

THE WEATHER
FAIR
WEDNESDAY

TONOPAH DAILY BONANZA

THE METAL MARKET
SILVER 53 1-2

VOL VIII. NO. 33

TONOPAH, NEVADA, WEDNESDAY MORNING, JUNE 1, 1910.

PRICE 10 CENTS.

REARGUMENT IN THE CORPORATION TAX CASES

Supreme Court of the United States Restores the Cases to Docket

PROGRESSIVE REPUBLICANS IN FAVOR OF BILL

By Associated Press.
WASHINGTON, May 31.—On the eve of leaving for his home in Iowa for the purpose of participating in the campaign in that state, Senator Cummins today informed the senate that as amended the railroad bill would receive his vote, as it would also the votes of the progressive republican senators who have stood with him in opposition to the bill as prepared by the attorney general and introduced by Senator Elkins. The statement was made during a speech delivered by Cummins in support of the amendment placing upon the railroad companies the burden of the proof in hearings on rate increases. This amendment was accepted by Elkins, and became a part of the bill by general consent. Aside from the adoption of the Cummins provision, the action day consisted in the rejection of Senator Brown's amendment prohibiting the consolidation of competitive railroads.

Decision is Made Just Before Court Takes Adjournment Until Next October.

CORBETT WOULD BUY A MONUMENT FOR JOHNSON

By Associated Press.
BEN LOMOND, Cal., May 31.—Jim Corbett again stepped into the limelight at the Jeffries training camp today. Jeffries spent the entire day with a new automobile, and when the usual crowd of visitors came in the afternoon they found Jeffries had flown, and Corbett there to entertain them. Regarding the conversational war between Johnson and Corbett, the latter declared he would buy Johnson for charity and would exact only 10 per cent of the proceeds with which "he would buy a monument for Johnson when Jeffries gets through with him." "I'm willing to bet, as old as I am, that I can make him quit," he said.

Secretary of the Treasury Announces He Will Collect Corporation Tax Until Decision is Reached.

By Associated Press.
WASHINGTON, May 31.—Just before adjourning today until next October the supreme court of the United States restored the fifteen corporation tax cases, heard last spring to the docket for re-argument before the full bench. No specific date was set for the re-argument. As two of the cases touching the constitutionality of the law, and its applicability to certain organizations, have been set already for the first Tuesday in the October term, after a long list of cases previously assigned to hearing at that date, it is believed the court will advance the fifteen cases for hearing in the same month. Chief Justice Fuller made the announcement of the restoration. The cases were argued on March 17 and 18, before the bench consisting of eight members. When Justice Brewer died shortly afterward it was thought the cases might be restored to the docket. The only reason advanced for the delay of the court re-assigning the cases was that the court hoped it would reach a satisfactory decision before the summer recess and thus avoid a rehearing.

had often noticed the keen competition between the two general merchandise stores in the town, the Stone Tracy company, a corporation, and Dwight Tuxbury and Sons, a partnership concern. He saw what he believed was a discrimination against the corporation if it were compelled to pay the tax and make public its business arrangements, and so accepted the position of counsel for Stella P. Flint, as general guardian of the property of Samuel N. Stone Jr., a minor, who owned stock in the Stone Tracy company. Suit was brought in the federal court by Mr. Everts to enjoin the corporation from making the returns and paying the tax, on the ground that the law was unconstitutional. The corporation filed a demurrer, which was sustained and the bill dismissed. An appeal was taken to the supreme court.

The institution of the Flint-Stone Tracy case was the signal for the bringing of suits in many sections of the United States. All were decided in exactly the same way, and invariably appeals were taken to the supreme court. The government was allowed to intervene. Fifteen cases, headed by the Flint-Stone Tracy suit, were set for argument on March 14.

Two days were consumed in the argument of the case in the supreme court. William D. Guthrie, of New York, counsel for the Home Life Insurance company, argued that if the court would interpret the law so as not to include in the net income the income derived directly from federal, state, county, or municipal securities and real and personal property not used or employed in business, there would be no question about the constitutionality of the law.

Solicitor General Bowers defended the constitutionality of the law without qualification. He contended that the tax was not a direct tax upon property, real or personal, but on the contrary, was an excise tax, upon "the carrying on or doing business." The tax, he continued, was not a direct tax upon shares of the stockholders in the companies to the business of which the tax attaches, or upon the income of such stockholders from their shares. It did not become a direct tax, he added, because the company engaged mainly or even solely, in the business of handling or dealing in real estate. The various objections to the law were taken up in turn by the solicitor.

Mr. Everts opened the argument against the law. He contended that the law invaded the sovereignty of the state of Vermont; that it would deprive the corporation of property without due process of law, and that its publicity feature would take private property for public use without just compensation. Throughout he emphasized the point that the tax was upon the franchises of a state and therefore unconstitutional. Former Senator Foraker of Ohio argued that it was an income tax. John G. Johnson of Philadelphia made a general attack on the law. Richard V. Lindabury of New York, and other counsel addressed the court in explanation of features of individual cases.

GOVERNOR GILLET ON ROAD HOME

SPARTA, Wis., May 31.—Governor Gillett of California, who has been visiting friends and relatives at Sparta, began his homeward journey for Sacramento, tonight.

TAFT REFUSES TO PLAY FAVORITES IN LEGISLATION

By Associated Press.
WASHINGTON, May 31.—President Taft announced today that during his administration he would not lend his approval to legislation designed to secure government aid to specific railroad interests in Alaska. Instead, he favors a general law that would apply to all who comply with its provisions, the law to be modeled after the policy in effect in the Philippines for years. This announcement came in the form of an executive approval of the adverse report made to congress by Ballinger on the bill that proposed specific aid for the Alaska Great Northern railroad. The backers of the bill, it is claimed, charged those who opposed their measure were "controlled" by the Morgan-Guggenheim interests.

FIGHT PERMIT GRANTED IN SPITE OF ALL PROTESTS

By Associated Press.
SAN FRANCISCO, May 31.—With two dissenting votes and without any preliminary discussion, the permit for the forty-five round contest on the Fourth of July between Jeffries and Johnson, was granted late this afternoon by the board of supervisors. The board room was crowded with representatives of the various churches and civic organizations who came primed with protests, but they did not get a chance to voice them as the permit was advanced on the board's calendar and passed before they realized what had taken place. When they learned that the permit had been granted, they protested indignantly and left the room in a body. By this action of the supervisors today the last official obstacle in the way of the promoters is removed, who may now proceed with the erection of the arena.

WESTERN ROADS ARE RESTRAINED FROM RAISING RATES

Temporary Injunction Issued Out of the United States District Court at Government's Request.

By Associated Press.
HANNIBAL, Mo., May 31.—Twenty-five western railroads were temporarily restrained tonight by United States District Judge Dyer from enforcing and making a general advance in the interstate freight rates. The injunction was granted on the petition filed by the government on allegation that the advances in rates was arrived at by agreement in violation of the Sherman anti-trust act. The petition says that unless such a restraining order is issued the rate advances would become effective at midnight, to the grave injury of the people of the United States. The title of the suit is "United States of America, complainant, versus the twenty-five defendants, restrained in injunction." It alleges an "unlawful combination for conspiracy." The petition says the railroads, generally speaking, are the only ones for transportation of freight and passenger traffic for the states of Missouri, Iowa, Minnesota, Kansas, Nebraska, South Dakota, North Dakota, Wyoming, and parts of Montana, Michigan, Wisconsin, Illinois and Tennessee.

The petition charges the advanced rates are a direct outcome of an agreement in the suppression of competition, of the unlawful combination for restraint of interstate trade, arrived at and made effective through the agency of the western trunk line committee, and that the acts of combination at advancing rates are the result of conspiracy. Further charges are made that the unreasonable and excessive rates apply approximately to 60 per cent of the commodities carried on the various roads, and will increase the freight charges from 10 to 20 per cent of the rate heretofore charged.

CARSON WOMAN DIES AS RESULT OF AUTO ACCIDENT

(Special to the Bonanza.)
CARSON, May 31.—Mrs. Gardner, the mother of Clara Bell McDonald, the former wife of T. L. Oddie, died here tonight as a result of an auto accident. Clara Bell was taking her mother in an auto to visit Fallon and struck a rat while speeding, and Mrs. Gardner was thrown out. Her ribs were crushed, which caused quick pneumonia. Mrs. Gardner was a cousin of Speaker Joe Cannon and they always corresponded.

MAYOR McCARTHY HAS LEG BROKEN IN AUTO

By Associated Press.
INDIANAPOLIS, Ind., May 31.—Mayor P. H. McCarthy of San Francisco suffered a broken ankle in an automobile accident here yesterday afternoon. Mayor McCarthy was riding in the car of J. O. Carson, national secretary of the Brotherhood of Carpenters when the machine collided with a street car at North and Pennsylvania streets. McCarthy was taken to his room at the Claypool hotel.

RUN DOWN BY ENGINE.

By Associated Press.
SANTA BARBARA, May 31.—Mrs. J. O. Eaton, wife of a contractor, was fatally injured today by a Southern Pacific switch engine, which wrecked a buggy in which she was riding, at a grade crossing. Her husband was seriously hurt, and Mrs. W. A. Bartlett, a companion, was painfully bruised.

Fresh milk and cream—Tonopah Dairy.

AEROPLANES WILL RACE FROM NEW YORK TO ST. LOUIS

Newspapers Offer a Prize of Thirty Thousand Dollars to Aviator Who Covers Distance.

By Associated Press.
NEW YORK, May 31.—Thirty thousand dollars was offered tonight to the first aviator who flies in an aeroplane from New York to St. Louis or from St. Louis to New York. Mayor Gaynor announced the prize was offered by the New York World and the St. Louis Post Dispatch. The conditions governing the flight will be announced later, after a conference of aeronautic experts.

of the New York World at the Hotel Astor, was enthusiastic over the new offer but in the absence of details as to stops allowed and other conditions, he would not say definitely whether he would enter the contest. Charles K. Hamilton, was the first to announce his intention of entering the contest. He had planned to enter the 'New York-Albany' contest but Curtiss was too quick for him.

BASEBALL NEWS

NATIONAL LEAGUE.
At Philadelphia—New York, 4; Philadelphia, 2.

At Brooklyn—Brooklyn, 4; Boston, 12.

Other games postponed, rain.

	Won.	Lost.	Pct.
Chicago	21	12	.636
New York	22	14	.611
Cincinnati	18	15	.545
Pittsburg	17	15	.531
St. Louis	18	19	.486
Boston	15	21	.417
Philadelphia	13	19	.406
Brooklyn	14	23	.378

AMERICAN LEAGUE.

At Boston—Philadelphia, 4; Boston, 2.

At New York—New York, 5; Washington, 1.

At St. Louis—Detroit, 3; St. Louis, 1.

	Won.	Lost.	Pct.
Philadelphia	25	8	.758
New York	22	10	.688
Detroit	22	16	.579
Boston	18	15	.545
Cleveland	14	17	.453
Washington	16	21	.432
Chicago	10	20	.333
St. Louis	7	27	.206

COAST LEAGUE.

At San Francisco—Oakland, 6; Los Angeles, 3.

At Portland—Sacramento, 1; Portland, 0.

At Los Angeles—Vernon, 3; San Francisco, 1.

	Won.	Lost.	Pct.
Portland	32	24	.571

RAILROAD WILL FIGHT GOVERNMENT ON INJUNCTION

By Associated Press.
CHICAGO, May 31.—"They've got the pins set against us," was the first comment of E. P. Ripley, president of the Santa Fe system, when informed that the government would seek to enjoin the railroads of the western traffic association from putting into effect the advance in rates scheduled for tomorrow. Ripley's subsequent remarks left no doubt that the railroads will fight the government with the full force of their resources.

JOHNSON TRAINERS ENGAGE IN FIGHT

By Associated Press.
SAN FRANCISCO, May 31.—As a result of a fight between George Little and Sig Hart, who worked in the Johnson training camp, it is rumored that Billy Nolan, the former manager of Battling Nelson, will eventually assume command of the affairs of the Johnson camp in the near future.

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