

Pecos Valley News.

VOL. 1.

ARTESIA, NEW MEXICO AUGUST 1, 1907

NO. 47

"LOCOED."

A STORY OF SPRING LAKE.

BY JAMES C. DAVIS.

We were growing somewhat accustomed to the staturesque steer, and at last dared to move away. We passed by the ruins of the historic cottage and looked within. All was still as the death that once entered there; a startled lizard snapped its eyes and then vanished into a shadow, while an owl drifted through the walls on noiseless wing. Yet the spirit of the gentle signorita seemed to linger there. The kildeere piped its mournful lay in the marshy lowlands; the soft, voluptuous breeze caressed the cheek, like the touch of a vanished hand; the locoed steer stood sentinel against the twilight-deepening sky, a grim phantom of the coming night.

On our way home I received the startling information that what we had seen was not a thing of flesh and blood, but the ghost of the "Locoed Steer;" that it appeared at irregular intervals, and that its visitation was always a harbinger of death; that the person who viewed it and at whom its horns were pointed might prepare for his own or the demise of some member of his family. The vindictive hatred of the Mexican is proverbial, but when he loves you, his devotion is truly sublime. This man was my friend. He insisted on going to my home and ascertaining with me the condition of my family before he would be content. A good supper and happy welcome awaited me. Romero smiled, bade me adios and turned away.

That night when all else slept I sat up to think. The ticking of the clock upon the wall had a melancholy ring; the lamp would not burn brightly, turn it as I might, the wind found loose shingles and boards upon the house, the presence of which I had never known before and rattled them with fiendish fury. A nervous dread of impending evil struggled with reason for the mastery. Had I not seen the "Locoed Steer?" Had not its horns been pointed at me? Yet this had occurred also to Romero. But considering his tender interest in me and mine, would not his sorrow be my concern? Before retiring I stole a look at my sleeping loved ones. The breathing was soft and regular as the pulsing of a summer morn; the babe lay with its curly head against its mother's breast and as a smile chased the dimples on his cheeks, the mother's arm drew him closer, as though the chord of maternal and infantile sympathy was being touched by an unseen hand even in the misty vales of dreamland. About twelve o'clock I coaxed myself into a troubled sleep, and through the hours that followed was half conscious of physical and mental pain.

A loud knock upon the door awakened me. In the cold, grey dawn stood Romero, his face not less grey and sunless than the sky. He threw one arm about my neck, his head upon my shoulder and I could feel his wildly beating heart.

"Dead! dead!" he cried in his broken English. "My child, my Isabella."

Further inquiry revealed the fact that the daughter had fallen, while trying to board a train on her way from a neighboring town, and been crushed beneath the wheels. They brought her mangled body to the ranch home, and as the dark-skinned, tearful circle, from grey-streaked parent to wailing babe, gathered around "sister," now so strange and still. I realized more fully that one touch of nature makes all the world akin, and that human sympathy is the climatic conception of the will of God.

Whether we saw a locoed or normal steer, or an apparition whether the story of the "Locoed Steer" and its reappearance is or is not true; whether sub-conscious, telepathic or other psychological conditions served to impress and depress Romero and your writer; whether the sad finale was consequential or coincidental, I do not know, nor do I care to intrude my heightened sensibilities any further into the case. But this much I do know: That in a quiet Mexican cemetery lie the mortal remains of poor Isabella; that from her childhood home, where her footsteps are scarcely yet effaced, a father's trembling hand gathers wild flowers and hangs them on the cross that marks her resting place; that she died on the day and at the hour that her father saw or thought he saw the "Locoed Steer."

In the year 1881, the New Mexico rangers were pursuing a band of hostile Indians in the Pecos Valley. There had been skirmishes, retreats and pursuits and as yet no decisive victory. At last the rangers, weary and thirsty, turned to the well known spring. The mountain cottonwoods, then in their infancy, beckoned them, and they further knew that the redskins had been so constantly on the move that they must be in dire straits for water and that the spring was the only one near enough to supply the immediate need. In the tall grass, beneath the silent trees, the rangers lay and waited for their prey. One stalwart ranger arose and said to his companions: "I am going again to the spring; all the measly Indians in New Mexico can't keep me from water when I am so near." So saying he advanced toward the spring. There is an herb that every western man knows or

has heard of, and it is called loco. When eaten by cattle, its usual effect is soporific and ennuating; but beasts, like men, have their idiosyncrasies. The potion that will bring to many drowsy contentment may produce in another a fury and viciousness unequalled by anything in fact or fancy. As the ranger approached the spring he was attacked by a locoed steer. So vicious and sudden was the assault that he would have been trodden down at once had not another person appeared upon the scene. A slight Mexican maiden, unaware of the lurking dangers, was stooping to lift water from the spring. She was chanting some native air and her body swayed in sympathy with the tune. On her head was a red turban, a color so dear to the Mexican heart and so hated by the bovine tribe. The ranger was ignored and the steer with increased fury, turned upon the helpless girl. Did she faint or flee? The Andalusian blood that had trickled down through the veins of ages, responded to the call of heredity. She knew the tricks of the torador; she knew the color of his flag. She snatched the crimson turban from her head and waved it in the air. With an adroitness worthy of the ring, she eluded the terrific plunge and the steer, so sure of his prey, fell heavily to the ground. The muscular ranger sprang forward and grasped the spreading horns. In his haste he had dropped his rifle and had had no time to regain it; his companions, hidden in the tall grass and hearing no sound of alarm, were awaiting his return. No time to cry for help; the steer must not regain his feet to put to death the noble girl. It was a struggle for life or death. It was near the spring and the ground was boggy from sub-irrigation. As the steer struggled to rise his feet sank into the earth. The Herculean soldier stood grim and resolute, the muscles on his forearm swelling with every strain; the wind blew his long hair into sable waves and dashed the sweat from his knotted forehead into a spray. The steer never succeeded in raising his nose from the ground; his limbs were stiffening in the mirey soil, not too soon, for the ranger was weakening in his almost superhuman task; the appreciative girl was again trying to lure the steer with her waving turban, but no response; the battle was won. But hark! a volley; an unearthly yell, and the girl, soldier and steer lay bullet ridden upon the plain. You can never tell when nor where the devil or an Indian will appear. The sneaking varmints had marked their helpless victims, not knowing their helplessness, not knowing retribution was so near. History has recorded the details of the battle that followed. When the rangers saw their fallen comrade and the fair, young girl, the dark tresses waving from her silent head, the turban still clasped by her shapely hand; it changed from war to extermination, and the few redskins who escaped to the Gaudaloupe mountains had little to boast of in the way of glory. The soldier and maiden lay side by side, in silent state in her little home, the cottage last described at the beginning of this narrative; then in a flower-be-

spangled nook of the valley they were laid to rest while a company of rangers, with bared and bowed heads fired a farewell volley over the sun-kissed graves of the hero and heroine of Spring Lake.

Feris Heath was sick the first of the week and unable to be at work at the News office.

The Singer agency has been moved to the Benson property in the southwest part of town.

The storm blew down the derrick of the Mull well rig Sunday afternoon. The loss is over \$100.

Mrs Anna Scoggins has gone to Farwell, just across the line from Texico to open up a large rooming house.

A force of men are cleaning up the streets of the city which is improving its appearance to a wonderful degree.

The union services will be held in the Methodist Church Sunday evening and Rev. Bialock will deliver the sermon.

The Christian church and Sunday school will picnic Friday of this week on the Penasco. Gather at the church at 7:30 o'clock.

Junior society of Christian church will give an ice cream social on lawn at Schwartz Thursday night of next week. Everybody invited.

Hugh Gage has resigned his position as cashier of the bank of Artesia and will turn his attention to his business interests in the vicinity of Hope.

The Walker-Davison outfit has returned from San Antonio, Tex., and is planning to open up offices in the towns between Roswell and Carlsbad to again engage in the real estate business here.

The Artesia Market room has been cleaned up, repainted and repapered and everything is now in first class condition. They are now ready to serve the public in the best approved manner.

The Gibson Hotel is an institution of the past. E. C. Higgins informs us that he will convert it into business rooms and offices and rent it out for those purposes. It will make splendid business rooms.

A Fine Rain

Artesia and vicinity was treated to a fine and most acceptable rain Sunday afternoon. It rained for about an hour and while we would have appreciated more what fell has effectually broken the drought of six weeks duration and has put everything in prime condition.

Everything was doing well under the system of irrigation but a good rain is always acceptable.

Fell 100 Feet to His Death.

Pittsburg, Kas., July 27.—By a fall of 100 feet from the top of the standpipe in Mineral this afternoon, Ernest Gleason 24 years old, was killed. He had been connected with the Chicago Bridge and Iron works for several months, and three months ago saw a comrade fall to his death in a similar manner while at work on a standpipe in Artesia, N. M. He had intended to quit the work when this job was completed. The standpipe was almost completed when the accident happened.

A BIG ERROR CLAIMED.

Farmers to the Northwest Claim Many Good Wells

Artesia, July 22, 1907. Editor News:—We notice in your issue of July 18 the following item of news: "Sperry & Lukins are just bringing in another of their big gushers four miles north of town. As we go to press it is taxing their capacity to control the flow. This is their third well in this neighborhood, each one being better than the other. All other previous attempts to make wells in this vicinity have met with practically complete failure. It can readily be seen from Sperry & Lukins' work that the cause of dry holes or small flows in that neighborhood is not because the water is not there." Now we would not detract one iota from the credit due Sperry & Lukins for bringing in their gushers. And of course their business should be boosted in every legitimate way, but in all fairness to the land and well owners of this vicinity, as well as the other drilling companies who have assisted in developing its resources, we wish to state that the editor has been imposed upon, and grossly misinformed by some irresponsible party. For this vicinity is one among the best watered of the artesian belt. And in refutation of the insinuation that this vicinity is one of "practically complete failures," we wish to submit the following facts from the records of the well supervisor:

On the farm joining on the north the one on which the big flow is now being brought in is the well drilled by Sperry & Lukins, for E. P. McCormack which flows 23 inches over the six inch casing.

On the land joining the McCormack land on the west, is the Fulkerson well, flowing 21 inches over the six inch casing. Drilled by S. A. Butler, Nov 13, 1905.

On the land joining the McCormack land on the northwest is the Starks well flowing 34 inches over the casing, drilled by Butler in May, 1907.

On the half section joining the McCormack land on the north we find two fine wells one owned by Robert George flowing 24 in. over the six inch casing. Drilled by H. E. Mull & Co. April 6, 1907. The other the Howey well flowing 32 inches over the six inch casing drilled by E. R. Gesler Co. in May.

Then one mile north of the McCormack land on the southeast quarter of section 8 we find the Clark well flowing 24 inches over the six inch casing, drilled by the Demster Co. June 1905.

On the southwest quarter of section 8 one mile north of the McCormack land we find the Keinath well flowing 40 inches over the six inch casing, drilled by H. E. Mull & Co. Jan. 1906.

One half mile north of the Keinath well we find the nine inch well owned by Kirkendall flowing 12 inches high, drilled by Butler. So it can be seen at a glance that this vicinity is one where the wells flow bounteously and "failures and dry holes" exist only in the imaginations of knackers.

Lewis Peemster.

Pecos Valley News

Published every Thursday at the office of Pecos Valley News, Artesia, Eddy County, New Mexico.

D. L. NEWKIRK, Publisher. J. F. NEWKIRK, Editor.

Entered in the Post Office at Artesia, N. M., as Second-class matter, Oct. 7, 1906.

THE modern "Leak in the dyke" was enacted in Wyoming lately. The reservoir of the Wyoming development company near Larimie is held back by a great earth dam a mile and a half long. The reservoir is up to this time the largest for irrigation purposes in the United States. The daughter of a ranchman and a girl friend from the city were riding over the dam one evening when they noticed that the water had begun to seep through the dam and was cutting out dangerous little channels. The girls galloped to the home of the caretaker, but he was away. Then they telephoned to the nearest ranchman, ten miles away, and hurried back to the dam with two other women who had been with their little riding party. Finding shovels and ropes in the caretaker's house, they hauled load after load of hay, brush, and grass to the breach, while they took turns shoveling dirt on the hay and tamping it down. At daybreak men arrived and finished the repair work, and the dam was saved, with all the rich farms dependent on it. Nobody is going to write any poem on this, and if he does he will get licked by the first editor to whom he submits it.—El Paso Herald.

The time seems to be ripe for Chairman H. O. Bursum of the Republican Territorial Central Committee, to lay aside his extreme good nature and put by his kindheartedness. The Albuquerque Morning Coyote Journal has been guilty of most infamous and direct libel against him in many instances during the past twelve months. A libel suit or to by Mr. Bursum might enliven the situation and teach the tax dodgers and real estate sharks controlling that sheet a greatly needed lesson. Such action on Mr. Bursum's part would also prove of great public benefit.—New Mexican

Republicans in general and Mr. Bursum's friends in particular would be pleased to see the Journal called to account for its reprehensible utterances against him.

CAPTAIN George Curry, governor of the province of Samar, P. I., and in a few days to become governor of New Mexico, arriving in Albuquerque yesterday afternoon at 5:50 o'clock on Santa Fe limited train No. 4 from the west and was in the city until shortly after midnight, when he left on train No. 9 for El Paso, en route to his home in Roswell.

Governor Curry's arrival was entirely unannounced.

Aside from the Morning Journal, no one in the city was aware of his arrival or that he was expected until he stepped down from the train, where he was greeted by several members of the Morning Journal staff.—Albuquerque Morning Journal, Monday July 22.

HE'S a republican! Wough-ow-ow-ow!!! - Roswell Record.

And he said, "My administration of territorial affairs will be in conformity with the national administration on all lines. I am an agent of the national administra-

tion and will endeavor to be true to the agency I am to fill. My appointment to the principal offices of the Territory will be Republican, for it is a Republican administration."

Wough-ow-ow-ow!!! — Roswell Record.

It is to be hoped that one of the first things the new governor does, is to look over the records of some of the late reform office holders—particularly the Bureau of Immigration. — Albuquerque Evening Citizen.

It is also to be hoped that when the new governor commences the house cleaning act that he will not overlook the Bureau of Immigration.

Good advice is cheap. Ours to the new towns in eastern New Mexico is to stop fighting each other and pull together for the whole section and for the territory. — El Paso Herald.

All Artesia asks is to be left alone in the enjoyment of life and prosperity and in the pursuit of county-seat privileges.

No correct call for the bridge election has yet been published. The Board decided to call an election for the issuing of \$22,000 in bonds, \$10,000 to be used in the construction of a bridge at Carlsbad and \$12,000 in the construction of one at Artesia. The election tickets should conform to the above statements.

If we were not so poor ourselves, we would take pleasure in reminding the Carlsbad editors that the increase in their personal taxes, occasioned by the issue of bridge bonds, would not be oppressive. Stand out of the way of progress, brethren, lest you be trampled under foot.

Possibly the man at Oyster Bay became in some manner aware of the fact that the new governor, while in Albuquerque for a night met the fate of that man who was going up to Jericho.—Albuquerque Morning Journal, Friday July 26.

THE MORNING JOURNAL was the first and only to be apprised of the arrival of Capt. Curry, and yet he failed to inform the management that he is no longer a democrat. Break the news gently, Mac's heart is weak.

WHEN half a dozen of our most influential citizens institute suits for criminal libel against the Morning Journal, Editor Mac, will need to purchase a capacity and Sub Henning have to shed his kid gloves.

THE Roswell Record quotes the Albuquerque Morning Journal as being a republican paper. Until recently it claimed that Gov. Curry was a democrat. Given plenty of time, it will right itself.

THE President has been bunced again. Capt. Curry is a republican, notwithstanding the fact that every democratic paper led him to believe that he had appointed a democrat.

STRANGE isn't it that the two papers of Carlsbad are so antagonistic to the welfare of Artesia and yet the prominent citizens express themselves as loving us ever so hard.

THE Pecos Valley was favored to a good old-fashioned rain last Sunday evening. It was very acceptable and will be of great benefit to this section.

MULLANE has taken on a streak of economy. The next thing we hear he will be drinking soda pop instead of expensive cocktails.

Dr. David Knapp has been appointed physician at the Territorial penitentiary in place of Dr. James A. Massie.

WHAT is the Santa Fe Eagle's politics? San Juan Democrat.

Same as Albuquerque Morning Journal.

Methodist Church

Preaching at 11 o'clock by the pastor, subject "The four greatest events in human life." The Union services will be with our church at 8 p. m. We invite all the young people to unite with our League in our service at 7 p. m. No pains are spared to make every one feel at home at our church. J. H. Messer, Pastor.

As Others See Us

Mound City, Kans., July 22, 1907. J. F. NEWKIRK, Editor Pecos Valley News, Artesia, N. M.

Dear Sir: I wish to thank you for the copies of your paper. I am looking for a good place to live and believe that Artesia fills the bill.

Very truly,
R. C. FLEMING.

This paper was delayed about hours this morning by a very angry gentleman entering our sanctum and endeavoring to destroy the business manager, by use of gun, chair and fists. However, we're all here yet and with the goods, too.—San Juan Democrat.

LIVE STOCK INSURANCE
L. W. MARTIN
First National Bank Building
Artesia, New Mexico

CHANGE OF MANAGEMENT MEAT

Mr. R. R. Sewell has disposed of his interest in the Artesia Market to J. B. Cecill and H. A. Porter who will conduct the business at the old location.

It is the intention of the new firm to handle the best of all seasonable meats and to have them fresh and clean.

The building and fixtures will be thoroughly overhauled and purity and cleanliness will be the first thought at all times.

To enable us to carry a stock suitable to supply Artesia people with the best of everything we urge at least a share of your trade.

Phone your orders and we will guarantee satisfaction.

THE ARTESIA MARKET.

J. B. CECILL H. A. PORTEO
Phone 8.

HAVE AN ARTESIAN WELL?

If you are contemplating improving your land have SPERRY & LUKINS drill you a well so as to get some good of it this fall. Their prices are the lowest of any in the Valley.

Anything To Sell, Anything to Exchange,
Want a Business Of Any Kind
Anywhere?

If so, it will pay you to see or write J. W. FOSTER, ARTESIA, N. M. He is in touch with more than 3000 agents throughout the United States and has or will get PROMPTLY just what you want. Best bargains in irrigated farm lands Correspondence solicited.

Roswell Automobile Co.

Mail and Passenger Line Between Roswell, N. M. and Torrance, N. M.

daily, Sunday included, connecting with all trains on the Rock Island and Santa Fe Central. Leave Roswell at 1 p. m. Leave Torrance on the arrival of the El Paso train due at 2 a. m. Running time between the two points, 5 hours. Meals furnished at Camp Needmore free of charge. Saving passengers for El Paso and Santa Fe and towns in the western part of the territory 24 to 42 hours. AGENTS FOR THE BUICK AUTOMOBILES. Garage and Repairing. Special cars for Torrance or return furnished by addressing the company two days in advance, at

ROS WELL, - - NEW MEXICO

Don't Buy Anything

Until you have seen the splendid bargains I have to offer you. No matter what you need I have it. Also handle Mountain Lumber.

A fine line of Jewelry will be on display in a few days

GEORGE W. BATTON

The Best Rigs in Artesia

and at the most reasonable Prices



All of our horses are safe for Ladies and Children to drive

One Block South of Gibson Hotel

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D. L. Newkirk
 UNITED STATES COMMISSIONER
 Authorized to take filings, make proof and transact other business connected with the public lands. Proofs made whenever applicants desire.
 At Pecos Valley News office
ARTESIA, NEW MEXICO

M. M. INMAN
 PHYSICIAN AND SURGEON
 Office Phone 155 Residence 123
Artesia, New Mexico

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JOHN HOOK, Prop.

All kinds of drayage work and hauling
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 All kinds of transfer and
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 Phone 9. Artesia, N. M.

ACCIDENT INSURANCE
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 First National Bank Building
 Artesia, New Mexico

Mutton always on hand at the
 Model Market.

Six room house and three lots,
 good porches, good out building,
 set in trees and partly down in alfalfa,
 \$1,500; \$700 cash. L. W. Martin. 39tf

I am prepared to do plowing
 or ditching for assessment or
 crops. 18-tf-34
M. O. Tuttle.

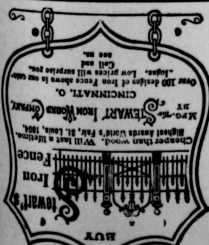
Cool, refreshing drinks of all
 kinds at,
 The City Drug Store.

Wanted—to buy a good buggy
 horse. Apply to L. W. Martin.

Call for a cool refreshing drink
 these warm days at,
 The City Drug Store.

Mutton always on hand at the
 Model Market

We keep a full line of all drug-
 gist supplies and toilet articles &c
 at The City Drug Store. tf



Valley Notes
 Portales is bidding for a business college and are trying to interest parties in the enterprise.
 J. E. Wimberly, former editor of the Hagerman Messenger will remain in town and engage in other business.

Prof. W. E. Osborn of Hagerman has been tendered the superintendency of the Portales schools and we understand will accept the same. This leaves Hagerman without a principal.

The Register-Tribune of Roswell furnished tickets for as many children as would attend the matinee at the Majestic theater Saturday of last week.

The people of Kenna want a school for the ensuing year. They claim that the county officials have persistently ignored their rights. This is just a habit that Roswell has acquired.

Jack Porter our former townsman, has engaged in the hardware business at Texico.

Prosecuting Attorney James M. Hervey, who has been seriously ill in Chicago, is reported improving. It will be some time before he can resume the duties of his office.

The Roswell Printing Co. boasts a new press "the only machine of its kind in the territory." This office was well equipped before the new addition.

Roswell is preparing for great happenings to occur during the month of August. The Territorial Bar is to meet there, also the Pecos Valley Press Association, and they hope to have the honor of entertaining both Secretary Garfield and Governor Curry.

Lakewood has a National Bank and the deposits reached \$15,000 on the first day it was open.

Daytonites have discovered an admirable site for a storage reservoir just west of town. One thing at a time, gentlemen, stick to the Hope proposition.

Our thriving neighbor, Dayton, is ready to receive bids on the construction of a new Presbyterian church.

The new school building at Dayton will be ready for occupancy September 1.

Lakewood has a fishing and hunting club, of which the following are members: Roy T. Waller, T. M. Waller, N. R. Childress, Dr. C. M. Jones, W. E. Justice and J. H. Stewart.

Dressmaking
 Give me a trial. Prices reasonable. Johnson house, west of Methodist church. 4t
Mrs. F. L. Randel.

Mr. and Mrs. J. G. Osborn returned last Thursday night from Washington and other eastern points.

For Sale
 Five fine full blood Jersey cows and one registered Jersey bull. Also one cream separator. Three miles south and one mile west of Artesia. M. H. Warfle.

An error crept into our columns last week wherein we stated that Miss McClane would give an entertainment in favor of the band boys. We should have stated that the base ball boys are to derive the benefit and we bespeak a good attendance in their behalf.

LEE TURKNETT
 LOCAL AGENT
Artesia. New Mexico
 I also handle Ice, Distilled Water and Soda pop.

Bridge Election
 A petition having been presented to the board asking that a vote be taken on the question of building a bridge across the Pecos river near Artesia and a bridge across the Pecos river at Carlsbad, and that the bonds of Eddy county to the amount of \$22,000.00 be issued for the purpose of providing funds for the building of said bridges. It is therefore ordered by the board that said petition be and the same is granted. It is further ordered that an election be and the same is hereby called to be held on the tenth day of August, A. D. 1907 and the polling places for holding said election shall be the same as where the general election was held in Nov. 1905 and also at the town of Knowles, and the following persons are hereby appointed judges of election on the question or proposition of building said bridges:

Precinct No. 1, I. L. S. Crawford, J. A. Froman and J. D. Walker.
 Precinct No. 2, J. T. Rives, J. T. Sanford and R. A. Montgomery.

Precinct No. 3, W. L. Whitaker, G. A. Beckett and A. S. Harris.
 Precinct No. 4, W. K. Breeding, J. B. Roberts and J. C. Cook.
 Precinct No. 5, J. M. Cook, W. G. MacArthur and B. W. Penson.
 Precinct No. 6, Hart Crouch, H. E. Mull and G. U. McCrary.

Precinct No. 7, C. P. Van Epps, J. B. Heck and W. F. Daugherty.
 Precinct No. 8, J. W. Tulk, W. E. Thayer and J. R. Means.

Precinct No. 9, J. L. Toole, D. Y. Musick and A. B. Rives—Sun.

U. M. Oliver has gone to Dayton to take charge of the Big Jo Lumber Co.'s interests at that place.

For quick sale list your property with E. S. Haggard.

R. R. Beatty is enlarging and otherwise improving the photograph gallery.

For quick sale list your property with E. S. Haggard.

Books and the latest periodicals always on hand at,
 The City Drug Store.

To get a choice cut of beef go to the Model Meat Market.

E. C. Higgins has been appointed to fill the place on the city council made vacant by the resignation of W. A. Baskin. A good selection.

To get a choice cut of beef go to the Model Meat Market.

Farm implements at bargain prices. The Brainard Hardware Co.

The San Antonio, Texas, district has not proven the Mecca that it was represented to be and attention is again directed toward the Pecos Valley. We have every reason to expect a large number of homeseekers this fall.

Studebaker wagons and buggies. None better. Fatherrce & Enfield. 43tf

One evening last week, a number of the young people boarded a hay rack and hied themselves to the home of J. W. Kinsinger where they ate ice cream and otherainties, talked small talk and had a good time generally. Miss R. S. chaperoned the party.

Read the ad of the Brainard Hardware Co. this week.

Farmers, read the ad of the Brainard Hardware Co. in this weeks issue. It will interest you.

**Our Motto: "GOOD GOODS"
 At a Reasonable Price**

For the next thirty days we offer you the following reductions in the price of our implements. We do not want to carry them over until next season and give you the benefit:

- 2 double disc John Deere plows \$60. Former price **\$70**
- 1 disc cultivator \$35. Former price **\$40**
- 1 John Deere walking cultivator \$25. Former price **\$30**
- 3 Dain corn harvesters \$20. Former price **\$25**
- 1 Dain power lift rake \$37.50. Former price **\$45**
- 6 Self dump McCormick rakes \$29. Former price **\$35**
- 3-wheeled McCormick sweeprake \$35. Former price **\$40**
- 1 Dain power press hay baler \$240. Former price **\$275**

Come in and let us show you our alfalfa buncher, and Kaffir corn header. There is no use in paying \$1.50 per acre to get your corn headed when you can buy such a machine as this. Saves lots of trouble with help, too.

THE BRAINARD HARDWARE CO.

The CLUB STABLE

Fine Carriages, Good Driving and Saddle Horse,
 Reasonable Prices and From 25 to 50%
 Patronage Solicited

J. D. Christopher,
 Fourth St. Phone 71

**MOUNTAIN LUMBER
 PATRONIZE HOME INDUSTRY**

All kinds of mountain lumber for sale at G. W. Batten's. Mills located in the Sacramento Mountains, seven miles west of Weed. Any size timbers cut to order. Special prices on large orders.

J. C. ELLIOTT

**FOR RENT
 THE MODEL
 MEAT MARKET**

The MODEL MEAT MARKET is for rent for a period of one year. It is well equipped with the new refrigerator and other appliances. Inquire of

F. S. MILLER.



leave the room. But in a moment Beulah Sands was her usual self and, turning to me, she said: "Mr. Randolph, please forget what you have seen. For an instant, as I saw Mr. Brownley's awful misery, I thought of nothing but what he had done for me, what he had tried to do for my father, what a penalty he has paid. From what you said when you left and the fact that I got no word from either of you, I feared the worst and did not dare look at the tape; I simply waited and hoped and—prayed. Yes, I prayed as my mother taught me I should pray whenever I was helpless and could do nothing myself. And I felt that God would not let the noble work of two such men be overthrown by those you were battling with. In the midst of a calmness that I took for a good omen, you came. Can you blame me for forgetting myself? Mr. Brownley's voice was now calm and self-controlled, "tell me what you have done. Where do we stand?" "There is little to tell," Bob answered. "Cammeyer and

Standard Oil have taken me into camp as they would take a stock pig. They have made a monkeyed ass out of me, and we are ruined, and I have caused Mr. Randolph a heavy loss. Roughly, I figure that of your four hundred thousand capital and the million four hundred thousand profit you had this morning, only your capital remains."

Wishing to spare Bob, I interrupted and myself gave the girl briefly the details of what had happened. She listened intently and seemed to take in all the trickery of the "System" masters; seemed to see just what it meant to us and to her. But she made no comment, showed by no outward sign that she suffered. As soon as I was through she turned to Bob, who had stood with his eyes fastened upon her face, as though somewhere out of its soft beauty must come an assurance that this was all a bad dream.

"Mr. Brownley," she said, "let us figure up just where we stand, so that we may know what to do to recoup. You have said so many times, since I have been here, that Wall street is magic land; that no man may tell 24 hours ahead what will happen to him. You have said it so many times that I believe it. We know that this morning we were at the goal, that we were millions ahead, and all from 24 hours' effort. We have yet almost three months left, and I do not see why we have not just as much chance as we had day before yesterday. Yes, and more, because we know more now. Next time we will include the dividend cuts and the senate duplicity in our forecasting."



"Bob, Forgive Me, But I Love You, Love You, Bob."

We both dumbly stared in wondering admiration at this marvelous woman. Was it possible that a girl could have such nerve, such courage? Or had woman's hope, so persistent where her loved ones are concerned, made Beulah Sands blind to the awfulness of the situation? As I looked at her I could not doubt that she fully realized our position, that she was really suffering more than either of us, that she was only acting to ease Bob's anguish. Bob brought out his memoranda, and in half an hour we had the figures. The total loss was nearly three millions. As Beulah Sands' 20,000 shares had cost less than ours and Bob appeared to leave her capital of \$400,000 intact, we felt some comfort about the division; but now that all our losses I must stand my fair share; I must. She said this in a way that we both knew precluded the possibility of argument. "We owned together 150,000 shares. I was to have had the profits on 20,000 shares. Our total loss is \$2,775,000, of which I must bear my just proportion. Mr. Brownley, you will see that \$370,000 is charged to my account. I shall have \$30,000 left. If our cause is as just as we think, God in His goodness will make this ample for our purposes."

Though Bob and I were in despair at her determination to strip herself of what Bob had worked so hard to accumulate, we could not help feeling a reverence for her faith and her sturdy independence. She now showed us in her delicate way that she wished to be alone; as we went she held out her hand to Bob. "Mr. Brownley, please, for the sake of the work we have to do, look on the bright side of this calamity, for it has a bright side. You wanted me to send word to my father that we were about to grasp victory. Think if we had sent it—then you will know that God is good, even when we think He is chastening us beyond endurance."

Bob took me into his office. "Jim, you see what a woman can do, and we are taught women are the weaker sex. Now listen to what you must do. Accept my notes for the whole loss, less one hundred thousand which I have to my credit, and which I will pay on account. I won't listen to any objection.

The deal was mine; you came in only to help us out, and I ought never to have tempted you. If I remain in my present busted condition, the notes will be blank paper. Therefore you should strike it rich, I should never feel like a man until I made up the loss."

It was no use arguing with him in his inexorable mood, so I took his demand notes for \$250,000, begged him to go home to see me to dinner, but he insisted that he could not face my wife with his last night's break still fresh in her mind. Next day he did not turn up. Alone in the afternoon I received a telegram from him, saying that he was on his way to Virginia, that he needed a rest and would be back in a week. I was worried, nervous. It takes until the next day and the day after, and the week after that, to get down to the deepest misery of an upset such as we had been through. I did not feel easy with Bob out of sight while he was sounding for a new footing. I went to Beulah Sands in hope we might talk over the affair, but when I told her that Bob was to be gone for a week and that I was uneasy, she said in her calm, confident manner: "I don't think there is anything to worry about. Mr. Randolph, Mr. Brownley is too much of a man to allow an affair of dollars to do anything more than annoy him. He will be back all the better for his rest." She dropped her long lashes in a this-conversation-is-closed sort of way. We had come to know meant going time.

CHAPTER IV.

The following week Bob returned to the office. He had not changed, and yet he had changed. He had apparently done much for him. His color was good, his step elastic as of old, and his head was thrown back as if he were buckled up for the fray and wanted all to know it. Yet there was something in the eye, in the setness of the jaw, in the hair-trigger calm, yet fiercely savage grip in which he closed his strong hands on the arms of his chair, that told me more plainly than words that this was not the optimistic, soft-hearted Bob Brownley I had known and loved. I could not help feeling that if I had been a leader of the Russian terrorists, and this man who now sat before me had come to my ken when I was selecting bomb-throwers, I should have seized upon him of all men as the one to stalk the czar or his marked minions. Surely the iron that had entered Bob's soul a week before had affected his whole being. I think Beulah Sands had some such thoughts. For I saw a shadow of perplexity cross her broad, low forehead after her first meeting with him, a shadow that had not been there before.

For days after Bob's return I saw little of him. I think Beulah Sands saw less. During stock exchange hours he spent most of his time on the floor, but he executed few of our orders. He merely looked them over and handed them out to his assistants. As far as I could learn, he spent much of his time there yesterday through hope's graveyards, a not uncommon pastime for active exchange members whose first through specials have been open-switched by the "System" tower-man. So strong had become this habit of going about from pole to pole with head and feet a-toss, that his fellow members began to humer and respect it. They all knew that Bob had gone up against the Sugar panic last year. No one knew how hard, but all guessed from his changed appearance and habits that it must have been a bone-smashing blow. Nothing so quickly and so deeply stirs a stock exchange man's feelings for his brother member as to know that "They" have ditched his El Dorado flyer—that is, if he has been a good fellow. They will humer his every whim and patiently await the day when he shall be again in normal condition. For a stock gambler whom Fate, or the old hag's hunchback twin, the "System," has dumped, either remain below the surface or eventually round to. Every day as soon as the stock exchange closed, Bob disappeared, whether I could not learn. I had tried once or twice to draw him out, under pretense of insisting upon his accepting my wife's invitation to dine with us. He always had a ready excuse for me to take to Kate, but that was all. Apparently he had no idea that I took any interest in his movements after business hours.

As for Beulah Sands, there was but one change noticeable in her. Whenever a footstep stopped in front of her office she looked up from her work with an expectant, almost appealing gaze, as though she were always waiting for some one. I had not seen Bob in her office since that disastrous Sugar day, and as he went directly to the exchange every morning and left there every afternoon without returning to the office, doing all his business by messenger or over the wire, there was but little chance of his meeting her.

November 1st had come and gone, and the books showed no change in Beulah Sands' account. There was the poor little \$30,000 balance; no

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REFEREE'S REPORT IN BURSUM CASE

MANY GLARING ERRORS, OMISSIONS AND INACCURACIES IN EXPERT M'MAHON'S EX-PARTE INVESTIGATION OF CONVICTS' EARNINGS FUND.

Thousands of Dollars Credits Omitted in Previous Report---Territory Indebted to Mr. Bursum During His Superintendency of Prison---No Shortage or Deficit Ever Existed.

Santa Fe, N. M., July 12, 1907.
Hon. Frank W. Parker, Associate Justice of the Supreme Court of the Territory of New Mexico, and Judge of the Third Judicial District thereof.

Sir: In compliance with your order naming me as referee, and as such referee directing that I investigate and report as to facts, in the cause now pending in your court, in which Hon. O. Bursum is the plaintiff and the Territory of New Mexico is the defendant and in which suit the plaintiff prays for an accounting as between the Territory of New Mexico and himself, concerning moneys that came to his hands, during the time he was superintendent of the New Mexico Penitentiary, commencing May 5, 1899, and terminating April 12, 1906, I would respectfully submit the result of my examination.

My report, which is herewith submitted, shows in detail all of the debits and credits of all transactions, but the result is so entirely different from a report made by the Colorado Title and Trust Company, dated August 30, 1906, that I do not feel that in justice to myself, that I can submit this report without calling your Honor's attention to the many manifest errors in the former report.

Concerning the books of account this former report charged that valuable records had been destroyed or were not available, and on the other hand I found all books of original entry and from these the financial transactions of the penitentiary under the superintendency of H. O. Bursum can be readily traced. The only record missing and which in no sense was a book of original entry, is an old individual ledger, used in keeping accounts of persons buying material from the penitentiary, and the balances from which on all supposed live accounts, were transferred to a new ledger.

The absence of this book was not material, as, having the books of original entry, the journal and impression books (invoice and voucher), although this work consumed considerable time, it has been easily reproduced. The "re-written cash book" mentioned in the report referred to was not copied from any cash book kept by the penitentiary. A cash book was never kept, simply a journal in which all cash transactions were entered as well as other items. This so-called "re-written cash book" made up a few weeks before the retirement of H. O. Bursum as superintendent, was an attempted statement as to the cash transactions of the penitentiary for the period of his service. The statement was made for the information of the Board of Commissioners; was in no sense a book of original entry and would have had no value whatever except for reference, even if it had been correctly transcribed, which it was not, many entries having been omitted on both debit and credit sides. This book should have had no place whatever in the examination above referred to except as a guide or a check and this fact should have been recognized by the party who made the audit. That it was so recognized by him is shown by his repeated complaints that the book was not an original entry and was inaccurate, yet, strange to say, these very inaccuracies were made the basis of charges of shortages.

The only books that should have been used in the examination in question were the books of original entry, supplemented by the books in the office of the Territorial Treasurer as well as those in the office of the Territorial Auditor, and such other evidence of the receipts and disbursements of moneys as could be moulded into shape and furnished proof positive of such receipts or disbursements.

In making this examination I have spent a great deal of time, compiled a correct cash account, re-written and journalized all transactions, reproduced the old ledger, verified all accounts pertaining to the receipts and disbursements of money by the superintendent and sale of materials to individuals and herewith submit my original work, consisting of one hundred

and seventy-five special ruled sheets which show in detail every transaction, together with the reproduced ledger as well as balance sheets.

The following statement is a condensed summary of all cash transactions, covering receipts and disbursements of moneys that came into the hands of H. O. Bursum during his term in office and for which he is accountable, but does not include the receipt or disbursement of any funds, although penitentiary funds, the actual possession of which never came to the hands of the superintendent. I have reference to the salary fund, general maintenance fund, permanent improvement fund, penitentiary income fund, and the scenic route fund, all of which receive direct appropriations made by the Legislature, collected by the Territorial treasurer, retained by him and by both the treasurer and auditor credited to the proper penitentiary fund and only disbursed by the Territorial treasurer on warrant of the Territorial auditor on voucher approved by the Board of Penitentiary Commissioners and no part of which funds were handled by the superintendent in cash or its equivalent, or by any one for him in his employ. In the report before referred to, purporting to show shortages or misappropriation of funds, no moneys belonging to any of the above mentioned funds were included, but all such items as were claimed to be misappropriated or unaccounted for were included in what is termed the "convict's earnings fund" and this summary submitted by me covers all cash transactions in said fund.

H. O. Bursum, ex-superintendent of the New Mexico penitentiary in account with the Territory for cash that came to his hands from May 5, 1899, to April 12, 1906, while superintendent of New Mexico penitentiary:

To cash from jail receipts, \$	5,485.63.
To cash paid by government for support of U. S. prisoners	29,886.57
To cash from sale of mat'l.	80,429.17
To cash from other funds	31,126.94
To balance due H. O. Bursum	4,333.56
Total	\$151,260.87

By cash paid Treasurer	\$122,436.82
By contingent expenses	28,824.15
Total	\$151,260.97

I am unable to draw comparisons between the amounts shown in the above summary and the figures in the former report as in that report no summary or general statement was made. However, it can be readily seen that I have charged Mr. Bursum with more than \$32,000 in round numbers than anywhere mentioned in the former report and as to the remittances to the Territorial Treasurer have credited Mr. Bursum's account with more than \$10,000. This, of course, includes the money paid in by Mr. Bursum voluntarily; \$1,027 and the \$2,476.38 paid under protest on the demand of the ex-Attorney General, but after deducting these items still leave in round numbers, more than \$6,000 paid over to the Territorial Treasurer and all of which is covered by receipts from the Territorial Treasurer, the stubs of which are on file in his office and as shown in detail in the main body of my report.

Contingent expenses are composed of expenditures for the following purposes:

Freight, which includes freights on materials like brick and lime sold f.o.b. cars at other points and freight prepaid, \$6,814.04.

Telephone, telegrams and express, \$2,233.89.

Supplies and material purchased, \$5,026.29.

Rewards and expenses in pursuit of escapes, \$1,921.15.

Gate money and railroad fare of prisoners to their homes. A large part of this was on account of U. S. prisoners and came back to the Territory by U. S. payments and included in the charges of cash received from that source, \$4,274.64.

Additional services, \$4,625.85.

Miscellaneous expenditures, \$3,928.29.
Total, \$28,824.15.

I have also compiled and submit herewith an itemized statement of these expenditures showing dates, amounts and classified as above and of which the above is a summary.

The following is a summary copy furnished ex-Attorney General Reid; showing specific amounts and items compiled by the parties who made former report under their direction or from information furnished by them, which were claimed in the former report to be due to the Territory from H. O. Bursum, and on which the demand for payment was based. For convenience for the purpose of readily referring to these items I have numbered same:

Summary of Amounts Due by H. O. Bursum.

(1) Ten thousand vitrified brick in A. T. & S. F. Ry. car No. 77870, \$100.00.

(2) Receipts on journal and not on cash book, \$168.45.

(3) Remittance of May 26, 1899, to H. O. Bursum on cash book, page 10, \$700.00.

(4) Amount turned over to H. O. Bursum by convicts to pay bill of Winters Grocery Co. which bill was not paid and the money never turned over to incoming superintendent for disbursement, \$175.05.

(5) Warrant No. 2012, December 9, 1902, favor H. O. Bursum withdrawing balance in general maintenance fund, fifty-third fiscal year and not accounted for, \$152.27.

(6) Warrant No. 2401, November 30, 1903, favor H. O. Bursum withdrawing balance in general maintenance fund, fifty-fourth fiscal year, and not accounted for, \$861.92.

(7) Warrant No. 3138, January 8, 1906, drawn favor of "Jack Donovan or Bearer," endorsed and cashed by H. O. Bursum and amount retained by H. O. Bursum without the knowledge or consent of said Donovan, as per his affidavit dated January 6, 1906, \$400.75.

(8) Amount of G. W. Bond & Brothers, check No. 209, August 28, 1899, not charged on cash book, \$677.23.

(9) Amounts due by individuals, but not included in statement of H. O. Bursum (Exhibit G) showing balances due the penitentiary at date of his retirement, April 12, 1906, \$9,894.58. Corrected amount per Exhibit "H", \$14,129.24; less items included in the \$168.25 shortage, \$67.25; total \$14,061.99.

H. O. Bursum statement (Exhibit G), \$4,167.41.

(10) Amount of double credit for freight on brick machinery shown on cash book, page 10, September 22, 1900, and also in contingent fund September 25, 1899, per journal, page 11, \$437.48.

(11) Amount credited to M. R. Otero, October 5, 1904, on cash book, page 22 as \$,000; should be \$140. This \$40 is shown on journal, page No. 44 as a rebate on amount due by Mr. Otero, \$40.

(12) Amount due for Smith Premier typewriter No. 4-22792, purchased per voucher No. 300, July 30, 1901, and in exchange for a Smith Premier No. 1-12602, the former number cannot be located, \$92.25.

Amount forwarded, \$13,699.98.

Amount brought forward, \$13,699.98.

(13) Amount of check, Anson & Holman, January 26, 1903, not entered on cash book, but entered on journal page No. 388 and then erased, \$200.00.

(14) Amount of double credit on payment to Colorado Fuel & Iron Co. per credit through contingent fund on Journal, page No. 211, October 25, 1901, \$38.72. And Vou. No. 316, War. No. 1649, November 29, 1901, \$21.82; and Vou. No. 369, War. No. 1648, November 29, 1901, \$16.90; total \$38.72.

(15) Amount paid for one whim and wire rope Vou. No. 359, June, 1903, favor Hendrie & Bolthoff, \$111.62; freight paid per journal, page No. 401, \$10.56; total, \$122.18.

(16) Amount of freight claimed to have been paid per cash book page No. 10, September 4, 1900, \$250; and page No. 11, October 16, 1900, \$115; total, \$365.00. No record of freight bills and until proper receipt can be produced this amount correctly stands as a debit to H. O. Bursum.

Total, \$14,425.88.

Item No. 1. "Ten thousand vitrified brick in A. T. & S. F. car No. 77870."
This is the car of brick in which it is stated in the former report as having been shipped to H. O. Bursum at Albuquerque, February 7, 1905, and no payments shown for same in records turned over by Mr. Bursum.

This is absolutely incorrect, and the record as to this transaction in the books of Mr. Bursum and which were in possession of the examiner is perfectly plain. This car was invoiced to E. E. Carnahan and draft with bill of lading attached sent to the bank of Commerce at Albuquerque and Mr. Carnahan notified. Mr. Carnahan called at the bank, paid the draft, received his bill of lading and got his car of brick and the same was properly

charged to him on his account and he received credit for his payment. Not only in this transaction was included this particular car, but on the following day the 8th of February, an additional car went forward (see invoice No. 2199), for which an additional hundred dollars was charged, and when paying his drafts and taking up his bills of lading he included this second car; remittance was made by the bank of the \$200 thus collected and, as stated above, Mr. Carnahan received his credit on the books of the penitentiary as shown on journal page 453, and the \$200 thus received was promptly deposited with the Territorial Treasurer to the credit of the convicts' earnings fund. The following is a copy of the invoice in question:

"Santa Fe, N. M., Feb. 7, 1905.
"Invoice No. 2198.
"E. E. Carnahan,
"Albuquerque, N. Mex.,
"To the New Mexico Penitentiary, Dr.,
"H. O. Bursum, Superintendent."
"1905--
"Feb. 7. For 10,000 common pavers at \$10.00...\$100.00
"A. T. & S. F. car No. 77870.
"Draft attached to bill of lading."
Item No. 2. "Receipts on journal and not on cash book, \$168.45."

In making my statement of charges against Mr. Bursum for cash received I have not only charged him of this amount, but with about \$32,000.00 more.

Item No. 3. "Remittance of May 26, 1899, belonging to E. H. Bergman and credited to H. O. Bursum on cash book, page 10, \$700."

Mr. Bergman owed this amount of money the same as any other individual who was indebted to the penitentiary and his account was in fact whether it was treated so or not, one of the bills receivable turned over to Mr. Bursum on taking charge. When paid by Mr. Bergman, if an account was kept with him he should have received credit on the books of the penitentiary and Mr. Bursum properly charged with that amount of money.

It is a fact, however, that as soon as this money was received, it was promptly deposited with the Territorial Treasurer to the credit of the convicts' earnings fund as is shown by Territorial Treasurer's receipt No. 339 and Mr. Bursum was entitled to credit and it makes no difference as to whether or not any entries were made on the penitentiary books as long as this money was turned into the Territorial Treasury. In July, 1906, when Mr. Bursum voluntarily turned in the \$1,727 it included this \$700 (see treasurer's receipt No. 904). He did this in error as it can be readily seen that the sum of \$1,400 has actually found its way into the Territorial Treasury and placed to the credit of convicts' earnings by that official to pay one account of \$700.

While the item of \$1,027 of Windsor was not included in the demand, it was a similar transaction. Mr. Windsor is a contractor in Santa Fe, and owed the penitentiary an account. Mr. Bursum personally collected from Mr. Windsor \$1,027, failed to credit Mr. Windsor upon the books of the Penitentiary, but turned the money over to the Territorial Treasurer for the credit of the convicts' earnings fund and then again in July, 1906, at the same time he turned in the Bergman \$700 turned over to the Treasurer \$1,027 more, making an actual cash receipt by the Territorial Treasurer of \$2,054 to pay an account of only \$1,027.

Item No. 4. "Amount turned over to H. O. Bursum to pay bill to Winters Grocery Company, which bill was not paid and the money never turned over to the incoming superintendent for disbursement."

A. Yes, sir.
Q. Then from October 1, 1903, to July 1, 1905, how were you employed?
A. I was employed as foreman in the quarry, getting out clay and limestone.

Q. You were at this time in the employ of H. O. Bursum, superintendent?
A. Yes, sir.

Q. At what wages were you employed during that period?
A. At seventy-five dollars per month.

Q. From October 1, 1903, to July 1, 1905, is one year and nine months, is it not? And at seventy-five dollars per month you would be entitled to pay for twenty-one months, which figure is \$1,575.00. Is that the amount you claim for your services for that period?
A. Yes, sir.

Q. From July 1, 1905, to April 12, 1906, how were you employed?
A. As foreman in the clay bank and quarry, but my wages were reduced to sixty dollars per month.

Q. From July 1, 1905, to April 12, 1906, is nine months and a third is it not?
A. Yes; it is nine months and twelve days.

Q. And at sixty dollars per month, you would be entitled for this time to the sum of \$564.00?
A. Yes, sir.

Q. Then, according to the above figures, from May 1, 1903, the date you commenced work for Mr. Bursum as superintendent of the penitentiary, up to the 12th day of April, 1906, when he left the penitentiary, you would be entitled for services rendered to the sum of \$2,589.00?
A. Yes, sir; that's right.

Q. During all this time that you were employed by Mr. Bursum as stated above, were you paid monthly?
A. No, sir.

Q. Then, you were not on a regular pay-roll?
A. No, sir.

Q. How did you draw your salary?
A. I drew my money just as I wanted it, \$5, \$10, \$15, \$20, \$25 or \$50 cash out of the cash drawer, and sometimes I drew it by voucher.

Q. Why did you draw your money in this way?
A. Because I left it in the hands of Mr. Bursum for safe-keeping and only drew it as I needed it.

Q. Did Mr. Bursum ever give you his personal check?
A. Yes, on one or two occasions that I remember of.

Q. Mr. Bursum had no personal interest in your salary directly or indirectly; did he or not?
A. Why, no.

Q. At the time Mr. Bursum left the penitentiary there was quite a balance due you, was there not?
A. Yes, sir.

Q. And did you have a settlement with Mr. W. D. Newcomb, who was acting as clerk there at the penitentiary?
A. Yes, he made up my account, and he said there is so many hundred dollars coming to me, and I asked if that was all; I was satisfied that there had been a mistake made in my account, but he gave me a voucher for the amount that he claimed was due me. And I asked him at what rate he figured my account, and he said sixty dollars per month. I asked him who authorized him to figure up my accounts at sixty dollars per month, and he said Mr. Bursum. Mr. Bursum was away at the time and I would not go to him. Immediately on Mr. Bursum's return I saw him at the Claire Hotel and told him about the mistake and he told me that my salary should have been figured at \$75.00 per month, instead of \$60.00 and that it was Mr. Newcomb's mistake and that he would rectify it, and Mr. Bursum then gave me \$100.00 and subsequently he paid me the balance of the \$469.00 which was the difference between the time that I worked at \$60.00 per month and the rate at which I worked as agreed between myself and Mr. Bursum as testified to above.

Q. This \$469.00 then that you have received since Mr. Bursum went out of the penitentiary has been paid to you personally by Mr. Bursum and not on a warrant issued from the penitentiary?
A. Yes, he paid me in cash and by his own check.

Q. And at this time you have been fully paid, either in check of Mr. Bursum cash out of the cash drawer or by cash given you personally by Mr. Bursum or by voucher for all your services rendered to the penitentiary from May 1, 1903, to April 12, 1906, inclusive, and the penitentiary or Mr. Bursum as superintendent does not owe you anything?
A. No, sir; Mr. Bursum does not owe me anything, neither does the penitentiary for services during that time.

Q. Mr. Donovan, you were asked in an affidavit which is purported to have been signed by you in regard to a voucher which was voucher No. 58 for \$400.75 which is dated January 6, 1906, which was cashed by Mr. H. O. Bursum. Please explain how Mr. Bursum came to cash that warrant?
A. When I asked Mr. Bursum about that \$400.75 he said that is the money which you have drawn out of the cash drawer in \$5 and \$10 and small amounts and that he could not get the money back in any way only to draw a warrant in my name. That is what he told me.

Q. Is it or is it not a fact that you had drawn that amount and that he was entitled to reimburse himself by cashing your warrant?
A. Certainly I had drawn the money, but I did not keep an exact memorandum of the amounts, but it was about that amount, and he was entitled to cash a warrant to reimburse himself.

Q. I notice from your affidavit that the impression would be conveyed from its reading that a final settlement of your accounts was made by you with Mr. Bursum personally on the 10th of April, 1906; state whether or not such settlement was or was not made by you personally with Mr. Bursum at that time, or whether it was made with Mr. Newcomb, book-keeper?
A. It was made with Mr. Newcomb and not with Mr. Bursum and then really a settlement was not made, but Mr. Newcomb simply looked over the amount, which I believed to be about \$400.00 short and when I saw Mr. Bursum he corrected this and the mistake occurred by figuring the wrong rate of salary.

Q. Then, if I understand you, the matter of dispute of some \$400.00 between you and the New Mexico penitentiary was purely a mistake caused by Mr. Newcomb and rectified by Mr. Bursum?
A. Yes, sir; that is right.

Q. At one time, Mr. Donovan, you gave Mr. R. C. Gortner an order for fifty dollars, and in your final settlement you paid a bill of \$49.00 for material...

(that the Territorial fiscal year ends November 30 and any balances left unissued in any funds are reported by the Auditor as a surplus in such funds and in this case had this money not been drawn the penitentiary would have failed to have received the full benefit of appropriation made by the Legislature for that year. By drawing same from the maintenance fund and placing the same amount in the convicts' earnings account, which is not subject to the Auditor with reference to closing at the end of the fiscal year and reporting any balance that might be in that fund as a surplus, saved this amount to the penitentiary. As a large amount of the expenditures from the convicts' earnings fund is applied in paying maintenance accounts proper, the placing of this money in the convicts' earnings account, it would take the course for which it was appropriated.

Item No. 6. "Warrant No. 2401, November 30, 1903, favor H. O. Bursum, withdrawing balance in general maintenance fund, fifty-fourth fiscal year and not accounted for, \$861.92."

This is exactly a similar transaction to No. 5 and the same explanation given No. 5 applies, except that dates are different. This warrant was drawn on November 30, 1903, was not cashed but re-deposited with the Treasurer on December 1, 1903, with other moneys and is included in Treasurer's receipt No. 655.

Item No. 7. "Warrant No. 3138, January 8, 1906, drawn in favor of Jack Donovan or bearer, endorsed and cashed by H. O. Bursum and amount retained by H. O. Bursum without the knowledge or consent of said Donovan as per his affidavit dated January 6, 1906, \$400.75."

This was an improper charge as the penitentiary was in no way interested in this account. Mr. Donovan was not looking to the penitentiary for any salary or wages that might be due him, but was looking to H. O. Bursum. A full explanation of this matter is given in the testimony taken before this referee and subscribed by Mr. Donovan and which testimony shows that not only this \$400.75, but additional moneys had been previously received by Donovan on advances on account of wages made by H. O. Bursum and that this amount and more was due to Bursum from Donovan and it was perfectly right and proper for Mr. Bursum to cash this warrant.

Following is a full copy of Mr. Donovan's testimony:

On the 26th day of June, A. D. 1907, I caused to appear before me at my office in the Capitol Building at Santa Fe, New Mexico, at the hour of 10 o'clock, a. m., Jack Donovan, for the purpose of examination with reference to his knowledge in connection with the investigation of the New Mexico penitentiary, and at the hour and place mentioned, the said Jack Donovan being present, accompanied by his counsel, J. P. Victory, Esq., was by me first duly sworn and testified as follows:

(Signed) C. V. SAFFORD, Referee.

"JACK" DONOVAN TELLS ABOUT THAT "AFFIDAVIT."
Jack Donovan, being first duly sworn, deposes as follows:

Examination by Referee:
Q. Mr. Donovan, please state your name, age and residence.

A. I could not state my age for I don't know--about fifty years old. John Donovan, residence Santa Fe.

Q. Mr. Donovan, from May 1, 1903, to October 1, 1903, how were you employed?
A. I was employed in the mountains, prospecting for coal.

Q. By whom were you employed?
A. By Mr. H. O. Bursum, superintendent of the penitentiary.

Q. What wages did he agree to pay you?
A. Three dollars per day.

Q. From May 1, 1901, to October 1, 1903, is about five months, and counting thirty days to the month would make one hundred and fifty days, and at three dollars per day you would be entitled for your services the sum of \$450.00. Is that correct?
A. Yes, sir.

Q. Then from October 1, 1903, to July 1, 1905, how were you employed?
A. I was employed as foreman in the quarry, getting out clay and limestone.

Q. You were at this time in the employ of H. O. Bursum, superintendent?
A. Yes, sir.

Q. At what wages were you employed during that period?
A. At seventy-five dollars per month.

Q. From October 1, 1903, to July 1, 1905, is one year and nine months, is it not? And at seventy-five dollars per month you would be entitled to pay for twenty-one months, which figure is \$1,575.00. Is that the amount you claim for your services for that period?
A. Yes, sir.

Q. From July 1, 1905, to April 12, 1906, how were you employed?
A. As foreman in the clay bank and quarry, but my wages were reduced to sixty dollars per month.

Q. From July 1, 1905, to April 12, 1906, is nine months and a third is it not?
A. Yes; it is nine months and twelve days.

Q. And at sixty dollars per month, you would be entitled for this time to the sum of \$564.00?
A. Yes, sir.

Q. Then, according to the above figures, from May 1, 1903, the date you commenced work for Mr. Bursum as superintendent of the penitentiary, up to the 12th day of April, 1906, when he left the penitentiary, you would be entitled for services rendered to the sum of \$2,589.00?
A. Yes, sir; that's right.

Q. During all this time that you were employed by Mr. Bursum as stated above, were you paid monthly?
A. No, sir.

Q. Then, you were not on a regular pay-roll?
A. No, sir.

Q. How did you draw your salary?
A. I drew my money just as I wanted it, \$5, \$10, \$15, \$20, \$25 or \$50 cash out of the cash drawer, and sometimes I drew it by voucher.

Q. Why did you draw your money in this way?
A. Because I left it in the hands of Mr. Bursum for safe-keeping and only drew it as I needed it.

Q. Did Mr. Bursum ever give you his personal check?
A. Yes, on one or two occasions that I remember of.

Q. Mr. Bursum had no personal interest in your salary directly or indirectly; did he or not?
A. Why, no.

Q. At the time Mr. Bursum left the penitentiary there was quite a balance due you, was there not?
A. Yes, sir.

Q. And did you have a settlement with Mr. W. D. Newcomb, who was acting as clerk there at the penitentiary?
A. Yes, he made up my account, and he said there is so many hundred dollars coming to me, and I asked if that was all; I was satisfied that there had been a mistake made in my account, but he gave me a voucher for the amount that he claimed was due me. And I asked him at what rate he figured my account, and he said sixty dollars per month. I asked him who authorized him to figure up my accounts at sixty dollars per month, and he said Mr. Bursum. Mr. Bursum was away at the time and I would not go to him. Immediately on Mr. Bursum's return I saw him at the Claire Hotel and told him about the mistake and he told me that my salary should have been figured at \$75.00 per month, instead of \$60.00 and that it was Mr. Newcomb's mistake and that he would rectify it, and Mr. Bursum then gave me \$100.00 and subsequently he paid me the balance of the \$469.00 which was the difference between the time that I worked at \$60.00 per month and the rate at which I worked as agreed between myself and Mr. Bursum as testified to above.

Q. This \$469.00 then that you have received since Mr. Bursum went out of the penitentiary has been paid to you personally by Mr. Bursum and not on a warrant issued from the penitentiary?
A. Yes, he paid me in cash and by his own check.

terial charged to you and both of these amounts were deducted from what was coming to you, were they not? A. Yes, sir. (Signed) JOHN DONOVAN. After the said witness had testified as above, his testimony was read over by me to him and he subscribed the same and again swore the same to be true. (Signed) C. V. SAFFORD, Referee.

EXPLANATIONS BY REFEREE OF GLARING DISCREPANCIES.

Item No. 8. "Amount of G. W. Bond and Brothers check No. 207, August 28, 1899, not charged on cash book, \$677.23." This check, while not appearing on the cash book, was received by H. O. Bursum and turned over to the Territorial Treasurer, August 30, 1899, two days after its date, and is covered by Treasurer's receipt No. 355 of that date. Should Mr. Bursum pay same again as demanded it would be paying the account a second time as in the case of item No. 3 and the following mention of the Windsor transaction. Item No. 9. "Amounts due by individuals, but not included in statement of H. O. Bursum (Exhibit G) showing balances due the penitentiary at date of his retirement, April 12, 1906, \$9,894.58; corrected amount per Exhibit "H", \$14,129.24; less items included in the \$168.25 shortage; total, \$14,061.99."

In the first place this is not a proper charge, as this amount is supposed to represent the aggregate amount of bills receivable turned over to the incoming superintendent and in the second place these amounts are not correct by reasons of errors made when reproducing the individual ledger as will be shown later. As amounts claimed to have been misappropriated or unaccounted for were from the material accounts, all transactions for the sale of material and payments for same by individuals purchasing, have been very carefully checked, item by item, as shown in detail in main portion of report and the following is a summary of the material account:

Table with 2 columns: Description, Amount. Total: \$96,321.15

This statement is significant, and I wish your honor to carefully consider same. Nowhere in the former report is a statement made of the gross amount of materials sold and it was impossible to make a correct one on account of errors and omissions in charging up materials sold. As to credits to material account on page 2 of former report "Through sales of brick, lime, etc., appears \$78,460.14." This amount is purported to be taken from "Re-written cash book," but in the report no statement is made as to what amount the former examiner found to be the correct amount. You will notice on this statement above I charge Mr. Bursum with receipts of \$80,429.17 received on account of sale of materials—\$1,969.03 in cash more than shown by figures in former report. As to rebates on pages 45 to 47 of former report a statement is made attempting to show gross amounts of rebate and which aggregate \$1,144.29. This statement is not classified and is absolutely incorrect. From this source Bursum is entitled to credit to amount as shown in above statement \$5,226.96, and is made up of amounts as appear in detail throughout my report, showing dates and amounts, and posted to the individual account of parties entitled thereto. As to bills receivable in the demand based on the former report and included in the demand, the amount of bills receivable is fixed at \$14,061.99, while I find due from individuals the sum of \$10,665.02 and which is itemized and shown on pages 144 to 149 of my report. While giving Mr. Bursum about the same amount of "paper credits" on the material account—former report bills receivable \$14,061.99, and rebates \$1,144.29, total \$15,206.28—my figures, bills receivable \$10,665.02, rebates \$5,226.96, total \$15,891.98, or by my figures, to be exact, \$695.60 more; however, I charge him in actual cash as having been received \$1,969.03 more than shown by former figures of report, and less item of additional "paper credits" given by me, \$695.60, leaves a net debit charge to Mr. Bursum in cash of \$1,273.43 more than claimed by the former report.

I make these comparisons to call attention to the incorrectness of figures in former report and in order to still further demonstrate that fact I call attention a little further on to some of the errors made when compiling these figures. In this instance I have the original figures, made by the party who compiled the report, and on which was based the amounts of bills receivable and have something tangible "to go against." I refer to his reproduced individual ledger and his balance sheet, or rather his statement of the amounts due by individuals, as it is

not a balance sheet and I state that I can find no evidence that one was taken at any stage of the former investigation. As to the differences between the figures as shown by this individual ledger and on which the figures in the report were based and my own figures, I have used every means possible to meet the issue squarely and to furnish to your honor a statement in this respect that could not be questioned. To this end I tried to reconcile these differences with the party who made the former report, who is a resident of Colorado. This gentleman dropped into Santa Fe on private business and immediately after I learned of his presence in the city, I called upon him and stated that in going over these individual accounts, I differed very materially from his figures and requested that he give me a few hours and that we together reconcile our differences. This he absolutely refused to do and I issued a subpoena and forced him to appear and when before me he again refused to enter into the matter at all, although acknowledging the compilation of this individual ledger and statement. For failure to do this he gave excuses as set forth in the testimony of Mr. Francis M. McMahon, the gentleman in question. As to this individual ledger I want it understood that not one original figure made by former examiner had been changed in any particular. These original figures are in ink with the exception of footings and a few notations, being in pencil. The additional entries, referred to in his testimony, were made by me at the bottom of accounts, showing errors in computations, failure to make proper charges and credits or erroneous charges and credits, made as the case might be. I have not taken here the time or space to record all such entries or omission of entries, as to do so simply takes up space without accomplishing any actual benefit. However, the following is a partial list and sufficient to show the unreliability of the former report:

McMAHON REPORT INCOMPLETE AND GROSSLY UNRELIABLE.

Account of J. H. Sloan: Error in failing to charge invoice No. 1152, \$35; invoice 1153, \$5; invoice 1158, \$11.50; invoice 1162, \$12.50; invoice 1169, \$12.50; invoice 1175, \$6.25; invoice 1177, \$6.25; invoice 1181, \$7.81; invoice 1189, \$7.81; invoice 1195, \$8.75; invoice 1204, \$17.51; invoice 1222, \$14; a total of \$135.18; debits of which no account was taken. On the other hand failure to credit item of \$51.50, cash payment. Balance in this account as shown by former statement, \$633.72; correct balance, \$717.40. Account of Max. Frost: Error failure to charge invoice 1209, \$17.70, and invoice 1219, \$9.40; balance shown by former report, \$428.82; correct balance, \$455.92. Since August 30 last Mr. Frost has settled his account by paying \$238.87, and by an account of the New Mexican Printing Company allowed against the penitentiary for printing and material amounting to \$189.95. In this settlement the invoices above referred to were not taken into account. Account of C. W. Dudrow: Balance shown by former report, \$198.64; to this should be added the following invoices not charged, and which were not taken into account when making up Mr. Dudrow's statement. Invoice No. 1042, \$1.50; invoice 1015, \$8.25; invoice 1023, \$1.00; invoice 1023, \$1.50; invoice 1064, \$3.13; invoice 1093, \$3.13; invoice 1223, 50c; invoice 1227, \$1.25; making a total of \$20.76 not charged. Under date of August 17, 1899, error by failure to credit the amount of \$8.80 as an off-set; also in the same year an off-set of \$64.15. Under date of May 9, 1904, a further credit of \$145.60, by reason of the fact that when making up this account credit, invoice No. 1882 was charged to Mr. Dudrow as a debit, amount of said invoice \$72.80. Amount of total credits, which expert failed to take into consideration \$218.55, leaving Mr. Dudrow's correct balance \$5c instead of \$198.64, which he attempted to collect and which he refused to pay. Account of Manuel Baca: Balance shown by report, \$102.88; error by failure to charge back \$18.65, amount of check given to apply on account and which check returned unpaid and consequently that amount should be added to Mr. Baca's bill, making the amount due from his August 20th last, \$122.53. Account of Juan Ortiz: Balance shown by report, \$8.88; to error in invoice 2022, \$1.50, and invoice 242, \$7.00, making an additional charge of \$8.50 and by errors in failing to credit error in charging invoice 1445, \$5.00; invoice 2067, \$2.40; and by further error to credit cash payment of January 10, 1902, making a total credit of \$14.40, which was not taken into account and leaving a balance due by Mr. Ortiz to the penitentiary on August 30 last of \$2.98, instead of \$8.88. Account of F. A. Manzanares: Balance shown by report to be due of \$52.00; error in failing to credit amount of freight bill of a like amount and which balances Mr. Manzanares' account to a cent. This account of Mr. Manzanares was for a car of material sold f. o. b. Las Vegas, and remitting payment for same he remitted cash and freight bill to cover the amount charged him. Account of T. P. Gable: Amount of balance shown to be due,

\$2.00; error by not charging invoice 1056; correct amount of balance due August 30 last, \$7.00. Account of Onderdonk Live Stock Company: Amount of balance shown to be due, \$4.00; error by failure to credit cash payment made December 14, 1901; account balanced. Account of C. L. Bishop: Balance shown to be due by report, \$9.10; error in failing to credit cash payment made September 23, 1901, of \$8.40. It appears that Mr. Bishop is still indebted to the penitentiary to the extent of 70c. Account of Dr. Harroun: Balance shown to be due by report, \$81.50; error to credit a like amount for professional services rendered and for which bill was rendered August 23, 1905, and Dr. Harroun's account was balanced on August 30. Account of Antonio Alarid: Balance shown by report to be \$29.40; by error in failing to charge invoice No. 1129, \$8.00; invoice 1157, \$2.00; invoice 1172, \$3.20; and invoice 1210, \$15.00; making a total debit of \$28.20 left off this account and Mr. Alarid's balance should have been August 30 last, \$57.50. Account of M. E. Church: Amount of balance shown by report to be \$221.23; error in failing to charge invoice No. 1050, \$25.69; correct balance August 30, \$246.92. Account of St. John and Barnes: Balance shown in report \$43.50; error in drawing off balance, \$5.45; correct amount due August 30 last, \$48.95. Account of A. Lucero: Balance shown to be due by report, \$48.10; this account should be credited by \$10.50, cash paid March 22, 1904, leaving correct amount of balance, \$37.60. Account of H. P. Brown: Amount of balance shown, \$647.42; failure to charge invoice No. 1218, \$165.00; error by failure of credit cash payment December 13, 1902, \$75.40, and a further credit of \$571.02, which is not shown by the books, but for which I am able to furnish proof positive of its payment and have therefore credited Mr. Brown with this additional amount and leaving a balance due to the penitentiary from Mr. Brown under date of August 30 last, \$169.00 instead of \$647.42. Account of Antonio J. Ortiz: While it happens that the balance as shown by the report and the balance due on August 30 last are the same, yet in this account the expert made errors by failing to charge invoice No. 1445, \$5.00; invoice 2067, \$2.40; amounting to \$7.40; and failing to credit Mr. Ortiz with cash payment of \$7.40 paid November 26, 1904. Account of E. Hart: Balance shown to be due by report, \$37.40; error by failure to give credit on account of error in charging invoice No. 2296, \$1.40; correct balance August 30 last, \$36.00. Account of Pat Lopez: Balance shown to be \$10.00; error in failing to credit Mr. Lopez by cash payment made February 20, 1906, of the same amount. In this case an attempt was made to collect this money of Mr. Lopez, he held receipt signed by Mr. R. C. Garrett, assistant superintendent, for the amount. Mr. Lopez called on Mr. Garrett and Mr. Garrett furnished him with another \$10 to pay the account. Mr. Lopez paid this money into the penitentiary and later on it was discovered "that the account had already been paid once and Mr. Lopez was given back the \$10.00. Account of A. Lacasaine: Amount shown to be due by report, \$13.25; error in failing to credit this account by an off-set of like amount under date of July 25, 1901; Mr. Lacasaine's account has been balanced since July 25, 1901. Account of S. Spitz: Amount of balance as shown by report \$267.83; error by failing to credit Mr. Spitz by brick returned under date of May 31, 1901, of \$33.00, leaving his balance due of \$234.83; since August 30 last Mr. Spitz has settled his account and in that settlement he failed to receive credit for this off-set. Account of Simon Nusbaum: Amount of balance as shown by report, \$5.70; to errors in failing to charge Mr. Nusbaum with invoice No. 1035, \$1.88; invoice 1094, \$1.88; invoice 1096, \$1.98; invoice 1112, \$3.13; invoice 1125, \$1.68; making a total of \$13.45 omitted on the debit side, and further errors in failing to credit Mr. Nusbaum with cash payment of \$12.30, made under date of June 1, 1902, and the further credit of cash payment made February 20, 1906, and amounting to \$18.45, cash credits omitted and leaving the correct balance due from Mr. Nusbaum on August 30 last of 70c. Account of Pennsylvania Development Company: Amount of balance as shown by report, \$30.00; error in failing to credit this company with \$30.00 payment, cash, made May 10, 1904. Account of W. R. Carter: Amount of balance shown to be due, \$27.00; to errors in failing to charge invoice No. 1437, \$90.00; invoice 1520, \$90.00; invoice 1522, \$90.00; and by the further error in failing to credit Mr. Carter with a \$270.00 cash remittance under date of December 6, 1903, leaving Mr. Carter's balance the same as stated, \$27.00; will say here that these three invoices above referred to, were charged to the Atchinson, Topeka and Santa Fe Railroad, and of course that company refused to pay the same. Account of Women's Board of Trade: Amount shown to be due by report, \$145.00; error in charging invoice No. 2894, \$40.00, and on the credit side appears a credit of \$20, making amount of bill due, \$205.00 as per books; by investigation, however, I have ascertained the fact that under date of December 11, 1901, \$140.00 in cash was paid and a rebate of \$5.00 allowed, which covers the balance shown to be due of \$145.00 in the report. The other item of \$60 was incurred for caring for the cemetery by convicts which is in charge of the Woman's Board of Trade, and it is claimed that this money was paid by the Woman's Board of Trade to guards overseeing the convicts while at work. Account of Santa Fe County Jail: Balance shown to be due, \$2.95; by error in failing to credit cash payment of July 9 1904, correct balance due August 30 last, \$2.20. Account of R. M. Nogle: To amount shown to be due by report, \$8.00, by error in failing to credit cash payment made June 10, 1904, of \$1.00; correct balance August 30 last, \$7.00. Account of F. Garcia: Balance shown to be \$2; by error in failing to credit cash payment October 10, 1904, \$2.00. Mr. Garcia's account is balanced. Account of Grant Rivenburg: Balance shown to be due by report, \$209.07; failure to credit by cash May 1, 1901, 50c; failure to credit by off-set for ice, \$106.40; correct balance August 30, according to books, \$102.80. With reference to this account in checking over vouchers I found that under date of August, 1904, Mr. Rivenburg was given a voucher which he received in cash for \$188.46; I caused Mr. Rivenburg to appear before me, and as shown by his testimony attached, I find that he rendered a bill for \$325.25 which appears as voucher No. 160, dated March, 1904, and that from that bill was deducted his account at the penitentiary and leaving a credit balance in his favor of \$188.46 for which he received a warrant and cash. I have therefore closed Mr. Rivenburg's account and instead of owing \$209.70, he owes the penitentiary nothing. Account of Dave Gonzales: Amount shown by report to be due, \$5.60; credit by error in forwarding balance, \$3.40; amount due August 30 last, \$2.20. Account of C. O. Luchenback: Amount shown to be due \$30.90; by failure to credit cash payment of \$5.00, February 20, 1906. Account of Antonio Sandoval: Amount shown to be due, \$16; failure to credit cash payment, February 3, 1906, \$16.00, account balanced. Account of J. J. Rutherford: Amount shown to be due, \$49.24; by error in charging invoice 2324, \$9.80; by error in bringing down balance of \$2.70; error in charging invoice 2751, \$5.00, and further error of charging invoice 2756, \$17.50; total amount of credits which were failed to be given Mr. Rutherford, \$38.00, and leaving his balance due August 30 last, \$11.24; and this amount has been paid and settled by Mr. Rutherford since. Account of E. F. Hobart: Amount shown to be due, \$0c; failure to charge invoice 1163, \$6.25; invoice 1180, \$4.00; amount due August 30, \$11.05. Account of Belen Commercial Club: Amount shown to be due, \$420.00; in this amount is included invoice 3143 for \$140.00, this material was furnished the Belen Commercial Club after retirement of Mr. Bursum and should not be charged to him, and the credit balance with which he was chargeable was \$280.00. Account of L. A. Hughes: Balance shown to be due, 75c; failure to charge \$8.65 for hides purchased and failure to credit a like amount paid in cash February 5, 1906, leaving balance due, 75c, and which has since been paid by Mr. Hughes. Account of Edward Lempeke: Amount shown to be due, \$280.00; to failure to charge invoice 1047, \$80.00; invoice 1103, \$52.00; invoice 1109, \$110.50; invoice 1111, \$162.50; invoice 1138, \$80.00; invoice 1199, \$90.00; error in charging invoice 1578 charged as \$65.00, when same should have been charged at \$165.00; error in charging invoice 1838, charged as \$70.00, should be \$100.00. Account of the United States Indian School: Balance shown, \$34.52; by errors in failing to charge invoice 1102, \$68.91; invoice 1104, \$70.73; invoice 1107, \$68.88; invoice 1110, \$27.65; invoice 1122, \$12.50; invoice 1128, \$7.81; invoice 1143, \$43.00; invoice 1145, \$146.25; invoice 1148, \$40.00; invoice 1155, \$7.81; invoice 1166, \$23.80; invoice 1168, \$6.25; invoice 1178, \$92.40; invoice 1179, \$39.20; invoice 1182, \$27.46; to error in entering invoice 2928 as \$2.00 should be \$21.00; difference should be \$19.00, making a total amount of debits omitted, \$700.65; on the credit side by error in posting invoice 418, \$7.50, instead of \$15.50, correct amount, difference \$5.95; by rebate of October 31, 1903, \$4.00; by error in bringing down balance, \$700.00; correct balance, \$25.22. Account of W. H. Goble: Amount shown by sheet, \$13.80; by failure to credit, Mr. Goble, by a bill rendered for \$9.65, and by drayage, \$4.50, amounting to \$14.10. In this case they sent Mr. Goble a bill for \$37.80, and attempted to collect same; see testimony of W. H. Goble. All of the above errors which had been recited were either result of oversights or errors as these entries all appear upon the books of original entry with the exception of a few of the credits

proven by testimony and which were easy to ascertain. Item No. 10. "Amount of double credit for freight on brick machinery shown on cash book page No. 10, September 22, 1900 and also in contingent fund September 25, 1889, per journal page No. 11, \$437.48." Only one credit has been taken for this amount and that was the one claimed on the journal as this "re-written cash book" was made from the journal or rather posted from the cash book, it is hard as a matter of bookkeeping to understand how it was conceived that a double credit was being taken. Item No. 11. "Amount credited to M. R. Otero, October 5, 1904, on cash book, page No. 22, as \$100.00, should be \$140.00. This \$40.00 is shown on journal page No. 444 as a rebate on amount due by Mr. Otero." I have investigated this matter and find that \$140.00 in cash was received and was credited and \$140.00 deposited with the Territorial Treasurer but as \$40.00 was charged up to material account I have done likewise and charged Mr. Bursum with the \$40.00. Item No. 12. "Amount due for Smith Premier Typewriter No. 4-22792, purchased per voucher No. 300, July 30, 1901, and in exchange for a Smith Premier No. 1-13602, the former number cannot be located, \$92.25." This typewriter was disposed of by Mr. Bursum by trading same for a horse; the horse is today in service at the penitentiary and the typewriter is in the possession of a Miss Aldrette, a clerk in the office of the Territorial Engineer. See the testimony of Marcelino Aldrette. Item No. 13. "Amount of check Anson & Holman, January 26, 1903, not entered on cash book, but entered on Journal, page No. 388, and then erased, \$200.00." In checking up this account I find that Anson & Holman were entitled to this credit and I have accordingly charged Mr. Bursum with this amount. Item No. 14. "Amount of double credit on payment to Colorado Fuel and Iron Company per credit through contingent fund on Journal, page No. 211, October 25, 1901, \$38.72; and Vou. No. 316, War. No. 1649, Nov. 29, 1901, \$21.82; and Vou. No. 360, War. No. 1648, Nov. 29, 1901, \$38.72." This is correct and I have charged Mr. Bursum with the amount, \$38.72. Item No. 15. "Amount paid for one whip and wire rope, per Vou. No. 259, June, 1903, favor Hendrie & Bolthoff, \$111.62; freight paid per journal, page No. 401, \$10.56; total, \$122.18." This whip was purchased for the purpose of prospecting for coal near the city of Santa Fe on the land of Jacob Weltmer, and the whip is still standing at the prospect hole, unless same has been removed by ex-Superintendent Trelford. Item No. 16. "Amount of freight claimed to have been paid, per cash book No. 1, page No. 10, Sept. 4, 1900, \$250.00; and page No. 11, Oct. 16, 1900, \$115.00; total, \$365.00. No record of freight bills and until proper receipt can be produced this amount correctly stands as a debit to H. O. Bursum." These amounts were paid for freight and Mr. Bursum has produced check stubs showing payment. This concluded the answering of all the specific items mentioned in the demand. Other items charged to Mr. Bursum in the report after having been investigated by the Attorney General were not deemed worthy to include in his first demand, the second demand for a lesser amount nor in the third demand which appears in the testimony of H. O. Bursum and which he paid under protest, but in the accounts of bills receivable made up by the former examiner, appears a debit to J. G. McNary of Las Vegas for thirty thousand brick, amount of same, \$210. These brick were shipped Mr. McNary who was secretary of the Y. M. C. A., no charge was made for these brick, but same were a donation to the Young Men's Christian Association of Las Vegas, who were building a home by subscriptions. The invoices for this material were, therefore, not entered upon the books of the penitentiary. Attorney General Reid had this matter up and was thoroughly familiar with the facts and for that reason failed to make a charge. Also in the list made up of bills receivable appears an item of charge of \$150.00 against the city of Santa Fe, which does not appear upon the books of Mr. Bursum, nor were bills ever rendered the city. Of course the proper way to have treated both of these items would have been to have charged the material and then rebated back on account of donation, thus making a clear record. The item for material furnished Governor Otero from Dudrow, \$26.46, and paid for by the penitentiary was not included in the general summary of amounts due by H. O. Bursum, but was included in the final demand made by Mr. Reid and paid under protest. I think this a proper charge and accordingly charged Mr. Bursum with that amount, although at the time the material was furnished, the building on which it was used and occupied as a residence belonged not to Otero, but to the City Board of Education, and if bill should be rendered it should be to that organization. However, as I say, I have charged Mr. Bursum with the amount. With reference to the McNary account and the city of Santa Fe attached are statements regarding same made by Mr. Bursum. With re-

gard to that part of the report dealing with permanent improvement funds and other funds such as salary, general maintenance, scenic route, permanent improvement, etc., no doubt the figures given on same in former report are correct as they were copied from either the books in the office of the Territorial Auditor or Treasurer. Regarding the charges of mismanagement, Mr. Bursum has stated his side of the case in his testimony. I have not attempted to go into these matters as the question of money was not involved and only irregularities and mismanagement charged. ASSISTANT ATTORNEY GENERAL GORTNER MAKES STATEMENT. Shortly after I was appointed, referee Hon. R. C. Gortner, Assistant Attorney General and District Attorney for the counties of Santa Fe and Taos, notified me by written communication that he would like to appear before me and be heard regarding matters to-wit: The one set forth in the demand and which he, as district attorney, had presented to the grand jury of Santa Fe County at its September, 1906, session. In response I not only invited him to be present, but also urged that if possible he secure the presence of Mr. McMahon, and that if possible he obtain for me all the original figures on which the examiner made his report in order to use as a text. This he was unable to do, but Mr. Gortner has been to the office several times during the progress of this examination and result of which is probably best explained by the following communication which I am instructed to hand you by Mr. Gortner, together with my report: "July 11, 1907." "Hon. Frank W. Parker, Associate Justice, Las Cruces, N. M. (In Re. H. O. Bursum vs. Territory of New Mexico.) "Dear Sir:—Referring to report of Referee Safford, I wish to make you the following statement: "As district attorney for Santa Fe County, the 'McMahon Report' was placed in my hands in September, 1906, and I conducted an investigation thereon before the grand jury, into the financial affairs of the penitentiary. I also later assisted Attorney General Reid in making certain demands on Mr. Bursum, which, by said report and the cash-book of the penitentiary, appeared to be due the Territory. After Mr. Reid had ceased to be attorney general, and after the appointment of Mr. Safford as referee herein, I wrote the referee stating that I wished to call his attention to the items, points and matters on which I had acted as stated; and Mr. Safford replied that opportunity would be given me to do so. "I have therefore these reasons, during the progress of his work at various times examined into the same and have called to his attention each and every item which had appeared to me to indicate a shortage in said accounts. I have now examined the completed work with a view to determining whether or not the referee has included in his re-cast of the accounts the said items. I wish, therefore, to state to you hereby, that in the accounts and statements as made by the referee, he has included and charged each and every one of the said disputed items, and the same are embraced and taken up in the sums total of debit and credit set forth in his report. Of course, I have not examined minutely the entire report, nor verified the figures and additions; but so far as the disputed items are concerned, and so far as the items are concerned on which I based the investigation in the grand jury, they are charged against Mr. Bursum by the referee, in all instances where they should be so charged. If the referee's totals are correct, then Mr. Bursum did not owe the Territory of New Mexico the items which were presented before the grand jury as evidence of shortages against him. "Very respectfully, (Signed) "R. C. GORTNER, "District Attorney." In conclusion will say that I have used every means to make this examination as thorough as possible, and have spared neither time nor labor, and I herewith transmit my full detailed report as mentioned above together with ledger re-written by me and balance sheets, also all testimony of witnesses which I have caused to appear before me, together with the petty ledger compiled by the former examiner as well as his statement, all of which are respectfully submitted for your consideration. Respectfully, C. V. SAFFORD, Referee.

On the 27th day of June, A. D. 1907, I caused to appear before me H. O. Bursum for the purpose of testifying in the cause under investigation, and on the said 27th day of June, at the hour of 10 o'clock a. m. at my office in the Capitol Building in the City of Santa Fe, personally appeared H. O. Bursum, accompanied by his counsel, H. M. Dougherty, and who being by me first duly sworn on his oath, testified as follows: C. V. SAFFORD, Referee. MR. BURSUM TESTIFIES IN HIS OWN BEHALF. Examination by Mr. Dougherty. Q. State your name, age, occupation and place of residence. A. H. O. Bursum, forty years old, stock raiser, resid at Socorro, New

Mexico.

Q. How long have you been a resident of New Mexico?

A. For twenty-six years.

Q. What official positions have you held, if any, during your residence in this Territory?

A. I was sheriff of Socorro County during the years 1895, 1896, 1897 and 1898; was a member of the Territorial Legislative Council from the district composed of Socorro and Sierra counties during the Thirty-third Legislative Assembly; was superintendent of the Territorial penitentiary during the year commencing the first day of May, 1899, until the 12th day of April, 1906, inclusive; covering a period of approximately seven years, and I am the present Mayor of the City of Socorro.

Q. Please state briefly the condition of the New Mexico penitentiary at the time you became the superintendent of that institution, and recite briefly the changes that were made during your management if any there were?

A. At the time I took charge of the penitentiary there were approximately 160 inmates; the Territorial appropriation for maintenance amounted annually to the sum of \$20,000. The earning power of the penitentiary consisted principally of receipts from the federal government for the support of United States prisoners. In addition to the revenue derived from such support of United States prisoners, there was what is known as a horse-power, soft-mud brick machine; the total earning power at that time including the support of federal prisoners, sale of brick and lime, amounted approximately to \$5,000 per annum. Shortly after taking charge of the penitentiary I found that in order to obtain a market for the product which consisted principally of brick made by the prisoners it was necessary and essential to install a more modern plant in order to produce a product which would command ready sale in the market. I thereupon proceeded to negotiate for the purchase of a modern plant and did purchase the same with all the necessary appliances, and in the course of about three years the same was in running order with a capacity of producing approximately 25,000 to 30,000 brick per day. In order to complete the brick plant it was necessary to build a dry kiln, which was made upon the standard plan; also modern brick burning kilns which were built under plans and specifications made out by Mr. R. C. Garrett, who subsequently became my assistant superintendent. The total valuation of the plant as now installed has been rated by men of experience at a valuation varying from \$60,000 to \$75,000; also other improvements aggregating in value \$30,000 to \$40,000, including walls of the new cell house, power house, stock, etc. A small portion of this expense was derived out of what is known as the permanent improvement fund which was raised from the sale of lands belonging to the penitentiary. I do not recall the exact amount realized, but believe that the same did not exceed \$24,000. The balance of the expenditure was made out of and from the earnings of the penitentiary, derived from the sale of brick and lime from the installed plant. There were numerous other improvements which were made during my incumbency in office, among which I might mention a continuous lime kiln, a Corliss engine, rock crusher, an addition to the engine house, the purchase of additional grounds upon which was erected a modern brick residence for the use of the penitentiary, additional boilers and pumps, wagons, horses, mules, the necessary equipment for transporting clay from the clay banks to the penitentiary and which clay was first used for the purpose of making paving vitrified brick. Whether or no the plant so installed was a paying proposition to the penitentiary can best be ascertained by consulting the treasurer's receipts from convicts earnings; while the receipts from these sources during the year 1899 and preceding years was less than \$700.00 per month on an average, the receipts taken at random for the first five months of the year 1905 show that there were turned into the Territorial treasury an average of \$1,900 per month. For the year 1906 there was turned in during the same period an average of \$2,403.00 per month. For the year 1907 there was turned in to the Territorial Treasurer for the same period an average of \$2,992.27 per month. This conclusively shows, in my judgment, that the plant was a successful venture and a paying proposition to the Territory. As a matter of fact the only earning power of the New Mexico penitentiary today is the brick-making plant, which was entirely constructed and built and market developed for the product during my administration, and for which no special appropriation was ever provided by the Legislative Assembly or any form of special tax levied for the purpose of meeting such expense. Our experience during the first four years in the brick-making business was one of constant struggling for existence and efforts to make ends meet. The refractory qualities of the clay was hard to overcome and understand in order to produce a marketable product. There was no ready market for those years for the product of the penitentiary brick was anything but good. The price that could be obtained was much less than that of other products for sale in the commercial markets at other points. Brick was sold at \$3.50 per thousand, paving brick sold for

\$6.00 per thousand. It was therefore no easy task to overcome the prejudice which existed against the class of brick which had theretofore been produced at the penitentiary by the old appliances, which had formerly been in use. At the time I left the penitentiary paving brick was selling at \$10.00 per thousand and common brick at \$7.00 per thousand, with ready market for more than the penitentiary could produce.

Q. If I understand you, at the time you took charge of the penitentiary there were about 160 prisoners, and maintenance was approximately \$20,000. At the time you left the penitentiary you had how many prisoners, and what was the appropriation for maintenance?

A. Approximately 260 to 270 prisoners; and up to within five months preceding my retirement the annual appropriation remained the same—\$20,000. For the years 1906 and 1907 the appropriation was fixed at \$35,000 annually.

Q. Then, if I understand the effect of your statement you have secured to the New Mexico penitentiary a brick plant and other property worth approximately \$90,000 to \$100,000, maintaining at least 100 prisoners, without increasing the maintenance appropriation or receiving any special appropriation therefor?

A. Yes, that is correct. The only special appropriation which the penitentiary received during the time I was superintendent was one for \$5,000 and one for \$8,000 in payment of material furnished the Territory for other institutions. There were several years in which the appropriation fell short by reason of the fact that the levy did not produce the amount attempted to be provided.

Q. During your administration of the New Mexico penitentiary what is known as the Scenic Highway between the cities of Santa Fe and Las Vegas was conceived and partially completed by convict labor, was it not?

A. Yes, sir; I built approximately fifteen miles of road; the original survey of the Santa Fe end was made under my personal direction, and for the first two years there was only appropriated the sum of \$5,000, one-half of which was allotted to the Las Vegas end, the other to the Santa Fe end. This sum included surveys and all other expenditures.

Q. Please state what other use for Territorial purposes you made of the convicts during the period you were superintendent?

A. I furnished labor for the building of the Territorial Capitol.

Q. During the time you were in charge of the penitentiary please state what part you took personally in supervising and conducting its business?

A. I took charge of everything other than the mere matter of detail of the running of the penitentiary.

Q. In regard to your accounts state what provision you made for the keeping of the same and the conducting of your books and whether or not you did this work personally or by bookkeepers employed by you?

A. I never personally kept any of the accounts of the penitentiary. I employed and designated persons for that purpose. It would have been utterly impossible with the many duties incumbent upon the superintendent for him to have attempted to personally supervise the keeping of the accounts.

Q. State whether or not you were the superintendent of the New Mexico penitentiary at the time H. J. Hagerman was inaugurated as Governor of the Territory?

A. Yes, sir.

Q. At that time what political position was you holding, and what position are you now holding, if any?

A. I was, and am chairman of the Territorial Republican Central Committee.

Q. After Governor Hagerman was inaugurated state whether or not you had any conversation with him with reference to being relieved of your duties as superintendent of the penitentiary, and if so kindly state the substance of such conversation.

A. Yes, sir. Shortly after he was inaugurated in January, 1906, I told Governor Hagerman that I would like to retire from the penitentiary sometime during the summer; that the first day of July, 1906, would be a convenient time for me to retire, if agreeable, but that if he desired my resignation the same would be forthcoming at any time upon request. Governor Hagerman stated at that time that he would prefer to let the matter rest for the time being. He never requested my resignation, but from time to time through my friends I would hear intimations that he desired my resignation, but would not ask for it. When I found that he really desired to dispense with my services, although he had declined to so request, I immediately tendered my resignation to take effect the 2nd day of April, or as soon thereafter as convenient, not exceeding ten days. My reason for desiring to have held the position until the first day of July was for the purpose of enabling me to arrange with competent persons for a thorough auditing of the accounts during my administration, covering the whole term of seven years of my tenure in office. No complete audit had ever been made by any person fully qualified to do that class of work, but in view of the Governor's wishes, indirectly imparted to me through my friends that he desired to appoint another person to the office I felt that I could not continue to

serve under the circumstances.

Q. At the time that Governor Hagerman accepted your resignation, did he do so by letter?

A. Yes, sir.

Q. Have you that letter? If so, please produce it.

A. Yes, sir.

(Witness here produces letter which is offered in evidence and made a part of his testimony and which is marked Exhibit 1.)

Q. When did you receive the first information about the desire of the Governor to have all of your accounts audited?

McMAHON INVESTIGATION WAS KEPT SECRET.

A. I never received any notice from Governor Hagerman, either directly or indirectly that he desired or intended to make any investigation. The first intimation that I received was entirely from outside sources sometime in July, 1906. The first authentic word I had that any investigation was going on was given me by Mr. Newcomb, who was then clerk of the penitentiary, and for which of course I was informed that Mr. Newcomb was peremptorily discharged. It seems that the understanding was that this investigation should be entirely secret and that under no circumstances was I to know that such investigation was in progress.

Q. When you learned of this investigation what, if anything, did you do, with reference to talking with or writing to Governor Hagerman?

A. As soon as I learned of the investigation I addressed a letter to Governor Hagerman offering to furnish an expert accountant, and asking leave to co-operate and have a thorough investigation, which request he declined.

Q. Have you a copy of the letter you wrote the Governor? If so, kindly produce it.

A. Yes, sir.

(Witness here produces copy of the letter which is offered in evidence, attached hereto, and marked Exhibit 2.)

Q. Then, if I understand you, Governor Hagerman replied to your letter declining to permit you to have a person to participate in the investigation of the books?

A. Yes, sir.

Q. State whether or not you know the person who was employed by Governor Hagerman to audit and investigate the books of the penitentiary during your administration?

A. I have never met the gentleman. He was not a resident of New Mexico, but I understand lived somewhere in Colorado. His name is reported to be Francis M. McMahon.

Q. When and how did you first learn of the results of this alleged investigation?

A. I do not remember the exact date, but believe it was in September, 1906. The first information I received of it was from the Albuquerque Morning Journal-Democrat, which appeared with a special supplement the day before the Territorial Republican Central Committee met at Albuquerque, which special supplement contained several pages of closely printed matter with glaring headlines denouncing me as a thief and embezzler, and conveyed the impression that the shortage in the accounts would amount to \$70,000 or \$80,000. This same matter I afterwards learned was telegraphed to the East and West, North and South, to all newspapers which the working force of the Journal-Democrat were able to reach.

Q. State if you know or if you have heard how the Journal-Democrat received the copy of the alleged expert's report and the person or persons who gave it to them?

A. I understand that the said report was delivered either in person or by the personal authority of Governor Hagerman and that he arranged to have 20,000 copies of this supplement sent out to the various newspapers of the Territory free of charge for circulation and that all papers of both political parties that were willing to accept the same for circulation were furnished with such copies; and that Governor Hagerman also caused 500 typewritten copies of this report to be made and sent out from his office, which reports were mailed from the office of Governor Hagerman under and by his personal direction to persons in various parts of the Territory.

Q. State whether or not you received a copy of that report or any letter from Governor Hagerman or any other person connected with it in charge of the affairs of the Territory about the result of the investigation prior to its publication in the newspapers?

A. I did not.

Q. Did you ever at any time receive a copy of the alleged report of the investigation?

A. I did not except the one I mentioned as having been printed in the columns of the Journal-Democrat.

Q. Were your accessible and was your postoffice address known at the time of the completion of the report?

A. Yes, sir. I was at Socorro, which place had been my home and postoffice address for the past twelve years.

Q. You say that this alleged report was published in the Journal-Democrat the day before the meeting of the Republican Central Committee at Albuquerque. What action, if any, did the Republican Central Committee take upon the alleged report?

A. The committee, without solicitation on my part, refused to believe the contents of the sensational report

and unanimously endorsed me.

Q. What subsequent steps were taken upon this report, if any?

FAIL TO INDICT HIM ON EMBEZZLEMENT CHARGE.

A. Without having been served with any copy of the alleged report of the investigation and without any demand for any purported shortages, directly or indirectly, Governor Hagerman proceeded in an attempt to secure an indictment against me for embezzlement. The district attorney's office, after examining into the evidence did not believe that the same would justify an indictment and refused to attempt to secure one thereon. Thereupon Governor Hagerman removed the then district attorney, Mr. E. C. Abbott and appointed Mr. R. C. Gortner as district attorney with specific instructions to take charge of the prosecution and secure an indictment against me. The Governor became extremely zealous in an attempt to secure the indictment. His appointee, Captain of the Mounted Police Fred Fornoff, went to the chief deputy sheriff of the County of Santa Fe, Hon. R. L. Baca, who afterwards became Speaker of the House of Representatives, to get him to use his influence with the grand jury to procure an indictment, saying that the Governor stated that if he could not secure an indictment against me he was a "goner." You understand that I give this testimony upon the direct statement, made to me by different parties, who are ready and willing to state the same under oath. I might also say that about ten days prior to the publication of the report a letter was shown me stating that unless I would retire as chairman of the Republican Central Committee, an investigation of my administration of the penitentiary would be demanded, but if I would agree to retire that I would be helped out in every way possible. This letter was signed by Will Robinson, of Roswell, the home town of Governor Hagerman, and I believe it was an inspired letter.

Q. Have you a copy of such letter? If so kindly produce it?

(Witness here produces letter which is offered in evidence and which is hereto attached, marked Exhibit 4.)

Q. State what, if any, steps were taken by any person after this attempt to indict you?

A. I received a letter about September 26, 1906, from the attorney general, W. C. Reid, wherein he stated preliminary to bringing action against me for an accounting of moneys due the Territory he made formal demand of me to pay into the Territorial treasury the amount stated in said letter.

Q. If you have that letter kindly produce it.

(Witness here produces letter and offers same in evidence, hereto attached and marked Exhibit 5.)

Q. State what, if anything you did after receiving this letter and your reason for so doing?

INGLORIOUS ATTEMPT TO DISCREDIT HIM POLITICALLY.

A. I arranged with my attorney immediately upon receipt of said letter to go to Santa Fe and pay into the treasury under protest, any and all amounts of money that might be demanded by the said attorney general, on behalf of the Territory. My reason for doing this were that I did not want any suit brought against either myself or my bondsmen. I knew that I owed the Territory nothing and believed that upon an impartial auditing of my accounts it would be found that I had overpaid the Territory. However, the matter of auditing and adjusting the accounts would be the work of several months, as it would of necessity cover the entire period of my administration. I believed then, and I believe now, that it was the intention of Governor Hagerman and those immediately associated with him to attempt to discredit me before the people of the Territory of New Mexico and to defeat the Republican candidate for delegate to Congress; and had I not paid the amounts demanded that they would have at once instituted a suit, not for the purpose of adjusting the accounts, but purely and solely for political reasons, as it was then the beginning of the campaign which as chairman of the Republican Central Committee it was my duty to manage and direct. It would have been impossible before the election to have had the matter determined and a decision rendered. For that reason I cared not whether the demand was for \$1.00 or for \$10,000.00. I would have paid it, reserving my rights and have the matter judicially passed upon and a proper ascertainment made thereafter. Had I permitted this suit to have been filed I firmly believe it would have resulted in temporarily discrediting me and defeating the Republican candidate for Delegate to Congress and possibly defeating a Republican Legislature. I had abundant reasons, based upon facts which have since been confirmed, that Governor Hagerman and those associated with him had entered into a conspiracy for the purpose of defeating and destroying, if possible, the Republican organization and its candidates for office. It is a notorious fact that those persons most closely allied with Governor Hagerman were secretly, and some of them openly, using every effort at their command to defeat the election of Delegate Andrews. Al o to defeat the election of every Republican candidate for the

Legislative Assembly whom they suspected might not do their bidding as members of the Legislature. Whenever it was impossible for Governor Hagerman and his associates to control the Republican conventions, they either promoted fusion tickets under the cloak of good government for the purpose of fighting the Republicans openly, or in the absence of their ability to form such an opposition party, they would secretly and underhandedly use their influence in favor of the Democrats where such Democrats were known to be friendly to Governor Hagerman and his administration. There is no doubt in my mind that had I permitted this suit to have been brought, Governor Hagerman would have caused in order to further his policy of destruction and defeat of the Republican party, copies of this suit to have been printed without number and scattered broadcast. This would probably have been done in a semi-official way, lending the moral guarantee of Governor Hagerman as to the suit. Such a proceeding until finally adjudicated can be readily understood would have been highly prejudicial, not only to myself personally, but to the interests of the party, whose chairman I had the honor of being and whose interests were at stake at that particular time and would have been the means of calling forth a verdict of the people based upon the biased and unjustified charges presented ex-parte.

HAS CONSULTATION WITH FORMER ATTORNEY GENERAL.

Q. State whether or not you wrote any letter to the attorney general in response to the letter demanding the payment of these amounts.

A. Yes, sir; I did.

Q. Kindly produce a copy of such letter, if you have it.

(Here witness produces copy of letter which is offered in evidence, and which is hereto attached, marked Exhibit 6.)

Q. State what steps, if any, were taken by your attorney in meeting the said demand.

A. Under my instructions my attorney immediately went to Santa Fe and interviewed the attorney general, who has sent me a demand for about \$8,392.59 and upon my attorney reaching there he demanded the sum of \$12,475.33 in addition thereto, but finally conceded that these amounts were not legally due from me, and insisted upon the payment of \$2,470.38. This amount my attorney paid into the treasury protesting this amount or any amount whatever was not due or owing and that the same had been unlawfully demanded, and saying the same under protest and expressly and fully reserving all rights and remedies therein.

Q. Have you a copy of the receipts? And a copy of the additional demand which was made upon your attorney?

A. Yes, sir.

Q. Kindly produce them.

(Here witness produces copy of receipt and copy of the additional demand which is offered as evidence, and which is hereto attached, marked Exhibits 7 and 8 respectively.)

Q. What steps, if any, did you subsequently take to have an adjustment of your accounts made?

A. During the sixty days following the date of the payment to the Territorial treasurer, which I have mentioned, my time was very much occupied with reference to matters connected with the Territorial election which occupation was caused by reason of holding the position of chairman of the Republican Central Committee. Thereafter the Legislature in session at Santa Fe passed a bill entitled "An Act relating to the settlement of accounts of public officers," which bill became law upon the 14th day of March, A. D. 1907. The passage of this bill was bitterly fought by Governor Hagerman and everyone connected with him and friendly to his administration within and without the Legislative Assembly in order to prevent me from securing a judicial accounting. The bill finally passed and the records show that the Governor refused to sign the act, although he allowed it to become a law by limitation, after having learned that more than two-thirds of the Legislature favored its passage and which majority could not be broken by the usual connivance which had theretofore been pursued by Governor Hagerman. Upon the 15th day of March of said year I instituted a suit for the settlement of my accounts, being this proceeding.

Q. Then, if I understand you, immediately upon the passage of a law permitting the court to judicially pass upon the question of your accounts, and while Governor Hagerman was still in office, you filed this suit asking for an immediate adjudication and auditing of your accounts for the entire period that you were superintendent of the New Mexico penitentiary?

A. Yes, sir; and I wanted all of my accounts to be investigated, those upon which the statute of limitations had run as well as the new accounts. I desired nothing reserved as I wished a full, fair and complete examination, not desiring to take any technical advantage of the Territory, which might have been done under the provisions of law. This for three reasons: First, that I had entire confidence in the fact that nothing was due the Territory; second, I deemed it proper and due to myself and the public that all transactions be fully investigated and

determined; third, a moral obligation in my judgment is stronger and more binding than any technical provision of the law.

NEFARIOUS INUENDOES TO BESMIRCH HIS CHARACTER.

I desire to make a short explanation with reference to another matter: Certain individuals, whose time seemed to have been principally occupied in saying unpleasant things and circulating rumors with infamous inuendoes, one of these persons being a notorious meddler and disturber of his neighbor's tranquility, who resides in San Antonio, New Mexico, and others of the same ilk, who were evidently short on political assets and anxious to accumulate political capital and build up their political fortunes at the expense of others and by inuendo besmirch the character of persons who happen to be in public life and thus attempt to steal thunder and convert the same to their political use. These people have caused gossip to be circulated to the effect that while I was superintendent of the penitentiary that I caused shipments of lumber and materials to be made to San Antonio, New Mexico, which were converted to my personal use, for my ranches and for the carriage mines, and that said lumber, materials, etc., were paid for out of penitentiary funds. This gossip so far as relates to the payment of any material out of penitentiary funds is absolutely false and without foundation. It is true that a shipment of lumber was at one time made by the American Lumber Company, Albuquerque, to San Antonio, New Mexico, which shipment was billed to the New Mexico penitentiary, San Antonio, New Mexico; it is also true that Fairbanks, Morse & Company, of Denver, Colorado, at one time made a shipment of steel tanks from Goshen, Indiana, billed to the New Mexico penitentiary, San Antonio; they also billed some windmills in the same manner; it is also true that Hendrie and Bolthoff, of Denver at one time shipped two whims, billed to the New Mexico penitentiary, Cerrillos, New Mexico. These goods were ordered by H. O. Bursum, who happened to be at the same time superintendent of the New Mexico penitentiary. They were paid for out of my personal funds, by my personal checks, which checks I still retain. The billing to the New Mexico penitentiary at the points mentioned was an error upon the part of the shippers, and which fact was called to their attention at the time and which errors can only be accounted for by reason of the letters ordering such material having been written upon penitentiary stationery. These energetic, would-be detectives who caused these infamous inuendoes to be circulated, which they calculated would brand me as a "grafter," might have easily ascertained the facts in the premises by consulting the books of the shippers and therefrom ascertain how, when, by whom and in what manner these materials were paid for. This gossip is absurd upon its face. Were these materials and goods mentioned to have been purloined at the expense of the Territory—can any sane man believe that they would have been shipped in open, broad daylight, directed to the New Mexico penitentiary at San Antonio and Cerrillos? Would they not have been consigned to my personal order? Leaving aside this phase of the question, what object could there have been in making these shipments direct to the New Mexico penitentiary, at a point where no penitentiary existed? The freight rate to the penitentiary was and is the same as to any individual. The credit of the penitentiary was in no way needed. It was simply one of those errors which often occurs in commercial transactions, on the part of hasty shipping clerks, failing to read the contents of an order, but simply take note of the letter-head.

COPIES OF EXHIBITS FILED WITH REPORT. (EXHIBIT 1.)

Territory of New Mexico.
Office of the Executive,
Santa Fe, March 19, 1906.

Herbert J. Hagerman,
Governor.

Sir:—I have received your letter of March 19th, accompanying your resignation as Superintendent of the New Mexico Penitentiary, which resignation you desire should take effect on April 2d, 1906, or as soon thereafter, not exceeding ten days, as may be convenient for me to appoint your successor. You also advise me that in case of your absence at any time, you have instructed your assistant, Mr. R. C. Garrett, to turn over the management of the institution to your duly appointed and qualified successor.

In handing you herewith the formal acceptance of your resignation from a position which you have occupied for the past seven years, and which you will leave accompanied by the best wishes of the people of New Mexico, I beg to add my personal appreciation of the improvement and advancement which have taken place in the penitentiary while it has been under your charge. I also desire to extend to you my own best wishes for your future success and welfare. Your unusual personal qualities and your broad acquaintance can be used for the best interests and highest welfare of the people of New Mexico.

I have the honor to be,
Most respectfully yours,

H. J. HAGERMAN,
Honorable H. O. Bursum,
Superintendent of the New Mexico Penitentiary, Santa Fe, New Mexico.

Accepted for filing in the office of the Executive, Santa Fe, New Mexico, March 19, 1906.

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I have the honor to be,
Most respectfully yours,

H. J. HAGERMAN,
Honorable H. O. Bursum,
Superintendent of the New Mexico Penitentiary, Santa Fe, New Mexico.

Accepted for filing in the office of the Executive, Santa Fe, New Mexico, March 19, 1906.

Herbert J. Hagerman,
Governor.

(EXHIBIT II.)

Socorro, New Mexico, July 31, 1906
H. O. BURSUM,
Stock Raiser.

Honorable H. J. Hagerman,
Governor of New Mexico,
Santa Fe, New Mexico.
Sir:—I have within the last day or two received some letters with reference to penitentiary accounts.

I assume that you are desirous, in good faith, of thoroughly investigating the affairs of the penitentiary for the purpose of rigging any wrong, if any there be; for the purpose of providing for the Territory all that she is entitled to; for the purpose of ascertaining the whole truth and all the truth, and not for the purpose of avenging any personal grievance, whether real or imaginary.

Very respectfully yours,
H. O. BURSUM.

(EXHIBIT III.)

Roswell, N. M., Aug. 25, 1906.
Mr. W. E. Martin,
Socorro, N. M.

Dear sir and friend:—As you likely know I am now the editorial end of the Register-Tribune, and I have been much disturbed at the stories that have been going the rounds concerning Mr. Bursum and yourself, and particularly as regards Mr. Bursum, as an account of his alleged candidacy for re-election as chairman of the Republican State Central Committee.

I further demand on behalf of the Territory an accounting from you for the proceeds of 10,000 vitrified brick shipped by you from the penitentiary to yourself at Albuquerque, New Mexico, February 7, 1905, for which no cash appears to have been entered on the books of the penitentiary.

I further demand from you, on behalf of the Territory, an accounting for the amount of an illegal payment made to Charles W. Dudrow by penitentiary voucher No. 157 for lumber had and received by ex-Governor M. A. Otero, and delivered to him January 17th and 19th, 1906, to the amount of \$26.46.

I further demand of you on behalf of the Territory, an accounting of all other matters and moneys due to the Territory of New Mexico from you as Superintendent of the Territorial Penitentiary, and remaining unaccounted for.

DEMAND MADE BY ATTORNEY GENERAL REID FOR PAYMENT. (EXHIBIT IV.)

William C. Reid, Edmund C. Abbott,
Attorney General Asst. Atty. Gen.
Territory of New Mexico.
Office of the Attorney General
Santa Fe, Sept. 25, 1906.

Dear Sir:—Preliminary to bringing action against you for an accounting of moneys due the Territory which the Territory claims you have in your hands and unaccounted for, I hereby, on behalf of the Territory of New Mexico, make formal demands of you to pay into the Territorial treasury upon receipt of this letter the following amounts to-wit:

- Manuel Baca.....\$18.65
Onderdonk L. S. Co..... 4.00
H. P. Brown..... 75.40
Penn. Dev. Co..... 30.60
Richard Guterman..... 78.46
Simon Nusbaum..... 6.15
Pat Lopez..... 10.90
C. F. Easley..... 2.75
C. O. Luckenbach..... 5.00
Nestor Rodriguez..... 3.85
C. Berardinelli..... 2.00
S. R. Hincley..... 19.30
Ricardo Alarid..... 30.90

\$285.56

The following amounts drawn from the general maintenance fund of the Territory Nov. 30, 1902, for which you have taken credit on the cash book, but with which you have not charged yourself.....\$152.27
The amount of a warrant or treasury draft received from the United States Government about Nov. 10, 1903, for which you have taken credit on the cash book, but with which you have not charged yourself.....\$89.33
An amount received by you from G. W. Bond and Brothers, or the money equivalent thereto for which you have taken credit on the cash book, but with which you have not charged yourself.....\$67.72
The amount of a payment made by A. W. Anson of Albuquerque, January 26, 1903, for which you have taken credit on the cash book, but with which you have not charged yourself.....\$200.00

An accounting from you to the Territory of New Mexico is further demanded for the sum of \$5,726.84, which sum is made up of items listed on the credit side of your cash book and not turned into the Territorial treasury, which items are specifically mentioned in the report of the Colorado Title and Trust Company of August 30, 1906, a copy of which was furnished you and reference to which is hereby made, particularly to that portion marked Exhibit "A" of said report.

I do not at this time say that this particular sum of \$5,726.84 was retained by you and not paid to the parties named, but the method of payment was illegal and an accounting of the same is desired, there being no vouchers to evidence the payments.

I further request an accounting for the moneys received from J. H. Vaughn by you which are not charged by you against yourself as money received in the cash book, which moneys were repaid to the said Vaughn by Territorial warrant No. 2380 of the 54th fiscal year and Territorial warrant No. 2457 of the 56th fiscal year. Amounting to \$150.00.

I further demand on behalf of the Territory an accounting from you for the proceeds of 10,000 vitrified brick shipped by you from the penitentiary to yourself at Albuquerque, New Mexico, February 7, 1905, for which no cash appears to have been entered on the books of the penitentiary.

I further demand from you, on behalf of the Territory, an accounting for the amount of an illegal payment made to Charles W. Dudrow by penitentiary voucher No. 157 for lumber had and received by ex-Governor M. A. Otero, and delivered to him January 17th and 19th, 1906, to the amount of \$26.46.

I further demand of you on behalf of the Territory, an accounting of all other matters and moneys due to the Territory of New Mexico from you as Superintendent of the Territorial Penitentiary, and remaining unaccounted for.

WAS NOT FURNISHED WITH COPY OF M'MAHON'S REPORT. (EXHIBIT V.)

Socorro, N. M., Sept. 26, 1906.
Mr. William C. Reid,
Attorney General, Santa Fe, N. M.

Dear Sir—I am in receipt of your letter, stating preliminary to bringing action against me for an accounting of moneys alleged to be due the Territory, you demand on behalf of the Territory the payment by me of certain amounts mentioned in your letter and which items you say are specifically mentioned in report made by the experts from the state of Colorado.

I wish to say that I have never yet received a copy of any report made by the Colorado gentlemen, and the only information I have ever had of the making of any such report or its contents was the knowledge which I obtained from the newspapers.

In the keeping of the accounts of the penitentiary, I of course was, as every warden has been and will be, compelled to depend upon the accuracy of those keeping the books of the institution, and I have every reason to believe and do now believe, that those who kept the books during my administration did so with accuracy; however when it was intimated by rumor that it was desirable that the books of the penitentiary should be audited, I at once tendered to the Governor of this Territory the services of a qualified person familiar with the affairs of the penitentiary to act in my expense in conjunction with or assist any person or persons who might be chosen by the Territory, and if it was found that there was any inaccuracy in the books or that I was in any manner indebted to the Territory that I would abide by the result

of such investigation.

Your letter being the first communication which has been directed to me in connection of the auditing of the books of the penitentiary, I therefore take this occasion to say that I stand ready and willing to pay over to the Territory every cent which may be found to be due to it from myself. To that end I authorize H. M. Dougherty to meet with you in Santa Fe, and if it appears on the face of the books or otherwise that any mistakes have been made, or that I am in any manner indebted to the Territory, I authorize him at once to pay in such amount. You appreciate the fact that as to any mistakes in bookkeeping, if any there be, that I am dependent entirely upon the books of the institution and therefore request that you permit my representative to examine with you to alleged items which are said to have been incorrectly charged or omitted. I am,

Very truly yours,
H. O. BURSUM,
PAYS MONEY ALLEGED DUE UNDER PROTEST. (EXHIBIT VI.)

Santa Fe, N. M., October 2, 1906.
Hon. J. H. Vaughn,
Territorial Treasurer.

Santa Fe, New Mexico.
Dear Sir—The Hon. W. C. Reid, Attorney General of the Territory of New Mexico, has demanded of H. O. Bursum, ex-warden of the Territorial penitentiary, the sum of Two Thousand Four Hundred Seventy dollars and thirty-eight cents, and threatens to institute suit against the said H. O. Bursum if the same be not paid. Mr. Bursum protests that this amount, or any amount whatever, is not due or owing from him to the said Territory and that the same is unjustly demanded; but herewith hands you the sum of Two Thousand Four Hundred Seventy dollars and thirty-eight cents to be placed to the credit of the Territory under protest and expressly and fully reserving all his rights and remedies therein.

Very truly yours,
H. M. DOUGHERTY,
Received the above amount this 2d day of October, 1906, from H. O. Bursum under protest as stated in the foregoing letter.

J. H. VAUGHN, Territorial Treasurer. (EXHIBIT VII.)

Full list of all of the amounts as finally demanded by you from Mr. Bursum, which is paid in full with the treasurer's certificate accompanying the letter with which this is attached and the \$500.00 deposited by Mr. Bursum March 30, 1906, for which you have allowed credit:

- Receipts on journal but not on cash book, \$168.45.
U. S. warrant for support of U. S. prisoners, \$899.35.
Amount of G. W. Bond and Brothers check, No. 209, \$677.23.
Amount of warrant No. 2012, withdrawn balance general maintenance fund 54th F. Y., \$152.27.
Amount of double credit for freight on brick machinery as shown on cash book; also in contingent fund, \$437.48.
Amount of check Anson & Holman, January 26, 1903, \$200.00.
Amount of double credit on payments to Colorado Fuel and Iron Company per credit through contingent fund, also by warrants No. 1648 and 1649, \$38.72.
Amount for lumber furnished to Otero, \$26.46.
Amount unaccounted for as shown between the day book record and cash sales and the cash book, \$84.86.
Amount collections made and not turned into the Territorial treasury, \$285.56.
Total, \$2,976.38.
Credit H. O. Bursum, March 30, 1906, \$500.00.
Total remaining unpaid, \$2,476.28.

Signs of Spring.

With glad delight we greet each welcome comer. It counts not though it chirp or croak or sing. For, though one swallow cannot make a summer. We know that just one frog can make a spring. —Woman's Home Companion.

Happy Accident.

Passenger (about to leave the cars, sees his heavy satchel fall from the rack on a lady's head)—That's very fortunate. I had just forgotten it was there.—Fliegende Blätter.

A Common Failing.

Some claim that they believe in signs. But, lacking self restraint, Must prove unto themselves by touch The truth of one marked "Paint!" —Boston Transcript.

A Natural Inquiry.

Wife—What do you think of my new hat, dear? Husband—Fine. How much was it an acre?—Woman's Home Companion.

A Better Sign.

Then let the crocus lift its head. The bluebird have its fun; I'll watch the maple tree instead When sap begins to run. —Cleveland Plain Dealer.

The Height of Perfection.

Ethel—About how tall do you think a girl should be to look well? Jack—I don't know exactly. How tall are you?—Lippincott's Magazine.

The "Dark Lady."

It is claimed that the "dark lady" to whom twenty-eight of Shakespeare's sonnets were dedicated was the notorious Miss Mary Pitton, maid of honor to Queen Elizabeth.

See Scouts. Each hive of bees possesses an intelligence department which sends out scouts to discover where honey and other good things are to be gathered.

THE DRESSMAKER.

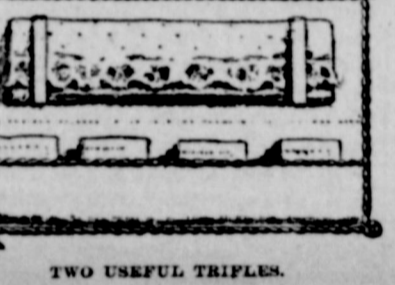
Practical Points For the Woman Who Does Her Own Sewing.

In hexagizing a lot of bias ruffling there is nothing more aggravating than to have it twist in the machine. This is because there is a right as well as a wrong bias. Which is which can be determined only by testing. Take your length of goods and fold over your bias corner from both ends. Lay your rule parallel to this, so that you can cut off the short corner from both ends. Try these in the machine in order to discover which one it is that will run askew and produce the twisting so often seen. The other will run easily. One little idea as to the fastening of vents in dresses in the case of both wash materials and the thin, transparent laces and nets is to use, instead of hooks and eyes for the placket fastening, small lace buttons and worked loops. And then another way is to use a strip of silk cord on the eye side of the placket and small hooks on the opposite side which catch into the silk cord. This keeps the placket firmly fastened. The placket of a skirt is considered one of the most important parts of the skirt on account of its finishing, as this adds to the general appearance of the skirt. One reason why so many plackets are gaping is because the hooks and eyes are placed too far apart and insufficient room is given against the strain at this point. Care should be taken in arranging and sewing on fasteners of any kind, as a few extra stitches will help to hold them firmly in place and prevent the fasteners or hooks and eyes from falling off. A placket may be made at the back, front or side of a skirt, the location depending on the style of skirt. The skirt closes at the center of the back and forms an inverted plait, leaving an opening for placket from ten to twelve inches, which allows the skirt to be put on and off easily.

TWO USEFUL TRIFLES.

That Make Convenient Places to Keep Handkerchiefs and Veils.

Most women have odds and ends of silk, brocade and fancy material generally, which they wonder "what on earth can be done with," that perhaps the accompanying sketch may give another idea for the utilization of these scraps and unconsidered trifles.



The design shows a case combining two purposes—viz, to keep veils and handkerchiefs, the former of which will last much longer if some little care be given to them when not in use. The sachet sketched could be made of silk, brocade or pretty cretonne, lined with pongee silk. It is twelve or fourteen inches in length and wide enough to fold over and form a pocket for the handkerchiefs and leave the flap for the veil. On the inside of this are sewed two strips of elastic, through which the folded veil is slipped, as the sketch clearly shows. The edges are outlined with cord to match the silk or harmonize with the colors if a patterned material be selected.

Small Boy Suggestions.

Give the small boys a room of their own, where they may be allowed to work, play, read or whatever the boyish fancy may dictate. If they be fond of reading, give them plenty of good books and magazines and an easy chair to sit in while they read. A boy loves comfort just as much as a girl does, and money spent in making him comfortable at home goes a long way toward keeping him off the street. Some boys are not content to spend a whole evening reading. They should be provided for in some other way. Let them have games and invite their boy friends into their room and feel that they have a share in the home.

How to Properly Boil Water.

When water is put into a kettle over the fire, bubbles rise to the surface. These are expanded air, and this is why the kettle "boils over" if filled to the brim when the water is cold. As the water grows hotter it changes to steam at the bottom of the kettle, where the heat is most intense, and bubbles of steam take the place of air bubbles. At 185 degrees the steam bubbles rise and drop back and the water is said to simmer. If the water rises yet higher in temperature, the bubbles escape, and at 212 degrees the water boils and steam escapes. Now, a thermometer will show that no matter how much the heat is increased over the boiling point the water will become no hotter than 212 degrees, but it will be turned into steam faster, and in that way it is said to "boil away."

Laundry Suggestions.

Things to remember in washing: That flannels are washed first. That white things come next. That colored things are done while white things are boiling. That dirty kitchen aprons and cloths come last of all. That soaking is done in tepid water. That rinsing is done in tepid water. That extremes of heat and cold cause shrinking. That soap jelly is necessary for woolen things. That soap must be thoroughly rinsed out before bluing. That blue must be well mixed through the water. That wringing well after bluing is most important. Things to remember in drying: To have the lines, pegs and clothes-horse scrupulously clean. To hang things up wrong side out. To hang colored things in a shady place. Not to hang woolen things in too great heat.

A BEAUTY HINT.

Oranges and Green Salads Will Clear the Complexion.

Two simple and inexpensive articles of diet that are excellent for the complexion and system generally are not eaten as much as they should be. They are green salads of any sort, with French dressing oil, pepper, salt and vinegar, and oranges. The latter cannot be too highly advocated. Occasionally there is a person with whom they disagree radically, but this is the exception, and individuals who cannot eat any other fruit will thrive upon oranges. This particular form of fruit is nourishing, its action upon the digestion is peculiarly beneficial, and therefore it is clearing to the skin. A dozen a day is none too many to eat if a person wishes.

If, however, they have not been eating them, it would be well to begin gradually. Before breakfast take the juice of one strained. This is given to babies and is more easily digested than when the pulp remains in. If, however, the digestion is good, there is no objection to the pulp. It is better, however, always when possible to eject the fine inner skin, and under no circumstances should the tough white under-skin be eaten, for it is one of the most indigestible vegetable forms grown.

Another orange may be eaten an hour after breakfast if wished, and a couple at luncheon is none too many. After that one or two at a time at intervals of two hours may be taken, with some just before going to bed. At this last time they will frequently induce sleep. It is not, of course, necessary to eat so many, but they will take the place of other food. Always buy a good quality and be sure they are not overripe.

Mothers With a Purpose.

A brilliant young woman was recently talking of two of the older women of her relationship whom she greatly admired. They had both aimed at the education of their children and had succeeded in their aim, sending forth from their homes men and women of a high type. They had accomplished their end by much self-denial and hardship. She said of these relatives: "They both had a purpose and never lost sight of it. They carried out their purpose. The trouble with me, I think, is that I have no purpose. They wanted the right things, and they went after them and got them. I do not want the right things, though I want to want them. I suppose I do not want to want them hard enough. Grandmother and aunt wanted the right things hard, and they got them. What most of us need is more purpose." She is a good woman, as well as a bright one, is a fine mother and wife, and possibly her judgment of herself was a little harsh, says Calvin Hill Wilson in the Mother's Magazine. Surrounded by luxuries, she does not have the same incentive to effort in the same direction as her relatives, who had to make a struggle for the education of their children.

How Nutmegs Are Cured.

A writer who has explored New Guinea describes the nutmeg region. Upon a fine piece of table land he came across three houses erected in the very heart of the forest. These were used by the natives for drying nutmegs. The country was everywhere magnificent and the aroma of the spice laden air delicious. Nutmeg and other equally valuable trees were everywhere growing in great profusion. The fruit of the nutmeg in appearance resembles a pear, and when ripe it opens and displays the nut covered with a beautiful red coating of mace. The nuts are then picked and taken to the houses, where they are husked and placed on shelves. They are then partially roasted over a slow fire until all of the moisture is extracted, after which they are cooled and sent to market.

An Effective Cure.

The present crown prince of Germany had as a child a great dislike of being washed. The emperor tried various means to cure him and at last hit on the right one. The young prince came running to him one day in a great rage, saying the sentry had not saluted him as he passed. "To be sure," said the emperor, "I gave orders they were not to salute a dirty prince, but only a clean one." The child's pride was hurt, and he took to the bath. He never again objected to being washed.

The Strangest Grave.

"Which is the deepest, the longest, the broadest and the smallest grave in the cemetery?" a traveler asked of his companion as they were walking through a silent city in Boston.

"It is this in which Miles Button is buried," was the reply. "How do you make that out?" "Because it is Miles below the sod, and therefore the deepest; Miles in length, and therefore the longest; Miles in breadth, and therefore the broadest, and yet, after all, it is but a Button hole."

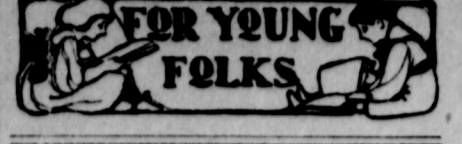
Mutual.

A master was interviewing a pupil who had again and again failed to do the necessary amount of home preparation. The master said: "No Greek done again? Didn't you promise me you would do it last night?" "Yes, sir, but—"

"And didn't I promise to punish you if it wasn't done?" "Yes, sir, but as I didn't keep my promise I won't hold you to yours, sir."—Chums.

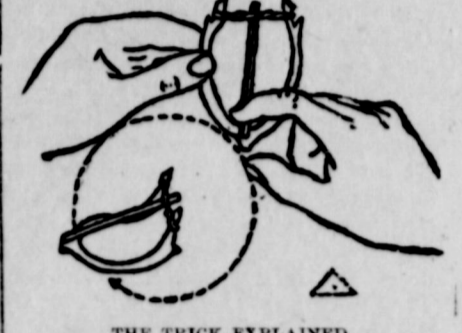
Riddle.

A gentleman had five sons, and each of them had a sister. How many children had he in all? Six. Where can happiness always be found? In the dictionary. What is the color of a grass plot covered with snow? Invisible green.



FOR YOUNG FOLKS. A WISHBONE TRICK.

How to Perform a Simple Yet Interesting Experiment. When you have had fowl for dinner, preserve the bone shaped like a pitchfork, which is called the wishbone. That of the duck is the one which suits best for the construction of the little apparatus which we are about to make today. Twist a strong thread around one of the points of this forklike bone; then extend it to the other point, to which you will attach it solidly. Midway between the threads, extending from one point to the other, introduce a bit of wood not much bigger than a match, or a match itself, if you like, and turn it through several times in such a way as to twist the two lines



THE TRICK EXPLAINED.

of thread precisely as you would do in twisting the cord on a wood saw. The elasticity of the branches of the wishbone permits its extremities to approach each other slightly by means of this twisting. Draw the bit of wood back in such a way that its upper end alone will remain fixed in the thread and the other end will rest on the center of the bone and keep it with your finger there on the upper part of the same, as shown by the figure on the right in our illustration.

When you take away your finger, the thread will untwist itself rapidly, and the bit of wood will instantly describe a complete circle in the direction indicated by the arrow on the left side of our illustration. All this has nothing extraordinary in it, but here is where the optical illusion comes in. For you who are performing the experiment and for each of the spectators the rotary movement of the bit of wood will be so rapid that nobody will perceive it. It looks as if the free end of the bit of wood passed through the center of the bone in order to get to the other side or as if it were cut in two. Repeat the experiment as often as you please. The illusion will, even to the most incredulous, always be the same. —Magical Experiments.

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How Nutmegs Are Cured.

A writer who has explored New Guinea describes the nutmeg region. Upon a fine piece of table land he came across three houses erected in the very heart of the forest. These were used by the natives for drying nutmegs. The country was everywhere magnificent and the aroma of the spice laden air delicious. Nutmeg and other equally valuable trees were everywhere growing in great profusion. The fruit of the nutmeg in appearance resembles a pear, and when ripe it opens and displays the nut covered with a beautiful red coating of mace. The nuts are then picked and taken to the houses, where they are husked and placed on shelves. They are then partially roasted over a slow fire until all of the moisture is extracted, after which they are cooled and sent to market.

An Effective Cure.

The present crown prince of Germany had as a child a great dislike of being washed. The emperor tried various means to cure him and at last hit on the right one. The young prince came running to him one day in a great rage, saying the sentry had not saluted him as he passed. "To be sure," said the emperor, "I gave orders they were not to salute a dirty prince, but only a clean one." The child's pride was hurt, and he took to the bath. He never again objected to being washed.

The Strangest Grave.

"Which is the deepest, the longest, the broadest and the smallest grave in the cemetery?" a traveler asked of his companion as they were walking through a silent city in Boston.

"It is this in which Miles Button is buried," was the reply. "How do you make that out?" "Because it is Miles below the sod, and therefore the deepest; Miles in length, and therefore the longest; Miles in breadth, and therefore the broadest, and yet, after all, it is but a Button hole."

Mutual.

A master was interviewing a pupil who had again and again failed to do the necessary amount of home preparation. The master said: "No Greek done again? Didn't you promise me you would do it last night?" "Yes, sir, but—"

"And didn't I promise to punish you if it wasn't done?" "Yes, sir, but as I didn't keep my promise I won't hold you to yours, sir."—Chums.

Riddle.

A gentleman had five sons, and each of them had a sister. How many children had he in all? Six. Where can happiness always be found? In the dictionary. What is the color of a grass plot covered with snow? Invisible green.

BUSINESS LOCALS

300 buys 3 lots and two houses in rent for \$30 per month L. W. Martin.

net's new ad and cases of soda pop, 50 cents per case. 14

INSURANCE

W. MARTIN National Bank Building Artesia, New Mexico

second hand Wheelock \$100 down or \$125 payments. To be seen at... 35th

piano of the best brand will trade for horse and light wagon. Bernard Pos, Roswell, N. M.

four fence posts, cypress. And eight the greatest... 35th

case of soda pop two doz. bottles for 75c. Lee Turknett.

Rent—One good piano. App. to J. E. Swebston, office in Bank of Artesia. 37th

When in need of anything in grain line try the Artesia... 26th

cash, balance on easy pay- ments, buys a good 3-room house, lots, fenced and cross fenced, and sheds for horses and L. W. Martin 39th

W. Martin. 39th

papers for sale at this office at a bundle.

COAL! Lots of it. 19. Big Jo Lumber Co.

Lee Turknett before buying yard fence. He handles a line of iron fence.

SEPTINE. One coat applied inside of stables, stall, pens or coops, exterminate all ver- min. KEIP LUMBER CO., Agents.

Studebaker wagons and they have stood the test for their good qualities have known to you as long as you remember. They are just as never. On sale by Father- terree & Enfield. 43th

Transfer Line. prepared to do all kinds of When in need of such none No 24. When not ill found in front of Por- cehams. T.T. Kuykendall.

Houses to Rent. several good houses to Swebston & Orr.

seed for sale at the Ar- tling Co.

Assessment Work. All kinds of assessment work, plowing, ditching, fencing, etc., at reasonable prices. Write J. H. Naylor, Artesia, N. M.

BONDS—BURGLARY INSURANCE L. W. MARTIN First National Bank Building Artesia, New Mexico

No More Credit. After July 1 I will do a strictly cash business, extending credit to no one. R. L. Speck. 4214*

Six-room house and 3 lots for \$2000; \$500 cash, balance in one, two and three years. L. W. Martin. 39th

E. S. HAGGARD Real Estate and Insurance, Artesia, N. M.

Two cars of Oklahoma corn for sale at the Artesia Milling Co. Buy the best, buy a Studebaker wagon or buggy. Fatherree & Enfield. 43th

A dry climate is hard on vehicles Get the best, get a Studebaker. Fatherree & Enfield. 43th

A household word, Studebaker Buy a wagon or buggy of that name and you will not regret the choice. Fatherree & Enfield. 43th

Subscriptions taken for the Roswell Register-Tribune at this of- fice. Liberal clubbing rates quot- ed for it and the Pecos Valley News Inquire.

Are You Reading "The Yellow Holly" the thrill- ing detective story now running in the El Paso Herald? If you are not, you are missing one of the great stories of the year.

E. S. HAGGARD Real Estate and Insurance, Artesia, N. M.

Pure drugs carefully compound- ed at The City Drug Store.

11 acres near town, with water, 4 acres alfalfa, 3-room house for \$900. L. W. Martin 39th

Just received, a car load of Studebaker wagons and buggies Fatherree & Enfield. 43th

REAL ESTATE L. W. MARTIN First National Bank Building Artesia, New Mexico

Cemetery Notice All parties having interest in the city cemetery will please re- port the same to the clerk of the town of Artesia. The town now has control of the cemetery and they expect to sell the lots and do other improvements. Any one desiring to enter per- sons on the premises will call to see the clerk before doing so. Please call at my office in The Bank of Artesia for further infor- mation. J. E. Swebston, Clerk.

LEGAL NOTICES

Notice for Publication. Department of the Interior, Land Office at Roswell, N. M. July 16, 1907.

Notice is hereby given that the following named settler has filed notice of his intention to make final commutation proof in support of his claim, and that said proof will be made before Albert Binko, U. S. Court Commissioner, at Artesia, N. M., on September 4, 1907, for the NE 1/4 Sec. 20, T. 18 S., R. 29 E., and that said proof will be made before the Register or Receiver, at Roswell, New Mexico, on August 19, 1907.

Notice for Publication. Department of the Interior, Land Office at Roswell, N. M. July 16, 1907.

Notice is hereby given that Walter Crockett, of Hope, N. M., has filed notice of his intention to make final five year proof in support of his claim, viz: Homestead Entry No. 208 made July 16, 1902, for the NW 1/4 Sec. 21, T. 17 N., R. 29 E., and that said proof will be made before the Register or Receiver, at Roswell, N. M., on August 9, 1907.

Notice for Publication. Desert Land—Final Proof. United States Land Office, Roswell, N. M. July 16, 1907.

Notice is hereby given that George H. Scripps, of Roswell, N. M., assigns James T. Franks, assignee of Amy L. Stanger, has filed notice of his intention to make proof on his desert-land claim No. 1776 for the SW 1/4 Sec. 22 N. & Sec. 23 T. 16 N., R. 25 E., before the U. S. Court Commissioner, at Roswell, N. M., on Friday, the 30th day of August 1907.

Notice for Publication. Desert Land—Final Proof. United States Land Office, Roswell, N. M. July 16, 1907.

Notice is hereby given that Robert M. Hawkins, assignee of James H. Clark, assignee of Albert C. Benson, has filed notice of intention to make proof on his desert-land claim No. 184, for the SW 1/4 Sec. 7, T. 18 S., R. 26 E., before Albert Binko, U. S. Court Commissioner, at Artesia, N. M., on Tuesday, the 27th day of August 1907.

Notice for Publication. Department of the Interior, Land Office at Roswell, N. M. July 16, 1907.

Notice is hereby given that Thomas H. Teague of Knowles, N. M., has filed notice of his intention to make final five year proof in support of his claim, viz: Homestead Entry No. 289 made June 7, 1902, for the SW 1/4 Sec. 29 and SW 1/4 Sec. 30 T. 17 S., R. 29 E., and that said proof will be made before Albert Binko, U. S. Court Commissioner, at Artesia, N. M., on Sept. 2, 1907.

Notice for Publication. Department of the Interior, Land Office at Roswell, N. M. July 16, 1907.

Notice is hereby given that Thomas H. Binkov, of Hope, N. M., has filed notice of his intention to make final five year proof in support of his claim, viz: Homestead Entry No. 289 made June 7, 1902, for the SW 1/4 Sec. 29 and SW 1/4 Sec. 30 T. 17 S., R. 29 E., and that said proof will be made before Albert Binko, U. S. Court Commissioner, at Artesia, N. M., on Sept. 2, 1907.

Notice for Publication. Department of the Interior, Land Office at Roswell, N. M. July 16, 1907.

Notice is hereby given that the following named settler has filed notice of his intention to make final commutation proof in support of his claim, and that said proof will be made before B. L. Newkirk, U. S. Court Commissioner, at Artesia, N. M., on Sept. 4, 1907, viz: Grace L. Eggers, of Hope, N. M., on Homestead No. 686, for the NE 1/4 Sec. 5, T. 17 N., R. 29 E., made Feb. 20, 1902.

LEGAL NOTICES

Notice for Publication. Department of the Interior, Land Office at Roswell, N. M. July 16, 1907.

Notice is hereby given that the following named settler has filed notice of his intention to make final commutation proof in support of his claim, and that said proof will be made before Albert Binko, U. S. Court Commissioner, at Artesia, N. M., on Sept. 4, 1907, viz: George F. Artzt, of Artesia, N. M., on Homestead No. 811, for the SW 1/4 Sec. 21, T. 18 S., R. 26 E., made June 11, 1902.

Notice for Publication. Desert Land—Final Proof. United States Land Office, Roswell, N. M. July 16, 1907.

Notice is hereby given that Grace H. Clark, assignee of William E. Clark, assignee of Grace H. Clark, has filed notice of intention to make proof on her desert-land claim No. 128, for the NE 1/4 Sec. 21, T. 18 S., R. 26 E., before the Register or Receiver, at Roswell, N. M., on Tuesday, the 27th day of September, 1907.

Notice for Publication. Desert Land—Final Proof. United States Land Office, Roswell, N. M. July 16, 1907.

Notice is hereby given that Charles S. Brown of Roswell, N. M., July 25, 1907, has filed notice of his intention to make proof on his desert-land claim No. 184, for the SW 1/4 Sec. 7, T. 18 S., R. 26 E., before U. S. Court Commissioner, at Artesia, N. M., on Tuesday, the 27th day of September, 1907.

Notice for Publication. Desert Land—Final Proof. United States Land Office, Roswell, N. M. July 16, 1907.

Notice is hereby given that Charles S. Brown of Roswell, N. M., July 25, 1907, has filed notice of his intention to make proof on his desert-land claim No. 184, for the SW 1/4 Sec. 7, T. 18 S., R. 26 E., before U. S. Court Commissioner, at Artesia, N. M., on Tuesday, the 27th day of September, 1907.

LEGAL NOTICES

CONTEST NOTICE

A sufficient contest affidavit having been filed in this office by Fletcher J. Wooditt, contestant, against desert entry No. 289, made April 4, 1906, for the SW 1/4 Sec. 29 and SW 1/4 Sec. 30, T. 17 S., R. 29 E., of the NE 1/4 Sec. 29 and SW 1/4 Sec. 30, T. 17 S., R. 29 E., before Albert Binko, U. S. Court Commissioner at Artesia, N. M., on Tuesday, the 27th day of September, 1907.

PLAY A NECESSITY OF LIFE.

The gospel of play will, we are confident, win for itself a hearing as the gospel of wholeness and a fuller life. It will go far to create a better race of many beings, a better state and throw a new light on the piety of grimness and "other worldliness." What we have said has been applied mainly to city life, to the overpacked and unnatural crowd but it is applicable in a modified form to country life. The people who live among the trees and brooks do get, in spite of themselves, a certain relaxation, yet they need what they do not get—the useless sport, the utter relief for a portion of each day from "trying to make ends meet."—Independent.

EXCUSES THAT COME HARD

Filipino Struggle with Intricacies of English.

Very curious are some of the letters received by the officials of the Manila Street Railway company from their employees. One letter reads: "Dear Sir: Do not trouble yourself I did dare to make a letter to your superior authority according my some business with you; Now Sir, I announce you that I am sick, my sickness is headache & seasickness. To-day I want to find and asking cure and healing, by or with the Physician for I be healthy and sound, because I cannot suffer this illness Now Sir I entreat you and pray to permit me about six days, before I do my duty I first like being ready and robust. Herely, I besech you again to concede me your permission in six days, so that I shelter and crouching under your attentive protection. Therefore, I will be in good spirits if my letter will receive favorable consideration. Your student,

Another workman, apparently troubled with fever and headache, wrote: "I have the honor to write to you of the few line, because on my time Report I did not come this morning why I feel sick my back fever and with taid. So I didn't coming here to complete my service. I did not send to you very early of this letter because nobody can take of your presence. I hope to meet my letter with your con- sideration. Very sincerely,

And another: "My Dear Sir: Please to be excused me from work this morning for I cannot leave out on house, because my mother she cannot work for her food for she is sick. Yours respectfully,

LONG PURSE NEEDED FOR WAR.

When we turn to cannon we can realize the money cost of war from the fact that the appropriation just made by congress for an experimental 14-inch gun is \$132,000. That is, the type piece to be used experimentally to-day often calls for what would have been deemed "a handsome private fortune" in the simpler days of our land. This constantly increasing money cost of war is one of the great influences that make for peace. Only very rich nations can indulge in the luxury of making war, when it is necessary to load every musket with gold as well as lead. The long-range purse counts more than the long-range rifle, and it is the realization of this truth more than reflection on the horrible effect of new inventions that disposes military powers to ponder on the possibility of general disarmament.

SCENE: A SUNDAY SCHOOL.



Johnnie—I say, Miss Jones, I know now why you didn't want me to rob birds' nests last spring. Miss Jones (who has on a new hat)—Why was it, Johnnie? Johnnie (gazing with admiring eyes at the hat)—Cause you wanted the birds to grow big enough to wear 'em!

FOR THE BEST FIRE INSURANCE SEE J. E. SWEPSTON. I also write ACCIDENT, BOND, AND LIFE INSURANCE AND RENT HOUSES

until you see us

Hotel Artesia

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Centrally located. Rates \$1.50 per day.

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Who digs them quick-
est and cheapest?

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"OF COURSE"

SEE HIM BEFORE CONTRACTING

Artesian Well Contractor



"What is worth doing at all is worth doing well." This is true of an artesian well so if you want a well made and made well, with the latest improved and best machinery, operated by drillers of 20 years successful experience, you should contract with Mull. Then your well will be made right and nobody "skinned."

H. E. MULL & COMPANY.

Telephone No. 13.

TO THE PUBLIC

We have bought the stock of J. H. Beckham, Jr., and will continue the Hardware and Implement business at the old stand of Porter & Beckham. We will carry a full line of hardware and implements, fencing, wagons and buggies. Also hay presses and International gasoline engines. We have the agency for the two leading lines of agricultural implements: The John Deere Plow Co., of Moline, Ill., and The Parlin and Orendorff Co., of Canton, Ill. We are also agents for the Eclipse railroad wind mill, and the Economy pitless scale. We carry three specialties that are of particular interest to growers of alfalfa and kafir corn. One is a spike tooth disc used to loosen alfalfa sod. A buncher attachment to a mower for bunching the seed crop as it is cut, thus keeping the hay from being trampled on by the horses, and a Kaffir corn header attachment for a wagon box that will do the work of several men.

Come in and get our prices. Our motto is "Good Goods" at a reasonable price

BRAINARD HARDWARE COMPANY

P. V. News, American Farmer and a \$1,000 Accident Policy, all for \$2.50.

KEEP COOL

YOU CAN DO SO NO BETTER THAN BY PATRONIZING OUR FOUNTAIN.

OUR TRADE ON EGG DRINKS, GRAPE JUICE AND ICE CREAM IS EVIDENCE OF THE GROWING QUALITIES OF OUR FOUNTAIN.

P. V. DRUG CO.

RENT FREE, THOUGH.



Candid Wayfarer—Yes, I've been in prison.
Benevolent Lady—You should be ashamed to own it.
Candid Wayfarer—I didn't own it; I was only a lodger.—Comic Cuts.

TRICK OF THE PROPHET.

The prophet Mahomet was a great man in his way, but, like nearly all the priests of ancient times, he was not above practicing tricks to gain and hold the confidence of his followers. You have all heard of his dove, which would sit on his shoulder and seem to be talking in his ear. Mahomet claimed that the Holy Ghost took the form of the bird to give him inspiration, but the truth is that the wily prophet had taught the dove to eat wheat out of his ear.

QUITE THE CONTRARY.

He (sentimentally) — I was speaking of you when I heard you coming. Talk of angels, you know, and you hear the rustle of their wings.
She (warningly) — Sh! What you heard was my chaperon's coque feathers.

INFLUENCE.

"Some of these financiers have great political influence."
"That isn't the way to put it," remarked Senator Sorghum; "the question now is whether a politician has financial influence."

TROUBLE.

"What is the giraffe putting up that howl about?" asked the rhinoceros.
"He is getting what is coming to him," said the elephant; "that's all. You know how he always brags about enjoying his feed better than we do, because he has a longer throat and can taste it all the way down. Well, he has a touch of malaria now, and the doctor has prescribed quinine."

PERHAPS NOT

"Honesty," quoted the moralizer, "is the best policy."
"Possibly," rejoined the demoralizer, "but that kind of a policy isn't always the best honesty."



We Sell These.

You want the best. Are you ready for it this season?

We are prepared as never before to meet your wants in vehicles and harness. There's nothing superior to what we are showing, in taste, style and service. Absolute honesty in make and material. You will agree when we sell you

IT'S THE FAMOUS Studebaker Line WE CARRY.

No matter what you want—if it's a harness or something that runs on wheels, we've got it or will quickly get it.

Come in and figure with us. Everybody knows the place.

P. S. The Studebaker nameplate on a vehicle is its guarantee. Don't forget this.

FATHERREE & ENFIELD

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"Good Things to Eat"

Staple & fancy Groceries

Car Load of WHITE LILY FLOUR Just Received

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The Bank of Artesia,

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All the way. Full information regarding rates, etc. cheerfully furnished.

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