

## NO GROUND FOR FEDERAL ACTION AT CALUMET

### Consensus of Opinion Concerning the Moyer Deportation

#### NYE COUNTY SHOWS PROSPERITY IN A MOST EMPHATIC MANNER

County Auditor Grimes has compiled a statement of the financial condition of the county, which shows it to be in a most prosperous condition. The treasury carries cash amounting to \$126,526.90, and owns real property valued at \$295,774.47, with an outstanding bonded indebtedness of \$132,500. The aggregate value of real and personal property is \$4,976,676.76, after deducting the widows' exemption of \$93,915.74. For the first half of the year the collection of taxes was \$101,476.88, and only \$7309.28 is delinquent. The

number of registered voters in the county is 2866. For the first half of the year the county treasurer has sent a check for \$23,861.72 to the state treasurer. Of this amount \$18,206.89 was derived from the first installment of taxes for 1913 and \$5,654.83 from the bullion tax for the second quarter of the year. Gross collections for state and county purposes from such source of revenue since the last settlement were as follows:

Delinquent taxes, 1912	\$ 692.10
Delinquent taxes, 1913	185.42
Delinquent taxes, 1912	60.87
Delinquent taxes, 1913	56.75
First installment, 1913	83,822.52
Real and personal taxes, 1912	4,757.30
Proceeds tax sale	44.77
Bullion, second quarter	18,521.46
Fines justice court	216.10
Dance halls	970.00
Sheep tax	52.50
Funds in the treasury are apportioned as follows:	
General fund	\$16,278.72
Indigent	3,916.44
Salary	12,563.11
Contingent	4,629.92
Judge's salary	2,693.45
Manhattan fire	1,354.22
Fish and game	224.73
State	22,265.72
County school	16,055.99
Tonopah new school building	4,216.40
Tonopah school interest	3,427.48
New Tonopah school prin.	4,252.78
New Tonopah school interest	1,092.15
Manhattan school interest	458.54
Manhattan school principal	281.70
Rhyolite school interest	518.47
Rhyolite school principal	3,415.25
Refunding	13,081.36
Roads	2,185.45
Sheep inspection	42.32
Normal school, local	250.75
State schools	4,332.68
County schools	5,448.01
Library	424.21

#### NO DAMAGES ALLOWED BY THE COURT

#### END OF CASE THAT BROUGHT ONE-HALF OF MANHATTAN INTO COURT.

The suit that has stirred up the northern end of the county for the last three months was settled this morning by a decision which Judge Averill read from the bench at the opening of court. The ruling was in favor of Mrs. Cushing and husband, the defendants. The suit was entitled Kathryn Connors and Joe Connors vs. Mr. and Mrs. J. G. Cushing. The sum of \$5000 damages was asked by the plaintiffs for alleged malicious prosecution. The trial lasted a week and it is estimated that at least one-half of the population of Manhattan was summoned as witnesses. In rendering his opinion the court added:

"In explanation of the written decision herein, I deem it advisable to say a few words. "A case of malicious prosecution is not made unless the three essential elements thereof are satisfactorily proven. These are, first, a prior prosecution resulting in an acquittal or dismissal of the accused; second, malice on the part of the person or persons initiating the prosecution; and, third, absence of probable cause for the initiation of the prosecution. Proof of these two elements is not sufficient. In this case a dismissal on the prior prosecution was shown and an attempt was made to show malice upon the part of J. G. Cushing and his wife in initiating the prosecution. Without passing on this conclusively, I may say that considerable ill feeling was shown, which, however, many might consider natural under the circumstances, as they believed them to be.

"To my mind, the third element, want of probable cause, was not, according to the legal meaning of that expression, satisfactorily proven. The question is not the actual facts but what we had reason to believe they were" (26 Cyc., 24). Mr. Cushing acted upon information furnished partly by his wife and partly by one other person, as to Mrs. Connors' presence on the scene, her attitude there, a certain remark she made and the manner of making it, and a certain act said to have been done by her. Before the third complaint was sworn to, the first two having been found technically defective in law, Mr. Cushing had received information from two other sources on the same points. The prosecution was based on the third complaint.

"Acting as he did upon the information he had received, which he had a right to consider reliable, though it was in part later contradicted, I find that he proceeded as any other reasonable man might have done; and, therefore, that the third element at least, of malicious prosecution, having failed of proof, the case against the defendants has not been established, and judgment should be in their favor."

#### FINED TWENTY DOLLARS FOR RAISING A ROW

Chief of Police Evans baled Joe Julian before Justice Dunsenath late Saturday afternoon and charged him with discharging a gun in a row on Water street. Marcus McCarey appeared as prosecuting witness. A fine of \$20 was imposed and the court took the money and let the prisoner go with a lecture on his future behavior.

#### A CHRISTMAS GIFT FROM THE LAND OF THE STORK

Cornelius Fialer, private secretary to Senator Pittman, is receiving congratulations from Tonopah friends over the arrival of a seven-pound daughter at his Washington home. Mrs. Fialer is doing well. The little girl arrived on the 26th inst.

#### BRITISH SCHOONER SINKS.

MOBILE, Dec. 29.—Lord of Avon, a British schooner, from Pensacola to Havana, with a cargo of lumber, is reported lost. The crew was saved.

#### FIGHT WILL BE PULLED OFF IN GOLDFIELD

#### GRAHAM AND TAYLOR HAVE SIGNED FOR PURSE AND CHAMPIONSHIP.

Notwithstanding the statements of passengers from Goldfield that the boxing contest between Graham and Taylor had been called off owing to the latter not being able to make weight in time for the first of January, articles have been signed for the event.

Morgan Williams says the match will be for the middleweight championship of Nevada and a purse of \$500 to go to the winner. The citizens' committee undertakes to defray all other expenses. In addition to the Taylor-Graham mill, the card will include the following preliminaries: Johnny Morrison of Goldfield vs. Kid Murphy of Tonopah; Young Kibby of Goldfield vs. Kid Bowers of Tonopah, and Dean Morrison vs. Sailor Red Studley, both of Goldfield.

#### TONOPAH THE GREAT.

The Tonopah Bonanza of last Saturday contained the annual review of the camp, together with data which makes it an issue worth tucking away for future reference. From it we learn that Tonopah's production has increased with years, exceeding \$10,000,000 during 1913. The total output to date is over \$65,000,000, from which over \$18,000,000 in dividends have been paid. The payroll for this year is put at \$3,120,000. The Tonopah Mining company claims the greatest amount of development, 135,100 feet; the Halifax has the deepest workings, 1734 feet. Number of men employed by twenty-two companies, 1492.—Inyo Register.

#### TONOPAH THE GREAT.

Tony Page, a truck driver, was fined \$25 for driving his team within two feet of a standing car discharging passengers, in New York.

#### PESTERED BY MAIL BEGGARS

#### SOUTHERNERS SHOW MORE DEPENDENCY THAN CORRESPONDENTS OF THE NORTH.

PASS CHRISTIAN, Miss., Dec. 29.—Although President Wilson was courteously unmolested by callers, he is besieged by hundreds of letters daily and is devoting much more time than he intended to answering correspondence. Only the most urgent letters are answered. Those indorsing various bankers for membership in the federal reserve board are held up until his return to the white house. Dr. Grayson said the president is slowly improving in health but needs more rest.

#### MURDERER MAY WITHDRAW PLEA OF GUILTY

#### RALPH FARISS' FATHER WILL FIGHT FOR HIS BOY'S LIFE.

LOS ANGELES, Dec. 29.—Alleged failure of the district attorney and the judge of the superior court to express the "degree" of the murder of Horace Montague is the technical error upon which the father of Ralph Fariss hopes to invalidate the sentence of death imposed on the confessed train bandit. A new trial will be sought, when Fariss would plead innocent. He said he pleaded guilty expecting commutation of the logical sentence. The mercy of the governor will be invoked in case all other means fail. The death warrant of Fariss was not signed. The court is awaiting proceedings asking for a new trial.

#### FALLS DOWN STOPE SUSTAINS BRUISES

#### HAS A NARROW ESCAPE BUT COMES OUT WITH BRUISED SKIN.

Bob Zupre, employed in the Mizpah shaft, fell sixty feet Saturday and lives to tell the tale and receive the congratulations of his friends that the fall was not in a shaft or other perpendicular drop. Zupre was stopping when the rock slipped and down he came to the level, performing an underground coast that might have cost his life if he had been caught in any of the debris. He was removed to the Mine Operators' hospital, where Dr. Grigsby reported he had not received any serious injuries and would be around in a day or two.

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#### Yeggmen Tunnel In Bank Sunday

By Associated Press. OROVILLE, Cal., Dec. 29.—Crackmen tunneled 150 feet, pierced the concrete walls of the First National bank, between Saturday and Monday, and obtained \$2700 in silver. They were unable to blow the safe, where a larger amount was stored.

#### JOINT ATTACK ON GUAYMAS BY REBELS AND INDIANS

#### CARRANZA PLANS TO WREST PACIFIC SEAPORT FROM HUERTA.

HERMOSILLO, Dec. 29.—Carranza is planning a campaign against Guaymas, the federal seaport. He sent cavalry to reinforce rebel Indians and attempt to capture this important point, which the federals are stubbornly holding, despite many desertions.

#### JUST BEFORE A BATTLE ON THE BORDER

#### FEDERALS REFRESHED AND REBELS RESTING BEFORE ASSAULTING POSITION.

OJINAGA, Dec. 29.—Four thousand federals, after having been three weeks encamped here, are rested, provisioned and prepared to resist the attack of over 4000 rebels marching from Chihuahua, who have been sighted eighteen miles distant. The rebels, fatigued by a long march, are resting, and there are no prospects of a battle for several days, as it is not believed the federals will leave Ojinaga, which is well fortified.

#### PLEADS FOR LIFE OF GIRL SLAYER IN NEW YORK

#### COUNSEL FOR SCHMIDT MAKES A STRONG APPEAL FOR HIS CLIENT.

NEW YORK, Dec. 29.—"A half-educated, half-ignorant, near-German philo-sopher, tainted with hereditary insanity, who early became over-religious," Schmidt's counsel thus described him in summing up the case. He asked acquittal on the ground of insanity.

#### FIRE AT MARSHFIELD.

MARSHFIELD, Ore., Dec. 29.—Fire destroyed a store and office block. Damage, \$30,000.

#### Operators Strike On Frisco Road

ST. LOUIS, Dec. 29.—A strike of telegraph operators and station agents of the Frisco railroad is expected to be called today. Preparatory to the strike the railroad has installed telephone equipment over 2000 miles of the main line.

#### MICHIGAN GRAND JURY TAKES UP THE ALLEGED KIDNAPING TO SIFT CASE TO THE BOTTOM

#### CALUMET, Mich., Dec. 29.—With most of its dead buried yesterday,

the miners' strike zone turned attention today to the coroner's inquest on the Christmas eve tragedy, when seventy-two were killed, and to the Houghton county grand jury investigation of the kidnaping of Moyer.

#### WATER FAMINE AND BIG FIRE IN MONTREAL BUSINESS CENTER

MONTREAL, Dec. 29.—Fire, which started in a block of stores and houses, swept a wide area because of the water famine. Chemical extinguishers were the only means of fighting the fire, until hose was stretched to the St. Lawrence river, which furnished water. The damage is \$500,000, but the flames are now controlled.

#### WEDDING WAS IN THE NATURE OF A SURPRISE

#### MISS POHL OF THE PUBLIC SCHOOL AND JIM HAYS OF THE MONTANA ARE MARRIED.

One of the greatest social surprises known in Tonopah for years was the wedding of Miss Louise Pohl last night to Mr. James E. Hays, better known as "Jim," who is one of the oldest employes of the Montana mill. The ceremony was performed at the former Richards residence of the couple on University avenue by Rev. J. M. Swander. Miss Helen Slavik and Mr. Herman Albert stood up with the couple. Following the marriage, refreshments were served and general congratulations followed.

#### DARMS SHAFT GETTING DOWN TO COAL BEDS

#### PRESIDENT OF THE COAL COMPANY RETURNS FROM VACATION IN NAPA.

Hermann Darms, president of the Darms Coal Mining company, accompanied by G. A. Truebody, one of the best-known ranchers of the Napa country, are registered at the Mizpah hotel. Mr. Truebody at one time held the record for having the greatest acreage of blackberries in California, but he has gone into diversified farming and is satisfied with his experience in that direction. He is a brother of the treasurer of Napa county. Mr. Darms is enthusiastic over the indications of Coaldale. He stopped there on his way to Tonopah to inspect the progress of the deep shaft being sunk under contract, and says it is now down 276 feet, where they are in stringers of coal showing proximity of the fuel at no great distance. One of the best indications is that the shaft was in solid sandstone down to a depth of 260 feet, where a broken formation was encountered, but they have passed this and are getting into a granitic tuff with expectation of getting into the regular coal measures in fifteen or twenty feet.

#### CRITICAL CONDITION OF A LADY FROM BISHOP

Mrs. Bart McGee, mother of one of the owners of the Pioneer dairy and Mrs. Charles Mackey of this city, is reported seriously ill at Goldfield from erysipelas acting on the heart. A message was received here today stating the case and urging the family to come at once. Mrs. McGee lost her son George six weeks ago at Keeler, Cal.

#### ALUMNI WILL PLAY BALL ON SATURDAY

Next Saturday evening at 7:30 the high school basketball team will meet a picked team of the alumni from the local institution. There will also be a game between two girls' teams. The contests will be followed by a dance, to close at 12 o'clock. The purpose of this game, as well as a series which will follow it between the high school team and the teams from the Mizpah Hill and Montana clubs, will be to raise funds to furnish the gymnasium with mats and other equipment for the use of the scholars. It is planned to give a series of entertainments to raise money to furnish the stage and buy a curtain for the same. The game next Saturday will be a good one and the dance to follow will be conducted along the same lines as has been the policy heretofore. The price of admission for the two contests and the dance will be 50 cents.

#### CROPS LOOKING WELL IN PAHRUMP VALLEY

Frank A. Buol came in Saturday night from the Pahump valley, beyond the Charleston mountains. He says he has 90 acres in growing wheat, rye and winter oats out of a total holding of 720 acres. A new artesian well has been added to the ranch since he was last here, making six in all sunk in the past ten months, of which over half are good producers, the largest being about 25 inches.—Clark County Review.

#### MILITIA CALLED OUT BY FIRE IN PENITENTIARY

SANTA FE, N. M., Dec. 29.—Fire in the New Mexico state penitentiary this morning destroyed one cellhouse and roofs of the main office buildings. Damage, \$15,000. An outbreak of prisoners was feared. Two companies of the national guard were rushed to the scene. None was injured, and no rioting occurred. The fire is subdued.

#### NOT SAFE TO WALK STREETS OF LOS ANGELES

LOS ANGELES, Dec. 29.—Fourteen are in hospitals suffering from injuries, seven of which are by automobile, motorcycle and street car accidents yesterday.

#### DR. GRANT LYMAN GETS A STAY OF EXECUTION

LOS ANGELES, Dec. 29.—The court has granted a stay of sentence for Dr. Grant Lyman, the Panama land promoter, pending preparation of a motion for a new trial.

#### MEMBERS OF CONGRESS ARE AGAINST INTERFERENCE

WASHINGTON, Dec. 29.—Individual expressions of members of the house rules committee, after a conference, was that no federal questions are involved in the Calumet troubles.

#### ILLINOIS LABOR MEN ACT ON MOYER CASE

CHICAGO, Dec. 29.—Illinois Federation of Labor bodies will hold five meetings to protest in the Moyer matter. Moyer is resting easy, with no complications.

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#### GALE ON THE COAST THREATENS SHIPPING

SAN FRANCISCO, Dec. 29.—A southeast gale has caused a display of storm warnings from Eureka to San Francisco.