

ROUND MOUNTAIN MINE FIGHT IS ON IN COURT

Answer to Complaint Denies That Plaintiff Owns the Gold Leaf

DESTRUCTION OF QUARTETTE MILL BY FIRE.

By Associated Press.
SEARCHLIGHT, Nev., Aug. 20.—The forty stamp mill, engine room and electric plant of the Quartette mine was completely destroyed by fire today. Loss \$115,000. This was one of the most complete plants in the state and so far as can be learned the company carried no insurance.

Declares Company Purposes To Maintain a Reserve of \$75,000 In the Treasury

The answer of the Round Mountain Mining company to the complaint of the Round Mountain Sphinx Mining company was filed in the district court this morning. Replying to the various allegations the defendant denies that the plaintiff ever was in possession of the alleged Gold Leaf lode mining claim except a small fraction. The valid existence of the Gold Leaf claim is denied also as the defendant has been in possession for the last six years. A general denial is entered as to the ownership of plaintiff in ores contained in the alleged Gold Leaf claim. It is admitted that defendant extracted ore from the Sunnyside claim but denies that plaintiff has any right, title or interest in same.

on the stand all day under cross examination. On direct examination yesterday afternoon he testified as follows:

R. H. Ernest, superintendent of the Round Mountain Mining company, continued his testimony as follows: "On stringer section No. 2 there is a shaft 22 feet deep and that the crosscut and drifts are on the 200 foot level."

"Yes, sir."

"By what workings do you base your claim that there is 400 feet in this block of ore east and west?"

"There are old drifts run by leasers on the Combination and the main drift."

"How wide do these underground workings show the ore to be in the block?"

"Three hundred feet."

"What workings show this width to be 300 feet?"

"Raises sent up from the 200 foot level from the crosscut. These are about 200 feet apart. There are two raises on each of the two drifts from the crosscut."

"How far are they apart?"

"Possibly 100 feet."

More About Estimates.

"In your estimates you have not included anything beyond the depth of 80 feet below the surface?"

"I have not."

"Using 15 cubic feet as the amount of rock or ore in a ton the block 300x500x50 would contain 640,000 tons would it not?"

"I believe that is right. There is an error here of a mathematical nature."

"You say there has been about 120,000 tons in round numbers extracted and mined from here. That would leave 520,000 tons, would it not?"

"I believe so."

"Then upon what theory do you say there is only 119,961 tons?"

"I used 600,000 tons and subtracting 127,000 tons from this, then taking 25 per cent as being ore, I reach the conclusion that there are 119,961 tons of ore in the block."

"What was the basis of your conclusion that there was no ore below the 80 foot level?"

"Experience of myself and others. We seemed to reach at 80 feet a bottom to the ore and from there to the surface everything has been mined."

Basis of Figuring.

"You testified that the ore reserve was \$181,362, did you not?"

"Yes, sir."

"What was your basis in arriving at that conclusion, by estimating the value of the ore as a whole or by a combination and average?"

"By a combination."

"In stringer section No. 2 what is your estimate of the reserve value there, \$173,923?"

"How do you arrive at that figure?"

"By the figure of the preceding fiscal year, April, 1912, to April, 1913."

"What do those figures reveal the ore to be worth per ton gross?"

"\$7.02 or \$7.12, I am not sure which."

"The reports show the cost of mining and milling to be \$4.41 cents. Then deducting 10 per cent for metallurgical loss would give the net would it not?"

"It would."

"This would leave a net of \$1.91, would it not?"

"It would."

"When cutting this net down from \$1.91 to \$1.45 was this a recognition of the fact that your estimate might be wrong?"

"No, sir, it was not."

"How do you arrive at your estimate of the value?"

"I took the average from assay samples taken every day."

CONTROLLER NYE DIES OF PARALYSIS.

By Associated Press
SACRAMENTO, Aug. 20.—The funeral of Controller Nye who died last night of paralysis will take place tomorrow afternoon with state honors, probably in the assembly chamber. Bishop Moreland of the Sacramento Episcopal diocese will officiate. The body will be shipped to Oakland for cremation.

THAW PREFERS TO STAY IN CANADA

Engages Able Lawyers to Resist Deportation and Is Abetted by Wealth of His Family

(By Associated Press)
SHERBROOKE, Quebec, Aug. 20.—A protracted conference with three Canadian lawyers retained to oppose the deportation of Thaw indicate that the preliminary arrangements will be postponed until tomorrow, and possibly a week. Many newspaper men who knew Thaw during the murder trial and insanity proceedings who are here have identified him. He is the same fastidious prisoner and had a shave and a new tie. He is sure he will not be deported.

NEW YORK, Aug. 20.—George Lander Carnegie, Thaw's brother-in-law, and Mrs. Carnegie, with an attorney left last night for Sherbrooke. They wired Thaw to delay all proceedings until their arrival.

MANCHESTER, N. H., Aug. 20.—New Hampshire does not want Thaw. In the event that he re-enters through deportation he will be surrendered to New York, providing there is legal justification, Governor Felker said today.

NEXT MOVE'S UP TO UNCLE SAM IN CASE OF MEXICO

HUERTA HAS UNITED STATES IN A CORNER, HOLDING THE WHIP HAND.

(By Associated Press)
MEXICO CITY, Aug. 20.—Further negotiations for a peaceful settlement must come from Washington. It is believed that the United States is willing to reopen the controversy if the Mexican government is willing. Lind is optimistic and waiting for instructions from President Wilson.

WASHINGTON, Aug. 20.—A disposition to refrain from discussing the Mexican situation is evident in the senate today. Resolutions previously introduced came up automatically and were put over indefinitely.

WHY WALTER DRYSDALE DID NOT REACH HONOLULU

The following extract from the San Francisco Referee may throw a strong light on the reason why Walter Drysdale could not tear himself away from San Francisco and taken in the Hawaiian islands as intended:

"Wonder when Walter Drysdale, the spendthrift saloon man from Tonopah, Nev., will again drop in our midst. The waiters at the Cavern and the Thalla are watching for Walter. By the way, the Nevada is a singer of note. His rendition of 'When the Sands of the Desert Grow Cold' is slightly reminiscent of the Durck windmill at the park in action on a blustery day."

SACRAMENTO YOUTH TAKES STRYCHNINE

ADIN, Cal., Aug. 20.—An inquest held over the body of Archie Kelley, son of Lucious Kelley of Sacramento, who committed suicide on the Sheldon ranch near Adin last Friday night, resulted in a verdict of death having been caused by a dose of strychnine taken with suicidal intent. Kelley was born near Sacramento and was 27 years old.

RETAINS CHAMPIONSHIP.

(By Associated Press.)
NEWPORT, Aug. 20.—McLoughlin Bundy retained the American doubles championship today, defeating Strachan and Griffin in straight set, 6-4, 7-5, 6-1.

GOVERNORS OF TWO STATES AND MAYORS ALL JOIN IN GOOD CAUSE.

(By Associated Press.)
KANSAS CITY, Aug. 20.—A thousand volunteers led by the governor and mayor and Governor Hodges of Kansas are working today on the roads throughout Missouri in a two day campaign for good roads. There are 8000 overseers and their work is expected to be a betterment worth a million dollars. Wives are providing food.

CHANGE OF LUCK FOR A MAN WHO LOST HIS JOB

VICTIM OF A MYSTERIOUS FIRE RECEIVES CHECK FOR FIVE HUNDRED DOLLARS.

C. H. Weldon who lost his new house on upper Florence avenue received a check for \$500 yesterday from an insurance company. The many friends of Mr. Weldon are congratulating him on his foresight in insuring as at the time of the fire Mr. Weldon lost not only his home but all the personal effects of the family and the remainder of his pay check which he had just received the day before, and just previous to this had lost his job at the Hallifax and was at the time out of employment.

REFERENDUM VOTE FOR MINERS HOSPITAL MATRON

The Miners union held a referendum election yesterday for the purpose of choosing a matron for the hospital. The vote stood as follows: Josephine Warner, 233; Adele Coons, 168; May Kertz, 15.

TEMPERATURE REPORT.

Highest temperature yesterday, 81; a year ago, 80.
Lowest temperature last night, 66; a year ago, 60.

Answering the tenth paragraph of the complaint defendant denies that its total assets consist of a number of lode mining claims in the Jefferson district, but admits that it does own claims in said district which are of great value. It is denied that the profitable ores in said claims have been exhausted save as to the ores contained in said ledge, alleged to belong to said plaintiff and to the contrary alleges that in said mining claims of this defendant, outside and beyond any property in controversy in this suit there are known ore bodies aggregating 150,000 odd tons of a net value of not less than \$180,000. In addition the defendant is owner of placer ground situated in said mining district of a conservatively estimated value of \$180,000 or a total of over \$360,000. Defendant further avers that the prospective value of said mining property owned by the defendant outside of any territory in controversy in this suit, is conservatively estimated at not less than \$50,000 in addition to said known values.

Defendant has cash on hand \$118,230.69, and a billon of a value of not less than \$15,000. Continuing the defendant avers that its mill or a reduction plant with equipment and machinery have a present value of not less than \$100,000 and in addition defendant has in its storehouse at said mill supplies worth \$19,000. Defendant denies that it intends to distribute the cash in its treasury in the form of dividends to stockholders for the purpose of avoiding liability to account to plaintiff for the double value of ores alleged to have been wrongfully taken.

Furthermore it is averred that the expressed purpose of the directors of the Round Mountain Mining company is at all times to maintain a surplus in its treasury of not less than \$75,000 to meet any unforeseen contingencies. Defendant denies that the declaration of the last dividend for \$35,000 was done with intent to work an injury to the plaintiff. It is denied that one-half the cash amount in reserve was derived from ores taken from any property in the controversy and that not to exceed \$10,000 of the cash now in the treasury of defendant came from any party of said property.

The total tonnage mined from the premises in controversy within a period of three years prior to the commencement of the action did not exceed 11,452 tons, the net value of which does not exceed \$17,500. Of said total tonnage 8100 tons was mined from the Great Western No. 1 mining claim.

The answer also recites that the Round Mountain Mining company owns by government patent all of the ground covering the apex of the Los Gazabo-Great Western No. 1 vein, from which it is claimed by plaintiff that ore has been unlawfully extracted and the answer further shows that the Round Mountain Mining company owns by government patent, all the surface ground covering the dip of the vein claimed by plaintiff, except about one-quarter of an acre, and that this quarter of an acre is so situated off of the apex of the vein that no apex rights to any of the ores in controversy can be referred to it.

Superintendent Ernest continued

Schools Will Open Sept. 2

That school will begin Sept. 2 was assured this morning. When seen by the Bonanza this morning Henry Schmidt said: "Despite rumors to the contrary we will open school Sept. 2, without fail. It is very probable we will start in the new school house, but should anything unforeseen happen we will start in our old quarters and move into the new school house as soon as possible."

SENATE ACIDITY FINDS VENT IN COMPLIMENTS

SPRECKELS AND MARTINE INDULGE IN VERBAL TILT AT ARMS.

(By Associated Press.)
WASHINGTON, Aug. 20.—Rudolph Spreckels in support of free sugar caused an exchange of personalities between Senators Penrose and Martine during the tariff debate today. Martine quoted Spreckels' belief that free sugar would not injure the industry in the west or Hawaii, and that Louisiana was too long protected.

"That the senate may know the impartiality of Spreckels, I would call attention to his contributions to Wilson's campaign fund," said Penrose, and added that Spreckels was interested in free sugar.

"The senator from Pennsylvania has lived so long in the shadow of a boiler factory that the welding of plate and the noise of riveting is more of an attraction than the cries of suffering humanity," retorted Martine.

SCHOLARS WILL OPEN SEPT. 2

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INJURIES FATAL TO YOUNG MAN.

SISSON, Aug. 20.—Orrin Tibbets died here this morning as the result of injuries sustained in a motocy-cle accident between Edgewood and Zellie four weeks ago when his skull was fractured in four places. He never fully regained consciousness. He was aged 21, son of J. W. Tibbets of Corning.

WILL LUST RULE AND VIRTUE FALL?

Whole Nation Watching California to See If That State Will Protect Its Daughters

(By Associated Press.)
SAN FRANCISCO, Aug. 20.—"Remember, gentlemen of the jury, ninety million people are watching you to be informed whether justice will triumph or lust rule. They are watching to see if the laws for the protection of women and girls are enforced in California," was the closing appeal today of Theodore Roch for a verdict against Diggs.

Counsel emphasized the fact that Diggs did not deny any of the government's essential evidence but admitted all. He said: "This defendant relies on his own depravity and licentiousness. He comes into court to cover his own shame and hides beneath the skirts of his wife and child. Marsha Warrington went to Reno because she believed and trusted this man who promised marriage, a promise he never intended to keep. His intention was to abandon her and by shame prevent her return to Sacramento."

The attorney particularly scolded Diggs on the latter's admission that he was intimate with Marsha in his own home.

Attorney Devlin spoke in defense this afternoon, and the case is expected to go to the jury late today.

MUST CALL A SESSION OF THE LEGISLATURE

JUDGE MASSEY COMMENTS ON PROBLEM PRESENTED IN ELECTION OF SENATORS.

In commenting on the situation presented by the appointment of Congressman Henry D. Clayton to fill the unexpired term of Senator Johnston of Alabama who died recently, Judge W. A. Massey, former United States senator from Nevada, last night sided with the lawyers of the senate who say Governor O'Neill's position is wrong.

Incidentally Judge Massey said there is nothing on the statutes of Nevada now for the direct election of an United States senator, nor has the governor now the power to make an appointment nor call a special election.

"I believe the appointment of Congressman Clayton will be rejected by the senate," said Judge Massey, "and that it ought to be. You will observe that those lawyers of the senate who have discussed the matter say Governor O'Neill has no power to make an appointment. There may be dissenting opinions on this subject but you will find the lawyers agree to a man that such is the law."

"When the constitutional amendment went into effect, it suspended all other laws providing for the appointment or election of United States senators. It provides a new method to be followed from the time the amendment went into operation. No method not in conformity with the plain directions of the fundamental law will be permitted."

Alabama has no law on the subject. The constitution requires an election to be had. It permits the governor to appoint only when there is a delegation of that power by the legislature and the legislature has not acted."

Asked about the situation in Nevada, Judge Massey said the constitution of the United States is the paramount power and new laws must be passed providing for the direct election of United States senators.

"Unless there are laws passed directing the holding of elections for the direct election of an United States senator, there can be no election," said Judge Massey. "The legis-

REFUGE FOR MEN WHO DESERT FROM NAVY

LOS ANGELES PROVIDES HAVEN FOR THOSE WHO TIRE OF THE SERVICE.

(By Associated Press.)
LOS ANGELES, Aug. 20.—That there is an organization here for the protection of deserters from the navy every man in the service knows, according to the statement of a man arrested for desertion. He said he deserted the cruiser California two months ago and has been cared for since. He said 200 deserters are here.

lature may also give the governor power to make temporary appointments, but unless such a law be passed the governor will have no power of appointment."

Judge Massey said he thinks a special session of the legislature of Nevada is absolutely necessary if there is to be an election of an United States senator in November, 1914. He said he believes the time should be after the first of the year, probably in January or February when the people can be spared from work.

As to the power of the governor to issue writs of election, Judge Massey said a law would be needed to direct that and also a law to govern the manner of the election.

"I do not believe," said Judge Massey, "that the people would approve calling a special election to fill a vacancy in the United States senate. An election might cost \$150,000 or more and the people would be willing to wait until the next regular election, giving the governor the power by law to make a temporary appointment pending the election. Such an appointment would not be for more than 23 months and would save the expense of a special election."—Reno Journal.

NEW YORK MAN NAMED TO GOVERN PHILIPPINES

(By Associated Press.)
WASHINGTON, Aug. 20.—Representative Francis Burton Harrison of New York has been selected governor general of the Philippines. The president said he would send his name to the senate today.