RECEIVER CANNOT SUE

Supreme Court Decision Involving Question of Forcing Double Liability.

CREDITORS ARE PARTIES TO BRING SUIT

Chief Justice Fuller Delivers an Opinion in Case of Mishler vs. Lauthenser—Lower Court Upheld.

Chief Justice Fuller delivered an opinion today in the case of Mishler against Hinton, receiver of the Cass County (Iowa) bank, appellant, vs. C. F. Lauthenser, affirming the judgment of the Third circuit court (Cass County).

The question involved in this case was whether the receiver of a banking corporation had the right to sue to enforce the double liability of the stockholders of an insolvent bank. The court holds that the receiver is not the proper person to sue, but that the liability is direct to the creditors who should bring suit.

The Cass County bank failed in December, 1893. A receiver was appointed. The defendant was, at the time of the company, the owner of $1,000 worth of stock in the corporation. The law of Iowa fixed a double liability on the stockholders. Suit was brought by the receiver to enforce the liability from the defendant and others. The case was heard before Judge Carey on a demurrer. The court sustained the demurrer and dismissed the complaint, to which the plaintiff excepted.

It is understood that the same question is involved in the case of Mitchell against Laughlin, receiver of the Pella City bank, vs. Kimball and others, which was brought by the receiver to recover the stockholders' liability provided for by the statutes of Iowa, and that the Pella City case will hold that the receiver was the person to collect of the assets, both creditors and secretary, Judge Shiras presiding, and Judge Hook dissenting.

Justice Miller concurs in the opinion.

NATIONAL WOOL GROWERS' ASSOCIATION.

Monthly Bulletin Has a Picture and an Article on Councilman Callister.

The monthly Bulletin of the National Wool Growers' association for August has a frontispiece cut of Councilman E. H. Callister, the secretary of the association, as well as an editorial on the ability of the gentleman. The issue had for July reproduced in full a "Sun" editorial bearing on the decision of Judge Norrell in the Summit county sheep case. The article referring to Mr. Callister is as follows:

There are two essentials to an effective management of wool growers, viz., an influential and highly respected man for president, and a capable, energetic man for secretary. The Utah Wool Growers' association is fortunate in having both.

Some time ago we presented to our readers a picture of the president, Jesse N. Smith; and in this issue we present a picture of the secretary, E. H. Callister, to whose judicious and untiring efforts is due much of the success of that very successful organization. Mr. Callister as only possesses in an eminent degree the qualifications necessary for that office, but he is so situated that members of the association can see him almost every day. He is a member of the firm of the Star Printing Co., of Salt Lake City; a company managed by the Callister brothers away back in the seventies. The office is centrally located, so that sheep men having business with the secretary of the association are put to the least possible inconvenience.

Recognition of Mr. Callister's ability is not confined to his own city. He has the honor of representing Utah upon the executive committee of the Union of Live Stock associations. Perhaps his best work has been done in his own state in the fight against nonresident sheep aimed at sheep men. It is something of a law-maker himself, now serving his second term in the Salt Lake City Council.

FROM MANILA.

A Letter from One of the Utah Volunteers in the Grind.

A letter has been received from Ed. F. Kinner at Manila by his father in this city. The boy is in battery B, Utah Volunteers, and was presumably in all the fighting that has been going on over there, though the letter was written before any of it was done, being dated July 16. He complained of the officers treating the men anything else, and mentioned that the purchase of his horse by saying that it was impossible for the officers to get a horse for nothing. The water for drinking was very bad and so was tinned meat being fed to the men. Malaria was prevalent, things having continued the prominent idea that Dewey was an idiot.

Volunteer officers seemed to have had a promotion, and what it is for we have been definitely asked. It seems, however, that he is to be a lieutenant in the officers' headquarters, and he mentions with Captain Young that it was all the way over there. He has met Adjutant Dewey several times. At the time the letter was written the expedition was made that everybody knew was the kind of spree because the word had passed along the line that Manila was at an end and that the Spaniards had gone out of it. The Dewey closed suddenly with the Spaniards that he would tell all the rest when he got back, thus showing that he did not expect it to be a great affair. He said he had his two days' furlough but was all right again and the general health of all was good.

What Will Be Done in Salt Lake?

Butte Miner: Railroad men in this city are wondering what will be the outcome of the meeting of passenger agents which will be held in Salt Lake on Saturday. There will be representatives present from all the roads centering at Salt Lake on the Pacific coast, and it is understood that a permanent association will be formed for offensive and defensive purposes. At a meeting held in Salt Lake on the fourth, Messrs. Nathanson of the Illinois Central, of the Union Pacific and Wabash of the Burlington were appointed to draft up an agreement for the proposed association.

The Ogden Man Was Scared.

Logan Republican: A young man who recently came to this city from Ogden for a brief outing, went fishing up Logan canyon one day last week. While standing on the bank of the river near a large bedrock of sandstone he heard a rustling in the willows and saw a huge black bear break through the scrubbery of the brush. The bear came as fast as four and two limbs would allow, and gave the alarm. There are few men more frightened than was the Ogden man when the bear appeared with little, and upon arrival and a portion of their force into the brush to every not the bear, when the other point of the compass on the other side of the canyon, to meet the bear. After a period of suspense the party of rescuers had not yet heard and the young man was induced to go back to Logan today into the thrilling account. Hunter and scouts came the same day and reported to all his sober sobriety and security of camp—a group, indeed, worthy of a place in the Chronicle several years worth of entertainment.

SILVER DAY.

A Goodly Gathering and Most Enjoyable Time at Lagoon.

The extent to which the people have of late been drawn more in the percentage of summer resorts was illustrated to some extent yesterday, when a fair bill of entertainment, including speeches by some of the ablest men in the state, had the right to win to enhance the double liability of the stockholders of an insolvent bank. The court holds that the receiver is not the proper person to sue, but that the liability is direct to the creditors who should bring suit.

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The Proof of the Pudding.

Particular cooks don't need to wait for the serving of their food to find out what sort of "luck" they have had with their baking. They say U. S. baking powder and some of the excellent results of the receipts from the beginning. Here we sell the best mixture of baking powder that gives the best results from using it. Our customs is to the good we do for your cooking, etc.

YOUR GROCER SELLS

U. S. BAKING POWDER

at following prices:

8 OUNCE CAN	10c
12 OUNCE CAN	15c
16 OUNCE CAN	20c

Remember, every can guaranteed to give perfect satisfaction or money refunded. You take no risk. Why not give it a trial?

night. A lady living near the corner of Second West and Seventh South says there were three of them, and that the other appeared to be about sixteen years of age.

CAMBRIAN DAY AT SALTAIR.

Tomorrow Will Witness a Large Crowd—People from All Parts of the State Coming.

Manager Clarion informed a representative of the "News" today that at Saltair tomorrow (Cambrian Day) he expects to see a big crowd of people from all parts of the north and south. Ample accommodations have been provided, and extra cars will be put on. The people of Brigham City, Logan, Ogden, Provo, Eureka, Springville, Spanish Fork, Parson and elsewhere will be out in full force. In addition to the prizes already announced, the Cambrian association has decided to give every person at Saltair transfer, a ticket which will entitle them to one chance in a doubled and one to one season tickets to the coming Eisteddfod. After the arrival of the 6:15 train a chorus of 100 voices, under the direction of Prof. Stephens, will render some choice Welsh music, besides Stephens's fellow chorus will also sing a few choice pieces. These features with the great magnetic wight to draw well.

The program in full is as follows, commencing at 1 p. m:

THE TENTH WARD EXCURSION.

With Its Fine Program, Baby Show and Other Features—It Was a Pronounced Success.

The Tenth ward Sunday school visited Saltair yesterday, and had a most delightful time. A good delegation was fortunate enough to go out by the morning train, and enjoyed the pure atmosphere, cool breeze, and fair temperature of the water at that time of day before the heat of the day begins. The 2:15, 4:15 and 6:15 trains carried those who could not very well leave the city until that hour. The excursion of the day was under the direction of C. W. Symons, who spared no pains to make the day as enjoyable as possible. A large number enjoyed the luxury of bathing and the pleasure of dancing, but the interest reserved for the last was the exhibition of babies. The competition for children was open to those who were under one year of age, and there were but little less than all parts of the city.

Fourteen babies were made to appear before the judges, and there were scores of fond mothers in attendance. The mothers with the little folks were arranged on the platform, and presented an attractive appearance. The judges found some difficulty in deciding between two beautiful children, one belonging to Mrs. Arthur E. Strong and Mrs. James Cowdell, both of the Tenth ward. The decision finally was in favor of the child belonging to Mrs. Strong, and a pair of a beautiful little gold ring was awarded.

This followed a horse race, in which there were four entered. The contest was very close, but after a hard race, H. P. Cromer came in winner, with G. A. Tuckfield in close second. The race was not just as expected, but it afforded amusement, with the privilege given of making their own choice between the horses.

The evening was pleasantly spent in dancing and social conversation, the music being by the Prospect seventeen at half rate to the city. The Y. L. M. I. M. A. was well and today as regards progress is quite satisfactory. The attendance, and a delightful time resulted.

Nora Bros' Big Show.

There are several dog and pony shows which have visited this city. It is conceded, however, by all that Nora Bros.' is the largest and best of its kind. A large crowd again greeted the little animals last night, and if the continuous laughter and applause which greeted the different feats performed by the sagacious quadrupeds is to be taken as a criterion, every person in the audience enjoyed the performance immensely. Many tricks never before attempted by shows of this kind are successfully performed by this one. Besides the educational features, there are many tricks which are successfully introduced during the performance, which keeps the audience in a laughter from the opening to the finish. The dogs and ponies are trained to a remarkable degree of intelligence, and, besides them, there is a trained goat and some monkeys, which take a back seat for no one. The trained ice brigade is a new and novel feature, and the which want to wait to be appreciated.

The show will remain all week giving performances at 2:30 and 8:15 p.m.

WEATHER REPORT.

Weather report showing observations at 8 a.m. today:

Salt Lake City—Barometer, 28.34; temperature, 72; minimum, 70; wind, southeast, 18 miles per hour; clear.

Boise City—Barometer, 28.34; temperature, 66; minimum, 56; wind, northwest, 8 miles per hour; clear.

Cheyenne—Barometer, 28.36; temperature, 62; minimum, 50; wind, northwest, 20 miles per hour; rain, .01 inches; clear.

Havre—Barometer, 28.78; temperature, 56; minimum, 54; wind, light; clear.

Helena—Barometer, 28.82; temperature, 52; minimum, 52; wind, southwest, 8 miles per hour; clear.

Miles City—Barometer, 28.82; temperature, 60; minimum, 54; wind, calm; rain, .30 inches; clear.

Idaho Falls—Barometer, 28.72; temperature, 54; minimum, 42; wind north, 6 miles per hour; cloudy.

Winnemucca—Barometer, 28.78; temperature, 64; minimum, 54; wind, calm; clear.

General and local forecasts for 36 hours ending 5 p.m. tomorrow:

For Salt Lake City and vicinity: Fair tonight and Friday; stationary temperature.

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J. H. SMITH,
Observer, Weather Bureau.

Personal Paragraphs.

Miss Minnie and Lou Price of Glenwood Springs are spending a few days in the city. They are sisters of Mr. Walter Price the editor of the Glenwood Springs Avalanche. In the same party are Mrs. Simpson and her son Hamilton and Miss Johnson of Springfield, Missouri.

Mrs. N. W. Clayton and family have gone to the Clayton ranch to spend the remainder of the heated term.

Miss Mae of Ogden is visiting the Misses Palmer on Second street.

Mrs. James Scottie and family have returned from their outing in the mountains.

MINOR MENTION.

City Sanitary Inspector Dee has been ill disposed for several days. He is suffering from an attack of the boils.

Attorney George Sutherland of this city is mentioned as a possible candidate for Congressional honors in the Republican ticket.

The Summit county sheep case, decided some time ago by Judge Norrell will come on appeal at the next term of the Supreme court.

A phenomenal bicycle, said rare in under contemplation. The biggest cash prized ever offered, it is said, for one of the indefinite contests for wheelmen to enter.

Ed. W. Duncan cashier of the National bank of the Republic, has not his First South street residence to D. H. Blanchard. The purchase price was $17,000.

Attorney J. H. Moyle came down from Brigham last evening as a delegate at any rate of the county. He returned to his abiding home this afternoon and will remain there another week.

A child about two years of age was nearly drowned in the ditch in front of the City and County building at 2 o'clock today. The child was under charge of an older brother who was engaged in play with his companions when the child fell into a spasm by the child would doubtless have been drowned.

FIVE BURNED TO DEATH.

Family of Brothers Perish in a Barn Struck by Lightning.

Minneapolis, Aug. 18.—The barn of Foy, ten miles north of here, was struck by lightning last night. Five sons, the oldest being 16, who were sleeping in the hay mow, were burned to death.

British Steamer on Fire.

Bangkok, Paris, Aug. 18.—The British steamer Ivanhoe, which left Bangkok for Paris on August 7th, for the United States, has been on fire since a few days ago was done to both vessel and cargo before the flames were extinguished. At the time of the fire the Yarlow was ready for sea, with a full outward cargo on board.

JAPAN'S COMMERCIAL BUSINESS.

Big Fight That Is Ready for Occupancy by an Ocean Trade.

New York, Aug. 18.—A Shimo Kosaki, president of the Japan-Japan-Korea Commercial and Industrial association, with headquarters at Tokio, Japan, is in this city. He says that the Japan-American manufacturers in the business of trade with Japan, which he represents, are ready to profitably carry your share into and beds forth these exceptional telegrams to American exports. He says: "Japan is ready for the fight. Which side of the question shall the real conditions of the Japan field. Mr. Kosaki says: "Japan is American goods to Japan will increase enormously.

American manufacturers have been in business relations in this city.

"When Japan was opened by the United States in 1853, Mr. Kosaki said last night, "she took the position of an older sister and we have always kept up friendly ties. We have expected to the United States more than to any other nation, but we do not find that the United States exports to Japan is equal to ours. Until about 1890 we bought little from the United States. We had no manufactures of our own, and the goods we bought were of the sort the United States manufacturers have. We concluded that manufacturers would soon be high priced. Until about 1895, also, the United States did not take much interest in the possibilities of our markets. In merchants were

"I Represent 30 Kinds that the Japanese of America manufacturers had made to do a great deal of trade to the Japanese and the Japanese Commercial and Industrial Association has begun to distribute American Commercial Intelligence to Government trade information to the Japanese in important industries. A number of American manufacturers have sent monthly publications during from Japan and this year, and I have sent half a dozen publications, issued in Japan, to American manufacturers. Some of the publications have been sent to Japan, the other in Japan.

Japanese exports to America have increased in recent years. In 1896, Mr. Kosaki said, our exports amounted to $9,000,000. Almost all of our exports to America are of silk and Japan has been national for last two years, in 1896 the United States imported $8,000,000 of Japanese silk, in 1897 the figures were $12,000,000. Only Great Britain and France buy silk more than we do. Our exports of other articles are large in the aggregate, but the increase in imports as compared with last year is not so great. Our exports of tea from all parts of the world from 100 to 120 million lbs. per year. The price of Ceylon tea is 18 per cent.

We can buy from the United States just as much as we may that we expect to buy, Mr. Kosaki said.

"It is only a matter of time. The experience of American paper manufacturers in Japan is very good. We get all of our paper from Germany and England—that is what we did not make ourselves—and we buy all our rubber and gutta percha goods, our writing paper and all kinds of wrapping paper. In 1896 the Japanese-American Commercial and Industrial association collected samples of the products of the American paper mills and sent them to Japan, and the result of this. Then we raised the Japanese paper dealers together and showed them the effort which we made to get the American makers. They said they did not want the Japanese paper, but they would be ready to embrace the American paper trade in time. Now we are one of the newspaper men and stationery dealers in Japan.

"In the matter of corrugated—iron—we wait to make in Japan. It is cheaper to buy from the United States. We bought our hardware from Germany. Nine-tenths of our iron comes from Germany.

Among the articles for which there is a special demand in Japan, Mr. Kosaki mentioned arms, ammunition, cutlery, measuring scales and tapes, instruments, molecular glasses, clocks, compasses and other mechanical, electric light apparatus, engines and boilers, pumps, gas machines, pumps, tools, computing machines, all kinds, including drilling, milling, planing, lathes, cutting, sawing, weaving, wind working, iron and steel working, telegraph, steam and water engines, steam boilers, sewing machines, sewing guns and needles, steam boilers and engines, various tubes, steam and water pumps, machine, screwpads, fittings and accessories, beverages, comestibles, clothing and textiles, drugs, chemicals and medicines, dye, colors, paints, grass manufactures, grains, seeds, fish, meat, vegetables, all kinds of paraffine, wax, paper and stationery, sugar, flour, tobacco, leather, rubber, glass, porcelain, earthenware, cement, lime, stones and marble, animals and birds, naval stores, fuel, oil, tools, implements and instruments, vessels and boats, brushes, razors and shaving, hair, and nails, soaps, toilets and perfumery.

No Increase of Yellow Fever.

New York, Aug. 18.—The physicians in charge of the quarantine camp at Cape Whole, report that there has not been an increase in yellow fever cases since yesterday. There are seven cases in the hospital, and there are only 26 sick in the different hospitals, the remainder being convalescent or dead, and they take no chance of the men who are discharged.

The average number of patients, the doctors say, is about 300.

Two cases of marble fever have appeared in the hospital.

Dr. Tomas, in accordance with orders from the secretary of war, gave a report yesterday to every Associated Press asking leave.

Trust Repudiated in Deadlock.

Fort Worth, Tex., Aug. 18.—The Republican state convention, which has been in session three days, is again deadlocked on the question of the adoption of the committee on resolutions, which has not been able to agree, and which has not been able to agree, and which has not been able to agree, and