

SUES TO RECOVER \$16,376

PORTLAND FLOURING MILLS DEFENDANT IN ACTION.

Insurance Company Demands the Amount of Freight Charges Said to Be Due Knight Companion.

Suit to recover \$16,376 was filed yesterday in the United States District Court by the British & Foreign Marine Insurance Company, Ltd., against the Portland Flouring Mills Company, Ltd.

The complaint recites that on December 21, 1901, the Portland Flouring Mills Company was operating the Knight Companion between Portland and Hong Kong, and that the Portland Flouring Mills Company loaded on the vessel 12,500 quarters of flour, 50 bales of hay and 100 sacks of oats, on which the freight charges amounted to \$16,376.

It is alleged that on February 2 the ship was wrecked in the China sea, but that a large part of the cargo was saved. The Portland Flouring Mills Company, it is stated, carried insurance on the cargo it had shipped, and also insurance covering the amount of the freight charges, and it is further alleged that the mills company surrendered the saved cargo to the insurer, and was paid the insurance in full, including the freight charges.

It is also alleged that on April 15, 1901, the Portland & Atlantic Steamship Company applied to this plaintiff, the British & Foreign Marine Insurance Company, for insurance on its vessels and voyages to run until July, 1902, and that this covered the Knight Companion and its cargo and freight charges. Insurance on this vessel, it is asserted, was paid amounting to \$19,136, which included the \$16,376 freight money due from the Portland Flouring Mills Company. The plaintiff, it is alleged, has demanded this sum from the Portland Flouring Mills Company, and the latter has refused to pay. The contention appears to be that as the Portland Flouring Mills Company insured for the freight charges and since received the insurance, it should pay them to plaintiff, who settled them with the steamship company. A decree is asked for accordingly. Charles Page and Snow & McCannan appear as attorneys for the plaintiff.

TO CLOSE ANDERSON CASE.

Attorneys Will Make Arguments in Murder Trial Today.

The Nick Anderson murder case will be submitted to the jury today, after the closing arguments have been made by attorneys John Manning and Ed Mendenhall.

Considerable of the time yesterday was devoted by the defense to show that Anderson was severely beaten by Tooley. The prosecution aimed to establish the fact that Tooley only knocked Anderson down, and then noticing that the latter was intoxicated, helped him to his feet, and Anderson stabbed him.

George Mitchell, county jailer, testified that he noticed Anderson when he was brought to the jail, and that Anderson had a wound on the top of his head, his lip was cut, his eyes blacked, one worse than the other, and there was a discoloration on his throat. The witness also remarked, by way of comment, that Anderson looked as if he had been run over by a threshing machine.

Deputy Sheriff George McMillan and Harry Meyer, who went to Anderson's home to arrest him, testified that the pillow on the bed had a large bloodstain upon it. McMillan testified further that he brought Anderson to Portland after he had been arrested by the Constable at Rainier. He stated that Anderson had been badly punished, his eyes were blacked, his lip cut, and he had several marks, and there was a wound on his head.

Harry Meyer gave somewhat similar evidence concerning Anderson's appearance. Dr. Moore testified that about two days after the occurrence Anderson came to him and seemed to be suffering very much, and had him examine the wound on his head. He said Anderson told him he supposed he had cut Tooley on the arm while Tooley was beating him.

Anderson, in his own behalf, testified that about 7 o'clock in the evening he was passing the gate of Tooley's place, going along the road, and Tooley accosted him and accused him of insulting his wife. He denied it, stating that he had not seen her for five years. Tooley said, called him a liar and knocked him down. He begged to be let alone, and Tooley responded by kicking him. He commenced to get up, and Tooley said if he got up he would beat him some more. He called him vile names and knocked him down again, and continued to punch him, and called for Mrs. Tooley to bring the ax. She came with a sledgehammer, and while he was still struggling to arise, hit him on the head and knocked him senseless. Anderson stated that when Tooley called for the ax and for a gun he became afraid of his life and took his pocket-knife out of his pocket, and did not know where he cut Tooley. He only wanted to keep him off.

FAM HOWARD IS ENJOINED.

Must Keep Out of Barber Shop for Six Months.

Judge Cleland yesterday issued a preliminary injunction restraining Sam H. Howard from conducting a barber shop until after August 24 next. Minor Lewis, who bought the shop which Howard conducted on Alder street, complained that when the sale was consummated on February 24 Howard signed a written agreement not to engage in business for six months, and had broken it by starting a shop on Fourth street.

George C. Stout and J. T. McKee, attorneys for Howard, submitted affidavits to show that the shop in question is owned by John Denison, and that in March last the lease was assigned by the Howard Barber Shop Company to Denison, with the agreement that Howard could acquire a half interest on August 23 or thereafter. This is just one day after the six months' agreement of Howard with Lewis expires.

John F. Logan, counsel for Lewis, argued that Howard was trying to evade his agreement, and that the affidavit filed showed such to be the case. He said Howard filed an application as proprietor with the barbers' union June 26, and that the union previously refused Howard a permit to work as a journeyman until six months had elapsed.

There was considerable more said on both sides, and numerous authorities were read. Judge Cleland held that the prayer was good, and that Howard ought to be restrained. His honor remarked that if Howard was not conducting a barber shop, as alleged, then he was not damaged by being enjoined from so doing.

Lewis was required to file a bond of \$200 pending a final rehearing of the case. Counsel for Howard asked to have the case set for trial at once, but Judge Cleland declined to set it for trial. The attention of the court was called to the fact that the summer vacation season is near at hand, and that the six months' limit against Howard will expire before the courts meet in September, but Judge Cleland concluded to let the restraining order stand and refused to set the case at this time.

CASE SETTLED AT LAST.

Pauline Gross Secures Long-Sought Divorce.

Pauline Gross was granted a divorce from Gottfried Gross, because of desertion.

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