Probate Clerk

White Oaks Eagle

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SPECIAL REFUNDING LAW.

Full Text of the Measure Passed by the 34th Legislature.

The following law, C. B. No. 66, passed by the 34th legislative assembly and signed by Governor Otero, applies to all of the counties of the teritory, but was passed especially to permit Santa Fe county to compromise its indebtedness. It was introduced by Hon. Charles F. Easley in the council and is entitled An act to enable counties to compromise and refund their bonded indebtedness. Its provisions are as follows:

Section 1. The boards of county commissioners of the several counties of the territory of New Mexico in which the bonded indebtedness now issued and outstanding is in excess of fifteen per cent of the taxable property therein, according to assessed valuation for the year 1900, are hereby authorized and empowered to compromise and adjust the existing legal bonded indebtedness of their counties, together with the past due and unpaid coupons thereon, the interest on such coupons, and any judgments recovered for such past due coupons and interest thereon, or any part thereof, whenever the owners of such indebtedness may consent and agree to such compromise and agreement.

Sec. 2. Whenever an arrangement of the indebtedness mentioned in Sec. 1 of this act shall have been affected by and between the board of county commissioners of any county and the owner of such indebtedness, or any portion thereof, by which it is mutually agreed by and between the parties to surrender the existing indebtedness of the class specified in section 1 and to receive therefor bonds of the county for a less sum than the indebtedness surrendered, the board of county commissioners shall be and is hereby authorized to issue such bonds and to exchange them for the indebtedness specified in section 1. Provided, that the compromise and adjustment which can be made with the owners of such indebtedness are, in the judgment of the board of county commissioners, of sufficient benefit to the county to warrant such exchange and surrender of the existing indebtedness.

Sec. 3. The bonds to be issued in exchange for the indebtedness specified in section 1, shall be in the usual form of coupon bonds, shall be dated the 1st day of September of the year in which they are issued, shall be in denominations of one hundred dollars or multiples thereof, shall be signed by the chairman of the board of county commissioners and the clerk of the probate court; and the coupons may have the printed or lithographed fac-simile signature of the county treasurer; shall be numbered consecutively in each denomination, shall be payable in any lawful money of the United States, 40 years after date, with the option of the county to pay them at any rate after 25 years from their date, shall bear interest payable semi-annually, on the first day of March and September, at a rate not exceeding 5 per centum per annum, the principal and interest to be payable at such bank in the City of New York, in the state of New York, as may be designated on the face of the bonds and coupons, and shall be known and styled, "general county refunding bonds of the county of....., territory of New Mexico."

Sec. 4. Due and sufficient provision for the payment of the interest semi-annually accruing on all bonds to be issued under this act shall be made each and every year by the authorities authorized by law to assess and levy taxes in any county concerned, and, in case of failure to make such due and sufficient provision in any general tax levy, such authorities shall immediately make a special tax levy adequate for such provision; and, in case of failure on the part of any officer or authorities legally and adequately to assess property and levy and collect taxes for the payment of such interest, according to the intent of this section, the district court in and for the said county, either in term time or in vacation, shall nominate and authorize some person or persons to discharge such neglected or unperformed duty or duties, and shall immediately enforce the performance thereof; and all taxes collected for the payment of such interest shall constitute a special fund, and not be diverted to any other purpose; and any officer misappropriating or diverting such fund or any part thereof, or any taxes collected for such purpose, shall be deemed guilty of a misdemeanor, and shall be punished by a fine equal to the amount so misappropriated or diverted, and by imprisonment in the territorial penitentiary for a period of not less than one year nor more than ten years, and shall forever forfeit the right to hold office under the laws of this territory.

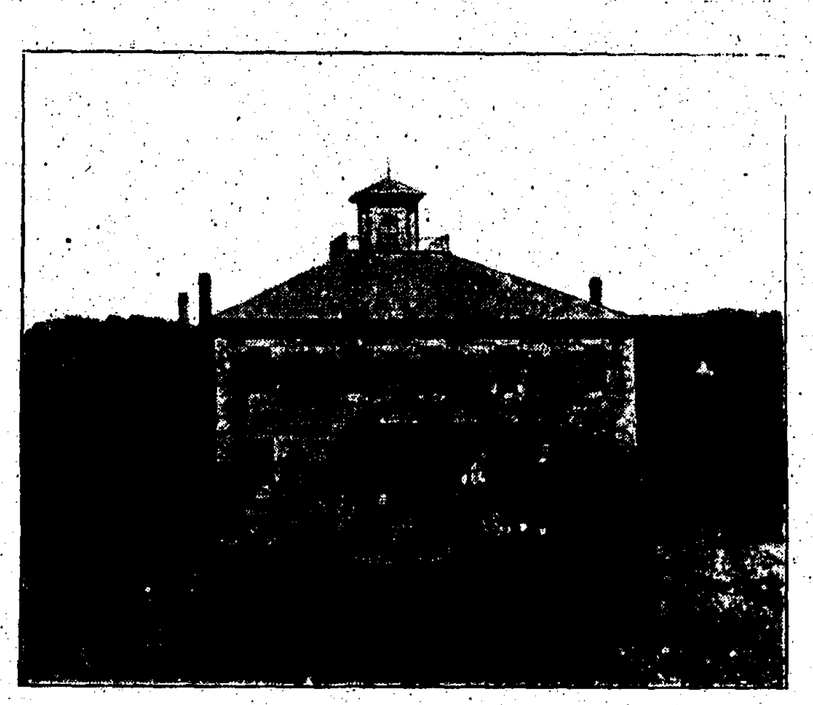
Sec. 5. Any officer who shall willfully or against his duty refuse to levy, collect, or pay over the interest moneys provided for in section 4 thereof, or any part of such moneys, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five thousand dollars, and by imprisonment in the territorial penitentiary, for a period of one year, and on his conviction of such misdemeanor shall immediately forfeit and vacate his office. The official bond of every officer upon whom a fine shall be imposed under any provision of this act, shall be collateral security for the payment of such fine and the costs of prosecution.

Sec. 6. The said interest coupons when past due and unpaid shall be payable and receivable in lieu of cash from the holder and owner of said coupons, for like amount in payment of any taxes due by said holder and owner of said coupons, and pertaining to the treasury of the county issuing such coupons.

Sec. 7. Beginning with the 24th year after the date of such bonds, and annually thereafter until all bonds to be issued hereunder shall be paid, or until money for that purpose shall have been provided, the proper authorities of such county concerned shall provide a sinking fund for such payment and to that end shall levy a tax equal to at least 7 per centum and not more of such bonds and to be sufficient to pay and retire 7 per centum of the total issue of such bonds during each year, after the said bonds have been outstanding for the period of 25 years, for the term of 15 years; and shall apply the proceeds of such tax to the payment of such bonds as soon as the 25-year option therein allows them to do so.

Sec. 8. All bonds issued under the provisions of this act shall be duly recorded by the probate clerk of the county, with full details of the indebtedness in exchange for which the same were issued, and shall also be registered by the county treasurer in the county bond register, and the fact of such registration shall appear on the bonds over the signature of the county treasurer; and the bonds and coupons for which the refunded bonds herein provided for shall be issued, shall be immediately destroyed by burning, by such board of county commissioners, at the time of the issuance of the bonds in exchange therefor, under this act; and any judgment mentioned in section 1 hereof, for which bonds may be issued under this act, shall be satisfied of record immediately and at the time of the issuance of the bonds in exchange therefor, under this act.

Sec. 10. All acts and parts of acts in conflict with the provisions of this act are repealed, and this act shall take effect and be in full force from and after its passage.



WHITE OAKS PUBLIC SCHOOL BUILDING

Built in 1894. Cost $10,000. The school is graded and continues eight to ten months in the year. Competent teachers are employed, and latest methods of teaching employed in the several departments.

Supt. of Schools Rudisille has agreed to hold the summer normal at Capitan; so says the Capitan Progress provided the school house under construction is completed by that time.

WHITE OAKS EAGLE.

Entered at Postoffice, White Oaks, N. M. as second-class mail matter.

S. M. Wharton, Editor and Prop'r.

OFFICIAL COUNTY PAPER.

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THURSDAY MAY 23, 1901.

GOVERNOR'S RE-APPOINTMENT.

It is now claimed by some of the most influential men of the republican party in New Mexico that the most serious menace to to the re-appointment of Governor Otero is his connection with and support of the Santa Fe New Mexican. The Santa Fe Capitol is authority for the statement that the Governor has been trying to loose himself from this slimy octopus for some time, but has so far failed to do so. The time, however, is drawing near, says the Capitol, when the "combination" will go into the hands of a receiver and thereby give the people an opportunity to look at the animal by daylight. The EAGLE knows nothing about the Governor's obligations to the combination referred to or why the Governor should have allowed himself to become tangled up with Max Frost and his Santa Fede New Mexican, but if the charges are true, the conscientious republicans of the territory are justified in turning him down.

Early Vernon Wilcox in the April Forum emphatically denies that sheep are a detriment to the forest reserve. He claims to have learned from actual observation that no deterioration results from the grazing of sheep on the mountain regions. Mr. Wilcox may have conscientiously deduced his opinions of this subject from observation, but those acquainted with the habits of the sheep can never agree with this theory. The sheep, if grazed in numbers in any locality, will in one season show that sheep will destroy more vegetation than twice the same number of most other kinds of domestic animals. The turf is cut to pieces and clipped so short that injury must result, and freshets are of greatest violence, for the reason that the loose mountain soil is carried into the streams when the turf protection is distroyed. Next to fire and the woodman's axe, the sheep in large numbers in the mountain districts is the most destructive agency to the preservation of vegetation.

INJUSTICE TO JOHN ROBERTSON.

The WHITE OAKS EAGLE of recent date does Mr. John H. Robertson of the South Homestake mine at White Oaks a serious injustice. Mr. Robertson was in El Paso recently on his way east, and in conversation with the editor of the Record stated that there was a very strong probability of their starting up the Helen Rae at Nogal this summer. Furthermore than this he had but very little to say, the balance of the article being the statements of the Industrial Record, and the truth of these statements can be, and have been, verified by dozens of persons in both Nogal and White Oaks. This has been known by the writer for years, and it was not necessary for Mr. Robertson to mention the matter, in order for it to be published. The Record has published the information before and it would have been better for the mining industry of Nogal had the EAGLE published the same thing when it happened. The Record will go further, and say to the EAGLE, that neither did Mr. Robertson mention how much money he and his brother had invested in New Mexico. The Record was given that information by another man during the visit of its editor to White Oaks last February. The EAGLE is due Mr. Robertson an apology, and the Record hopes to see it in the next issue. Now, toe the mark, Sid. Industrial Record.

Certainly, A. B. Your explanation of the matter is entirely satisfactory, and thoroughly exonerates Mr. Robertson. The EAGLE is grateful to the Record for the information submitted thus kindly, and now again understands Mr. R. as the same conservative business man we knew as the superintendent of the South Homestake.

New Mexico is likely to have a new governor next month. When the event occurs it will be a sight to amuse gods and men to see the whole set of mercenary flatterers and panders "flop" into the new man's band wagon. Dona Ana County Republican.

New Mexico has over $4,000,000 less property on her tax rolls than she had when his excellency, Miguel A. Otero, first assumed to direct the earth. The explanation is found in the fact that territorial taxes have doubled within the past four years. Dona Ana County Republican.

About the only consolation the Stat.' ders got from McKinley's Deming speech was that he hoped they would get it some time, but he could not say when. The President declared statehood to be a laudable ambition, but thought our greatest need to be more rain and more people.

An exchange says some underhanded business in the way of deeding property to individuals by the city of Santa Fe has been discovered. Should Santa Fe's underhanded business be gone into in detail it would doubtless make the undertakers' business prosperous for a time at least.

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PREVENTED CHAVES' APPOINTMENT.

Santa Fe Capitol.

We notice the New Mexican is discussing some of the charges which it claims has been made against Governor Otero, one notable because of the appointment of J. Francisco Chaves to be superintendent of public instruction. To the reply of the New Mexican to this charge we would suggest that in order to make the story complete and interesting to Col. Chaves, Governor Otero and the people of New Mexico, that the New Mexican send on to the census bureau and get a copy of the serious charges Governor Otero filed against Col. Chaves, and which was so strong and apparently conclusive, it had the effect of preventing his appointment as census enumerator.

COUNCIL BILL NO. 12.

The last legislature passed a law for the protection of elk, deer, antelope and mountain sheep for a period of five years. The punishment prescribed, for violation, by the act is a fine of not more than $100.00 and not less than $50.00 or imprisonment in the county jail for a period not to exceed six months and not less than thirty days. Each killing or injuring or in any way destroying any of the animals mentioned in the act constitutes a separate offense.

Prosecution for the violation of the law may be made before any court in which complaint is made.

DECORATION DAY SERVICE THURSDAY MAY THIRTIETH.

Grand Army of the Republic and Knights of Pythias Lodge.

The Knights of Pythias Lodge will hold public services at their Hall at 1:45 p. m. in commemoration of their dead, at which hour the members of Kearney Post G. A. R. will attend in a body and occupy seats of honor. Public is cordially invited to attend. At the conclusion of the services at the hall the procession will march to the cemetery, led by the Knights; arriving at the cemetery the Grand Army post will proceed with their services, followed by the Knights, after which both orders will decorate the graves of their dead.

In the evening at 7:30 o'clock the Grand Army Post will have public services at the Congregational church. The Knights of Pythias order will attend in a body. Everybody invited.

The title to the famous Sandoval land grant in Valencia county, New Mexico, has been declared invalid, and the land therein has been thrown open for settlement. This is perhaps better known as the Estancia grant. It covered some 500,000 acres in the Rio Grande valley near the center of the territory, the most of which is agricultural land. The title has been in controversy for forty years. Denver Mining Record.

OF LOCAL INTEREST.

Don't overlook the school election Monday, the 3rd of June.

District Court for sixth district convened at Alamogordo Monday, the 20th.

Geo. Lee is now complimenting his wife for the presentation of a 10 pound boy baby.

The contractors are about ready to begin laying brick on A. Schinzing's new building.

The Mexican 150 had a 'muy buen tiempo' Saturday, at their periodical baile, and nobody was killed either.

S. M. Wiener & Son bought at public sale last Saturday, the race horse, formerly the property of Bona Kimbrell for a consideration of $40.00.

The White Oaks contingent to the district court at Lincoln has returned and good many of them are now getting ready to attend at Socorro.

C. C. Hall, of Albuquerque, was in the city Wednesday looking for statehooders. He didn't find enough in White Oaks to make a quorum at a Quakers meeting.

Rev. J. H. Skinner, of Bonito, was in the city Monday. He has recently sold one of his claims in the Oscura Mountains to Kansas capitalists for $2,500.00.

A. Ziegler, Jones Taliaferro, Thos. H. Walsh, E. Heiniman, H. C. Crary and Attorney R. E. Lund will attend the court at Socorro next week.

Justice of the Peace Chavez, of Patos, was in the burg Saturday for a stock of frijoles and chile, after the consumption of which he will be able to administer hot stuff to the miscreants of his jurisdiction.

Thos. Owen, brother of John W. Owen, is in the city. Mr. Owen lives in Lexington, Oklahoma, and will visit J. W. and family here for a month or two. These brothers had not seen each other for nearly twenty years and neither would have known the other had their meeting been unexpected.

H.C.Crary returned from Estey City, Oscura Mountains Monday. Mrs. Crary remained there, to wait the return of her husband when they will go to Socorro to attend the district court, to be present at the trial of the case of Dye & Childers vs. The Compromise owners for possession of that famous property.

There was a lively scrap in front of N. B. Taylor & Son's blacksmith shop Monday. The contestants were not of the Fitzsimmon's school, but judging from appearance there must not have been a single foul in the entire contest. The Justice of the Peace collected $5.00 and costs from each of the gladiators and thereby the school fund is augmented.

FROM ANGUS.

[Bonito Valley Items.]

Correspondence.

J. M. Rice has left for Chicago.

A. C. Storms is adding a planer to his saw mill in Eagle Creek.

A gentleman was here not long ago with a new aneroid and set us up in the world 400 feet.

Everything appears to be jogging at the same old pace in mining matters up in the lateral canions of our valley.

G. B. Greer's name last week was printed Green. I take it there is nothing about him that is green except his fields.

On the smooth high mesa just south of the Willows and for two miles running east has been taken up by half a dozen homesteaders from Brown Co., Texas. I have noticed that the high dry farmers have good corn every season. The upland farmers of eastern Kansas have done better than the bottom farmers there.

In the Bourne settlement south of Nogal that high mesa is flanked by the Lower Ground on the west end, they always have good crops. With a moderate supply of water for irrigation they will have an ideal section for the hardy fruits; apples of the richest flavored juices, cherries, native plums and much small fruit.

Our Baptist brother, the Rev. Land has joined the Mormans, is going to stay with us and try and organize a settlement of that faith in the neighborhood. This heirarchy is developing more strength on this continent than many are aware of; their shepherds look sharply after the temporal interests of their flocks, and I imagine that the spiritual part is only a means to an end. If their followers do well the ten per cent tithes amount to a great sum; after all, the almighty dollar is what we are after.

An esteemed citizen of Lincoln Co. has an article in an eastern fruit journal in which he asserts that, "The White Mountain section in Lincoln county, N. M., is the home of the apple, especially the White Winter Pearmain which is the great leader and reaches nearer perfection here than in any part of the world. The altitude of our fruit section is from 5,000 to 6,000 ft. Above this altitude the apple does not do well." This lets out all our valley above Ft. Stanton, the White Mountain half of the county. The use of the name, is good deal like the play of Hamlet with Hamlet left out. It is true that many of our neighbors here, like the correspondent, think our orchardists are fit subjects for the lunatic asylum. There are some doubting Thomases among us that do not believe that the White Winter Pearmain is the paragon of perfection in the apple. It is not a commercial or cooking apple.

Leslie Ellis has 800 head of good shearing goats for sale.

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Two miles from White Oaks. Good House, Well, Windmill and Pasture.

Inquire of FRANK CRUMB,

White Oaks, New Mex.

The New Mexico Military Institute has just closed another year of successful work. This is an institution of worth to New Mexico that will be a benefactor for all time to the posterity of the territory.

Dick Shanklin has returned from Lincoln and Capitan.

Chas. A. Hollingreen, Topeka, Kan., has been here for several weeks looking after mining interest with which he is connected. He returned to Topeka.

Mrs. B. F. Gumm returned from Lincoln Saturday. She had been visiting her sister Mrs. E. W. Hulbert.

EAGL CREEK NEWS.

(Continued from last page.)

Mrs. J. V. Turley is visiting her parents Mr. and Mrs. A. J. Gilmore.

Peter Phillips is home from the Roswell Military Institute to spend his vacation.

Court has adjourned and the boys have all come in from Lincoln and the Lines.

A five pound boy was born to Mr. and Mrs. Thomas Green, of Eagle Creek, on the 11th. inst.

Prospects are good for an abundant fruit crop this season all through this section of country.

A. J. Gilmore has secured a contract to furnish the Ft. Stanton marine hospital 100 head of cattle.

From the way some of our mining men are jumping around we expect to hear something drop in the immediate present soon.

Mr. and Mrs. Hastings, of Roswell, are spending the summer in the mountains. They are making their home with L. Wright and family.

There are a great many Ft. Stanton Sanitarium patients in the mountains now camping out in the open air for the benefit of their health.

We have had a number of good rains and the grass is getting fine. Stockmen are warbling to glad hearts over the excellent prospects for a heavy fall crop.

A. C. Storms has sold his saw mill on Eagle Creek to Prof. Bradford and Walter Evens. The sale embraces the entire saw mill plant including logging wagons, buildings, logs and lumber. The consideration was $900.00.

The summer tourist has begun to arrive. Our pure air and good water will bring many people into mountains this summer. There is not a spot on earth that can beat old Blanco for water, shade and sunshine. It is fast becoming the ideal summer resort of the Rocky mountain region.

Lovers of the Mohair animals should visit John Hightower's herd at this time. He has 275 head of the very finest young goats ever shown up in this country. They are from his California Billies. He paid $150. per head for the Billies last year. The Nannies are also well graded goats. The increase is 95 per cent this year.

Hunting parties are already getting into the mountains. Look out boys which way you point the gun, and so long as you kill nothing but bear and time your lazy life will not be molested. Be sure that you do no fishing before June 1st, else the game and fish warden will introduce you to a court of Bonito Justice.

A NEW BEGINNER.

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One hundred pairs of Ladies' new Oxford Ties, just received at Ziegler Bros.

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We have still a nice line of those lovely Silk Voulards, and novelty Ginghams left, see the exquisite patterns. Ziegler Bros.

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Ice delivered at 1c. per pound. Leave your order at the Meat Market of Treat & Wells.

NOTICE. To all knowing themselves indebted to us, we must have a settlement as we contemplate a change. S. M. Wiener & Son.

We just received 25 doz. of the celebrated Eagle Dress Shirts, just the thing for summer wear, see the lovely new Patterns. Ziegler Bros., Sole Agents for White Oaks.

It is not too early to buy your Low Shoes, because the hot season is now commencing and it is not too late to find just what you want, as our stock is very complete. Ziegler Bros.

JICARILLA ITEMS.

(Continued.)

School starts here for 3 months term, commencing the 27th inst. Miss Stonecipher is employed as teacher.

Geo. Weisher has started work on the Knickbocker and says he is going to tear up the earth in big chunks.

The machine has not started up as yet, and cannot say when it will, but hope some time in the future, sooner or later.

Mrs. Davies, who formerly lived in White Oaks, is keeping restaurant on the American Placer Co's. ground at the pump and would be glad to feed the traveling public.

We had Divine services here last Sunday, and a very good attendance. Minister Stovall took for his text, the 5 Chapter, and 17 verse of Paul's second letter to the Corinthians.

There will be singing by the young and old people here next Sunday. We are taking on somewhat of city airs and will encourage the good work as much as possible. All are cordially invited to attend and lend their aid.

Eggs for Hatching. Full blooded Plymouth Rock eggs for sale. 15 for $1.50. Mrs. S.S. Doak,
2t. Scheleryville, N. M.

White Oaks Passenger Line.

Regular trips daily to the road

Good Rigs. Careful Drivers

Passengers carried to White Oaks and any part of the country on the shortest notice. Address:—White Oaks, N. M.

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SOCIETY MEETINGS.

Baxter Lodge No. 9, K. of P.

Meets Thursday evening of each week at Hewitt's hall. Visiting brothers cordially invited to attend.

S. M. WHARTON, C. C.
E. G. F. UHLRICK, K. of R. & S.

Golden Rule Lodge No. 10, I. O. O. F.

Meets Tuesday evening of each week at Hewitt's hall at 8 o'clock. Visiting brothers cordially invited to attend.

WM. M. LANE, N. G.
E. G. F. UHLRICK, Secretary.

White Oaks Lodge No. 9, A. O. U. W.

Meets semi-monthly, first and third Wednesdays, at 8 o'clock, at Hewitt's hall. Visiting brothers cordially invited to attend.

A. RIDGEWAY, M. W.
J. J. McCOURT, Recorder.

Grand Army Kearney Post No. 10

Meets the first Monday night in each month at G. A. R. Hall. Visiting comrades cordially invited.

THEO. W. HEMAN, P. C.
JOHN A. BROWN, Adj't.

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In all its stages there should be cleanliness.

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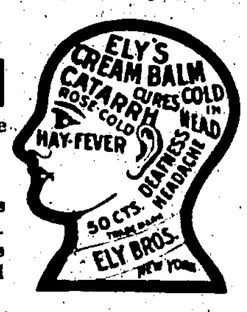

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ARRIVAL AND DEPARTURE OF MAILS.

(Daily. Except Sundays.)

Eastern mail from El Paso arrives 9:30 p. m.

Eastern mail for El Paso closes at 7:00 a. m.

Southern mail via Nogal, Gray, Lincoln and Roswell, arrives 1:00 p. m., closes 3:50 p. m.

Jicarilla mail departs Tuesdays and Fridays, 7:00 a. m. Arrives 3:30. p. m.

Richardson mail arrives Mondays, Wednesdays, and Fridays at 12 m. Departs same days at 1 p. m.

Sunday hours from 7 a. m. to 8:30 a. m.

NOTICE.

To all whom it may concern:

Notice is hereby given that 8 and 6 per cent Bonds of Lincoln County, New Mexico, amounting to $4,900, and numbered respectively:

Issue of 1882 Bonds, No. 28, $500.00; No. 29, $500.00; No. 30, $500.00.

Issue of 1883 Bonds No. 30, $100.00; No. 31, $100.00; No. 32, $100.00; No. 31, $500.00.

Issue of 1885 Bonds No. 1, $100.00; No. 2, $100.00; No. 3, $100.00; No, 10, $100.00; No, 11, $100.00; No. 12, $100.00; No. 1, $500.00; No. 4, $500.00; No. 5, $500.00; No. 6, $500.00; are now due by said county, and the same must be presented for payment at my office in Lincoln, Lincoln County, New Nexico, on or before July 1st, 1901.

Interest to cease thirty days after the last publication.

Witness my official hand this 18th day of April 1901.

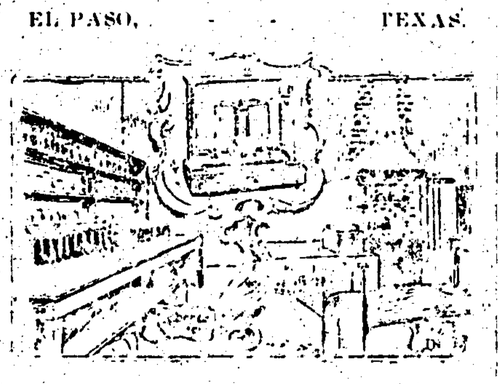
HENRY LUTZ,
Treasurer and Ex-Officio Collector,
Lincoln County,
New Mexico.

GODFREY HUGHES & CO.

CUSTOM ASSAY OFFICE

111 San Francisco Street

EL PASO, - - TEXAS.



We act as Agents for Shippers to Smelter Control and Umpire Work a Specialty. We are prepared to handle ores from a hand sample to five-ton lots, as we have the LARGEST crushing power plant of any assay office in the Southwest.

MARLIN

INTEREST is being displayed in the use of smokeless powders and jacketed bullets in large calibre rifles. A 45 calibre bullet weighing 500 grains gives a shock to large game that the small bores can not always be depended on for. Marlin Model 1895 Repeaters have "Special Smokeless Steel" barrels. For up-to-date information see our catalog. Mailed for 3 stamps.

THE MARLIN FIRE ARMS CO.
NEW HAVEN, CONN.

E. E. BURLINGAME & CO.,
ASSAY OFFICE AND CHEMICAL LABORATORY

Established in Colorado, 1866. Samples by mail or express will receive prompt and careful attention

Gold & Silver Bullion Refined, Melted and Assayed OR PURCHASED.

Concentration Tests—100 lbs. or car load lots. Write for terms.

1736-1738 Lawrence St., Denver, Colo.

INCORPORATION CERTIFICATE.

Territory of New Mexico }
Office of the Secretary }

I, Geo. H. Wallace, Secretary of the Territory of New Mexico, do hereby certify there was filed for record in this office, at 9 o'clock a. m. on the thirtieth day of March A. D. 1901, Articles of Incorporation of Carrizo Water Company (No. 2740); and also, that I have compared the following copy of the same with the original thereof now on file, and declare it to be a correct transcript therefrom and of the whole thereof.

In witness whereof, I have hereunto set my hand and affixed my official seal this sixth day of April A. D. 1901. (ten cent Internal Rev. Stamp)

(SEAL) GEO. H. WALLACE,
Secretary of New Mexico.

KNOW ALL MEN BY THESE PRESENTS: That we the undersigned, citizens of the United States of America, whose full names are Melvin G. Paden, George W. Prichard, and Frank J. Sager, all of White Oaks, Lincoln County, Territory of New Mexico, do hereby certify and declare that we have associated, and by these presents do associate ourselves together as a body corporate under the name and style of the Carrizo Water Company, for the purpose of becoming a body corporate under and by virtue of the laws of New Mexico; and in accordance with the laws of said Territory we do make, execute, and acknowledge this certificate in writing of our intention, so to become a body corporate under and by virtue of said laws.

First: The corporate name and style of said company shall be and is: The Carrizo Water Company.

Second: The objects for which this company is formed are for the purpose of acquiring title to, and holding lands, waters, water rights easements, and privileges, building dams, tanks and reservoirs to open ditches, build aqueducts, and lay pipes for conducting water to, and in the vicinity of, the town of White Oaks for distribution and use; also for doing and carrying on such other business as may be connected therewith, or necessary to carry on to accomplish the object aforesaid.

Third: The capital stock of said company is twenty-five thousand ($25,000) dollars, divided into two thousand and five hundred (2,500) shares of the par value of ten ($10.00) Dollars each.

Fourth: The corporation is to exist for a term of fifty (50) years, unless sooner terminated according to law.

Fifth: The management of the affairs and business of said company is to be under the control of three directors, who shall have power to make all needful by-laws, and to alter and to mend the same for the government of the affairs of the company, and Melvin G. Paden, Geo. W. Prichard, and Frank J. Sager of the town of White Oaks, Lincoln County, New Mexico, all citizens of the United States, are hereby chosen and named as Directors for the first three months of the Company's existence, who shall manage the affairs of the company for that period and until their successors are duly elected and qualified.

Sixth: The operations of said company shall be carried on in Lincoln County, in said Territory, and the principal office of the said company shall be at Whith Oaks in said County.

In witness whereof we Melvin G. Paden, George W. Prichard, and Frank J. Sager set our hands, and seals; this 27th day of March A. D. 1901.

(Signed) MELVIN G. PADEN (SEAL)
GEORGE W. PRICHARD (SEAL)
FRANK J. SAGER (SEAL)

Territory of New Mexico }
County of Lincoln } ss

On this 27th. day of March A. D. 1901, before me a Notary Public, in and for said County and Territory, personally appeared Melvin G. Paden, George W. Prichard, and Frank J. Sager, to me well known to be the persons described in, and who executed the foregoing Certificate of Incorporation, and acknowledged that they executed the same as their free act and deed.

In witness whereof I have here, unto set my hand and official seal the day and year last above written.

(SEAL) (Signed) EUGENE L. STEWART,
Notary Public.

Drying preparations simply develop dry catarrh; they dry up the secretions, which adhere to the membrane and decompose, causing a far more serious trouble than the ordinary form of catarrh. Avoid all drying inhalants, fumes, smokes and snuffs and use that which cleanses, soothes and heals. Ely's Cream Balm is such a remedy and will cure catarrh or cold in the head easily and pleasantly. A trial size will be mailed for 10 cents. All druggists sell the 50c. size. Ely Brothers, 56 Warren St., N.Y.

The Balm cures without pain, does not irritate or cause sneezing. It spreads itself over an irritated and angry surface, relieving immediately the painful inflammation.

With Ely's Cream Balm you are armed against Nasal Catarrh and Hay Fever.

NEW MEXICO'S SIZE.

The United States census bulletin gives the following figures of the area of the several counties of the territory in square miles:

Bernalillo, 8,842; Chaves, 11,520; Colfax, 3,784; Dona Ana, 5,001; Eddy, 6,613; Grant, 7,328; Guadalupe, 6,937; Lincoln, 4,983; Mora, 2,532; Otero, 6,874; Rio Arriba, 6,655; San Juan, 5,742; San Miguel, 4,833; Santa Fe, 2,212; Sierra, 3,129; Socorro, 15,386; Taos, 2,265; Union, 6,302; Valencia, 9,472. Total 122,460.

New Mexico ranks fifth in the states and territories in the union. Alaska coming first with 590,884 square miles; Texas, second with 262,200 square miles; California third with 155,980; Montana fourth 145,310. New Mexico is credited with 120 square miles of water surface. It could contain the entire area of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Delaware and yet have room enough to spare to take in almost all the Hawaiin Islands. San Miguel county, of which Las Vegas is the county seat, could borrow 12 square miles from a neighboring county and accommodate the state of Connecticut. Socorro county could accommodate Massachusetts, Connecticut, Delaware and the biagest part of Rhode Island. Custer county, Montana, is the largest county in the United States with an area of 20,490 square miles. Journal Democrat.

LETTER LIST.

Letters remaining uncalled for in the White Oaks Post Office May 1st., 1901.

W. T. Thatcher,	J. N. Tindall,
Jose Tuereque,	O. P. Price,
E. H. Preswick,	C. H. Pearce,
Amandor Perea,	Geo. Chick,
Porfiria Borunda,	F. B. King,
Elbert King,	Jim Hill,
Joseph Hall,	Mandie Fitz,
Dan Reed,	Forest Benton,
Thad Hill,	D. D. Able,
A. G. Bateman,	Ed Guyson,
Henry York,	J. W. Hurst,
Geo. W. Barrett,	Inocente Ramirez,
Miss Fannie Hazelwood.	

Very Respectfully,
JOHN A. BROWN.

TWICE-A-WEEK REPUBLIC.

Every Monday and Thursday a newspaper as good as a magazine and better, for it contains the latest by telegraph as well as interesting stories is sent to the subscriber of the Twice-a-Week Republic which is only $1 a year.

The man who reads this paper knows all about affairs political, domestic and foreign events; is posted about the markets and commercial matters generally.

The woman who reads the Republic gathers a bit of information about household affairs and late fashions and recreation in the stories that come under both the headings of fact and fiction. There is gossip about new books and a dozen other topics of especial interest to the wide-a-wake man or woman.

MEMORIAL.

To the Honorable Daniel H. McMillan Associate Justice Supreme Court of New Mexico, and Judge Fifth Judicial District thereof:

In the matter of the late Hon. Charles A. Leland deceased: The Committed this day named and appointed for and on behalf of the members of the Bar of the County of Lincoln, in said District, to give expression to the personal sentiments and professional regards of the Attorneys of this County, for and concerning the late Honorable Charles A. Leland, late Associate Justice of the Sepreme Court of this Territory and Judge of this District, have the honor to report:

That our deceased friend and brother, tho' coming to our district as an entire stranger, and abiding with us for so brief a term, made to himself, both in his personal and judicial relations, very many warm and attached friends.

He was ever so true to his exalted sense of duty; and withal so courageous, and yet so considerate and kindly, in its discharge, that from every member of this Bar, as well from every good citizen of this county was speedily offered the hearty tribute of genuine appreciation.

He was a gentleman of intellectual and moral strength, a trained and experienced Lawyer, a superior Jurist and a devoted and patriotic Citizen.

His life and labor among us were far too short: his Sun having set while yet it was approaching its meridian strength.

We sincerely mourn his untimely death. We respectfully unite in tendering to those so dear to him, upon whose hearts and home this great sorrow has most heavily fallen, our sincerest sympathy and condolence.

May the fact that he has fallen, as the true and the brave ever fall, 'At the Post of duty', be to them a sweet memory and an unfailing solace.

We further recommend that this memorial be spread upon the records of this Court and that a copy thereof be forwarded to the widow of the deceased.

Signed on behalf of the members of the Bar of the County of Lincoln April A. D. 1901 term.

G. W. PRICHARD }
J. E. WHARTON } Committee.
R. E. LUND }

J. Pierpont Morgan is said to be failing in health. The man who can probably control more capital than any other one individual living must now succumb to disease, if reports are true. Health is worth all the millions of all the millionaires, and when lost it even paralyzes every enjoyment money can buy.

The Las Vegas Record says Otero has a cinch on the governorship for another term. That settles it no further discussion is necessary.

PROTECTION FOR STOCKMEN.

Council bill No. 60, passed by the 34th legislative assembly and signed by Governor Otero, to prevent droves, herds or flocks of animals from trespassing on private lands and water, provides that it shall be unlawful for any person, firm, or corporation, etc., or their agents having charge of any drove of cattle, horses, sheep, goats or other animals to go upon the lands of others for the purpose of grazing or watering upon any waters upon such lands, without the permission of the owner or legal claimant, or his or their agent. The provisions of this act shall apply not only to titled lands in this territory, but to any lands upon which any person may have a valid existing filing under the laws of the United States, or any lands which may be leased by any person from the territory of New Mexico.

Any person or corporation who may claim the benefits or the protection of this act shall carefully and conspicuously mark the line or lines of his or its lands, so that such mark may be easily seen by persons handling such droves, flocks or herds of animals, and to post a notice upon such land conspicuously, warning against trespassing thereon.

Any person permitting flocks, herds or droves of animals to trespass upon such lands or waters of others, not the owner of the animals, and upon conviction before any justice of the peace shall become liable in a sum not to exceed $100, or imprisonment not to exceed 30 days, or both such fine and imprisonment, in the discretion of the court trying the case; and each day that such animals may be or go upon such lands or waters without the permission of the owner or legal claimant, or the agent or either of them, shall be considered a separate and distinct offense and be subject to like penalties.

PROTECTION FOR BIRDS.

Section 1. After the passage of this act it shall be unlawful to kill, snare or trap or in anywise injure any mocking bird, red bird, oriole, robin, black bird, linnet, meadow lark, thrush or any song bird or night hawk in the territory of New Mexico.

Sec. 2. Any person or persons violating the provisions of this act shall be punished by any court before whom complaint may be made, by a fine not to exceed $100 and not less than $10, or by imprisonment in the county jail not to exceed 30 days and not less than 10 days. Each bird killed, injured or in any way disposed of, shall constitute a separate offense under the provisions of this act.

The brotherhood of locomotive engineers now numbers 40,000 in the United States and Canada. The order was instituted in 1883.

THE MOST BLESSED OF NATIONS

In reference to the financial relations of nations, the New York World says:

If Alexander Hamilton was right in saying that "a national debt is a national blessing" the entire family of nations was never so blessed as now.

The aggregate indebtedness of the civilized and semi-civilized nations is somewhat over thirty-one billion dollars. The nineteenth century multiplied by ten the sum total of national debts owing at the end of the eighteenth century.

The most blessed of nations, on Hamilton's theory, and the sum total of their blessings, alias debts, are: (1) France, $5,800,601,814; (2) Russia, $3,167,320,000; (3) United Kingdom, $3,060,926,304; (4) Italy, $2,583,983,780; (5) Austria, $1,697,255,140; (6) United States, $1,107,711,257.

Relative to its wealth, therefore, the national debt of this country is the smallest of all the great nations, and that of France the largest. It is a fact worth noting, however, that our national debt is expressed now in nearly the same figures as it was fourteen years ago, when it stood at $1,021,602,350. From 1887 to 1899 it was stated in nine figures and fell in 1892 as low as $585,029,330. It has risen now to approximately double what it was nine years ago. Another war no costlier than that not yet finished in the Philippines would increase our debt to the same amount at which it stood in 1875. Even as it is, we have added on in three years of war as many millions of debt as was wiped out in twelve years of peace.

TURQUOISE MINES.

About the only turquoise mining in the United States is in New Mexico and Arizona. Turquoise mountain, Cochise county, Arizona, produces some values, and Cerillos, New Mexico, and Jicarilla, New Mexico, produce some turquoise. The Cerillos, the most valuable mines in the United States, occurs in thin veins of concretions in the kaolin-like rock, and frequently produces stones equaling those of Persia. These workings are very old, and were mined so extensively, it is claimed, that the debris of the old workings cover over forty acres of surface. The mineral from these workings vary in color from sky blue to bluish and apple green, to that showing no blue whatever. The color of turquoise from whatever source is liable to change, and no guarantee can be given for its stability. Something of the importance of the industry may be had from the fact that the entire production in the United States amounts to about $60,000.

M. H. Webb for Drugs and Books. Orders promptly filled. El Paso Texas.

Through-Trains
El Paso and Capitan.

El Paso & Northeastern Railway Co.

TIME TABLE NO. 8., MOUNTAIN TIME.

Train	leaves	El Paso	10:30 a. m.	Train	leaves	Carrizozo	9:30 a. m.
"	arrives	Alamogordo	2:35 p. m.	"	arrives	Alamogordo	12:20 p. m.
		Carrizozo	6:25 p. m.	"	"	El Paso	5:00 p. m.

DAILY EXCEPT SUNDAY.

STAGE CONNECTIONS,

At Tularosa: For the Mescalero Indian Agency & San Andres Mining Region.

At Carrizozo: For White Oaks, Jicarilla, Gallinas and surrounding country.

At Walnut: For Nogal.

At Capitan: For Fort Stanton Sanitarium, Lincoln, Richardson, Ruidoso and Bonito country.

For information of any kind regarding the railroad, or the country adjacent thereto call on or write to

A. S. GREIG,
Genl. Supt. & Traffic Mgr.
Alamogordo, N. M.

Or: S. M. YOUNG,
Agent, Carrizozo.

NOTICE OF FORFEITURE.

To the heirs of Thomas C. Johns, The Apex Gold Mining Company, a corporation and all other claimants:

You are hereby notified that I have made the original expenditure required by the mining laws of the United States and the Territory of New Mexico, and have caused the necessary labor to be performed on the "Compromise Lode" mining claim, situated in White Oaks Mining District, in Lincoln County, New Mexico, for the year 1900.

That unless within the time prescribed by law you pay, or cause to be paid, your proportion of the said expenditure for the year 1900, your interest in said "Compromise Lode" mining claim will be forfeited to me. This April 1, 1901.

JONES TALIAFERRO,
tf. Co-Owner.

NICK NEISIUS
Expert Taxidermist.

Deer, Antelope and Mountain Sheep heads mounted true to nature. All kinds of furs tanned and lined in latest styles. Agents wanted for Badger Tanning Fluid.....

610 San Antonio St.
EL PASO, TEX.

The Pecos System.

The Pecos Valley and Northeastern Railway Co.

CENTRAL TIME.

Train No. 1 leaves Pecos daily 1:05 p. m., and arrives at Carlsbad 4:20 p. m., leaves Carlsbad 4:45 p. m. arrives Roswell 7:45 p. m.; leaves Roswell 8:10 p. m., arrives Amarillo 4:30 a. m. connections with A. T. & S. F. and F. W. & D. C. Railways.

Train No 2 leaves Amarillo daily 5:30 a. m., arrives Roswell 2:00 p. m. leaves Roswell 2:30 p. m., arrives Carlsbad 5:15 p. m. **Train No. 6** leaves Carlsbad daily 7:30 a. m., arrives Pecos 11:35 a. m., connecting with Texas & Pacific Ry.

Sleeping cars run between Roswell and Amarillo on Trains No. 1 and 2.

Stages From Lincoln, White Oaks and Nogal leave Roswell at 7 a. m. daily except Sunday.

For low rates, information regarding the country's resources, prices of lands, or any other matters of interest to the public, apply to

E. W. MARTINDELL, G. F. & P. Agent.
D. H. NICHOLS, Gen. Mgr.
ROSWELL, NEW MEXICO.

PAUL MAYER
Livery Feed and Sale Stable.

Good Stock and Rigs.
White Oaks Avenue.

Supplement to "EAGLE" May, 23 1901.

THE DISTRICT COURT.

A Synopsis of Cases Tried and Otherwise Disposed of.

Wm. Watson vs. Rolla Wells et al. For an eighth interest in Helen Rae Mine Continued to take testimony.

John E. Wilson vs. Yankee and Johns. Attachment on North Homestke Mill Continued.

U. Ozanne vs. Jas. Sigafus et al. Garnishee, continued.

U. Ozanne vs. J. Everett Bird. Chancery Cause continued.

Ty. vs. Geo. B. Barber. Debt for taxes dismissed.

Jasper N. Coe vs. Wm. J. Gray. Dismissed, defendant dead.

Lowenthal & Meyers vs. Henley Bros. Debt, judgment entered.

Wm. Lane vs. Jas. A. Cooper. contest over well. Judgment for plaintiff $110.47.

Timeteo Analla vs. Jones Taliaferro. Judgment of dismissal.

John E. Wharton vs. W. C. McDonald et al continued.

E. W. Parker vs. Yankee and Johns. Debt for gold specimens: continued.

G. Garcia et al. vs. Capitan Sheep Co. Replevin of sheep. Continued.

May Goodin et al vs. James F. Smith. Injunction and damages. Continued.

Lina Weed vs. Wm. H. Weed. Divorce and alimony: continued.

Richardson et al. vs. El Capitan Land & Cattle Co. Appointment of receiver and accounting. Continued.

Thos. H. Walsh vs. Apex Gold Mining Co. Judgment for plaintiff $723.00. interest and costs.

Jose Vega vs. Elisha Leslie et al. Replevin of cattle: continued.

Timeteo Analla vs. Juan Analla et al. Partition of estate of Jose Analla. Continued.

Mary E. Anderson vs. Wm. Henley. Claim of account, referred to John Y. Hewitt, referee.

Bank of Carlsbad vs. S. T. Gray. Debt, judgment.

P. G. Peters vs. Minor D. Gaylord et al. Continued.

Borwn & Uebrick vs. Wm. J. Littell. Attachment, continued.

Amos Eaker vs. D. B. Hightower. Debt. Judgment for plaintiff.

Alamogordo Improvement Co. vs. A. W. Swindle et al, injunction. Continued.

Wm. M. Reily, as guardian of his child, vs. D. Perea. Replevin, continued.

Hicks vs. Hicks. Divorce referred.

Eluticia Sanchez de Gabaldon vs. Gabaldon. Divorce, decree entered.

John A. Brown Administrator vs. Unknown heirs of Lee Bowman, deceased, sale of Real estate, decree entered.

E. W. Parker vs. U. Ozanne, claim for commission on sale of North Homestake. continued.

John Y. Hewitt Admin. vs. Viola J. Bonnell and eight heirs for sale of real estate. Court appointed Eugene L. Stewart to take and report testimoney.

Banner Distellery Co. vs. S. T. Gray, attachment, continued.

Walter C. Fraley vs. Apex G. M. Co. debt, judgment for plaintiff.

Robt. C. Stewart vs. S. T. Gray, Foreclosure deed of Trust, decree for sale entered.

Joseph A. Gumm vs. Emma Gumm, divorce, referred to take testimony.

T. M. & T. Co. vs. Boston Boy Mining Co., debt, continued.

Chas. Ilfield vs. Jose Montano, foreclosure of mortgage, continued.

B. H. Dye vs. Henry C. Crary, E. Heiniman et al, ejectment Compromise mine, venue changed to Socorro on application of plantiff.

John Crowl vs. Boston Boy M. Co., debt, continued.

Dr. T. W. Watson vs. Jesus M. Gonzales, claim for medical services, judgement render for plantiff.

P. E. Henson vs. W. A. Robinson, debt, judgement rendered.

Ty. vs. Wm. Hale, Andrew Hale, Peter Hale, killing cattle, verdict guilty, sentence suspended.

Ty. vs. Severo Gallegos, murder, continued.

Ty. vs. James M. Winters, larceny of cattle, verdict not guilty.

Ty. vs. Thos. Bragg, larceny of cattle, alias warrant issued.

Ty. vs. Amos Eaker, killing cattle, disagreement of jury.

S. R. I. Plow Co. vs. Juan Chavez y Trujillo, debt, continued.

Guy Herbert vs. Susan E. Barber. debt, continued.

Ty. vs. Robt J. Casey, murder, continued.

Ty. vs. Cruz Herrera, killing cattle, verdict guilty.

Ty. vs. John Eaker et al, Scire Facias warrant on bond, forfeited.

Ty. vs. William Yates, larceney of cattle, verdict not guilty.

James H. Parker, Trustee for Uebrick vs. B. H. Dye, debt, judgment for plaintiff.

Ty. vs. Jose M. Rivera, murder, death penalty Justo Salas, accessory, three years in peniten tiary.

T. H. Goodwin, manager for the Estey Mining Co., has been in from Oscura for several days on business connected with his company.

Mrs. W. C. McDonald and daughter Frances were in from Carrizozo ranch Sunday.

W. C. McDonald was here from Carrizozo ranch Monday.

P. M. Johnson, range foreman for the Carrizozo Cattle Ranch Co. was in town on business for his company Monday forenoon.

Andy Mays the Mal Pais ranchman was in for ranch supplies this week.

G. A. R. DECORATION SERVICES.

There will be public services held at the Congregational church in White Oaks on the evening of May 30th. These services will consist of patriotic music and addresses. The following programme has been arranged:

Opening Chorus.
Invocation.
Music.
Address by Rev. L. L. Gladney.
Music.
Address by Rev. H. G. Miller.
Music.
"America" by entire audience.

Committee to procure flowers and arrange same:

Mrs. John A. Brown
" Charles Hamilton
" J. P. C. Langston
" Joseph Biggs
" W. M. Lane
" Jones Taliaferro.
" M. A. Brothers

Committee to assist in decorating church:

Mrs. Marshall Parker
" Lee H. Rudisille
" John Y. Hewitt
" Geo. W. Prichard
" J. H. Leighnor.

All who take an interest in these services will kindly meet these Committees at the Congregational church at 9 o'clock of the morning of May 30th.

All ex-soldiers are requested to meet the post at their hall at 1:30 p. m. to march to the hall of the Knights of Pythias to attend their public services prior to forming procession to march to the Cemetery. Also to meet at the Post Hall to attend Memorial services in a body at 7 o'clock p. m.

The G. A. R. Post and all ex-soldiers are also requested to meet at Post Hall on the evening of Sunday, May 26, at 7 o'clock to attend Memorial sermon at the Congregational church.

By order of Committee of arrangements.

THEO. W. HEMAN,
LEE H. RUDISILLE,
JOHN Y. HEWITT,
JOHN A. BROWN,
J. C. CLEPINGER.

S. C. Wiener went to El Paso. Thos. H. Walsh is in charge at the store.

Mrs. E. McB. Timoney and her grand daughter, Carrie Wilson, went to Denver this week to visit for a time with Mrs. Timoney's daughter, Mrs. Thos. Long.

John W. Owen, Paul Mayer, F. B. Alexander, John Crowl, B. H. Dye and At Littell will be among the number to attend court at Socorro this week.

J. P. Fudge has just returned from Grand Quivira where he is interested in a number of mining locations. He has gold ore that has given him assay returns of $27.00 per ton. Tests were made by Burlingame of Denver, Colo.

PERSONAL MENTION.

Wm. Reily is here from Capitan.

Chas. Bryant was here from Gallina.

S. S. Mendenhall and wife were in town from the rail road camp Saturday.

Miss Pearl Keith and Miss Nettie Lee visited at Lincoln and Capitan last week.

Mrs. Leslie Ellis came up from Lincoln Thursday. She will visit relatives here for a week.

E. E. Wright, general manager of the W. O. B. & L. Co's. saw mill, was in for supplies.

A. J. Caldwell, the horse ranchman was in this week on business of a legal nature.

Dr. Dryson, son in law of D. M. Estey, is in the city on business for the Estey Mining Co.

McPherson, of the firm of Biggs & McPherson, has been housed up for two weeks because of a severe case of grip.

Clark Hust, of Nogal, was in the city.

E. W. Hulbert came up from Lincoln Saturday.

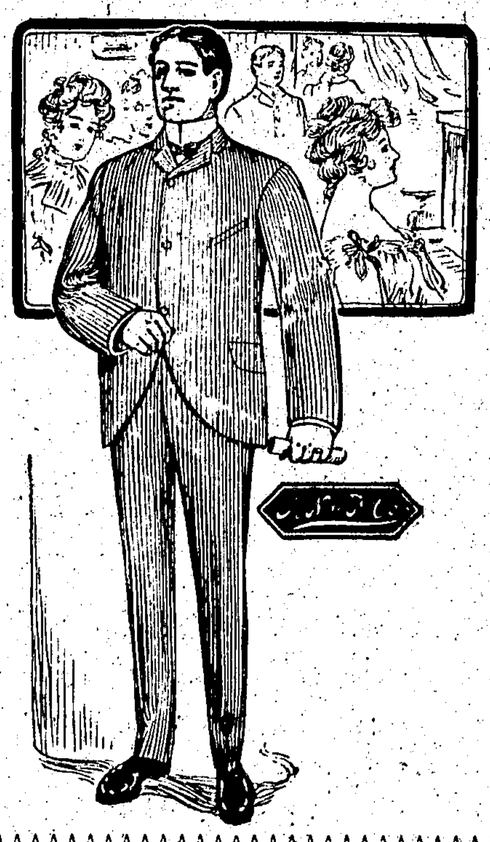
D. W. Glen called at the EAGLE office Monday and had his name added to the subscription list.

Cadets Brent Paden and Richard Taliaferro are home from the Roswell Military school.

ESTEY CITY.

The new town, Estey City, in the Oscura copper district, 15 miles west of Malagra station, is rapidly populating. A company store, ware house and hotel is now up and in operation, and visitors to the district can have comfortable accommodations. There is also about 30 inhabited tents scattered around in the vicinity of the Estey Co's. improvements. A part of the machinery for the leaching plant is now on the ground, and Dr. Dryson, son in law of D. M. Estey, informs the EAGLE that the company estimates that it will take 60 to 90 days to set up the machinery and get the leaching plant ready for operation.

Expert, G. Prey Smith, who in the employ of the Estey company, examined the resources of the district before any preparations were made for the erection of the leaching plant, has become so infatuated with the tremendous possibilities of the camp that he has invested heavily himself, and being a man of great means and 35 years experience in copper mining must know about what he is doing. The Estey company is spending a mint of money to get ready to handle the ores of the camp, and it is reasonably certain that six months in the future will show Estey City one of the most prosperous towns in New Mexico.



Spring Suits.

OUR LINE of Mens, Boys and Youths' Clothing has nearly all arrived, and we are prepared to show you the most attractive and complete line in all the popular *MAKES*.

A Full Line of the Celebrated K. N. & Clothing Just Arrived.

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COUNTY NORMAL INSTITUTE.

Section 1612. The county superintendents of public schools shall hold annually in their respective counties, for a term of not less than two weeks, a normal institute for the instruction of teachers and those desiring to teach. The county superintendents of public schools, with the advice and consent of the territorial superintendent of public instruction, shall determine the time and place of holding such normal institute and shall select a conductor and instructor for the same: Provided, No person shall be selected as conductor or instructor who is not a graduate of some state or territorial normal school, or other state or territorial educational institution.

Section 1613. To defray the expenses of said institute the county superintendent shall require the payment of a reasonable tuition fee from each attendant, not to exceed for any session the sum of five dollars. It shall be compulsory upon all teachers teaching within the county, to attend the county normal or to show a certificate of attendance of some normal institute held within the year.

Section 4. That section 1613 of the Compiled Laws of New Mexico of 1897 is amended so as to read as follows: "It shall be compulsory upon all persons who expect to teach in any school district, independent district or incorporated town, to attend the county institute or to show a certificate of attendance upon some county institute or approved summer school held within the year. County superintendents are hereby forbidden to issue a certificate to, or to honor the certificate of, any person who refuses to comply with the provisions of this act; but any person who fails to so attend by reason of sickness or other good and sufficient excuse, rendered to the county superintendent and approved by him and also by the territorial board of education may be excused by the county superintendent from such attendance. Teachers in city schools who possess a certificate of attendance upon a city institute held by order of the board of education in the district in which they are to teach, shall be excused from attendance upon the county institute."

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GAMING AND LIQUOR LICENSES

An Interpretation by Solicitor General Bartlett.

Hon. E. E. Abbott, district attorney, first judicial district:

Dear Sir: Your letter to me of the 30th ult., requesting my opinion on and construction of C. B. No. 49, approved March 9, 1901, entitled "An act to provide for the inspection of gaming and liquor places and collection of license and the manner of paying the commission therefor, whether to sheriffs or treasurers of the county or both," had my very careful attention, for the reason that a uniform construction and application of this law is not only desirable but absolutely necessary in the different counties of the territory, as well as in the first judicial district, and replying I would say:

The first five sections of the act make an entirely new law, devolving the duty upon the sheriff of each county to inspect every gaming house and saloon in the county and ascertain whether it is provided with the proper license, and quarterly, to report to the board of county commissioners his acts and done under the new law. It is further made his duty upon the discovery of any violation of the license law or any failure to comply with the law now in force in regard to said license, to present the person so failing before the judge of the district court by information, summarily arrest the parties so violating, when they shall be punished as is already provided by law. He is required to furnish an additional bond in the sum of $5,000, conditioned for the faithful compliance with the provisions of this new act.

The necessity for construction of the new act comes in section 6, wherein it is made the duty of the sheriffs "to be the collector of all liquor and gaming licenses; they shall be entitled to retain out of the proceeds of such licenses so collected, as compensation for their services, a commission of four per cent, and such licenses shall be made and issued as now provided by law and delivered to the sheriff for collection, who shall receipt for the same and immediately proceed to enforce collection thereon." This section goes on to provide that after collecting the license money he shall, on or before the tenth day of each month, turn over to the county treasurer the amount, less his commission, who shall make distribution of the same two-thirds to the credit of the school district wherein such license was paid, and one-third to the credit of the general school fund of the county and issue triplicate receipts therefor.

Section 7 of the act in question is in conflict with other portions of the act, and refers to section 4156 of the compiled laws of 1897, which applies entirely to the occupation tax for carrying on business other than gaming and the sale of liquor, for which latter occupations special provisions are made in other parts of the law and therefore I do not consider that section 7 is in force or should be considered in the issuing and collecting of licenses for the selling of liquor or gaming.

Section 9 repeals all laws in conflict with this act and is made to take effect immediately after its passage. Section 6, referred to above, provides "that such licenses shall be made and issued as now provided by law," i. e. under sections 4123-4125, Compiled laws of 1897. So the method of applying for and issuing such licenses is not changed. But the section is positive and mandatory, that the sheriffs of the several counties shall hereafter be the collectors of all liquor and gaming licenses and provides as compensation for their services a commission of four per cent to be taken therefrom; but this does not deprive the treasurer of his commission. Chapter 60, laws of 1897, section 7, found at page 304, Compiled Laws of 1897, provides that the treasurer shall be ex-officio collector and "shall receive as full compensation for all services four per cent of all taxes and licenses collected by them." This money for licenses collected and paid into the treasury by the sheriffs entails a duty upon the treasurer to issue triplicate receipts therefor and distribute the same into the different funds provided by law and they are responsible under their bonds for its safe keeping and distribution. My opinion therefor is: That the application for licenses for gaming and the sale of liquor must be made in the same manner as heretofore; that said licenses shall be issued in the same manner, but the amount of the license tax in all cases, whether in incorporated cities, towns, or elsewhere in the county, are to be collected by the sheriff or his deputy who is entitled to retain therefrom four per cent of the amount, the remainder he is to turn over to the county treasurer who is to distribute the same and is likewise entitled to a commission of four per cent. Very respectfully,

EDWARD L. BARTLETT,
Solicitor General.

EXPENSIVE CONQUEST.

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