paid his way back to Portland and saw that he had a good meal here, Cole's representations, so far as they could be investigated here, were found

Judge Cleined Holds That No. Authority Exists For This Common Procedure.

Judge Cleland yesterday decided that there are no cases provided in the code, or by other statutes, in which a receiver may be appointed when a corporation is insolvent, or in imminent danger of in-Receivers have been appointed in the

past for numerous insolvent corporations, of which the Portland Savings Bank is a notable case, but, according to this opinion, there never was authority for

opinion, there never was authority for such a proceeding.

The decision was rendered in the suit of Mattie A. North against the Union Sav-ings & Loan Association to recover \$1000 paid for 10 shares of stock. The com-plaint charged, among other things, that in the annual report to the Secretary of State the defendant stated its inbillities at \$2,704 and its assets at \$2,704, when in \$52,704 and its assets at \$82,704, when in fact at the time the report was filed the assets did not exceed \$15,000; also that the company conveyed without consideration real estate valued at \$19,000, and paid large dividends to certain preferred creditors. M. Billings and L. D. McArdie were the officers of the association.

Judge Cleiand reviewed all of these alleged acts constituting insolvency and

then referred to the section of the stat-utes upon the subject, as follows: In cases provided in this code or by other statutes, when a corporation has been dis-solved, or is insolvent or in imminent danger of insolvency or has forfeited its corporate

This statute, according to the view exthere are no "cases provided in the code or by other statutes," telling how and

when a receiver may be appointed for an inscivent corporation. The court in discussing the matter said: 'By its terms the statute does not authorthe appointment of a receiver. The tory of the statute under consideration shows this construction is correct. The statute was taken from the laws of New York, but those laws also contained exact and particular definitions and provisions relating to the insolvency of corporations and when and how receivers might an should be appointed. These provisions constituted the cases provided for in this code or by other statutes, and the like are not found among the statutes of Oregon, but are missing. "A court of equity in the absence of statutory power has no jurisdiction over corporations for the purpose of decreeing their dissolution and the distribution of their assets among the individual corpor ators at the suit of one of the stockhold-

There was another suit against the There was another suit against the Union Savings & Loan Association asking for a receiver. In this C. I. Scoffins, who seeks to recover \$276 paid for stock, was the plaintiff. Judge George dented the application, but on a different ground. In this case it was shown that the directors of the association have appointed C. W. Miller as trustee to wind up its affairs. Judge George, after going over the issues fully, said in conclusion when comissues fully, said in conclusion when com-menting upon the trusteeslip: "This be-ing the case, there is little or nothing left for the court to act upon in the matter of appointing a receiver, as the officers who are charged with mismanagement are no longer acting, at least, have no property upon which to act longer, and such

1300 damages on account of injuries received September 36, 1901, at Lake Washington, Washington caused by the collision of two trains. She avers that she was
cut and bruised, and her lower limbs, hips
and back were bruised and sprained. W.
T. Vaugh and John F. Watts appears. Vaugh and John F. Watts appear as

her attorneys.
Charles Eames yesterday filed a petition in the State Circuit Court asking that O. F. Paxton, as receiver of the Oregon & Washington Mortgage Savings Bank, be Washington notigage carings directed to file a report of his doings. Eames holds a judgment against the bank for \$1100. He states in his petition that paid the note as a part consideration in the receiver submitted a report February there is a transaction involving the purchase of the purchase the receiver submitted a report February 20, 1894, showing by way of assets quite a lot of office fixtures and furniture, which were not appraised in any manner what-ever. The report also showed claims due to the bank aggregating several hundred thousand dollars, also a large amount of incumbered real estate, and, further, that the bank was indebted in large sums of money to various persons. It is alleged that there has been no report filed since, and that many creditors of the bank would

and that many creditors of the bank would like to learn what has been accomplished. Elama Wigman has sued Tys Wigman for a divorce, charging him in her complaint with cruel treatment. She sets forts that she is of a sensitive and refined nature, and accustomed to associations and manners of the strictest propriety, and that her husband greatly worried and grieved her by using vile language to her and getting into a violent temper. She and getting into a violent temper. She avers that one night on their return from the theater he stated that if he had a pistol he would kill her, threatened to com-mit suicide by jumping into the river, and began bumping his head and other parts of his body against the wall and furniture of the room. Mrs. Wigman further al-leges that the defendant falsely accused her of unfaithfulness, and employed de-tectives to watch her, placing them in a room adjoining where they lived. He deserted her, she states, in June, 1901. The parties were married at Jefferson, Or., in July, 1900. Mrs. Wigman asks to be restored to her maiden name, Murphy.

### CANNOT BE ENFORCED. Contracts of Building and Loan As-

sociations Are Not Valid. It is now a settled principle of law, in the courts of this state, that building and loan association contracts cannot be enforced. Judge Frazer yesterday decided, in the suit of L. M. and Flora Hubert-against the Washington National Build-ing. Loan and Investment Association, that the plaintiffs, having paid the prin-cipal of the loan, \$1,000, and 6 per cent interest, were entitled to a satisfaction of the mortgage and an extinguishment

The court, in passing upon the case, said that the associations purported to be mutual and co-operative, but in fact there is no mutuality in the scheme of such associations. There were two classes of money-handlers, the borrowers and the lembers, and the borrowers were required to pay 20 per cent for money, which in-terest was received by the investors. The court commented upon the complicated nature of the contracts, by which a bor-rower was led to believe that his loan was paid in some mysterious way which he could not understand, and said that the transaction was merely a contract

The defendants, in answer to the suit, the contract, under the terms of which Hubert and his wife agreed to pay 6 per cent interest on the full amount of the loan as long as it run, not allowing for reductions in interest as the principal students.

was reduced, and also requiring the payment of about as much more interest under the name of premiums. An estoppel to the further prosecution of the suit was strain of both body and headwork when

NOT ACCORDING TO LAW

denied by the court. The Supreme Court has twice decided against building and loan association contracts, and the State Circuit Court has followed these decisions several times recently, so the question appears to be settled that only straight interest can be collected. William Reid appeared as counsel for the plaintiffs.

HAS A RAILROAD A HEART?

GEORGE COLE IS PREPARED TO SAY IT SURELY HAS.

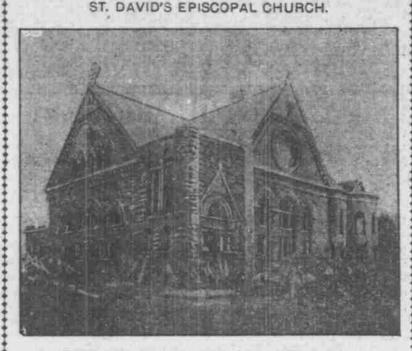
SUED FOR \$300, AND LOST \$97. Tables Turned on Salem Bailding and Lonn Association.

and Loan Association.

The decision of Judge Frazer in the suit of the Salem Building and Loan Association against O. M. Smith, its former secretary, to recover \$500, was a complete victory for the latter. The court not only decided that Smith does not owe the company anything, but also held that the defendant has overpaid the company and is entitled to get his money back.

Judge Frazer stated that it appeared from the evidence that Smith had accounted for \$250 or \$500 more than was due to the association, but as in his answer he had only asked for \$77, judgment would be announced in his favor for that sum only.

\*



WHICH WILL BE COMPLETED BY EASTER SUNDAY.

Dr. Van Waters, rector of St. David's Episcopal Church, East Morrison and East Twelfth streets, announces that the new stone edifice now being finished on the corner of East Twelfth and Belmont streets, will be occupied and the first services will be held Easter Sunday. First plans of the structure were adopted in 1891, and the corner-stone was laid by Bishop Morris June, 1892. Work continued till the early part of 1893, and was suspended in consequence of the financial depression that swept over the country. The unfinished walls were then covered and so remained for eight years. Six months ago Dr. Van Waters surprised his congregation one Sunday morning by announcing that work would be resumed on the new stone church and would be continued until it was finished. He further said that alarge donation of money from a friend outside of Portland made this possible. In response to his appeal for aid generous subscriptions were received by the rector from members of his own congregation and friends outside. Plans, modified somewhat from the originals, were prepared, contracts let and work started. The building committee is composed of Dr. Van Waters, Dr. S. E. Josephi, John Sealy and A. L. Tyler. The cost of the church, including furniture, will

\* the court criticised the plaintiff severely, and such was the case when the complaint was slied, and as no dereliction on the part of the acting trustee is charged, and as the receiver could do practically nothing more than a trustee should do, there is nothing for this court but to deny the petition."

It is stated that the plaintiffs and other creditors will move against the trustee, and ask for some one cles for this position, and also sue for an accounting.

NEW SUITS FILED.

Damages Wanted From Railway Company for Tassie N. Proudfoot yesterday filed suit in the State Circuit Court against the Northern Pacific Railway Company for 2500 damages on account of injuries regained to the source of the money and paid, yet counsel for the plaintiff severely, and striking ignorance of the testimony in the case, although they perhaps did not try to deceive the court. When they first came into court, they did not seem to know much about the books; and the court adjourned the case for four months, and to the great surprise of the fourt when the hearing was again taken up at the expiration of that time, there was not one syllable of testimony of what the books contained as to the items charged against Smith. Finally counsel were persuaded to have itemized accounts, and the work much money he had, and the book much money he had, and the book much money it more frankness than was really essential what he wasted. The broker asked Cole how much money he had, and the book much money it more frankness than was really essential what he wasted. The broker, and he took the money and said plaintiff attention of the testimony in the case, although they perhaps did not try to deceive the court. When they first came ito court, they did not seem to file you appear to offers, and found that the price offers, and found that the price offers, and found that the price offers, and told the broker with the expiration of that time, there was not one syllable of testimony of what the wasted to make the court adjourned the case for interest st

Court Notes.

In the suit of Mrs. O. L. Holmes against her brother, E. B. Holmes, to recover \$250 on a note, Judge Sears rendered a decision in favor of the plaintiff. some property. Judge Sears, however, thought that the evidence failed to establish this payment.

The divorce suit of Margaret Bridges The divorce suit of Margaret Bridges against Roscoe Bridges, tried about a week ago, was dismissed by Judge Sears yesterday, on the ground that the evidence failed to show that Mrs. Bridges had suffered injury at the hands of her husband. The evidence of violence or apprehension of violence was insufficient and there was no corroborative testimony. The courie, he said, do not favor granting divorces without good cause.

Smashed Saloon Windows.

Robert Allen became incensed at the inmates of Gue Long's Chinese saloon, Inmates of Gue Long's Chinese salcon, Second street, near Oak, lust night, and he started to smash the windows with rocks when his progress was stopped by Spe-cial Policemen Mott. When searched at the police station, Allen had 6 cents in his possession, and he said that he didn't like Chinesean.

Lecture for Maxamas. The Ladies of the Maxamas held a meeting last evening in the club rooms in the City Hall, at which it was decided to take charge of the lecture to be given Saturday evening by F. E. Mathies, of the United States Geological Survey. The lecture will be given in the A. C. U. W. Termile.

KEEN COLLEGE MEN. The Food of Harvard Brain-Workers and Athletes.

Memorial Hall at Harvard, where some 1200 of men eat, is particularly interesting. The dining-room is an enormous gothic hall finished in old English oak with wide, stained-glass windows on the sides. The walk are hung with portraits of il-lustrious graduates and benefactors of

past generations.

The students have good food to est and plenty of it. The hall is run on a cooperative plan so that it costs something less than \$4 a week for board. To this place three times a day come men, whose lives for the time being are given to serious intellectual work, and to accom-plish this, they are keen enough to realize that proper food is absolutely necessary.

One is particularly struck by the yellow packages of Grape-Nuts standing on nearly every table, which the men purchase at grocery stores and bring in for their personal use. They quickly find out by practical demonstration that brain work exhausts the phosphates, and that nature demands that this loss be made up, and made up from food.

Grape-Nuts is ready to be used without cooking, it is a scientific food which nourishes and builds up the brain, and is particularly suited to the needs of

to the further presecution of the suit was pleaded under this contract and was important contests shall come.

Bought Scalper's Ticket to Go to Dying Mother, Forfelted It, but Went All the Same.

A young man left Portland last night to see his dying mother in Omaha, after having undergone an unusual experience with transportation people. His name is George Cole, and for some months he was employed about this city as a laborer, part of this time on the steamer Modoc. He was so unfortunate as to have been sick for a considerable period himself, and hospital and physician's bills had consumed his means. But he had got sum only.

In reviewing the evidence submitted, when a letter came, telling of the illness

to be true, and the men about the South-ern Pacific passenger department took an interest in helping him out of his diffi-culty. He made a demand on the broker who had sold him the imperfect ficket for the return of the money paid. This was refused until the "lifted" ticket itself should be surrendered. Ordinarily, of course, this would be a hard condition for the passenger to comply with, but in this case General Passenger Agent Miller con-sented to its return, after mutilating it so it could do no more harm. When Cole presented the receipt and the "lifted" ticket his money was refunded. Then the company made a charity rate for him, and for \$30 the boy was given a new and valid ticket through from Portland to Omaha, leaving him \$3.50 for incidental Though a day later, he was much better equipped for the journey than before, and he was deeply appreci-ative of the kindness show him by the railroad people.

The net result of the transaction is that

the Southern Pacific has received \$70 for a second-class ticket from Seattle to Omaha-\$40 from the broker and \$30 from the passenger. The broker's loss is the company's gain.

HE WAS BURIED ALIVE.

Laborer Crushed to Death by Bank of Earth at St. Johns.

A railroad laborer named Johnston, a native of Norway, was crushed to death under a bank of earth he was digging yes-terday on the O. R. & N. spur track unterday on the O. R. & N. spur track un-der construction to St. Johns. The contract for the work has been let to Kirkpatrick Brothers & Collins, of Nebraska, and Johnston was one of their employes yes-terday who was working behind a steam shovel near a bank. Suddenly, without a moment's warning, the bank of earth under which Johnston shovelled collapsed and he was crushed under it. His mates fiew to the rescue, but the

His mates fiew to the rescue, but the unfortunate man was completely buried out of sight, and amid a scene of general excitement 20 men started to dig him out. They worked like machines, but it was 25 minutes before he was reached and he was lifted out dead. His body was taken to Holman's undertaking parlors, and the Coroner took steps to hold an investigation. Johnston's first name is yet unknown.

ANNUAL SETTLEMENTS THE

SALEM, Or., Nov. 5, 1901.-H. G. Colton, Manager Mass, Mutual Life Ins. Co., Portland, Or.—Dear Sir: I want to thank you for the promptness in which you have settled my husband's insurance, which he carried in your company. He had several other policies, but you were the first to come to me with papers to sign, and have been the first to make settlement, which I fully appreciate. While the policy was only for \$1000, I see there is \$46 32 in dividends paid in addition, which, I think, is a very handsome profit, knowing that the policy was only taken three years ago, Again thanking you for your courtesy in the matter, I remain, very truly yours,

(Signed) SOPHRONIA JESSUP.
This policy of Dr. Jessup in three years returned 20 per cent of the premiums in dividends beside the full amount of the policy. All policies in this company par-ticipate annually in the profits of the company. Are yours paid this way or only at the end of 20 years? A gentle-man recently died in this city who had paid for 19 years, and because he did not live the last year his estate lost all of his profits. Which plan do you think the best? Don't take any insurance policy that will not pay you the dividends in cash each year if you want them. If you contemplate taking insurance on your life, call and investigate our plans. We guarantee cash values or loan on policies, and dividends are not forfeited because of death. H. G. COLTON, Manager Pacific Coast Department, Chamber of Commerce, Portland, Or.

Ludies' Auxiliary Gives Thanks.



# Still Giving Money Away

Our GREAT SALE continues right along. Although we have given \$600 away already, we have plenty more \$5 and \$10 bills to GIVE AWAY. Look and see them in our windows, as well as the receipt from many well-known people. The latest additions to our list are---

Oscar Jacob Kolser, 109 N. Seventh St., TEN DOLLARS Wm. R. Minsinger, 18th and Savier St., TEN DOLLARS Mrs. E. A. Hoke, 1067 Grand Avenue, . FIVE DOLLARS C. S. Long, 375 Washington Street, . TEN DOLLARS Mrs. Mary E. Crane, Rockwood, . . . FIVE DOLLARS

This sale has been such a GREAT SUCCESS that we have determined to keep it up the balance of this month. You not only have an opportunity of obtaining a PRES-ENT of \$5 or \$10, but you positively receive the BEST CLOTHING VALUES in the city.

> Overcoats for Men and Boys at Special Values this week.

> > WHEN YOU SEE IT IN OUR AD IT'S SO

### Moyer Clothing Co.

THIRD AND OAK STREETS

mage sale given by the Ladles' Auxiliary of the Congregation Ahavi Sholom wishes to thank the public for their kind dona-tions and patronage. Mrs. S. H. Abrams, chairman of committee.

Lands Sold for Cash.

We want unimproved agricultural land, in large tracts, to sell for cash. We handle such lands exclusively and solicit correspondence with owners. A. L. Van Patten & Co., 408 Bowen avenue, Chicago,

## HAVE YOU A SAVINGS ACCOUNT?

If Not, Why Not Begin at Once?



These handsome, oxidized steel home savings banks with Yale tocks are loaned free of charge to our savings depositors.

Open a savings account by depositing a small amount with us and we will lend you one of our Home Savings Banks. Take it with you and make it a rule to deposit something in it every day, no matter how small. Full credit for your first deposit will be given you upon your Pass Book. Bring in your Home Savings Bank at intervals and we will place its contents to your credit upon your Pass Book, as well as such other amounts as you may be able to save. Wage-earners and persons receiving income at irregular intervals should take advantage of this plan. It is also well adapted to teach children habits of economy and to impress upon their minds the value of money. Call at our Bank and full explanations regarding this plan of saving money will be cheerfully given to you, or if desired, our representative will call upon you with one of the Home Savings Banks. Do not delay.

A PENNY SAVED IS A PENNY GAINED. BENJ. L. COHEN, President. H. L. PITTOCK, Vice-President.

THE PLACE TO SAVE MONEY 144-146 THIRD STREET

broker sold the through ticket to Omaha to a passenger whose destination was Portland, with an order on the Portland broker to take up the unused portlon here.

So this passenger used the Portland cou-pon, and the ticket promptly found its way to the Portland broker who had sold

to Cole the passage from Portland to Omaha. This was given to Cole, and he left on Friday night's train, having had little to eat for a day or two and expect-ing to get nothing more to eat until he

should reach Omaha. When asked how he expected to live on the way he said he

thought he could stand it three days, and under the circumstances he thought ne ought to take the risk.

In some manner an intimation that a scalped ticket would be offered reached

the Southern Pacific passenger office, and the train agent was instructed to look out for it. Sure enough, Train Agent Streit reported yesterday morning with the ticket that had been under suspicion,

but he did not feel easy about it. He said that never in his life had he found

it so hard to do what was plainly his duty-"lift" the unauthorized ticket. He

duty—"Iff" the unauthorized ticket. He asked the passenger where he got the ticket and the boy said he bought it of a Portland "scalper." The boy was in such evident distress when told that he could not ride on that ticket that Streit asked him a few questions and drew out some of the circumstances of the case. Cole was in tears when compelled to leave the train at Orecon City a structure.

the train at Oregon City, a stranger, pen-niless and without expectation of being able to see his mother again alive. Streit

-NEW STORE-

THE PLACE TO SAVE MONEY 144-146 THIRD STREET

I have purchased the well-known stock of John Cran's at a ridiculous low price, which will be placed on sale Friday at a saving of about 40 to 50 per cent. The many fine bargains we will offer will furnish town talk for months to come.

Remember, you save 40 to 50 per cent, Friday, on a fine stock of Dry Goods, Gents' Furnishings, etc. Watch the windows and judge for yourself ..

FURSI

FURSI .

FURSI

<sup>AT</sup> G. P. RUMMELIN & SONS 126 SECOND ST. Near Washington.

SPECIAL FOR ONE WEEK ONLY on

**Animal Head Scarfs** Isabella Fox. Gray Fox, Blue Fox, Black Fox, Red Fox. White Fox. Cross Fox and Silver Fox.

> . . . Welf, Badger, etc. . . . Complete Assortment of New Effects in Collarattes

Capes, Coats, Beas, etc.

Sable Lynx, Black Lynx, Blue Lynx, Sable

Children's Furs. Robes and Rugs,

FALL and

\*

Alaska Sealskins and Fine Furs Our Specialty.

STATION WAGONS BROUGHAMS ROCKAWAYS LANDAUS

A FULL LINE OF DOCTORS' BUGGIES.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

CARRIAGES WAGONS, HARNESS ROBES, WHIPS

STUDEBAKER, 320-338 EAST MORRISON ST.



We are showing in such rich and hand-some effects, is selected from the line of five of the best factories in the United States.

Ernest Miller & Co. 127 FIRST STREET. PHONE RED 2022.

BIGGEST AND BEST IN THE WEST The FARNSWORTH-HERALD TAILORING CO.

MERCHANT TAILORS OVERCOATS 350 Unclaimed tailor-made Overcoats, the Fall and Winter accumulation of the famous Royal Tailors, bought by us at 20 cents

on the dollar. On sale Monday as follows: ALL \$25.00 OVERCOATS, \$9.95. ALL \$35.00, \$15.95. ALL \$40.00 ONES, \$1 9.9