

# News of the Courts

## SAYS STATUTE IS NOT LEGAL

### CORPORATION LAW HELD TO BE UNCONSTITUTIONAL

#### JUDGE BORDWELL OF SUPERIOR COURT RENDERS DECISION

##### Holds That Concerns Not Establishing Business in California Have Right to Defend Actions Brought Against Them

A decision of importance to foreign corporations was handed down by Judge Bordwell of the superior court yesterday, holding as unconstitutional the state law requiring these corporations to have an existence in California, either by the filing of certified copies of articles of incorporation with the secretary of state or by establishing an agency where service can be made before they are in a position to contest legal actions brought against them.

The case in which the decision was rendered was that of L. P. Green against the Pacific Coal company, a corporation organized under the laws of Arizona. Green is assignee for a man named Johnson who claims \$17,800 which, he alleges, is due him from the coal company for commissions. Attorneys for the coal company filed their answer to the suit, and Green's attorneys asked that this answer be stricken out, as the corporation had no existence in this state.

Judge Bordwell denied this motion, and the case will now go to trial. In rendering his decision he said:

**Denied Right of Defense**

"It is a grave question whether it is within the power of the state to deny a defendant a right to defend a case on its merits because it has not complied with these requirements. Such a rule would be analogous to denying a person who is in contempt of court the right to make a defense in an action."

"The court holds that it is reasonable that the state should deny foreign corporations the privilege of doing business here under conditions more favorable than those to which domestic corporations are subjected and to require of them that they file certified copies of articles of incorporation with the secretary of state, but the court cannot agree that because these things are so it is competent for the state to deny them the privilege of defending actions brought against them."

In conclusion Judge Bordwell says: "The court holds that the act of the legislature denying a foreign corporation which fails to file with the secretary of state a copy of its articles or other evidence of its legal existence and to designate the name of the person authorized to receive service of process the right to defend on its merits is an action brought against it is void, as invading the natural, fundamental and constitutional rights of a person so held into court."

## ALL JUDGES TO CONSIDER HOUSER'S DIVORCE RULES

### Suggestion to Make Defendants Attend Trial of Suits Not Generally Approved

No divorce cases were heard in the divorce court yesterday, continuances being granted by Judge Houser on request of attorneys who stated they were not ready to proceed.

It was learned yesterday the rules put into effect by Judge Houser have not been approved by the other judges of the superior court, a step necessary to be taken before the rules can be made to apply in all departments. This, however, does not preclude any one judge from adopting rules for his own court for which he alone is responsible.

The rule calling for the attendance of defendants in default cases, and which is considered objectionable by some attorneys, has, it is understood, been called to the attention of the other judges, and it is probable it will be discussed at their next meeting.

Cases continued yesterday were Hattie Brent against Santa Brent, until January 1; Filliam Shirley against Emma Shirley, indefinitely, and Leola May Klemer against Albert Klemer, for adjournment, until January 1.

## Confesses Theft Charge

Frank Johnson pleaded guilty in Judge Willis' court yesterday to a charge of petty larceny for the theft of a watch, knife and \$4 in money from a drunken man September 27. He was accused of grand larceny, but a trial was abandoned when he agreed to acknowledge the lesser offense. He will be sentenced today. The complaint against Charles J. Kratky, jointly charged with Johnson, was dismissed.

## Three Years on Fraud Charge

Three years in San Quentin penitentiary was the sentence imposed by Judge Willis yesterday on L. C. Whaley, convicted a week ago on a charge of obtaining property by false representations from S. D. Savage, a rancher of Monrovia. Judge Willis denied Whaley's application for probation and the motion for a new trial. His attorney, W. M. Palmer, gave notice of appeal.

## STOMACH, LIVER, LUNGS

Each of the chief organs of the body is a link in the Chain of Life. A chain is no stronger than its weakest link, the body no stronger than its weakest organ. If there is weakness of stomach, liver or lungs, there is a weak link in the chain of life which may snap at any time. Often this so-called "weakness" is caused by lack of nutrition, the result of weakness or disease of the stomach and other organs of digestion and nutrition. Diseases and weakness of the stomach and its allied organs are cured by the use of Dr. Pierce's Golden Medical Discovery. When the weakest link of the stomach is cured, diseases of other organs which seem remote from the stomach but which have their origin in a diseased condition of the stomach and other organs of digestion and nutrition, are cured also.

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## FINDS NO STANDING FOR CHEATING SPORT

### "IF A MAN GAMBLERS HE MUST PLAY FAIR," SAYS JUDGE

#### Marked Cards and Loaded Dice De-nounced by George H. Hutton of the Superior Court

"If a man gambles he should play the game fair."—Judge George H. Hutton of the superior court.

"The word of any man who comes before me and admits he used loaded dice in shooting craps or marked cards in playing poker will receive no consideration by me and his statement is an attack on his own veracity," said Judge Hutton of the superior court yesterday after listening to the testimony of C. B. Robinson in his suit against his uncle, J. W. Robinson for a dissolution of partnership, a sale of their business and a distribution of the proceeds.

C. B. Robinson said he entered into a copartnership with his uncle in April last to do a general hardware business at Santa Monica, paying \$600 for his interest in the firm. Three months later, he said, his uncle took exclusive charge of the business and appropriated the profits.

The nephew said he came from Chillicothe, Mo., and was practically without money when he reached Los Angeles. When asked where he obtained the money, \$600, which amount he said he invested in the business, he said he won it by shooting craps. "I lost only once, and that was the first time I played," he said.

Asked to explain his good luck, Robinson said he used loaded dice. In rendering his decision against the nephew, Judge Hutton said: "It is impossible for this court to attach any credence or belief or weight to the testimony of the plaintiff. It is not infrequent for a man to gamble and tell the truth on the witness stand and at other places, but it is not possible for this court to believe the testimony of a man who will brazenly admit that he has gambled dishonestly, and not played the game fairly, in other words, used loaded dice. I do not think that such testimony can be accepted or considered by any court having any weight whatsoever; so that, for all purposes in this case, it may be assumed the court utterly disbelieves the testimony of the plaintiff himself and attaches no weight to it whatever, for any purposes."

## TORN WILL DISAPPROVED IN CONTEST FOR ESTATE

### Judge Rives Names Daughter Said to Have Been Cut Off with Quarter Administratrix

That the will purporting to be the last will of Elizabeth Reade is not a valid document, was the decision of Judge Rives of the probate court yesterday after hearing evidence in the contest between two sisters over the estate left by her mother.

Mrs. Reade died January 1 last, leaving property valued at about \$12,000. It will be torn into small pieces and bearing the date of August 14, 1908, was found in her bed after her death, and pasted together in some semblance of its original form it was brought into court for probate by Mary J. Kennedy, a daughter, who, according to the terms of the will, was bequeathed three-fourths of her mother's property. The contest of the will was begun by Marcella Phillips, another daughter, who, with four grandchildren of the deceased, was given the remainder of the estate. Mrs. Phillips contending that her mother, who was 80 years old, was mentally incompetent to make a will, had been unduly influenced by Mrs. Kennedy and had manifested her disapproval of the provisions by tearing up the document. Judge Rives decided in favor of Mrs. Phillips, appointing her administratrix of the estate, which will be distributed according to law.

## EX-CONVICT THINKS PRISON DOES MEN HARM, NOT GOOD

### Former Inmate of San Quentin Pleads Against Being Sent Back

"It don't do a fellow any good to send him to San Quentin, Judge; it only makes him worse. I was there twenty-two months, and I know," was the statement made to Judge Willis yesterday by Samuel A. Gerber, after he pleaded guilty to the theft of a bicycle.

Gerber was sentenced to two years in San Quentin in September, 1906, for grand larceny, and was paroled before his term expired. October 25 he stole a bicycle at Riverside and sold it in Los Angeles. He asked for probation, and the matter was continued until Friday.

## Alleged Bezzelzer Arraigned

Arthur P. Schickel, who was brought here from New York Monday by Sheriff Hamann to answer to a charge of em-

bezzling money from the Newmark Grain company while in the employ of that company as clerk and collector, was arraigned before Justice Pierce yesterday. His preliminary examination was set for November 15. Bonds were fixed at \$3000, which he was unable to furnish, and he was returned to the county jail.

## Will Plead Insanity

Howell G. Trogden, the veteran charged with assault to murder Joseph Gough, a Santa Monica policeman, pleaded not guilty in Judge Davis' court yesterday, and his trial was set for November 10. Later his attorney, George McCullough, filed an affidavit that an insanity complaint had been recorded against Trogden, and it is probable the old soldier will be tried as to his mental condition.

## False Entry Charged

C. E. Barber, who while acting as treasurer of the Gold Mining and Milling company is accused of making a false entry of \$10 on the company's books and later pleaded guilty to the charge, was sentenced to the county jail for six months by Judge Willis yesterday.

## New Incorporations

The following articles of incorporation were filed in the county clerk's office yesterday:

Angelus Mesa Land company—Capital, \$100,000. Directors: George S. Safford, Robert Wankowski, E. G. Howard, Frank K. Rule, Fred W. Forrester, Caldwell Investment company—Capital, \$25,000. Directors: J. M. Caldwell, A. C. Galloway, F. E. Linn.

Riggins Realty company—Capital, \$25,000. Directors: J. R. Riggins, A. G. Nicholas, W. L. Castellan.

Roth-Raymond-Muller Floral company—Capital, \$10,000. Directors: Chas. J. Muller, Eugene H. Roth, F. R. Raymond, Regina Muller.

Charles P. O'Brien company—Capital, \$25,000. Directors: Anna M. Sullivan, Catherine A. O'Brien, Charles O'Brien.

The Rectors, Wardens and Vestrymen of St. James Parish, South Pasadena—Directors: F. H. Bush, R. Evans Peterson, John Middelkauff, Radebaugh, Thaddeus Lowe, William T. Marvin, William H. Archdeacon.

South California Building and Investment company—Capital, \$200,000. Directors: E. W. Howeth, W. E. Jones, M. J. Walden, George W. Moore, Herman Jans.

## Death Removes Case

Death removed from the calendar in Judge Davis' criminal court yesterday the case against James V. Black, a young real estate broker who was charged with work in the office of obtaining money from her by false representations. Black, it was stated by Deputy District Attorney Blair, committed suicide about a week ago, and act being the result of worry over the outcome of his trial which was set for yesterday. Mrs. Powell, when she swore to the complaint, said she entrusted the money to Black to purchase school lands in December, last year, and that he appropriated it to his own use.

## NUMEROUS COMPLAINTS ARE MADE AGAINST MRS. BARTS

### Police Unable to Capture Daughter, Who is Possessor of Cork Leg

Since the arrest of Mrs. Augusta Barts, known to the police under many aliases, who the detectives say is one of the most clever hotel beats on the coast, and who is now in the city jail awaiting trial on a charge of petty larceny preferred by Mrs. J. C. Rockhold of 215 Bonalsio street, numerous complaints have been received by the police from persons who declare Mrs. Barts and her daughter Nina, who is the possessor of a cork leg, swindled them out of room rent and groceries.

So far, the detectives say, not fewer than twenty complaints have been made. The latest complainant is Mrs. Ida E. Carpenter of 1333 West Twenty-eighth street; who told the police she rented her house to Mrs. Barts and her daughter, and was compelled to have them ejected because of their refusal to pay rent.

Mrs. Carpenter stated that the Barts used all the money that was stored in the house, and obtained credit under six different names to get goods from the grocery store, the milkman, the butcher and ice man.

Miss Barts has not been found, and it is thought she has left the city.

## LOOKS LIKE JAIL TERM FOR FAST MOTORCYCLIST

### N. H. Redfield Overtaken After Chase of Ten Blocks on Maple Avenue. To Be Sentenced Friday

N. H. Redfield, a motorcyclist who led Motorcycle Patrolmen Coe and Harlan a chase of ten blocks before he was overtaken while riding at a high rate of speed on Maple avenue, was found guilty in Police Judge Frederickson's court yesterday of exceeding the thirty-mile limit, which, under the law, makes it mandatory for the judge to impose a "jail sentence of not less than ten days in the city jail. He will appear for sentence Friday. Redfield is at liberty under \$100 bail.

According to the testimony of Patrolman Coe, Redfield was riding at a high rate of speed and the officer was compelled to ride at a fifty-mile clip in chase of the accused ten blocks before overtaking him.

Redfield denied having exceeded the thirty-mile limit and declared the best his motorcycle could do is thirty-six miles an hour at a saucer track. The accused is employed by the Los Angeles Motorcycle company.

## ROOMING HOUSE KEEPER IS IMPORTANT WITNESS

### Mrs. Adeline Wyckoff Testifies in Trial of Five Men Charged with Robbing U. P. Train

OMAHA, Neb., Nov. 3.—Mrs. Adeline Wyckoff, a rooming house keeper of Omaha, was the government's important witness today in the trial of the five men charged with having robbed a Union Pacific train.

It was Mrs. Wyckoff who first gave the officers a clew that resulted in the arrest of William Matthews, alleged by the detectives to have been the leaders of the alleged gang. Her testimony today was that both Matthews and Shelton were in Omaha after the arrest of the other members.

Mrs. Wyckoff said Matthews and Shelton rented a room of her early on the afternoon of the robbery and returned to the house after the robbery. Two days after Woods, Torgensen and Grigware were arrested and the rifled mail sacks had been found Shelton and Matthews left the house.

## SAYS FILIPINOS TAKE TO SCHOOL

### HEAD OF MANUAL TRAINING DEPARTMENT SEES PROGRESS

#### EDUCATOR AT ILOILO DECLARES THAT ADVANCE IS SWIFT

##### Small Beginnings Made by United States Now Showing Results Not at First Expected

"Educational conditions in the Philippines are taking a practical turn," said B. E. Ingersall at his apartments in the Hotel Lankershim yesterday afternoon. Mr. Ingersall is principal of the largest trade school in the island possessions and has weathered the tropics for eight years in the service of the government. He and his young wife are on a visit to their old home in New York state and are stopping at the Lankershim for a few days sight-seeing in Los Angeles.

Mr. Ingersall is thoroughly familiar with educational matters in the Philippines and stated that the work of the government school was doing good among the natives in a practical way.

"When we first started work among them," said Mr. Ingersall, "although we did everything in the way of equipment, we encountered every kind of difficulty and opposition. Our first year was very discouraging, for the natives refused to attend school or even to show the slightest interest. In fact, I remember during that year that we had less than twenty-five pupils in the entire school. After the first year they seemed to hunger for an education, but the courses they pursued were impracticable and did not serve to help them in earning a living. Again, many of them needed money with which to live while they attended school. From this situation sprang the trade school, which today is one of the factors in the development of our island possessions and in the happiness and comfort of its people."

"The trade school is self-supporting in itself and earns a living for its students. The school takes contracts for different work in their line. During the afternoon session of the school, it pays its students for piece work, who are practically practicing at their trade. In one instance, we took a contract for the making of 100 trunks for the constabulary police and paid them pupils for their work in turning them out."

"I and the Filipino an interesting student," said Mr. Ingersall. "He sticks ploddingly at his work and takes a great interest in it. Some of the boys are so situated in life that they need not work at manual labor, but they pull off their coats and go to it as if they enjoy it all. This, mind you, is contrary to the old Spanish idea prevailing in the islands for generations, that held that manual work of whatever form or usefulness was degrading. The coming of the American is changing that notion and the product of Yankee ingenuity, is the medium through which this change is taking place."

"I want to add," continued the teacher, "that the attitude of the general teacher prevailing here, we are not threatened with the Japanese peril."

The trade school of which Mr. Ingersall is head is located at Iloilo, and has a membership of 500 students. The institution is practically a school and factory combined and has been established four years. The island of Iloilo has a population of 49,000 people.

## CHARGED WITH HAVING HELD UP EACH OTHER

### NEGRO AND SWEETHEART ARE UNDER ARREST

#### Alleged That Revolver and Dirk Figured Prominently in Forced Exchanges of Ring and Money

"A robbery within a robbery, and the same," is the way the police explained the case of Lillie Wilson and Elmer Smith, negroes, who are booked at the central police station on charges of suspicion.

According to Patrolmen Glenn and Stevens, who made the arrests, the woman and Smith were quite friendly, to such an extent that she gave him a small diamond ring for a birthday present. Later on they quarreled, and the woman purchased a revolver, appeared at the place Smith is employed and forced him to return the ring, and in addition give her \$25.

The woman then placed her revolver, the ring and the money in her hand bag and went to the home of a friend, small diamond ring in her purse. He, Miss Barts, who lives at 443 San Pedro street.

Smith, it seems, was not anxious to part with his money, and after obtaining a dirk, forced her to return it to her home, and placing the knife against the throat of his former sweetheart, forced her to return the ring and give him all the money she had in her purse. He did not overlook the revolver, and placed it in his hip pocket.

**Woman Recaptures Money**

Then, not satisfied with the money he took from the woman, and believing she had more secreted on her person, he drew the knife, and it is asserted by the officers, threatened to kill her if she did not give him more money.

While the excitement was at its height a laundryman appeared, and Smith, becoming frightened, ran toward the rear door. The Wilson woman gave chase, and just as Smith was passing through the door, jerked the revolver from his hip pocket, covered him with it and demanded that he return the money and ring he had taken. He quickly complied, and then ran away.

The matter was reported to the police, and Glenn and Stevens, who were detailed to investigate the case, arrested Smith and his former sweetheart. They will be held in jail pending further investigations by the police.

## Magnate Talks About Copper

NEW YORK, Nov. 3.—United States Senator Simon Guggenheim of Colorado has arrived here after passing three months abroad. When asked his opinion on industrial matters, the senator said: "I have been out of all business for three years and am glad of it. I do not know anything about the market, but the reported sale of thirty million pounds of copper at 15 cents a pound would indicate to me it has become a question of the survival of the fittest."



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## TO DINE JAPANESE AT THE ALEXANDRIA

### RECEPTION IS PREPARED FOR COMMISSIONERS

#### Nipponese Students and Business Men Will Be Shown San Pedro Harbor, Soldiers' Home, Oil Wells and City

At the meeting of the board of directors of the chamber of commerce yesterday afternoon, it was decided to give an elaborate banquet to the Japanese commission at the Alexandria hotel Saturday night. The commission, contrary to expectations, will only be the guest of Los Angeles Saturday and Sunday. Saturday morning, according to Secretary Girley the Japanese business men and their escort will be shown the San Pedro harbor, while during the afternoon it is planned to show them the oil wells, Soldiers' home and the city. Arrangements for their entertainment Sunday, have not yet been completed.

The Japanese commission is comprised of representative business men from six of the leading cities of Japan, Yokohama, Tokio, Asaka, Kioto, Kobe and Nagoya. Their present trip throughout the United States, as the guests of the Associated Chambers of Commerce of the Pacific states, is in appreciation of a former invitation issued more than a year ago by the Japanese to the Pacific coast representatives who visited all parts of the island empire as the honored guests of the Japanese.

It is thought the visit of the Japanese business men will put this country as a whole in closer business relations with Japan and cement the ties of friendship between the two countries.

Another important subject brought up at the directors' meeting was the report of the municipal affairs and law committee on the Hollywood annexation proposition. The committee was in conference Monday with the Hollywood annexation committee and, according to Secretary Girley, the

## Will Appeal from Verdict

### SAN FRANCISCO, Nov. 3.—Dr. G. W. Dwanella and John Glynn, who were convicted of subornation of perjury in connection with dummy filings on timber land in Northern California, appeared today before Judge de Haven in the federal court for sentence. Judgment was deferred until November 13. The attorneys for the convicted men have given notice that they will appeal from the conviction.

## Alleged Slayer Denies Guilt

DETROIT, Nov. 3.—Dr. George A. Fritch, who was recently held on the charge of manslaughter in connection with the death of Maybelle Millman of Ann Arbor, stood mute when arraigned in the recorder's court today. A plea of not guilty was entered for him. He is at liberty under \$10,000 bail.

## Grecian Rebels Captured

ATHENS, Nov. 3.—Four officers, ringleaders in the recent revolt, were captured near Thebes today.

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