

COUNCIL VOTES 3-2 AGAINST MARCELLUS

Majority Commissioners Are Scored by Mayor, Who Won't Dismiss Doctor.

MINORITY REPORT FILED

Executive Charges That Evidence on Which Majority Report Is Based Came Almost Wholly From Discharged Employees.

By vote of Commissioners Daly, Baker and Higelow, yesterday, the City Council officially adopted Commissioner Daly's report of findings in the recent investigation of City Health Officer Marcellus, asking the dismissal of the doctor.

Mayor Albee came back with a stinging rejoinder in which he charged the three Commissioners with being inconsiderate; of playing petty politics without regard for the public service; of trying, for political considerations, to take control of his (the Mayor's) department; of having been prompted in the move against Dr. Marcellus by the disapproval of Ira T. Beeman, a quarantine officer and a friend of the three; of having failed absolutely to prove anything against Dr. Marcellus, and of having done Dr. Marcellus a grievous wrong.

The Mayor, in his lengthy written report, takes a filing at a reporter on an afternoon newspaper, because of his "indictive interest and warped and unfair" reports of the case against Dr. Marcellus. He also takes exception to findings at Commissioners Higelow and Daly, particularly the latter. He accuses Mr. Daly of many political wrongs, among which was his being "a sympathetic and encouraging listener to the tales of employees discharged from the health bureau for cause."

Mayor Albee declared it would be doing Dr. Marcellus a grave injustice if he took any action whatever against him on the showing made at the hearing. He said the charges, trivial in the beginning, fell on the Mayor.

Marcellus' Dismissal Asked. In the report of Mr. Daly a set of findings is presented and concludes with recommendation for dismissal of Dr. Marcellus and for the preparation of a measure to be submitted to the voters at the next election amending the city charter so as to make the health bureau subject to civil service jurisdiction.

After the reading of this report Mayor Albee presented his report and asked that it be read. When it had been read, Commissioner Higelow, Dick asked that his name be affixed to the report also. This was done and the two communications went to official files and will be placed on the Council records.

Report Not by Attorney. "I presume that John Logan, Dr. Marcellus' attorney, wrote that for you," said Mr. Daly to the Mayor at the reading of the Mayor's report.

Mr. Logan had absolutely nothing to do with it," said Mayor Albee. Following is Mayor Albee's report of findings in full:

All of Monday, December 13, and Tuesday, December 14, were given up by the Council of the City of Portland, in the investigation of charges against Health Officer M. B. Marcellus, filed by Commissioner Daly.

be filed, in order that Dr. Marcellus might be informed of the nature of the accusation against him, and which he was to be called upon to meet, a right which is accorded even to a laborer in the city service. At this time, Mr. Daly stated in substance that he did not think it was necessary to file charges, that they would all result in a suspension, taking a position which would result in requiring Dr. Marcellus to appear Monday morning, prepared to meet the charges, not formulated, and concerning the nature of which he was not advised.

On December 13 a resolution was adopted directing that witnesses be subpoenaed. No charges had yet been filed. About noon on Saturday, December 12, at the close of business hours on that day, Commissioner Daly directed that Dr. Marcellus be called to the Health Officer's office at the health bureau, and that the Health Officer be called to give personal attention to cases reported to him.

Discharged Employees Heard. Before considering in detail the various charges against the doctor, attention is called to the fact that the evidence almost wholly relied on by the Health Officer, or the Bureau of Health, was that of discharged employees. The witnesses were: Black Keith, John C. Lane, J. M. Johnson, Ira T. Beeman, and some others.

A fair sample of this class of evidence is found in the testimony given by Black Keith. He was a haddover inspector from the Health Administration. He was discharged some time in 1912. Among other things he had told him, Biggs, and quoting the language of Black Keith on the witness stand, that the doctor had charged him, and Mr. Biggs said, at that time, he (Mr. Keith) would have gotten the money if he had not given him that job.

Mr. Biggs then testified: "I will state, if necessary, where the operation was performed. Dr. George L. Stevens of Sacramento, performed the operation." And this about fairly illustrates the general character of the evidence given by the discharged employees, who, according to the testimony of one of them, and finding a sympathetic and encouraging listener on the part of Commissioner Daly as early as December, 1914.



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tion in due form was issued for the arrest of Dr. Marcellus, Commissioner of Finance, and a warrant issued therefor by the Auditor, strange that an incident of this kind should receive the approval of Mr. Bigelow, months ago and be the basis of a charge supported by him now.

By one of the afternoon papers, should have been so warped and unfair. Though, when I recall the fact that its reporter acted in the capacity of private detective before the trial and as a special assistant counsel to the prosecutor, Mr. Daly, at the trial, sitting at Mr. Daly's side, prompting him in putting questions to witnesses when he hesitated, and frequently by word and gesture insisting on Mr. Daly's pursuing a certain course of investigation, and so plainly ex-

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Majestic Theatre advertisement featuring a portrait of William Farnum and listing other performers like Dorothy Bernard and Theda Bara.

Large Paramount Pictures advertisement with decorative border, featuring the text 'Out of the Fog', 'Fundamentals', 'Specialization', 'Achievement' and listing the Theatre and address.