

RECEIVER WINS CASE AGAINST STOCKHOLDER

State Supreme Bench Holds That a Creamery Co. Issued Stock Irregularly.

RECEIVER WINS CASE AGAINST STOCKHOLDER

Other Decisions Handed Down Including Several on Appeals from Multnomah County.

(Special Dispatch to The Journal.) Salem, Or., Nov. 23.—The supreme court today decided in favor of the creditors and against the Kaupisch Creamery company, an insolvent corporation, deciding that the stock issued by the company was issued as fully paid up when in reality less than half of its par value had been paid.

The suit was brought in the trial court by William MacBeth, a trustee, against the Kaupisch Creamery company, to require the stockholders—M. C. Banfield, Thomas Rand, Julius C. Kaupisch, H. M. Kaupisch, M. H. Kaupisch, O. Heggworth and N. H. Bloomfield—to pay the balance upon the stock which might be deemed unpaid to the amount of the unpaid indebtedness of the concern. The plaintiff won in the trial court, and Banfield, one of the stockholders, appealed. On January 27, 1899, Julius C. Kaupisch and H. W. Kaupisch engaged in the creamery business and transferred one half of the interest in the business to M. C. Banfield and Thomas Rand for \$5,000.

The following day the Kaupisch Creamery company organized with a capital of \$24,000, divided into 1,200 shares, at \$20 each. All the property of the creamery was transferred to a new company for \$18,000 and \$4,000 paid into its treasury. In consideration the directors issued to its stockholders 600 shares. After engaging in business six months the company failed and MacBeth appointed a trustee for the creditors. Since half the interest in the business had been sold for \$5,000, the court ruled that the business is worth \$10,000, hence \$20,000 of the capital stock issued is fraudulent. Only one-half being paid, and as Banfield, who appealed, held 300 shares, he is held to have paid only \$15,000. Judgment is rendered against him for \$2,500. The remainder of the stockholders accepted the judgment of the trial court without appeal.

The defendant was denied a rehearing in the case of Mollie Wolf, administratrix of estate of Isaac Wolf, against the City and Suburban Railway company, appealed from Multnomah county.

Justice Bean denied a rehearing in the case of M. L. Duff, administrator of the estate of James Duff, appealed against the Willamette Iron & Steel Co. from Multnomah county.

The decision of Judge George was affirmed in the rendering of a judgment in favor of the plaintiff in the case of A. T. Lewis against the First National bank of Portland. This was an action to recover money. The Oregon Pulp and Paper Co. sold to the defendant paper valued at \$2,200 and, alleging that \$1,500 only had been paid, sold the balance of the claim to the plaintiff, who brought suit to recover \$700. The testimony proved that the paper company was indebted to the plaintiff for several large sums of money loaned, hence the court ruled that the balance due from the sale of the paper should be applied to the larger debt.

Decision Reversed. The case of J. Dechenback against D. C. Rima for forcible entry and detainer, which was decided in favor of the defendant by Judge George of Multnomah county, was reversed and dismissed in an opinion rendered by Justice Bean. The suit was to restrain the defendant from trespassing upon or interfering with the plaintiff's possession of a hopyard.

An action to recover money by B. Hager against Knapp & Knapp, from Polk county, and which was decided in favor of the plaintiff in the circuit court, was today affirmed. Hibbard, Spencer, Bartlett & Co. won their suit against Philip Stein, on an appeal from Multnomah county. This was an action to recover possession of some cases entrusted to Joe Diener, engaged as a traveling salesman for the plaintiff. Diener sold goods to Philip Stein, but without authority, no title to ownership passing to the plaintiff. Plaintiff brought suit to recover possession and, being successful in the trial court, the defendant appealed.

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FIGHTING AT MUKDEN

(Continued from Page One.)

cutters, burst into the network, blue flickers sped along the wires, and dozens of the enemy tumbled over, dead or insensible.

"The ignorant Russian soldiers imagined that heaven had sent down lightning to 'blast the heathens,' and taking it as an omen, stood steadfast in the face of terrific attacks. Many of the Japs had their flesh badly burnt, and others without any trace of injury, lay writhing and groaning."

TELLS OF LOSSES.

Some Correspondent Tells of Fearful Port Arthur Casualties.

Rome, Nov. 23.—The newspaper Giornale di Roma has a Tokio dispatch stating that the general attack at the Port Arthur fortifications, which was begun on the night of November 24, was but partially successful.

Port Arthur, Nov. 23.—The Japanese attacks on Bung Shan Keekwan were repulsed. The dispatch adds that the total Japanese losses are reported to have been nearly 7,000 men.

The dispatch is unconfirmed by any other reports, all of which, however, indicate heavy casualties.

WANTS BIG SHIP.

Russia Negotiating for the Ill-fated Steamer Zerkow.

New York, Nov. 23.—It is reported here that negotiations have been nearly completed for the sale of the steamship J. L. Luckenbach, to Russia, for use as a troop ship or collier.

AGREEMENT MADE.

Commission Will Inquire Thoroughly Into North Sea Incident.

London, Nov. 23.—The following provisions have been agreed upon between the British ambassador and the Russian minister at St. Petersburg in relation to the inquiry to be made into the North sea incident:

"Article 1. The international commission of inquiry shall be composed of five members (commissioners) of whom two shall be officers of high rank in the British and imperial Russian navies respectively. The governments of France and of the United States shall each be requested to select one of their naval officers of high rank as a member of the commission. The fifth member shall be chosen by agreement between the four members above mentioned; in the event of no agreement being arrived at between the four commissioners as to the selection of the fifth member of this commission, his imperial and royal majesty, the emperor of Austria and king of Hungary, will be invited to select him. Each of the two high contracting parties shall likewise appoint a legal assessor to advise the commissioners, and an agent officially empowered to take part in the labors of the commission.

"Art. 2. The commission shall inquire into and report all circumstances relative to the North sea incident and particularly on the question as to

where the responsibility lies and the degree of blame attaching to subjects of the two high contracting parties or to subjects of other countries in the event of their responsibility being established by the inquiry.

"Art. 3. The commission shall settle the details of procedure which it will follow for the purpose of accomplishing the task which it is entrusted.

"Art. 4. The two high contracting parties undertake to supply the commission to the utmost of their ability with all the means and facilities necessary in order to enable it to acquaint itself thoroughly and appreciate correctly the matters in dispute.

"Art. 5. The commission shall assemble in Paris as soon as possible after the signature of this agreement.

"Art. 6. The commission shall present its report to the two high contracting parties, signed by all the members of the commission.

"Art. 7. The commission shall take all its decisions by a majority of the votes of the five commissioners.

"Art. 8. The two high contracting parties undertake to bear on reciprocal terms the expense of the inquiry made by it previous to the assembly of the commission. The expense incurred by the international commission after the date of its assembly in organizing its staff and conducting the investigations, which it will have to make shall be equally shared by the two governments.

"In faith whereof, the undersigned have signed the present agreement (declaration) and affixing their seals to it.

"Done in duplicate at St. Petersburg, November 23, 1904."

INVITATION IS EXTENDED.

Washington, Nov. 23.—The Russian and British ambassadors called at the state department today and formally invited the United States navy to act on the international commission which is investigating the Doggerbank incident. The names of Admiral Dewey and Admiral Chadwick are being considered.

JAPANESE LOSSES ENORMOUS.

St. Petersburg, Nov. 23.—The war office has received a dispatch stating that the last Japanese assault on Port Arthur was repulsed with enormous losses to the enemy.

TORPEDOES BY ROUTE.

Brest, France, Nov. 23.—Three Russian torpedo destroyers conveying transport passed here this morning, and a fourth destroyer is now anchored in the offing.

WILL STOP SALE OF LIQUOR TO MINORS

(Continued from Page One.)

loon at Fourteenth and Gilean streets, and many others in various parts of the city. It is charged that they continually sell liquor to minors or to any one else who has the price.

Juvenile drunkenness is not confined to any one part of the city, according to those who will prosecute the crusade, but it is to be found in almost any district. In many parts of the city, it is asserted, there are bands of boys who not only drink in saloons, but take bottles with them when they leave the places.

It is for the purpose of stopping such practices that the officials and other purpose issuing warrants for the arrest of those from whom the boys have secured liquor. They will be relentlessly prosecuted.

The only regret is that there is not some method of torture provided by law by which saloon men who sell boys whiskey may be punished," said one of the officials who is interested in the case. "The mere payment of a fine is not sufficient, and serving a term in jail would not suffice for the enormous crime of putting whiskey in the mouth of a child."

NEW LAND COMPANY IS ORGANIZED IN ROSEBURG

(Special Dispatch to The Journal.) Roseburg, Or., Nov. 23.—Articles of incorporation have been filed here with the county clerk by the Sutherland Land company. The incorporators are F. B. Waite of this place and Lynn Caton and A. E. Caton of Oakland. The capital stock is \$100,000.

KILLERS GO TO COURT

(Special Dispatch to The Journal.) Hillsboro, Or., Nov. 23.—Court convened today. District Attorney Harrison Allen is investigating the Oakman murder case. He has not yet made his return. The jury has been dismissed by Judge McBride until next Monday on this account.

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OLAN LE ROY DRINKS CARBOLIC ACID

His Mother Goes to Care for Injured Father and Child Swallows Poison.

Two-year-old Olan Le Roy got hold of a bottle of carbolic acid last night in the absence of his parents and drank enough of the poison to cause his death. Dr. J. J. Fisher was summoned and did everything in his power to save the little fellow's life, but the deadly liquid had done its work before he reached the scene.

The boy's father was injured yesterday at Pendleton, and his mother left for there as soon as she heard of the accident. The home of Edward Le Roy, the father, where the tragedy occurred, is 468 Gilean street. Little Olan had been left in the care of the landlady, and secured the poison while she was attending to her duties in another room. The funeral will take place tomorrow from Bethel M. E. church, corner of Tenth and Everett streets.

SECRETARY TAFT MEETS AMADOR IN PANAMA

Panama, Nov. 23.—Secretary Taft held a conference today with President Amador and other Panama officials. Later he conferred with the officials in charge of the canal zone, and the preliminary presentation of Panama's grievances will be made tomorrow.

The United States cruiser Columbia having on board Secretary of War Taft and party arrived at Colon yesterday. Secretary Taft at the meeting of the Panama cabinet said: "It is a pleasure to bring the greetings of the president of the United States and to congratulate Panama upon the propitious beginning of a long and prosperous life—in fact, a life that is to be a peaceful one and one in which the United States has no intention of interfering with the lathmus other than to build the canal for the benefit of Panama, the United States and mankind. There is no desire to exercise further power."

"I will, in the next few days, confer on those matters about which discussion has arisen and hope to reach a solution full of honor to both countries. I have the great honor to present the personal greetings of President Roosevelt and expressions of profound good will."

In reply President Amador said: "Your arrival in Panama, and the purpose that brings you, is the highest honor this republic has received since it was born. The government and people will know how to appreciate this new proof of sympathy with which the United States has desired once more to distinguish us."

VISCOUNT RIDLEY EXPIRES AT BLAGDON

London, Nov. 23.—The Right Honorable Sir Matthew White Ridley, first viscount of the name, formerly secretary of state for the home department, died today at Blagdon.

He was born at Carlton House Terrace, July 25, 1842, and was educated at Eton, Balliol college, Oxford. He was an ecclesiastical commissioner from 1895 and prior to that had been provincial grand master of Northumberland. Among the other offices occupied by him in the political world was that of under-secretary of the home department from 1878 to 1880, and from 1885 to 1886 he was financial secretary of the treasury. He was a member of parliament from Lancashire from 1886 to 1890 and during this period served as secretary of state for the home department from 1895 to 1900. His estates contained about 10,000 acres of land, and his heir is his son, Hon. Matthew White Ridley.

PICKET BOAT BOILER EXPLODES KILLING TWO

(Journal Special Service.) Portsmouth, England, Nov. 23.—Two marines were killed and one injured by the explosion of a boiler on a picket-boat connected with the torpedo-schoolship Vernon in the harbor today. No official report has been given out.

ELECTION OFFICIALS ABANDONED.

(Journal Special Service.) Denver, Nov. 23.—Four election officials of ward 5 precinct were arraigned in the supreme court today, charged with contempt of court in allowing repeaters to vote and throwing out citizens who objected to being given a marked ballot. The entire day will be spent in taking evidence.

ACCUSED OF TAKING MONEY FROM TRAMPS

Walter Daly Arrested for Personating an Officer Unable to Give Bond.

(Special Dispatch to The Journal.) Eugene, Or., Nov. 23.—Walter Daly, the man arrested recently for personating an officer and holding up hobos and robbing them, was given a hearing before Police Judge Dorris Saturday afternoon and held to appear for trial at the next term of the circuit court in March. His bail was fixed at \$500, he was unable to furnish it, Daly is not a hobo, and the impression has been given. He is well dressed.

FINAL SESSIONS OF Y. M. C. A. ARE HELD

(Special Dispatch to The Journal.) Salem, Nov. 23.—With an open meeting in the Methodist church last night, which was so largely attended, the many were turned away for lack of room, the annual Oregon-Idaho Y. M. C. A. convention came to a close, and the many delegates and other visitors have now all returned to their homes and colleges to put into practice the new thoughts and inspirations received during the sessions.

BAY STATE GAS HEARING COMES UP

(Journal Special Service.) Wilmington, Del., Nov. 23.—The suit brought by Receiver Pepper, of the Bay State Gas company, to recover \$75,000, 000 from the officers and directors of the Bay State Gas company, came up for hearing in the United States court here today. Judge Archibald, of the Central district of Pennsylvania, presiding. Receiver Pepper alleges that the issue of \$75,000,000 in stock was illegally made and, therefore, seeks to recover the amount from the officers of the company and J. Edward Addison. The hearing will continue several days.

WARRANT FOR WELL KNOWN CONTRACTOR

A warrant of arrest was issued for G. H. Dammeyer, a contractor and real estate agent, this afternoon on the charge of obtaining money by false pretenses. His accuser is Jennie Spaulding, who alleges that he took \$110 from her on May 15 as manager of the Home Building association. She afterward learned, she alleges, that he had no authority to accept the money or issue a receipt for the same.

NINE DAYS ABOARD WATERLOGGED BARK

(Journal Special Service.) San Francisco, Nov. 23.—After suffering extreme hardships for nine days the crew of 19 men of the barkentine Quikstep was landed in this city yesterday from the steamer Homer.

SUDDEN DEATH OF OLD MAN.

Robert McAyval, aged 75 years, was found dead in the Ryan hotel at Front and Main streets, yesterday morning. Heart disease was the cause of death. He had been living with his son, A. McAyval, at 369 Broadway, and moved to the hotel when his son broke up house-keeping last Wednesday. Saturday the old man's heart began to trouble him, and he fell down a flight of stairs. The body was removed to Finley's undertaking rooms, and the funeral will be held tomorrow.

BLOW SAFE OPEN.

(Special Dispatch to The Journal.) Tacoma, Nov. 23.—The safe at Sumas was blown open by robbers yesterday morning early, which got \$100.

Quicker Arrest. J. A. Gilleade of Verbena, Ala., was twice in the hospital from a severe case of piles causing 24 tumors. After doctors and all remedies failed, Buckler's Arnica Salve quickly arrested further inflammation and cured him. It cures aches and kills pain. Get it at the Red Cross Pharmacy, Sixth and Oak streets, on the way to the postoffice.

Reward Offered!

LOST—Somewhere in the city of Portland—a bunch of keys, with our name-plate, with our private mark, attached, containing three flat keys, one key numbered 1287. Party returning same to our store before next Saturday will receive as a reward the handsome mahogany chiffonier shown in our front window.

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