present show a similar contrast. When Artesia was in its infancy it was not a typical frontier town. The people who came here to settle were respectable citizens and they did not countenance violation of law. Writing on this subject on September 1, 1906 Gayle Talbot said "The town is under a splendid municipal government and there is no lawlessness whatever. Artesia was the first town in the territory to prohibit gambling. There has not been a killing in the town or a conviction for felony." On January 12, 1907 Captain E. S. Bishop writing for the Advocate said: (emphasis his) "WE DON'T NEED ANY JAIL, for after a residence of six months the writer has not heard an oath sworn, has not seen or heard of any man carrying concealed weapons, has seen only two drunken men and they knew very well how to keep quiet. * * * If there is a mayor or a policeman I have not been able to distinguish them from any other citizen of the town—I suppose we do not need them either." Captain Bishop was not a land agent and had no axe to grind. He wrote of our splendid citizenship as he saw it. "Like attracts like" and it is no wonder that this people has grown in grace as time has gone by. It is no wonder that they have rigidly enforced the prohibition ordinance and made it such a success that no man in Artesia would vote for its repeal if it were again submitted, and that the freedom from crime which characterized the city from the day it was founded should never abate but should continue to increase rather than diminish with the growth of the community.

Dressmaking

See Mrs. Harris at Mansion House. Phone 131.

Notice to Public.

I hereby withdraw all my real estate from the market.

W. C. Bindle.

Before Buying Winter Clothing

SEE

Kantbebe
G. B. & CO.



The Best Goods and the Best Fit

The Millinery Department is under the supervision of Mrs. R. M. Davis and in direct charge of Miss McMahon, an expert milliner from Kansas City. All the latest styles and finest goods.

Cash Clothing & Millinery Company.

At A. F. & F. Bldg.

R. M. DAVIS, Manager.

Our "Able (?) " Address.

The subhead of our address on the postal censorship which appears this week informs our readers that it is an "able" production. While this expresses our idea of the matter to a dot, we desire to state that we are not personally responsible for the heading. The effusion is being published this week in several papers in the valley and we asked the Register-Tribune which is setting it up for the others to do the same for us. They used the same headlines on all and as the matter arrived and was "locked up" while we were in Carlsbad Wednesday and Thursday we were not aware of the nice nosegay we were handing ourselves until it was in print. Still as we said before, we are convinced that the compliment is merited.

The Best Plaster

A piece of flannel dampened with Chamberlain's Liniment and bound on to the effected parts is superior to any plaster. When troubled with lame back or pains in the side or chest give it a trial and you are certain to be more than pleased with the prompt relief which it affords. This liniment also relieves rheumatic pains and is certain to please anyone suffering from that disease. Sold by Redford & Mann.

Notice for Publication.

DEPARTMENT OF THE INTERIOR, U. S. Land Office at Roswell, New Mexico, Sept 21, 1909.

Notice is hereby given that Adam Rutherford, assignee of Edward A. Finegan, of Artesia N. M. who on Oct. 24, 1905 made D. E. No. 2301, Serial No. 04316, for W $\frac{1}{2}$ Section 13 Township 16 S. Range 25 E. N M P Meridian has filed notice of intention to make Final Proof, to establish claim to the land above described before C. F. Erb, U S Court Commissioner at his office in Artesia N. M. on the 17th day of November 1909.

Claimant names as witnesses: Robert Smith, Nancy I. Smith of Lake Arthur N. M., Nelson C. Deering, Caleb A. Sipple of Artesia, N. M. 10-9-09. T. C. Tillotson, Register.

Notice For Publication.

DEPARTMENT OF THE INTERIOR, U. S. Land Office at Roswell, N. M. Oct. 6, 1909.

Notice is hereby given that George J. Foster of Artesia, N. M., who, on Sept. 16 1904, made H. E. No. 5386 Serial No. 09348 for E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 24 Township 17 S. Range 24 E, N M P Meridian, has filed notice of intention to make Final Five Year Proof, to establish claim to the land above described, before C. F. Erb, U S Court Commissioner, at his office in Artesia N. M., on the 20th day of November, 1909.

Claimant names as witnesses: J. W. Turknott, Dayid C. Hall, A. J. Shockley, of Artesia, N.M. J. A. Pierce of Hope N. M. 10-9-09. T. C. Tillotson, Register.

UNCERTAIN WEATHER

Nothing succeeds like success and the opportunity is now at your demand. So be ready for real winter weather. You are due to look at our winter weight Fabrics. We make them to fit and to satisfy.

Harpold & Company,

Artesia, New Mexico.

President Taft and Ship Subsidies.

We commend the following from the "Rocky Mountain News" edited by former United States Senator Thomas M. Patterson, one of Americans best informed statesmen and writers to those who favor ship subsidies for their thoughtful consideration.

"President Taft has made the only honest and rational argument that can be made in favor of the ship subsidy bill. He says that it is a military necessity. He points out that our navy can do little in war without an auxiliary fleet, and he declares that our merchant marine has so decayed as to be incapable of furnishing that fleet. We had to get foreign colliers to help our ships on their trip around the world. Foreign colliers can't be had in time of war without causing certain complications; wherefore President Taft announces that he is going to ask congress for an experimental sort of ship subsidy.

"We repeat, this is the only honest and logical argument in defense of the scheme. But even this argument has left us quite unconvinced. The danger of war is either immediate or it is not. If immediate, the United States government should be buying foreign ships now, before the crash comes, and making the quickest possible preparations for the strife. If the danger of war is so remote that that the ship subsidy bill passed by the next congress would have time to do us any good, then there is time to get better results by cheaper methods.

"Of course, Mr. Taft does not believe there is any prospect of immediate war. Japan is staggering under a load of debt that effectually curbs her martial spirit, and has already compelled her to put off her project for a great navy. Europe is tied up in two confederations, near enough equal in strength to make either one halt before giving the other group such an ally as the United States. We are not a military nation, but we are far from being an easy mouthful for an aggressive foe. Our fleet, with all its glaring de-

fects and all its lack of auxiliary ships, is a splendid fighting machine. Our coast is far from being an easy problem for an invader to solve, our spirit under stress is high and stubborn, our wealth and inventive genius are enormous, and the mere bulk and weight of our land would give any foe pause. There is no tearing hurry.

"And since this is true, it seems worth while to ask why our merchant marine is in need of a subsidy. Time was when it was not. We were a naval people at birth. Without subsidies our merchant marine grew to the second rank in the peace of fleets of the world. Why has it dropped from that position? The work of the Alabama is no longer deemed an explanation. Even the tremendous development of our inland empire, though accounting for some of our indifference to the sea, does not account for it all. We have not lost seafaring ability, as is proved by the commerce of the lakes. Why, then, has our merchant marine, our deep sea fleet of peace, dropped to such petty proportions?

"The News can see but one valid reason—the tariff. This country has had over forty years of "protection," calculated to divert capital into artificial channels, and to ruin independent enterprise. That tariff was founded by men like "Pig Iron Kelley," who deeply regretted his inability to stop all foreign commerce whatsoever, and came as near his designs as he could. It has been maintained by men of about equal breadth and statesmanship. The Dingley-Payne-Adrich bill, under which we now labor, ought to be called "an act to establish and endow monopoly." It gives absolute possession of the home market, in a dozen lines of industry, to the men who have been putting up Republican campaign funds and milking the public for a generation. Iron and steel, woolen goods, cotton goods, sugar, lumber, leather—the list is as long as the moral law.

"Why should capital thus presented with a cinch on

land, go out to take its chances on the sea? Leaving out of account the direct increase in cost of shipbuilding which the tariff causes, who can wonder that investors prefer a sure thing, with big profits, to an equal chance, with probably moderate profits?

"The tariff is one main cause of the decline in our deep sea freighting. It is a cause that congress and President Taft can remove. And such removal of cause, it seems to us, should precede any dosing with stimulants. When a patient is found with a fractured skull, the surgeon doesn't depend on the brandy bottle to stop the stertorous breathing and the evident collapse. He lifts the depressed bone. It seems to us that a similar common sense proceeding is in line here. The least that can be done is to proceed with the two courses simultaneously. Every Democrat and Insurgent should insist that each grant of a subsidy should be accompanied by a reduction in the tariff.

"President Taft said that

At the Smoke House,

You Will Find All Kinds of Cigars and Tobaccos.

10 Different Daily Newspapers. All Kinds of Magazines.

Subscriptions Taken for all Magazines and Periodicals.

Why Don't You Have a Daily Paper Delivered to

YOU.

A Card of Thanks.

We desire to thank our friends for the kindness and sympathy shown us in the illness and death of our son and husband, Charles E. Millhuff. Mr. and Mrs. J. M. Millhuff. Mrs. C. E. Millhuff.

Notice For Publication.

DEPARTMENT OF THE INTERIOR
U. S. Land Office at Roswell N. M.,
Oct. 5 1909.

Notice is hereby given that David C. Hall of Artesia N. M., who on Sept. 16, 1904, made H. E. No. 5389, Serial No. 09349 for S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 27 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 26, Township 17 S, Range 24 E, N M P Meridian, has filed notice of intention to make Final Five Year Proof, to establish claim to the land above described before C. F. Erb, U S Court Commissioner at his office in Artesia, N. M. on the 20th day of November 1909.

Claimant names as witnesses:

J. W. Turknett, George J. Foster, A. J. Shockley of Artesia, N. M., J. A. Pierce of Hope N. M.
10-9-09. T. C. Tillotson
Register.

Well Known Hotel Keeper Uses and Recommends Chamberlain's Colic, Cholera and Diarrhoea Remedy

"I take pleasure in saying that I have kept Chamberlain's Colic, Cholera and Diarrhoea remedy in my family medicine chest for about fifteen years, and have always had satisfactory results from its use. I have administered it to a great many traveling men who were suffering from troubles for which it is recommended, and have never failed to relieve them," says J. C. Jenkins, of Glasgow, Ky. This remedy is for sale by Redford & Mann.

Standard Bred Horses.

For Sale. 1 fine 4 year old Stallion. 1 yearling stallion, (sired by Foxy Quiller, full brother of the great crise 4 choice mares, standard and registered, also other colts. Will exchange for Pecos Valley property. This stock is of the best blood in standard family. Will be pleased to give full description of each animal. A sure opportunity to get good blood.

Address E. C. Sperney
Oklahoma City
518 Security Bldg. Okla.

Cold Weather Advice

to all is to beware of coughs and colds on the chest: as neglected they readily lead to pneumonia, consumption or pulmonary troubles. Just as soon as the cough appears treat it with Ballard's Horehound Syrup the standard cure of America. Use as directed—perfectly harmless. A cure and preventive for all diseases of the lungs. Price 25c, 50c and \$1.00 per bottle. Sold by Redford & Mann.



Last Year

We Advertised

"We Put Up Stoves Without Cuss Words,"

BUT WE CAN'T MAKE THAT PROMISE AT OUR PRESENT PRICES.

Heaters, Cook Stoves, Ranges, Oil Heaters.

BRAINARD-CORBIN
HARDWARE CO.

the government is already putting public money into private pockets through the medium of the tariff. 'Tis true, 'tis pity; and pity 'tis true. The ship subsidy is a more open, and therefore more honest, form of the skin game that has been going on for forty years. We can stand a substitution of one for the other, but to saddle the land with both is more than human nature will bear."

For Sale or Exchange.

5 Passenger Automobile, will take horses and farm implements. Inquire at this office or write Box 102 Artesia N. M.

J. E. Hogin

Try a pair of "Star Brand" shoes for a change, for style, comfort and quality.

Lowry-Looney Company.

The damage suit of Swaeza vs Marshal Cooper and Policeman Patrick which came up in Carlsbad this week resulted in a victory for the defendants who were subsequently exonerated by the Grand Jury. We personally knew nothing about the case but the determination of two juries ought to satisfy folks as to its merits. City Attorney James C. Davis covered himself with glory by his conduct of the case for the defense and people of Carlsbad, as well as visitors from Artesia, who were present sing his praises.

Messrs. E. F. Phillips, S. W. Gilbert, E. E. McNatt and Harry W. Hamilton will leave Monday morning for Albuquerque to attend the meeting of the Masonic Grand Lodge.

The Cash Clothing and Millinery Store has many new and artistic hats. Don't miss an opportunity to see them.

We Now Desire to Announce to the Public

That we are open for business, and ask each and every one to give us a call whether wanting goods or not. WE SHALL Carry Nothing but the best

QUALITY in GROCERIES and MEATS,

And shall endeavor at all times to please you in PRICE and QUANTITY as well as QUALITY.

Hill-Brown Company.

MASSACRE-NIGHTMARE

President Porferio and a Sad Hibernian, Discussed by the Tenderfoot This Week.

The wan moon shone fitfully at times through ghastly clouds that stole across the sky as a shroud over the face of a corpse. The ghost of a breeze rustled the leaves of the cottonwoods in an uncanny whisper. The howl of a coyote over on the barren hills sounded sharp and clear as the call of the hyenas gathering for a graveyard feast. The night was wearing on, and the spirits of the air were abroad, when over over the landscape stole a blood-curdling wail, as of a soul which has lost all hope. Then came a growl as a baffled beast of prey might utter when foiled of his victim, and a shrill shriek that pierced the ear, and the cackling laugh of a maniac. As though this were not enough there came the sound of blood-curdling blows of the crunch of bones and the chug of flesh as a knife was driven home, while the chorus swelled into a frightful discord of the spirits of the dammed, now rising in a wave of unearthly sound now sinking to the gurgle of death, now swelling again till the heart stood still in horror, and the hair began to grow gray. Then there was a sullen roll of thunder and a giant's voice spoke as the scattering musketry of a fierce engagement begun. The shrieks of the wounded, the boom of cannon, the trampling feet of charging horses, the clash of steel, all came together in a very hell of sound, rising higher and higher until the slimy creatures of the night wind took flight in fear, and the murderers who are doomed to die of old age in their cells cringed in affright. The ordinary terrors were swept away. Hope was dead. The human heart was paralyzed, all light was gone, and the end of the world is not far off. At least it seemed to be, but it was only the regular practice night of the village brass band.

NOT THE SAME NOW,

While at Carlsbad at the press meeting I met again my old friend, C. W. Mahoney, of Otero county, and was privileged for a little while to renew the lights and shadows of our mutual experience along the Rio Grande. As may be suspected from the name, Mahoney is an Irishman. Having his heart, many a time I have watched the camp-fire flicker and heard him spin endless yarns on the beauty of the Emerald Isle, its legends and fables and all that sort of thing. Finally I got the idea that Ireland must indeed be a sort of fairyland, and where the fishing is always good, and other heavenly conditions prevail. This received a rude jar in my talk with him at the beautiful. He had just returned from a visit to Ireland.

"I am sorry now that I went," said Mr. Mahoney, "simply because it will leave a bad taste in my mouth the last of my days. Not that the old dart is any the less beauti-

ful, but because it destroys the memory of it built up in the thirty-odd years since I left for America. Age is a great destroyer of romance, and it seemed to me this time that I could see unlovely things that were not there in my days. In the first place the abject poverty of masses struck me like a blow. Despite their light heart, the Irish have a terrible struggle for life, and that they win is owing more to their courage than anything else. The system of land tenure is cause of it all, and is responsible for the great exodus to this country and to other parts of world. They simply have to get out or starve. The rents are so high and the grasp of the landlords so heavy that the tiller of the soil is little more than a slave. To be sure there is a gleam of hope in the recent rebuilding of the land laws by parliament, but even that has not yet demonstrated a very great value, it may later on but it has not yet. I am fearful of the future of Ireland, and can see no reason for hope—except in immigration. I had been gone so long that only a few of those I knew as a boy were left. My father and mother long since were numbered with saints, and two sisters and a brother live at almost opposite corners of the isle. I visited all the historic points, and did my best to find some enjoyment in it, but hardly succeeded. That never-absent wraith of hunger and want prevented any continued enjoyment and kept turning my mind back to free America, where all of the people have a chance to live, and if they work and save to be comfortable in their old age. I shall never go back to Ireland. I am sorry I went this time. There is no country in the world like America, and it is good enough for me. I will never have a warm spot in my heart for Erin, but in is only based on the sentiment that is natural in every true Irishman. Uncolored by the glamour of youth, and viewed with the eyes of age, I know it for the heart-breaking fact that it now is."

DIAZ AND MEXICO,

Mexico does not view the ultimate retirement of President Diaz with the apprehension it once it. The government has been placed upon such a firm foundation that when the time comes for that

Daily Passenger Service to Hope via Hope-Artesia Auto Line.

Car leaves Artesia at 8:00 a. m., arriving at Hope 9:30 a. m. Returning leaves Hope at 2:00 p. m. arriving at Artesia 3:30 p. m. All kinds of express carried at reasonable rates.

ROUND TRIP FARE \$3.00.

Special parties of six or less may have use of the car for excursions and pleasure parties, by notifying the manager a few days in advance. For further information address.

Charles A. Tanner,
Artesia, New Mexico.

wonderful man to lay down his toga there will be others almost as able to take it up. I thoroughly appreciate the marvelous work of Porfiro Diaz. When he came into power the country was rather a series of feudal states than a true republic, and life and property was safe only in a few well marked localities. There was no monetary system, and revolution was everywhere. Diaz changed that. He bent the whole nation to his will, weeded out the malcontents with an iron hand, welcomed the investment of capital from any country, and made the country better governed than most. At first he was repugnant to continued hold upon the presidency, but after a little he saw that it was the only hope of the country, so that his reign has been that of a dictator, with the notable exception that it has been an unspeakable blessing to the land, which a dictator usually is not. Practically everything that Mexico is, is due to the wonderful foresight and incomparable wisdom of Diaz. One more term will end his public life, however. He is now 79 years old, and in his lifetime he has passed through an experience that would have killed anyone with a less rugged constitution and indomitable will. He is growing weary of the burden, and longs to pass a few years in peace and quiet before the end, and it is not likely that he will consent to serve longer than another term. The better class all over Mexico has become so infused with the spirit of Diaz that there is no danger in the passing of the reins from his hands. The government is built up out of the quarries of Lebanon, and there is nothing to fear, when the rule passes to other hands. Mexico is only beginning to enter upon its greatness, and the policies that have brought the wonderful change that has occurred will be continued long after Diaz' name is but an honored memory. The old man has builded a structure that will not crumble with time.

(Diaz has certainly done much to improve Mexico in many ways and has, temporarily at least, given the country a stable government. His greatest fault, is that he gave away the public domain of his country to adventurers. Land monopoly is the curse of Mexico and it has been strengthened during the Diaz reign. Had the education of the masses and the increased stability of the government been accompanied by the establishment of a homestead system similar to ours and a moderate tax on "unearned increment" to prevent the holding of land out of use for speculative purposes, Mexico's prosperity and stability would have been assured. We are far from convinced that it is. Diaz is a great man in many ways but it will take another generation to determine whether his work for Mexico was good or bad in its ultimate results.—Ed.)

Notice.

To Whom It May Concern: I hereby withdraw all my real estate from the market,
J. V. McCabe.

AUTO SERVICE BETWEEN ARTESIA AND HOPE, REMEMBER THIS.

You can leave either town early in the morning or late in the evening.
New cars. Careful drivers.
Trips made everywhere up and down the valley.
Cars leave from Pecos Valley Drug Store and Hope Mercantile Co.

Artesia Auto Transportation Company.

PHONE 121

COPP & LUCKETT,

ATTORNEYS AT LAW,
WASHINGTON, D. C.

Have practiced many years before the LAND DEPARTMENT.....
Contests a specialty. Look after the issuance of patents, special agent cases and all classes of public land business. Write to them.

The Artesia Bakery.

Bread 5 and 10 cents per loaf.

Pies and cakes of all kinds.

—JUST WEST OF THE CRYSTAL DOME.—

S. L. GREENWOOD, Prop.

CROUCH & CARDER. LIVERY,

ARTESIA, : : : NEW MEXICO.

Mrs. Rose Brodie,

HAIR DRESSING.

Facial Massage, Manicuring and Shampooing. Scalp Massage a Specialty. Puffs and Switches made from Combing.

Leave your orders at the MILLINERY STORE, any time. I will be there

TUESDAYS and FRIDAYS.

ARTESIA, - NEW MEXICO.

Furniture, New and

Second Hand.

At the lowest prices. Fruit jars plenty, Refrigerators, Water Coolers, Kitchen Ware of all kinds. New Iron Beds \$2.50 and up.

J. M. MILLHUFF,

Mansion Building.

Artesia, - New Mexico.

How to Cure a Cold.

Be as careful as you can, you will occasionally take cold, and when you do, get a medicine of known reliability, one that has an established reputation and that is certain to effect a quick cure. Such a medicine is Chamberlain's Cough Remedy. It has gained a world wide reputation by its remarkable cures of this most common ailment, and can always be depended upon. It acts on nature's plan, relieves the lungs, aids expectoration, opens the recretions and aids nature in restoring the system to a healthy condition. For sale by Redford & Mann.

Lowry-Looney Co Tailors and Furnishers for men, women and children, successors to D. L. Looney, Tailor for careful men and women at Howell old stand.

Coffee cake, every Saturday, special. Home Bakery.



DANGER! You need not be fearful if you use BALLARD'S HOREHOUND SYRUP

for that cough. There are many consumptives who now would be well if they had cared for their health.

Ballard's Horehound Syrup Cures Coughs, Colds Bronchitis, Sore Throat, Whooping Cough and Lung Troubles.

SAVED SICK SPELLS.

Mrs. Emma Johns, Las Vegas, N. Mex. writes: "I recommend Horehound Syrup to all I know troubled with coughs, colds, etc. I have been saved numerous sick spells, by using this remarkable preparation."

PRICE 25c, 50c, \$1.00

Ballard Snow Liniment Co.
ST. LOUIS, MO.,

Sold and Recommended by
REDFORD & MANN.

For Chapped Skin.

Chapped skin whether on the hands or face may be cured in one night by applying Chamberlain's Salve. It is also unequalled for sore nipples, burns and scalds. For sale by Redford & Mann.

If you have property for sale anywhere in the valley especially the Artesia country write us a full description and give lowest net price. We will do the rest.

Deeded Land Real Estate Co.
Hagerman N. M.

Even "Maud" wouldn't kick if she had gowns pressed by Harpold & Co.

"THE POSTAL CENSORSHIP."

The Able Address of Jas. D. Whelan, Delivered at the Meeting of the Pecos Valley Press Association at Carlsbad, Thurs. day of Last Week.

The committee assigned me the subject "Irish Editors" with the oral information, that, if I saw fit I could take up some other subject. After mature deliberation I decided to take advantage of the liberty of choice thus extended me.

There are two reasons why I should decline to discuss the subject assigned to me. In the first place, being somewhat cosmopolitan in nature I have paid little attention to whether an editor whom I liked (or an editor whom I disliked) came from Ireland, or Germany, or Maine or Florida. So if I were to try to handle "Irish Editors" I should be compelled to secure a copy of "Who's Who" in Journalism; and so far as I have been able to learn, that interesting work has not been published. Therefore I should be compelled to confine my essay to those editors of Irish extraction with whom I am personally acquainted; consisting pretty largely of my friend Mullane and myself.

And at this point the second difficulty presents itself. If I were to tell all the bad things that I know about Mullane I would have to square a bigger account with that gentleman than I am prepared to settle at this time; and as most of you are affiliated with the same short comings as he, or worse ones, I should probably be denounced as a "muckraker." On the other hand if I were to tell all the good things that I know about myself, while most of you, as far as your limited capacity will allow, would realize that I spoke only the truth (and that with becoming modesty) yet you would, undoubtedly, denounce me as an egotistical "nature fakir"; because in calling attention to my own virtues I would necessarily remind you of your own failings. So in order to retain peace of mind and many friendships which I value, it has seemed wise to avoid the subject. It might not perhaps be out of place to suggest that if you take Mullane's qualities and mine and mix them thoroughly, you will come to the conclusion that the average Irish editor is simply an average man.

During the meetings of the Association which have been held heretofore, there is one subject, of vital importance in its ultimate possibilities, which has not received the consideration which such a radical departure from early ideas, and what we used to consider early ideals would seem to warrant. I refer to the postal censorship now virtually established in this country.

This is in no sense a partisan subject. Members of congress of both great political parties were practically unanimous in passing the present law and no protest was voiced in the platform of either. The Socialists in national convention denounced the law and proposed measures much more radical than I can endorse; and the National Prohibition party and the Independence League (or Hearst party) with more conservatism, and I think with a truer conception of the extent of the evil with which they were called upon to deal, simply asked for a court review of all contested rulings of the postoffice department. But as I am in no way identified with either of the numerically minor parties last referred to, I cannot be charged with introducing partisanship because I incidentally endorse their attitude.

Before commenting upon the present law as applied by the postal department it might be well to understand what it is.

I quote the following from a work called "The United States Government's Shame," written in regard to the famous E. G. Lewis case by Edwin C. Madden, former third assistant postmaster general: "The pamphlet issued to the public July 9th, '05, in defense of the fraud order mandate, on page 3 says: The decision of the Postmaster General was reached after a full hearing on the case by the Assistant Attorney General for the Postoffice Department, who recommended the issuance of a fraud order and upon the opinion by the Attorney General dated July 6, holding that the Postmaster General was legally justified in issuing the order.' On the same page the pamphlet also says 'The Assistant Attorney General laid the results of the hearing before the Postmaster General who immediately gave the matter his attention. Mark this closely. The Attorney General of the Department of Justice gave an opinion that the Postmaster General would be 'legally justified.' In other words, so long as the inspectors furnished evidence 'satisfactory to him', and the Assistant Attorney 'laid the results' and his 'recommendation' before him, he could do it. The courts could not interfere."

Continuing Mr. Madden quotes a prominent senator who in a speech before the United States Senate on February 21, 1906, said:

"I doubt if there is a despotism on earth today that holds any single man in its dominion with the same power over the business of its citi-

zens, as the United States vests in the Postmaster General of this country. He can close any man's business by simply saying that in his opinion it is fraudulently conducted. A clerk (inspector) upon an insufficient examination, can order a man's mail discontinued, interrupt the current of his correspondence, destroy his standing in the business community, and the citizen is absolutely without access to the courts to right the wrong."

It is beside the point to say, what is largely true, that nobody ever went farther in the extension of the principle of administrative law than the same Mr. Madden. Whether he is consistent or not, the condition of the law is precisely as he has stated it. While this power, thus wielded, may be applied to all sorts of business enterprises, it has particular reference to the press. When Lewis was prosecuted and the cases against him were finally brought to trial he was found not guilty, but that fact did not necessarily mean that the order against him and his publications would be removed. It was removed, it is true, yet the postoffice department might have still refused him admission to the mails and its action would not have been reviewable by any court.

In his great work on "Federal Usurpations," the noted New York lawyer, Franklin Pierce, says:

"The victim of such action may be two or three thousand miles from Washington. He is given an opportunity to be heard by the Assistant Attorney General, who has already passed upon the case. The examination is not one through witnesses with examination and cross-examination, but is in fact a mere formal examination, and the decision of the Assistant General, confirmed by the Postmaster General is absolute upon the rights of the accused."

It is wholly irrelevant to say that the power thus claimed and exercised, has generally not been abused. This is indeed disputed. In the Lewis case it appears that a grievous error, costing Mr. Lewis thousands of dollars, was perpetrated and that he had no means of securing redress.

At the time of the last trial of Harry K. Thaw, the President of the United States ordered the exclusion from the mails of publications containing verbatim accounts of the testimony. That they should have been excluded, if there was any statute forbidding their transmission, we assuredly believe. And if there is no such law, and if a reasonable reading of the constitution gives no warrant for the passing of such law; then we believe that it would be well worth while to amend the constitution in order to prevent the placing of so much immoral matter before the young of our land. But, while this is true; it is equally true that the admission of the right of any executive officer, however able and high-minded, to determine whether certain matter is transmissible, without leaving to the publisher the right of having the case finally determined by the courts, is a dangerous precedent and one which (if firmly established) will in the nature of things be exercised more and more as time goes by. For if the Postmaster General can decide that one thing is dangerous he can decide that another is dangerous. There is not one argument that can be advanced for this censorship that cannot be advanced for the exercise of despotism in any form. It allows the department to create a wrong, to make what was right yesterday wrong today and right again tomorrow. It leaves the victim helpless, for since offenses against postal laws are not exactly defined, it is impossible for a publisher to tell when his publication may be suspended. He may publish what was lawful and legitimate at all times before; publish something in regard to which statute and precedents are alike silent; and if the Postmaster General and an Assistant Attorney General decide that it is not transmissible, his publication becomes wrongful in the sight of the law. A law is created which did not theretofore exist, and he is not permitted to appeal to the courts to even construe the meaning of the law, which is nowhere written and which came into being only in the minds of the Postmaster General and the Assistant Attorney General. If congress or the legislature pass a law and a publisher is arrested in accordance with its terms, or if his publication is held up in accordance with its terms, he can go into courts and have the merits of the case tried there, but from administrative law there is no appeal to the courts.

I have suggested the possibility of its being unconstitutional for even Congress to pass a law granting the power to refuse transmission of newspapers through the mails, even though they contain objectionable matter. Since the decisions of the Supreme Court are final and since that body has decided that such laws are valid, of course, there is no doubt about their constitutionality. Yet there was a time when practically every able lawyer in America ruled against their constitutionality. In 1836 President Jackson recommended to congress the passage of a law prohibiting the sending of incendiary anti-slavery literature through the mails. Senator John C.

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Calhoun, the ablest of all the distinguished pro-slavery lawyers in the South, opposed the measure on the ground that it was unconstitutional. Daniel Webster, the ablest champion of a strong central government that ever appeared on the floor of the Senate, opposed the passage of the measure on constitutional grounds. The bill was defeated. It never occurred to President Jackson that he could adopt a ruling and thereby create a law irrevocable by the courts.

Only last year, Frederic Jesup Stimson, professor of Comparative Legislation of Harvard University, and author of many works on the constitution, said in his latest work, "Federal and State Constitutions":

"The right of law, peculiar to the English people, is the right of anyone, irrespective of rank or station, to appeal to the ordinary law courts for trial of any dispute between him any other person, or body of persons, or even any officer of the government. This applies as well to criminal as to civil cases, and to any infringement, by any person or officer, acting under whatever authority, upon the individual rights of liberty and property and other civic rights. In England and with us there is no Administrative law; no peculiar corpus juris extending to the doings or relations of government or any officer thereof such as exists in all continental countries. The notion that the government itself or even the King in the person of any of his officers, can be questioned by any subject in the ordinary law courts—conjoined with the rights of instant inquiry into the reason or pretext for the detention of any man's person by the officers of the government, civil and military as well as judicial—is the principal reason that England has been called free."

I shall not elaborate upon the value of the freedom of the press. I do not, indeed, quite endorse the sentiment attributed to Thomas Jefferson, that if given the choice between a government without newspapers and newspapers without a government, the latter would be preferable. I believe that the laws against libel should be made stringent and rigidly enforced in the ordinary tribunals. I believe that the statutes prohibiting the transmission of immoral literature through the mails should be made strong enough to prevent the circulation of all prurient and corrupting publications. I believe that, since it has been held that Congress can invest the postal authorities with power to refuse the transmission of objectionable matter through the mails, that proper legislation along this line should be enacted. But all these laws should be made definite and certain, and not depend upon the caprice or whim of any irresponsible individual, however able, for their construction. Lastly, I believe that every man who feels aggrieved at the ruling of the postal department, or any other department, should enjoy the right of his day in court and not be tried by the prosecuting officers, who bring the case against him. This is only justice and, moreover it is the only way in which the priceless boon of American liberty can be preserved for the use of the present generation and transmitted unimpaired to posterity.

Believing these things, I also believe that it is the duty of every press association in the country to pass resolutions asking that the laws governing the right of the postal department to refuse the transmission of newspapers through the mails shall be made definite and certain, and that the right of appeal to the ordinary legal tribunals shall be granted to publishers by an act of congress.

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Office of Comptroller of the Currency
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Whereas by satisfactory evidence presented to the undersigned, it has been made to appear that "The State National Bank of Artesia," in the town of Artesia, in the County of Eddy and Territory of New Mexico, has complied with all the provisions of the Statutes of the United States required to be complied with before an association shall be authorized to commence the business of banking:

Now Therefore, I, Willis J. Fowler, Deputy and Acting Comptroller of the Currency, do hereby certify that "The State National Bank of Artesia," in the Town of Artesia, in the County of Eddy and Territory of New Mexico, is authorized to commence the business of banking as provided in Section Fifty one hundred and sixty nine of the Revised Statutes of the United States.

Conversion of the Bank of Artesia.

In testimony whereof witness my hand and Seal of office this First day of July, 1909.

Willis J. Fowler,
Deputy and Acting Comptroller of the Currency.
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