DAMAGES ASKED FOR FALSE ARREST

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

Seized by Defendant on Charge o Being Pickpockets, They Assert 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 ross-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 Frazer's court yesterday

The action, consisting of two distinct cases, brought by Engel and Test re-spectively, is based on the grounds of false imprisonment, an award of \$2526 being asked as compensation for humil-lation and damage to reputation in

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 fur-ther that while in custody the plaintiffs were mistreated and denied rights, such as the use of the telephone and release

The cause of the plaintiffs was presented to the jury yesterday by Attorney Henry E. McGinn, with the plaintiffs Test and Engel, and F. L. Perkins, a local newspaperman, as witnesses.

Municipal Judge George J. Cameron was also called but almost immediate.

was also called, but almost immediateinnounced that the Judge's testimony would be offered later with other wit-nesses who will be called in rebuttal.

Were Innocent Bystanders.

The evidence offered by the maintiffs was to the effect that on the night of May 5 they had met by appointment down town, and after listening to a street musician at the corner of Fourth and Washington streets, had walked north on Third street until, at a point near Ankeny, 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 march up 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 postoffice, was allowed to use the telephone to notify the postoffice that he could not report for work that night, but the plaintiffs declared that bail had not been permitted, nor had the use of the ne been allowed to Engel so that e might communicate with friends. Perkins, who acquired his knowledge

of the case while acting as police re-porter for a local newspaper, was used by the plaintiffs' side to show that the arrest had been made without a suffi-cient or warrantable justification. Edward R. Emerson, Washington; first Moved and seconded that it

Youth Raised Alarm.

The witness said that on the night of 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 whom he had seen 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, repeating the boy's information, and the three surfed out formation, and the three started out from the station. After reaching Third street, Hanlan pointed out the two men, Engel and Test, and they were followed to Ankeny 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 hopes of catching them in the act of stealing. According to the witness, however, Bruin was apparently arraid to take the chance of the men escaping, and immediately placed them under

The defense placed James Hanlan on the stand. Hanlan, who is a pupil at the High School, and who works during the evenings at the public library, was the youth who notified Perkins of the alered 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 between the arms and body of the latter. In this way, accord-ing to the boy, Engel was shielded. Hanlan could not account, however, on crossexamination why he had seen this alleged act performed eight times without giving immediate warning to those whose pock-ets he saw being rified. His only answer as that he "didnt' have enough sense

Ben Eeatty, 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

Captain Bruin's direct testimony gave Attorney McGinn an opportunity to develop the fact that the former had acted hastily and without proper investigation. Bruin admitted that he had made the arrest on the statement of Hanlan that he had seen the men in the act and weither rest on the statement of Hanlan that he had seen the men in the act, and justified his lack of fuller investigation into the facts by saying that it was a matter of acting quickly or else the men might escape. He denied that the plaintiffs when taken into custody had been mistreated or had been denied any rights.

The trial will be resumed today.

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 de-cree of divorce from Anna Ballinger after a married life beginning in Indiana

u December 29, 1889. The complaint, which was unanswered. alleged that "the defendant has treated the plaintiff in a cruel and inhuman man-ner and heaped upon him gross indignities' rendering his life burdensome."

Further allegations showed that not only had Mrs. Ballinger called her husband vile names, but in an ungovernable rage bad wounded him by striking him in the

side with a fork and later gashing his head by hitting him with a toy wagon. It was also alleged that the plaintiff had been plunged in debt through the extrava-

CHIEF DINAN MAY LOSE JOB

Commissioners Ask City Attorney as to Power in Matter.

SAN FRANCISCO, Dec. 4 .- At a meet-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 onlying concerning the power of PLAINTIFFS TELL STORY official opinion concerning the power of the board to suspend or dismiss the chief. Among the men under consideration, ac cording to the Chronicle, are two Army officers, General Woodruff and Colonel Coolidge, both well-known residents of Coolidge, both well-known residents of this city for many years. Captain John F. Seymour, now head of the detective bureau of Wells, Fargo & Co. Express, who was formerly captain of the detectives in the local police department, is also mentioned. If the commissioners go outside the department to find a successor it is understood one of these three will be chosen, provided the selection is not prevented by any legal obstacle.

removal. Leahy's announcement came with the more significance because of the fact that he has dong been supposed to be one of Dinan's chief supporters. With Commissioners Crosswell and Umbsen 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 re-

Winegrowers Vote for Pure Wine.

NEW YORK, Dec. 4 .- The American

Winegrowers' Association today elect-

vice-president, Percy T. Morgan, San Francisco; treasurer, James Neel, Ur-

bana, N. Y.; secretary, Lee J. Vance,

A resolution was adopted indorsing J. Sloat Fassett's pure wine bill, which was introduced in the last session of Congress. The executive committee

was authorized to employ counsel to represent any of the members in their

campaign against impure and spurious

New York.

Cold Water Thrown on Alaska Steamship Plan.

NOT HARMONY

Chamber of Commerce Trustees Decline to Indorse Project_Board of Trade Will Continue Work of Soliciting Subscriptions.

Notwithstanding the cold water

draw support from the steamship prop-

solely on their objection to the propo-sition in the form presented. Great as our need is for an Alaska line of steamers, it is felt we are not justifled in departing from methods which we apply in the conduct of our private

"In addition to the ships, ample working capital is needed; also experienced steamship men, who should be financially interested in the enter-

prise, 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.'

This indicates that the proposed pur-chase of modern steamships for service between Portland and Alaskan ports will fall. However, the Board of Trade pro-poses to continue its canvass and put the enterprise on its financial feet if pos-sible. If the present offer on available steamships is withdrawn, the plan of steamships is withdrawn, the plan of the Board is to continue with its sub-scription and secure other vessels if the opportunity arises.

As a result of the action of the Cham-ber 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

East Side Residents Want Street Work Hastened.

ENGINEER HELP NEEDS

Improvement Association Is Told That Charter Should Be Amended_John F. Cordray Explains Theater Plans.

It was the unanimous opinion of the embers of the East Side Improvement sociation, expressed at their meeting it is understood one of these three will be chosen, provided the selection is not prevented by any legal obstacle.

President of the Police Commission W.

Leahy yesterday morning announced definitely that if the Board of Police Commissioners could within its rights remove. Chief of Police Dinan for the indictment returned against him, he would vote for returned against him again to committees at work thuslasm at its meeting last night. J. B. Laber and T. N. Stoppenbach districted F 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 Hawthorns evenue for the past.

He has not been able to reach the work. He has not had enough help and could not incur more expense.

Ex-City Engineer W. B. Chase explained that the City Engineer was tied up by the charter, under which certain forms must be complied with, or any property owner can defeat the assessment to pay for the work. The char-ter, he said, did not have sufficient elas-ticity. It was ascreed that the force in the City Engineer's office should be dou-bled to meet the constantly growing demand for improved streets. Mr. Chase, Dr. A. W. Moore and W. L. Bolse were appointed by the association to investigate the matter.

Cordray Outlines Plans.

Encouraging reports were received fro 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 operahouse to seat 2200, in which he could play the high-grade independent compa-nies, besides which he would have a nies, besides which he would have a stock company and 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 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. 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

50,000. Shares of stock will 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 attending meetings of the push clubs at once and keep the fron hot.

Consider Madison Bridge. Madison bridge with a modern steel struc-ture. Mr. Chase said the Madison bridge was being overloaded, and was not intended to carry the present traffic, al-though it was a good bridge. He judged that it had about three more years of life, but that the last year would be per flous. Considering the time it would require for the preliminaries and then to the causes leading up to the collision be-tween the steamers Undine and Cascade, or safe to delay action much longer. It was a matter, Mr. Chase said, that

would have to be submitted to the votes of the people next June. Then would come the bond issue and getting the plans accepted by the war department. Mr. Chase said that the draw should at least be 400 feet long. Thomas Hislop, W. B. Chase and S. L. Brown were appointed to

Sullivan's Gulch would start work within the next ten days.

Editor Asal's Position. PORTLAND, Dec. 4 .- (To the Editor.) -

s not quite correct. Under the heading "Ask for a Square Deal," I am represented as not objecting to the exclusion of Japan see from public schools, provided foreign born children of other races be likewise excluded. This is far from what I stated "Two wrongs do not make one right." What I said was to point out that foreign-born children generally, without any provision in any treaty with the government of their respective native countries, are admitted to the public schools; while at San Francisco the Japanese are singled out among the foreign born for exclusion, netwithstanding the fact that a treaty does guarantee them the right to attend all public schools, which makes the wrong all the greater and more Editor Oregon News,

Why don't you try Carter's Little Liver Pilis? They are a positive cure for sick headache and all the ills produced by disordered liver.

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

rain of ills result. Too much fat is also hard to digest and this is changed into acids, sour stomach, belching gas, and a bloated, heavy feel-

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

"About five years ago I suffered with bad stomach-dyspepsia, indigestion, con-stipation-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.

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."

Apollinaris

"THE QUEEN OF TABLE WATERS."

HAS CONSTANTLY and STEADILY INCREASED in Popularity and Esteem, and is ACCEPTED THROUGHOUT the ENTIRE CIVILIZED WORLD as The IDEAL and PERFECT TABLE WATER.

Contains its PURE NATURAL CARBONIC ACID GAS which Greatly Improves Digestion.

BUILDING FOR THE FUTURE

The business of this Company is growing rapid-The business of this company to great showing ly, but the desire for making a great showing I 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.

We pay the maximum interest consistent with sound banking on Savings Accounts and on time certificates. We also issue special certificates to cover deposits for indefinite periods. Accounts also received subject to check, exchange sold available anywhere, collections effected on all points, substantial issues of bonds bought and sold, all manner of trusts cared for, loans made on improved properties, etc.

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We treat men only and cure toem safely and theroughly. Every man

We treat men only and cure them safely and thoroughly. Every man suffering with STRICTURE, GLEET, VARICOCELE, NERVO-SEXUAL DEBILITY, IM-

POTENCY, BLOOD POISON (SYPHILIS), BLOTCHES, SORES, RECTAL, BLADDER, KIDNEY AND URINARY DISEASES

or any of their numerous and distressing complications, owes it to himself, his family, and especially to the future generations, to get cured promptly, safely and thoroughly.

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St. Louis MEDICAL AND Dispensary

CORNER SECOND AND YAMBILL STREETS, PORTLAND, OREGON.

wines and to co-operate with the state and national authorities in the enforce-President Hoge made the following statement regarding the vote to with-··········

fore appointed.

will be called today.

Wallis Nash, president of the board

gave a full report of what had been

done to establish the Alaskan steam-

ship 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

After a discussion of the matter, the

trustees, in regular monthly session,

Moved and seconded that it is the se

of the board of trustees of the Portland Chamber of Commerce present that while

they are unqualifiedly in favor of the es-tablishment of a line of steamships from Portland to Alaska, after having listened to

the report of the committeemen present, the

board of trustees does not feel that the proposition presented should have its in-

dorsement and that the matter of the es-left in the hands of the committee hereto-

on record against it yesterday.



MISS ETHELYN PALMER.

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.

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

paign until the project either wins or

LURLINE INQUIRY IS ENDED Inspectors Fix Blame, but Refuse to

of the two steamers. This is in accordance with the rules and regulations of the government inspection service, and as the master of the Cascade will not receive his copy until attend to the preliminaries.

Announcement was made that the contractors on the Grand-avenue bridge over

that he would not announce the findings until Thursday, although he admitted that in case all the parties concerned were served today, he would be at liberty to publish the verdict tonight.

Axel Johnson, Woodmere Grocer Narrowly Escapes Assassination.

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. Closely following him was a man in a buggy. After Johnson passed the man on horse back, the latter turned and fired point blank at him.

nome, he and his friends searched the wagenbed and found the bullet that was fired at Johnson. It was imbedded in the wood. It will be turned over to the Sheriff's office today.

Johnson declares he has no idea why

he should have been attacked by the strange man, as no attempt was made to hold him up,

wife of an Arieta expressman, went into the barn to feed a horse and two masked men dashed out. They made no attempt to molest her, but as they ran away she heard them say: "If we don't get them this time, we will get them later."

The police were notified of both cases, but as it is beyond their jurisdiction, no action was taken.

LEAVE WORLD TOGETHER

that she had sisters."

The ages of the dead girls were given as 19 and 20. Hilda Hill is 21. It was claimed at the Linda Vista that there is a fourth sister, but she could not be found last night.

ater last evening, but when the men appeared, they found both girls in a dying condition. They hastened to police head-quarters to notify Captain Slover. Their names were not secured, and they did not return to the scene.

Make Findings Public.

United States Inspectors Edwards and Fuller have reached a decision regarding 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

result of the inquiry will not be an-nounced until then. Captain Edwards stated last evening

FIRED ON BY STRANGER

A deliberate attempt to murder Axel

Johnson whipped up his horse and drove at top speed to Woodmere. On reaching home, he and his friends searched the

Another mysterious affair occurred early in the evening when Mrs. F. H. Shoots,

Continued From First Page.) cated 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. Shelland."

"I know nothing whatever of the fam-

ily," said Mr. Shelland, "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 mst. 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

The young women had accepted invita-ions from two men to attend a the-