

Silver sold today for 49 3-8. Low Price was 46 1-4. Government reported to have bought 12,600,000 ounces

The Weather

Fair and warmer to night and tomorrow.

TONOPAH DAILY BONANZA

Metal Quotations

Silver 49 3/8
Copper 18
Lead 4.50

VOL. XV--NO. 174

TONOPAH, NEVADA, TUESDAY EVENING, SEPTEMBER 21, 1915

PRICE 10 CENTS

CONTINUATION OF TEXT OF DECISION BY JUDGE AVERILL

EUROPEAN BORROWERS PLAN TO CONTINUE TO TRANSMIT GOLD

Court Even in Doubt if Tonopah is a Regularly Constituted Bona Fide Municipality

(By Associated Press.) The far reaching decision and opinion by Judge Averill yesterday in finding for the defendants in the case of the commissioners of Nye county against seven business firms of Tonopah for collection of license, payment of which was refused, could not be reproduced in full because it is so voluminous and full of detail. It was endeavored by the Bonanza yesterday to give merely the gist of the decision and opinion. There are, however, certain features of the important document which are hereinafter recited: Board of County Commissioners of Nye County, etc., Plaintiff, vs. Henry Schmidt, et al., Defendants. Decision. The above-entitled cause having been tried by the court when sitting without a jury, the decision thereof is hereby rendered in writing by the judge who tried the cause, who briefly states in his opinion the facts found and the conclusions of law reached. Facts found: The facts are as set out in the complaint and the answer except as otherwise indicated in the opinion attached hereto, filed herewith and made a part hereof. Conclusions of law reached: That the defendants should have judgment in their favor, as prayed for in their answer. That the defendants have judgment in their favor for costs, but not for attorney fees. Wherefore, let judgment be entered accordingly. Counsel for defendants is hereby directed to prepare findings of fact and conclusions of law in accordance herewith and to submit the same for approval and signature. The demurrer to the answer in another case applicable also to this case is overruled. Dated September 20, 1915. MARK R. AVERILL, District Judge.

MASS MEETING THIS EVENING

Miners' Exchange hall is the place and 7:30 this evening is the hour when the business men, taxpayers and citizens generally of Tonopah will meet to take steps to reorganize the town government, or rather establish one where no legally constituted form existed before. Tonopah plans a form of government that will be of, by and for the people, in which every man, woman and child will have the voice of petition, where meetings will be publicly held and all who have petitions and complaints may be heard and their requests and suggestions acted upon. This will be such an oddity for Tonopah that it will take some time to get used to it. It will be almost too good to be true. This evening the first steps will be taken to throw off the old incumbency and lay the cornerstone for a form of government that will lift Tonopah out of the rut and make it one of the most progressive and prosperous cities of the west. All are invited and urged to attend the public meeting to be held this evening at 7:30 in Miners' Exchange hall.

Problem of Conversion of Bonds to Long Term Notes is Now Under Consideration

(By Associated Press.) NEW YORK, Sept. 21.—The question of payment for munitions has been virtually eliminated from the negotiations in the Anglo-French loan, the bankers assuming that the powers will continue to remit gold and American securities for arms. They are now discussing the problem of the conversion of the bonds into long term notes.

BRITAIN IS ELEVEN BILLIONS IN DEBT

Country That Wants to Borrow From U. S. is Hopelessly Involved Financially

(By Associated Press.) LONDON, Sept. 21.—Reginald McKenna, chancellor of the exchequer, in a budget speech today estimated the government's revenue for the current year at \$7,550,000,000, with expenditures of \$7,550,000,000 and a dead weight deficit at the close of the year of \$11,000,000,000. He proposed an addition of 40 per cent to income taxes, assessing all incomes of over \$650, and also a heavy tax on the profits of the manufacturers of munitions is proposed. A 50 per cent tax on war profits in addition to the income tax was proposed, totaling 60 per cent on war profits was considered. He said the revenue from this source in a year would amount to \$150,000,000.

RUSSIAN ARMY FREE FROM GERMAN COILS

Expected Advance of the German Army is Likely Now to Take Place

(By Associated Press.) LONDON, Sept. 21.—Vilna reports indicate that the Russian army escaped the coils of von Hindenburg and the simultaneous movements of Mackensen and Prince Leopold have not resulted in the expected advance. It is apparent that the cautious strategy of Grand Duke Nicholas was abandoned and the Russian troops remained in Vilna so long as to jeopardize the army.

Whose business was it to determine when Tonopah had a voting population of six hundred or more? As a matter of history the evidence shows that shortly prior to the adoption of the act by the County Commissioners there was some agitation directed toward securing for the Town of Tonopah a government for it as an entity within the county and separate from the county government to some extent. The legislature of 1905 passed an act to incorporate the City of Tonopah, but it seems that nothing was done under this act until the early summer of 1905, when the Board of County Commissioners, upon presentation to them of the petition required by the act, called an election for July 3, 1905, for its adoption and ratification by a majority of the taxpayers within the corporate limits of the proposed city. Incorporation was rejected by a vote of 227 to 149. The vote was canvassed on July 7, but the result must have been known to the Commissioners on July 4 or 5, as on July 5 they adopted the Town Government Act of 1881, as amended in 1887, as applicable to Tonopah, and fixed July 7 as the date when they should begin the management of the affairs and business of the Town of Tonopah. Was this adoption of the act as applicable to Tonopah sufficient? This recalls the question previously put herein: Whose business was it to determine when Tonopah had a voting population of six hundred or more? No petition for the adoption of the act had been presented, so it could not be made to apply to Tonopah, which had never been incorporated, unless the town had a voting population of six hundred or more. Clearly it was the business, or duty, or privilege, as one may view it, of the Board of County Commissioners to answer the question. It was apparently their duty, because of the word "immediately" in Section 16 of the act. They answered the question and performed that duty by adopting the act as applicable to Tonopah. This happened in 1905, and ten years later, their judgment in this respect is questioned. Questions of both law and fact are thus raised, and certain

MINERS ENTOMBED IN A COLLIERY FIRE

(By Associated Press.) NUNEATON, England, Sept. 21.—Several hundred miners are entombed in the Exhall colliery as the result of fire. The cage used in bringing the men to the surface was burned. Ten bodies have so far been recovered. Two hundred escaped by an emergency shaft.

PROOF HESPERIAN WAS STRUCK BY TORPEDO

OFFICERS WERE COOL, BUT THE CREW SAID TO BE INCOMPETENT IN TIME OF TRIAL

BANK OFFICIALS IN TOILS OF THE LAW

CHARGED WITH MISAPPLICATION OF TWENTY THOUSAND DOLLARS OF FUNDS

TODAY AND A YEAR AGO

Table with 3 columns: Time, 1915, 1914. Rows include 5 a. m., 9 a. m., 12 noon, 2 p. m., and Relative humidity at 2 p. m. today, 14 per cent.

STATE CATTLE KINGS DEFEND IN BIG SUIT

(By Associated Press.) SAN FRANCISCO, Sept. 21.—Catherine Olney has filed suit against the Union Land and Cattle company of Nevada for one-third of its stock, which was taken over with properties of her father, T. B. Rickey. She alleges conspiracy by H. G. Humphrey and W. H. Moffat of Reno, who, with a brother, Charles Rickey, control the property. A temporary order restraining any transfers of the property has been issued.

GENERAL MOBILIZATION IN BULGARIA BEGINS

(By Associated Press.) WASHINGTON, Sept. 21.—A general mobilization of all the military of Bulgaria has been ordered, effective today, is the official announcement of the Bulgarian minister of war.

WILSON AND BRYAN TO HOLD CONFERENCE

(By Associated Press.) WASHINGTON, Sept. 21.—A conference has been arranged between President Wilson and ex-Secretary Bryan for tomorrow, the first since Bryan's resignation from the cabinet. It is expected that they will discuss the recent proposal of Bryan to visit Europe and talk peace.

AMBASSADOR DUMBA'S SUCCESSOR CHOSEN

(By Associated Press.) BUDAPEST, Sept. 21.—Kajetan von Murczynski, former Austro-Hungarian ambassador at Rome, is reported to have been selected to succeed Austrian Ambassador Dumba at Washington.

VIOLENT ARTILLERY BOMBARDMENT IS ON

(By Associated Press.) PARIS, Sept. 21.—There was a violent artillery bombardment last night north of Arras, and east of Noulette and Lorette, according to a French official statement.

SAFETY CONFERENCE HELD AT THE FAIR

(By Associated Press.) SAN FRANCISCO, Sept. 21.—The world's greatest safety conference, which has been called for the purpose of discussing measures for the prevention of industrial accidents due to inadequate laws, carelessness of the part of transportation officials and poor machinery, will be held in San Francisco from September 27 to 30 under the joint auspices of the Panama-Pacific exposition, the National Council of Safety and the industrial accident commission of California.

STEAMER SENT TO BOTTOM

(By Associated Press.) LONDON, Sept. 21.—The British steamer Linkmoor has been submerged. The crew was saved.

MEXICANS LOSE LIVES IN BORDER FIGHTS

ONE HUNDRED "MYSTERIOUSLY DISAPPEAR" SINCE TROUBLE IS STARTED

(By Associated Press.) BROWNSVILLE, Texas, Sept. 21.—Legal records of the border towns show that fifty Mexicans have been arrested and eight killed since the beginning of the bandit outbreaks in July. Besides this, possibly a hundred have mysteriously disappeared and fifty were killed in battle.

YAQUIS KILL WOUNDED IN CARRANZA'S TRAIN

CALLES' ARMY IS COMPLETELY ROUTED, ACCORDING TO THE LATEST REPORT

(By Associated Press.) DOUGLES, Sept. 21.—The massacre of thirty wounded Carranza soldiers by Yaquis in the fighting Sunday completely routed Calles' army, according to the latest reports received here. The Indian commander, Urbalajo, was wounded, infuriating the Yaquis, who swore they would take no prisoners and knifed thirty wounded men. The Carranzistas are fleeing eastward.

COURT MARTIAL SENDS SPY TO THE GALLOWS

FOUND GUILTY OF GIVING INFORMATION TO THE ENEMY REGARDING BRITISH FLEET

(By Associated Press.) LONDON, Sept. 21.—A court-martial has resulted in the conviction of two more spies and the sentencing to death of a man, and of a woman to ten years' imprisonment. They were found guilty of giving the enemy information concerning the British fleet.

CAMPAIGN AGAINST SERBIA IS BEGUN

(By Associated Press.) BERLIN, Sept. 21.—Official reports show that the long expected Teutonic campaign against Serbia has begun. Austrian and German artillery is bombarding the Serbian positions between the Drina and Morava rivers. The action is probably a cover to permit of throwing a force across the river. The invaders will probably attempt to force the old line of the crusaders through the Morava valley.

BULGARIAN FRONTIER DECLARED WAR ZONE

(By Associated Press.) BERLIN, Sept. 21.—The Overseas agency says: "The Serbian government has declared the Bulgarian frontier a war zone."

BUTLER THEATER Exclusive Features TONIGHT FLORENCE REED in "The Dancing Girl" A Paramount Production

WILSON'S POLICY ENDORSED

(By Associated Press.) DENVER, Sept. 21.—An investment bankers' association resolution approves the extension of foreign credit and endorses President Wilson's neutrality policy.

TRANSPORT SUBMARINED

(By Associated Press.) BERLIN, Sept. 21.—The British transport Egypt at the Dardanelles is reported submarined.

COUNTY HOSPITAL BURNED

(By Associated Press.) SAN BERNARDINO, Sept. 21.—The county hospital here, containing 175 patients was burned today, sixteen helpless inmates narrowly escaping death. They were carried down the flame-draped stairs and lowered from windows.

TWO REGIMENTS FORWARDED

(By Associated Press.) WASHINGTON, Sept. 21.—Two additional regiments, one of infantry and one of field artillery, have been rushed to Galveston and El Paso.

TO URGE RECOGNITION

(By Associated Press.) WASHINGTON, Sept. 21.—The American Federation of Labor authorized President Gompers to urge the recognition of Carranza.