

DAMAGES ASKED FOR FALSE ARREST

Ernest Engel and Grant Test Allege That Captain Bruin Made a Blunder.

PLAINTIFFS TELL STORY

Seized by Defendant on Charge of Being Pickpockets, They Assert They Were Refused the Rights of Prisoners.

Lack of proper discretion or precaution to fully determine the alleged guilt of the defendants formed the features of the plaintiffs' line of testimony and cross-examination in the action for damages, brought by Ernest Engel and Grant Test against Captain of Detectives Patrick Bruin, which came up for hearing in Judge Fraser's court yesterday.

The action, consisting of two distinct cases, brought by Engel and Test respectively, is based on the grounds of false imprisonment, an award of \$2325 being asked as compensation for humiliation and damage to reputation in each case.

The complaints filed aver that the plaintiffs were arrested and taken to the police station on the night of May 5 and held under a false charge of being pickpockets. It is asserted further that while in custody the plaintiffs were mistreated and denied rights, such as the use of the telephone and release on bail.

Were Innocent Bystanders.

The evidence offered by the plaintiffs to the effect that on the night of May 5 they had met by appointment downtown, for the purpose of listening to a street musician at the corner of Fourth and Washington streets, had walked north on Third street until, at a point near Alkeny, they were apprehended by Captain Bruin and taken to the station. It was brought out that they had molested no one during the evening, that when arrested they were held by Captain Bruin during the night on Third street until the corner of Oak street was reached, when he took his hands off them, saying they could not escape then because he could shoot them if they did so.

According to their statements, it was some time after they reached the station that the information was given that the charge against the plaintiffs was that of being pickpockets.

Test, who is an employe of the post-office, was allowed to use the telephone to notify the postoffice that he could not report for work that night, but the plaintiffs declared that ball had not been permitted, nor had the use of the telephone been allowed to Engel so that he might communicate with friends.

Youth Raised Alarm.

The witness said that on the night of May 5 a youth named Hanlan had entered the police station and told him of two pickpockets who had been working in a crowd at Fourth and Washington streets, and that the two men were then going down Third street. Perkins immediately turned to Captain Bruin and gave him the information, and the three started out from the station. After reaching Third street, Hanlan pointed out the two men, Engel and Test, and they were taken to Alkeny street. Perkins testified that he suggested to Captain Bruin that the latter should not arrest the men at once, but should follow them in the hope of catching them in the act of stealing. According to the witness, however, Bruin was apparently afraid to take the chance, and immediately placed them under arrest.

The defense placed James Hanlan on the stand. Hanlan, who is a pupil at the High School, and who works the evenings at the public library, was the youth who notified Perkins of the alleged pickpockets.

Describes Pickpocket's Method.

His attention was attracted to the plaintiffs by their actions, and he saw what he thought was their attempt to pick pockets in the crowd. He stated that their method of working was that Engel would stand behind Test and reach his hands through the crowd to the arm and body of the latter. In this way, according to the boy, Engel was aided. Hanlan could not account, however, on cross-examination why he had seen the alleged set performed eight times without giving immediate warning to those whose pockets he saw being rifled. His only answer was that he "didn't have enough sense" to do so.

Ben Beatty, his companion, and also a pupil at the High School, testified along similar lines, with the addition that he had felt Engel trying to get into his pocket.

HUSBAND PROVES CRUELTY

Divorced From Wife Who Beat and Abused Him.

Somewhat unusual proof of cruel and inhuman treatment on the part of the wife gave to Harry Ballinger yesterday a decree of divorce from Anna Ballinger after a married life beginning in Indiana on December 25, 1889.

CHIEF DINAN MAY LOSE JOB

Commissioners Ask City Attorney as to Power in Matter.

SAN FRANCISCO, Dec. 4.—At a meeting of the Board of Police Commissioners tonight, the case of Chief of Police Dinan, recently indicted by the grand jury on the charge of perjury, was considered. The question of removing him from office was discussed, and upon motion of Commissioner Leahy, the matter was referred to the City Attorney for an official opinion concerning the power of the board to suspend or dismiss the chief.

ALL IS NOT HARMONY

Chamber of Commerce Trustees Decline to Indorse Project—Board of Trade Will Continue Work of Soliciting Subscriptions.

Notwithstanding the cold water thrown on the Alaska steamship project by the trustees of the Chamber of Commerce yesterday, the Board of Trade last night unqualifiedly indorsed the action of its committees at work on the enterprise.

HOPES ARE DASHED

Cold Water Thrown on Alaska Steamship Plan.

draw support from the steamship proposition. The action of the trustees is based solely on their objection to the proposition in the form presented. Great as our need is for an Alaska line of steamers, it is felt we are not justified in departing from methods which we apply in the conduct of our private business.

In addition to the ships, ample working capital is needed; also experienced steamship men, who should be financially interested in the enterprise, to conduct the business.

Any project which shall embody these and other necessary features, which alone can make for success, will receive the enthusiastic support of the Chamber of Commerce.

This indicates that the proposed purchase of modern steamships for service between Portland and Alaska ports will fail. However, the Board of Trade proposes to continue its canvass and put the enterprise on its financial feet if possible. If the present offer on available steamships is withdrawn, the plan of the Board is to continue with its subscription and secure other vessels if the opportunity arises.

As a result of the action of the Chamber of Commerce trustees yesterday, the soliciting committees meeting to report the day's collections was called off and it is not known how much money was pledged.

Though without outside support, the Board of Trade showed considerable enthusiasm at its meeting last night. J. B. Laber and T. N. Stoppenbach distributed Fourth street yesterday and solicited subscriptions from business men. Considerable encouragement was received. The plan is to continue the campaign until the project either wings or fails.

WINGROWERS VOTE FOR PURE WINE

NEW YORK, Dec. 4.—The American Winegrowers' Association today elected the following officers: President, Edward R. Emerson, Washington; first vice-president, Percy T. Morgan, San Francisco; treasurer, James Neel, Urbana, N. Y.; secretary, Lee J. Vance, New York.

FORMER PORTLAND ACTRESS DIES IN KANSAS CITY

Ethelyn Palmer, ingenue of the Baker company three years ago, and wife of Carlyle Moore, who was stage manager of that organization, died at Kansas City on November 17 after an illness of several weeks. The cause of her death was heart disease. To a friend in Portland she wrote several weeks ago that she had been compelled to give up her stage work on account of a nervous breakdown, but her death was unexpected.

LEAVE WORLD TOGETHER

Continued From First Page.)

ated with over the telephone at his home. Coroner Finley removed three rings from the fingers of Ida Hill and one of these bore the name "V. R. Shellard."

"I know nothing whatever of the family," said Mr. Shellard, "but I do recall that one evening about one month ago, I met Ida Hill in the Turne Halle Cafe. That was the only time we ever met. She removed the ring from my finger and kept it; that is how she came to have it at her death. I never went to her again to get the ring, and I did not even know that she had sisters."

The ages of the dead girls were given as 19 and 21. Miss Hill is 21. It was claimed that the Linda Vista that there is a fourth sister, but she could not be found last night.

The young women had accepted invitations from two men to attend a theater last evening, but when the men appeared, they found both girls in a dying condition. They hastened to police headquarters to notify Captain Bover. Their names were not secured, and they did not return to the scene.

This will be painful intelligence to hundreds of Portland theatergoers who were familiar with Miss Palmer's career here. She was a sweet, womanly girl, whose gentle nature made her beloved by all with whom she came in contact. Her marriage to Carlyle Moore during the winter of 1904 was the theatrical romance of that season.

Miss Ethelyn Palmer.

removal. Leahy's announcement came with the more significance because of the fact that he has long been supposed to be one of Dinan's chief supporters. With Commissioners Crosswell and Umben frankly dissatisfied with the conduct of the department under Dinan and openly after his scalp, the attitude of Leahy seems to augur the chief's immediate removal.

WARRANT OF DEAR'S

East Side Residents Want Street Work Hastened.

ENGINEER NEEDS HELP

Improvement Association Is Told That Charter Should Be Amended—John F. Cordray Explains Theater Plans.

It was the unanimous opinion of the members of the East Side Improvement Association, expressed at their meeting last night, that something should be done to expedite the work of improving streets, by giving the City Engineer more office help. W. L. Boise called attention to the long delays in even getting streets improved where there was no opposition and everybody favored the improvement.

He cited Taylor's avenue, for the paving of which with hard surface a petition went in months ago. Yet the plans for the improvement have not been completed for the reason that the City Engineer has not been able to reach the work. He has not had enough help and could not incur more expense.

BUILDING FOR THE FUTURE

The business of this Company is growing rapidly, but the desire for making a great showing in a short time is not allowed to overshadow the most important one of building in a substantial manner, in a way that no stress of financial weather will affect us.

Therefore, while we adopt all the modern methods, are provided with modern equipment and extend every courtesy to our patrons, each and every transaction is based upon the principle of building for the future, for permanence rather than show.

Merchants Investment and Trust Co.

247 Washington Street Capital \$150,000.00

Encouraging reports were received from the movement to erect a theater on Grand avenue. John F. Cordray, the theatrical manager, was present and addressed the association, remarking that the more he had considered the proposition, the better it looked to him. He said he had in mind plans for a first-class opera-house to seat 2200, in which he could play the high-grade independent companies, besides which he would have a stock company and would keep the theater open every night in the week.

When the companies came from the outside he would send the stock company to Salem. Mr. Cordray insisted that now was the time to act. It would first be necessary to have Grand avenue improved with hard surface pavement and well-lighted. It was decided to start the campaign of agitation through all the push clubs, beginning this evening at the meeting of the East Side Business Men's Club meeting, and following it up at all the other club meetings. All clubs will be asked to appoint special committees to confer with the central committee.

The object is to work up a sentiment favorable to the theater all over the East Side, and then in one day raise subscriptions to the stock—between \$50,000 and \$60,000. Shares of stock would be placed at \$10 each, and will bear 6 per cent interest. It was agreed that members of the special committees and others should begin at once to work up the push clubs at once and keep the iron hot.

INSPECTORS FIX BLAME, BUT REFUSE TO MAKE FINDINGS PUBLIC

United States Inspectors Edwards and Fuller have reached a decision regarding the causes leading up to the collision between the steamers Undine and Cascade, which resulted in the sinking of the former, but the text of their findings will not be made public until a copy of it has been placed in the hands of the officers of the two steamers.

LURLINE INQUIRY IS ENDED

A meeting of the conference committee will be called today. Wallis Nash, president of the board, gave a full report of what had been done to establish the Alaskan steamship project on a firm basis, speaking for the conference committee. The outcome of the movement is not yet certain, but a setback was received when the Chamber of Commerce went on record against it yesterday.

FIRE ON BY STRANGER

Axel Johnson, Woodmere Grocer, Narrowly Escapes Assassination.

A deliberate attempt to murder Axel Johnson, a groceryman at Woodmere, on the O. W. P. electric line, was made last evening by an unknown man, mounted on a horse and dressed like a cowboy. At Gray's Crossing he met Johnson. Close following him was a man in a buggy. After Johnson passed the man on horseback, the latter turned and fired point blank at him.

NO MEDICINE

But Change of Food Gave Final Relief.

Most diseases start in the alimentary canal—stomach and bowels. A great deal of our stomach and bowel troubles come from eating too much starchy and greasy food.

The stomach does not digest any of the starchy food we eat—white bread, pastry, potatoes, oats, etc.—these things are digested in the small intestines, and if we eat too much, as most of us do, the organs that should digest this kind of food are overcome by excess of work, so that fermentation, indigestion, and a long train of ills result.

Too much fat is also hard to digest and is changed into acids, sour stomach, belching gas, and a bloated, heavy feeling.

In these conditions a change from indigestible foods to Grape-Nuts will work wonders in not only relieving the distress, but in building up a strong digestion, clearing the brain and steady nerves. A Washington woman writes:

"About five years ago I suffered with bad stomach—dyspepsia, indigestion, constipation—caused, I know now, from eating starchy and greasy food."

"I doctored for two years without any benefit. The doctor told me there was no cure for me. I could not eat anything without suffering severe pain in my back and sides, and I became discouraged."

"A friend recommended Grape-Nuts, and I began to use it. In less than two weeks I began to feel better and inside of two months I was a well woman and have been ever since."

"I can eat anything I wish with pleasure. We eat Grape-Nuts and cream for breakfast and are very fond of it." Name given by Postum Co., Battle Creek, Mich. Read the little book, "The Road to Wellville," in pkgs. "There's a reason."

ST. LOUIS MEDICAL AND SURGICAL DISPENSARY

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