

ANNUAL STATEMENT

Of the Liverpool and London and Globe Insurance Co., of Liverpool, England for the year ending Dec. 31, 1905.

Of the Western Assurance Company of Toronto, Canada.

Of the National Surety Co. of New York, N. Y.

Of the Mutual Life Insurance Company of New York.

OFFICIAL COUNT OF STATE FUNDS.

STATE OF NEVADA. County of Ormsby, s. s. John Sparks and W. G. Douglass being first duly sworn say they are members of the Board of Examiners of the State of Nev., than on the 27th day of Feb. 1906 they, after having ascertained from the books of the State Controller the amount of money that should be in the Treasury made an official examination and count of the money and vouchers for money in the State Treasury of Nevada and found the same correct as follows:

State School Fund Securities. Irredeemable Nevada State School bond \$30,000 00. Mass. State 3 per cent bonds 537,000 00. Nevada State Bonds 493,709 00. Mass. State 2 1/2 per cent bonds 313,000 00. United States Bonds 215,000 00. Total 1,996,554 66.

W. G. Douglass, John Sparks, Notary Public, Ormsby County, Nev. Custom suits and overcoats will be sold at reduced prices—and reasonable time given for payment.

IN THE SUPREME COURT OF THE STATE OF NEVADA.

Ebenezer Twaddle and Ebenezer Twaddle as Special Adm. of the Estate of Alexander Twaddle, deceased. Plaintiffs and Respondents v. Theodore Winters, A. C. Winters, L. W. Winters and Samuel Longabaugh. Defendants and Appellants.

From 2d Judicial District Court, Washoe County. Messrs. Cheney and Massey, attorneys for Plaintiffs. Alfred Chantz, attorney for Defendants.

DECISION

The respondents have moved to dismiss the appeal from the judgment because it was not taken within one year, and to dismiss the appeal from the order of the district court denying appellants motion for a new trial, also to strike from the records the statement on motion for a new trial, upon the ground that the statement was not filed within the time prescribed by law.

Pursuant to this request Judge Murphy occupied the bench in Reno until July 31, 1903, when a recess was taken until a further order of the court. There was no other session until Judge Currier's return on August 17th. On July 17th Judge Murphy, in open court in Reno, made an order allowing plaintiff until August 15th in which to file objection to findings, and prepare additional findings.

Under Section 2573 Judge Currier could have made an order granting them the extension at any place in the State, and as during his absence Judge Murphy was requested by the Court minutes to attend to all business for him, we conclude that he was empowered to make the order at Carson City as he did, and as Judge Currier could have done, and that it was not necessary for him to make the trip to Reno and undergo the formality of opening court to enter ex parte orders simply extending time, such as are usually made out of court.

The motion to dismiss the appeal from the order overruling the motion for a new trial and to strike out the statement is denied.

Section 2573 of the Compiled laws, passed after section 197 of the Practice Act as quoted, enacts: "The district judges of the State of Nevada shall possess equal coextensive and concurrent jurisdiction and power. They shall each exercise and perform the powers, duties and functions of the court, and of Judges thereof, and of Judges at Chambers. Each judge shall have power to transact business which may be done in chambers at any point within the State. All of this section is subject to the provisions that each judge may direct and control the business in his own district, and shall see that it is properly performed."

We think under the minute order and circumstances related, the power inherent in Judge Currier to extend the time of filing the notice and statement became conferred upon Judge Murphy during the former's absence, and that Judge Murphy became the Judge in charge, endowed with the authority to grant an extension without the presentation of the affidavit showing the absence or inability of Judge Currier, as the rule requires before the order can be made by a Judge not having the business in charge.

Judge Currier's absence was presumed to continue until his return was shown and consequently Judge Murphy's authority based upon that absence would likewise continue. It is said that under the first statute mentioned, the language that "the court or judge before whom the case was tried" may extend the time invalidating the order, because Judge Murphy was not the judge before whom it was tried, and that he was not the court after he returned to Carson City, where he made the order. In a narrow technical sense this may be true, if we do not look beyond the strict letter of the statute. But not so if we consider the intent and purpose of the enactment, and construe it in the light of reason as applied to the ordinary rules of practice, and give due weight to the later section.

inary rules of practice, and give due weight to the later section. Apparently the object of this legislation was to prevent the granting of extensions and the meddling of judges in cases which they had not tried or which were not properly under their control, and yet in the case of the absence or inability of the judge who tried the action, to grant relief, or allow extensions to be made to deserving litigants.

The argument advanced concedes that if Judge Murphy had gone to Reno and entered the order in open court it would have been good, but under this contention if he had stepped through the door into the chambers and made it, it would have been void. Orders extending the time for filings are business usually, or properly transacted in chambers and under Section 2573 can and ought to be made as effectually in any part of the State by the judge having the case in charge, as if made by him in chambers or in open court. Judge Murphy was merely acting for Judge Currier during his vacation, but by analogy would, in every case where a district judge dies, resigns or is succeeded, invalidate the orders extending time under section 197 made out of court by his successor in office, although they are of that character ordinarily granted in chambers. This would mean a distinction and two rules for filing orders of the same kind, and that the judge who had tried the case as Judge Currier had done in this instance, could make the order in chambers, while his successor could so make it only in the cases tried by him, and would have to be in court to make these simple orders extending time in actions which had been previously tried by another judge.

Appellants desired and were entitled to the time granted for the purpose of enabling them to secure from the court reporter who had left the State, a transcript of the testimony given on the trial, which would enable them to properly prepare the statement.

Under Section 2573 Judge Currier could have made an order granting them the extension at any place in the State, and as during his absence Judge Murphy was requested by the Court minutes to attend to all business for him, we conclude that he was empowered to make the order at Carson City as he did, and as Judge Currier could have done, and that it was not necessary for him to make the trip to Reno and undergo the formality of opening court to enter ex parte orders simply extending time, such as are usually made out of court.

The motion to dismiss the appeal from the order overruling the motion for a new trial and to strike out the statement is denied.

ANNUAL STATEMENT

Of The Munich Re Insurance Co. Of Munich, Bavaria. United States department, 246 Broadway, New York. Deposit with Ins. Department, New York \$200,000 00. Deposit with United States Trustees 3,056,000 00. Assets 4,097,995 00. Liabilities, exclusive of capital and net surplus 2,897,874 20. Income 3,413,629 13. Other sources 173,956 59. Total income, 1905 3,587,585 74. Expenditures 2,049,052 85. Dividends none. Other expenditures 1,113,257 47. Total expenditures, 1905 3,166,310 32. Business 1905 Risks written 340,493,386 60. Reinsurance premiums thereon 1,493,265 90. Other sources 4,261,697 18. Losses incurred 2,282,499 58. Nevada Business Reinsurances accepted from Companies authorized to do business in Nevada. O. EHMANN, Asst.

ANNUAL STATEMENT

Of The North British & Mercantile Ins. Co. Of London & Edinburgh. For the year ending December 31, 1905. Deposited in United States Department \$200,000 00. Assets 6,677,995 75. Liabilities, exclusive of capital and net surplus 3,738,374 54. Income 3,860,298 05. Other sources 212,315 45. Total income, 1905 4,072,613 50. Expenditures 1,889,488 41. Dividends none. Other expenditures 1,339,115 73. Total expense, 1905 3,228,604 14. Business 1905 Risks written 562,246,792 00. Premiums thereon 5,249,492 00. Losses incurred 1,861,989 36. Nevada Business Premiums received 3,000 00. Losses paid 1,834 51. Losses incurred 2,181 52.

ANNUAL STATEMENT

Of The State Insurance Company of Indianapolis, Indiana. Capital (paid up) none. Assets \$4,126,682 30. Liabilities, exclusive of capital and net surplus 3,521,365 61. Income 2,591,257 10. Other sources 208,553 95. Total income 1905 2,799,811 05. Expenditures 636,594 27. Dividends none. Other expenditures 1,185,692 67. Total expenditures, 1905 1,762,287 32. Nevada business Risks written 432,500 00. Premiums received 17,742 19.

ANNUAL STATEMENT

Of The Germania Life Insurance Company of New York. Capital (paid up) \$200,000 00. Assets 35,711,677 15. Liabilities, exclusive of capital and net surplus 30,823,487 00. Income 4,698,455 32. Other sources 1,579,206 43. Total income, 1905 6,277,661 80. Expenditures 2,529,889 30. Dividends 314,162 55. Other expenditures 1,811,713 62. Total expenditures, 1905 4,656,766 17. Business 1905 Risks written 14,462,833 00. Premiums for first year 6,410,533 78. Death losses paid 1,337,452 00. Nevada Business Risks written 15,500 00. Premiums received 6,484 88. Losses paid 1,000 00. Losses incurred 1,000 00. G. HOYT, Secretary.

ORDINANCE NO. 112.

For the Licensing of Gambling Devices in Carson City, Nevada.

Section 1. That every person, firm, partnership, or association, who shall carry on or operate any banking game played with cards, dice or other devices, whether the same be played for money, checks, credit or any other valuable thing or representation of value, shall pay for and obtain a license to carry on such game, and shall pay for each license twenty-five dollars (\$25.00) per month provided that when more than one of said games are carried on in the same room or apartment, whether by the same or different owners, each game so carried on shall be separately licensed, and provided further, that the license imposed by this Ordinance is for the revenue only, and not for the purpose of prohibition, suppression or regulation.

LIBERAL OFFER.

I beg to advise my patrons that the price of disc records (either Victor or Columbia), to take effect immediately, will be as follows until further notice: Ten inch disks formerly 70 cents will be sold for 60 cents. Seven inch records formerly 50c, now 35c. Take advantage of this offer. C. W. FRIEND.

NOTICE TO HUNTERS.

Notice is hereby given that any person found hunting without a permit as the premises owned by Theodore Winters, will be prosecuted. A limited number of permits will be sold at \$5 for the season or 50 cents for one day.

OFFICE COUNTY AUDITOR.

To the Honorable, the Board of County Commissioners, Gentlemen: In compliance with the law, I herewith submit my quarterly report showing receipts and disbursements of Ormsby County, during the quarter ending Dec. 31, 1905.

QUARTERLY REPORT.

ORMSBY COUNTY, NEVADA.

RECEIPTS.

Filed Feb. 1, 1906. Balance in County Treasury at end of last quarter \$4023 36. County licenses 701 05. Gaming licenses 1957 50. Liquor licenses 310 20. Fee of Co. officers 531 46. Rent of county bldg. 250 00. Poll taxes 620 46. 1st. Instalment taxes 14924 21. Special school tax 1710 90. Slot machine license 282 00. Cigarette license 42 34. Semi-Annual Set. State Treas 531 78. Delinquent taxes 23 80. Sale of horse 30 00. Sale of pump 13 00. Keep of W. Bowen 45 00. Total 61,977 36.

DISBURSEMENTS.

State fund 6632 82. General fund 2732 32. Salary fund 2350 00. Agl. Assn. Bond Fund, Series A, \$100.00 250 00. Agl. Assn. Bond Fund, Series B, \$100.00 400 00. Co. School Fund, Dist. 1 388 95. Co. School fund, Dist. 2 151 20. Co. School fund, Dist. 3 30 70. Co. School Fund, Dist. 4 21 00. State School fund, Dist. 1, 2, 3, 4 126 00. State School fund, Dist. 3 150 00. State School fund, Dist. 4 165 00. Special building 5850 00. School library, No. 2 86 00. Total 21,968 59.

RECAPITULATION.

Cash in Treasury October 1905 4023 36. Receipts from Oct. 1st to Dec. 31, 1905 21,954 00. Disbursements from Oct. 1st to Dec. 31, 1905 21,968 59. Balance cash in County Treas. January 1, 1906 29108 77. H. DIETRICH, County Auditor.

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State fund 103 86. General fund 6917 03. Salary fund 5735 78. Co. School fund 3248 71. Co. School Dist. 1, fund 7638 22. Co. School Dist. 2, fund 139 64. Co. School Dist. 3, fund 190 67. Co. School Dist. 3, fund 425 65. State School Dist. 1, fund 1998 06. State School Dist. 2, fund 77 51. State School Dist. 3, fund 371 39. State School Dist. 3, fund 271 29. State School Dist 4, fund 19 22. Agl. Assn. Fund A 630 82. Agl. Assn. Fund, B 56 86. Agl. Assn. Fund Special 1918 94. Co. School Dist. fund - special 13735 30. Co. School Dist. fund 1, library 108 40. Co. School Dist. fund 3, library 6 50. Co. School Dist. fund 4, library 6 10. Total 21,103 77. H. E. VAN BITTEN, County Treasurer.

LEARN ART EMBROIDERY.

Miss Gray Davis, whose skill in embroidery is well known, will give instruction in montmellick, shadow and eyelet embroidery. She has all the materials and designs for stamping shirt waists, corset covers, handkerchiefs and other articles. Those who wish to be first in wearing the new lingerie hats, which will be so popular this summer, should apply at once to Miss Davis. Miss Davis will start art pieces for pupils and instruct them how to finish them. She will be pleased to display her outfit to any one who is interested in art work. Stamping of all kinds done to order. The Sierra Nevada mining company received \$2,122.67 from leasers operating on Cedar Hill during the month of February.

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SPECIAL EXCURSION FROM SAN FRANCISCO TO CITY OF MEXICO AND RETURN. DECEMBER 16th, 1905.

A select party is being organized by the Southern Pacific to leave San Francisco for Mexico City, December 16th, 1905. Train will contain first vestibule sleepers and dining car, all the way on going trip. Time limit will be sixty days, enabling excursionists to make side trips from City of Mexico to points of interest. On return trip, stopovers will be allowed at points on the main lines of Mexican Central, Santa Fe or Southern Pacific. An excursion manager will be in charge and make all arrangements. Round trip rate from San Francisco \$80.00. Pullman berth rate to City of Mexico, \$12.00. For further information address Information Bureau, 613 Market street, San Francisco Cal.

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