

ESCROW MONEY BANK'S ASSETS

Receiver Allowed by Court
to Keep Private Contract
Funds Held in Trust.

(Special Dispatch to The Journal.)
Colfax, Wash., July 30.—Judge Canfield yesterday handed down a decision in the case of S. D. Burnett vs. C. W. Waters, receiver of the Palouse State bank, which came up for argument last Thursday on defendant's demurrer. The demurrer was sustained and the right of the plaintiff to recover from the defendant bank \$2000 in full, which was alleged to have been in escrow in the bank at the time of its failure on May 21, denied.

The case is important not only because there were a number of points of law involved that had never before been passed on by a Washington court, but for the further reason that there are liable to be several more cases of a similar nature instituted against Receiver Waters before the affairs of the closed bank are finally settled. For this reason the court went into the matter at great length.

The facts alleged in the case are that April 2, 1908, Mrs. Nancy E. Burnett, wife of the plaintiff, who had \$7000 on time deposit in the bank, placed \$2000 of it in escrow on a contract. For the amount she received from M. J. Hawkins, vice president and manager of the bank, a receipt in which it was stipulated that if the land deal, the consummation of which depended on the property being acceptable to Burnett, who was to personally inspect it, failed to be put through, the money in escrow was to be paid to S. B. Burnett. Before Burnett could inspect the land and return to Palouse the bank failed, and the money had been taken into account as a part of the assets.

MISSIONARIES TO HAVE FAIR TRIAL

Department of State Well
Informed on Libel Case
in the Congo.

Washington, July 30.—The department of state has taken steps to keep itself closely informed in regard to the proceedings in the trial of the two American missionaries, the Rev. W. H. Sheppard and the Rev. William Morrison, which is scheduled to begin today at Leopoldville in the Congo. The case already has been the subject of considerable correspondence between the United States and the Belgian government and there is every reason to believe that the former will see that the two Americans are protected in all their rights.

The two Americans are to be tried on a charge of libel. The charge is made against them by one of the Congo concession companies that has a monopoly of rubber gathering in the Kasai region. It claims \$30,000 damages from each of the men for "calumnious denunciations." The missionaries have for years made public statements concerning the alleged abuse of natives, and the suit against them is based upon an article published in the mission paper in January, 1908, which alleged that a greater part of the district had been devastated by the rubber gathering carried on by the company, and that one of the tribes of natives was reduced to a condition of wretchedness.

The trial was originally set to begin last May. In response to an appeal from the Congo Reform association, the Washington government requested the Belgian government that the hearing of the case be postponed. Belgium replied that because of insurmountable legal obstacles this was impossible. Nevertheless a postponement of the trial was announced a few days later and it is now deemed likely that the case may be dropped altogether as a result of the protests of this government, which has never recognized the cession of Congo to Belgium, and is therefore in a position to insist that the Belgian authorities have no jurisdiction over American subjects.

PRESIDENT AND CZAR TO CONFER

Fallieres to Meet Nicholas at
Dunkirk—Czar's Date
With King Edward.

Paris, July 30.—President Fallieres started for Cherbourg today on the presidential train in anticipation of the arrival of the czar tomorrow. The meeting of the two rulers will be the occasion for a noteworthy national demonstration and a series of brilliant naval spectacles.

At Cherbourg M. Fallieres will go aboard the battleship Veritue and, accompanied by the entire northern and Mediterranean squadrons of the French navy, will proceed to Dunkirk to meet the Russian imperial yacht. The czar and his family will arrive tomorrow on the Standard, escorted by the Russian cruisers Burik and Admiral Makaroff. On Sunday the official visits will take place and a breakfast will be given to the imperial visitors on board the Veritue, and in the evening the French president will be the guest of the czar at dinner on the Standard. The next day the czar will leave for Cowes on a brief visit to King Edward.

Considerable political significance is attached to the meeting of the French and Russian rulers, owing to the existing condition of affairs in Asia and the Balkan region and the co-operation of the two countries relative to the European peace situation in general.

London, July 30.—Great preparations are afoot for the reception of the emperor and empress of Russia, who are to come to Cowes next week to return the visit which King Edward paid the Russian ruler at Royal a year ago. Off the Isle of Wight the imperial yacht Standard and the two Russian cruisers accompanying her will be met by one of the largest fleets of British men of war ever assembled in the roadstead.

Dead Body in Sagebrush.
(Special Dispatch to The Journal.)
Colfax, Wash., July 30.—Word has reached here of the discovery in the sagebrush near Wilson Creek, a town on the Great Northern, 60 miles north of Colfax, of the body of an unknown man in an advanced stage of decomposition. It is impossible to determine whether it is a case of murder, suicide or death from natural causes. A newspaper found near the corpse bore the date of June 27.

Crazed by Mountain Isolation.
(Special Dispatch to The Journal.)
Roseburg, Or., July 30.—The third commitment to the state insane asylum from Roseburg within the past two weeks occurred yesterday, the patient being Mrs. Courtwright, a middle-aged woman, who has been living on a homestead near Glendale for over five years.

SULLIVAN-CONSIDINE THEATRE AT FRISCO

(United Press Leased Wire.)
San Francisco, July 30.—The National theatre has been sold to the Sullivan-Considine circuit, according to the announcement of D. J. Grauman, the proprietor. The new owners of the National are establishing a string of vaudeville houses throughout the country, and in addition to the National it is expected they will soon have a new theatre at Seattle.

COOS BAY GETS NEW TELEPHONE LINE

(Special Dispatch to The Journal.)
Roseburg, Or., July 30.—A construction crew has left Roseburg to begin the placing of a double metallic telephone circuit between this city and Coos Bay, being put in by the Pacific Telephone & Telegraph company. The line will consist of four copper wires, making two complete metallic circuits over the entire distance. This will afford four circuits between here and Coos Bay, instead of only one as at present.

The company also expects to make extensive improvements in this city in the near future. An order has been made for replacing all the telephone poles in the city, and the whole system is to be largely rebuilt.



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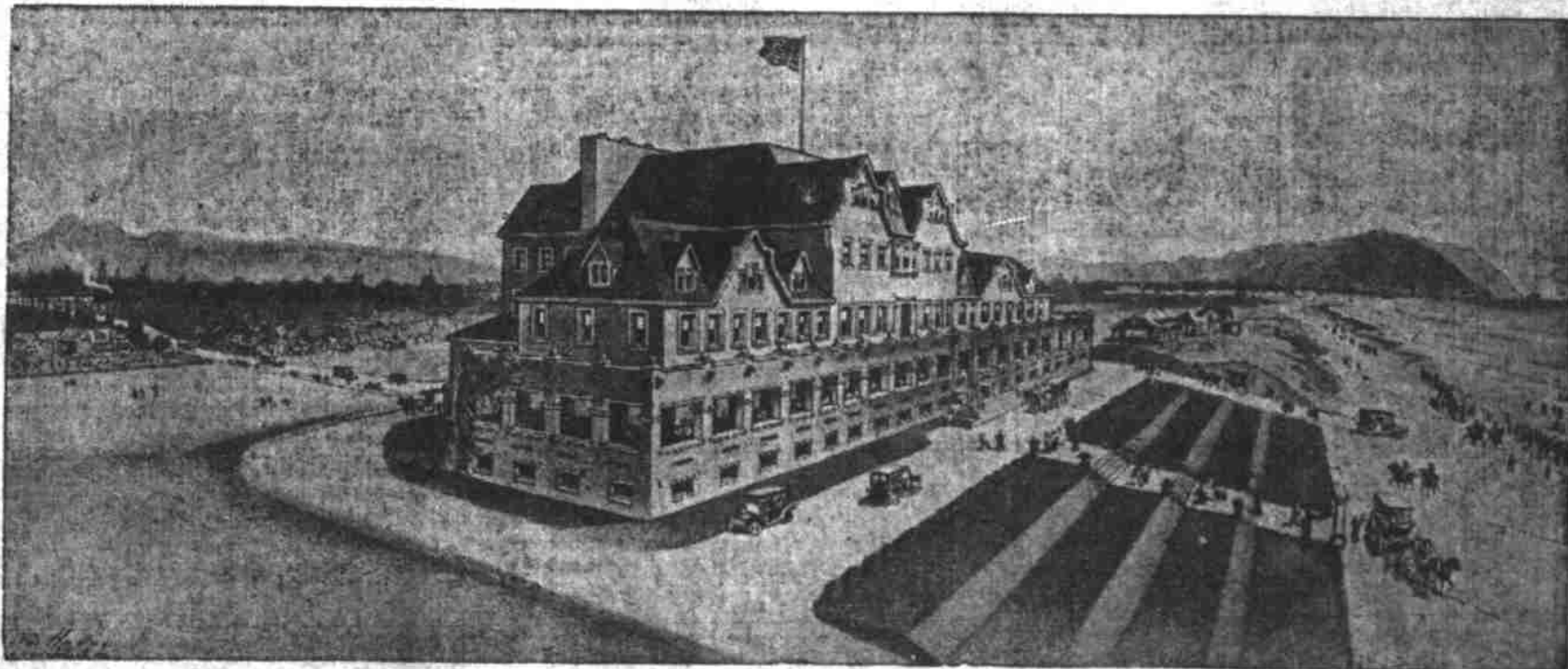
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