

### WOULD SUE BONDSMEN

#### City Attorney Smith's Plan to Save Interest on Warrants.

#### TREASURER TO CALL THEM IN

#### Ways and Means Committee Considering Matter and Will Report at Next Meeting of the Council.

City Attorney A. M. Smith says the council should take steps to require the city treasurer to call in warrants for all but \$1500 of the money on hand in the city treasury.

If the treasurer fails to do so his bondsmen should be held accountable for any loss in interest that may result to the city.

The matter is now in the hands of the ways and means committee of the council, which will report at the next meeting, and probably recommend some such action.

When the report of the experts was read at Wednesday night's meeting of the city council attention was called to the matter of calls for warrants. It was pointed out that a considerable sum of money was on hand with the city treasurer when he made his report on January 1, and that his failure to call in warrants in accordance with a rule adopted by the council some months ago would result in loss to the city, which would be required to pay out more interest than if calls were promptly made when funds were available for this purpose.

City Attorney Smith stated that he believed the council should take some action in the matter, and he recommended that the authority be given him by the council to proceed against the bondsmen of the treasurer to recover any loss that the city might suffer in consequence of that official's failure to keep his cash down to a low figure. Mr. Nordstrom, chairman of the ways and means committee, stated that he had asked that the report be referred to his committee so the matter could be considered, and added that he would take steps to formulate a report for recommendation at the next meeting of the council.

Some time since the very same matter was brought up in the council. It appeared from the reports of the various treasurers for years past that \$15,000 to \$25,000 was constantly on hand in the city treasury. If that money were used to pay up warrants that were

outstanding, the interest account could be materially cut down. The council adopted a regulation at that time by which the treasurer was required to call in special fund warrants whenever any particular special fund reached \$100, and to call in general fund warrants so that there would never be more than \$1500 on hand.

The report of the experts showed that City Treasurer Dealey had on hand January 1 about \$18,000, and this circumstance prompted the council to take up the matter.

#### Obstructions to Streets.

At Wednesday night's meeting of the council Mr. Burns introduced an ordinance prohibiting the obstruction of streets and sidewalks. The bill went over until the next meeting. The ordinance provides that it shall be unlawful to leave on streets or sidewalks, for a longer period than 24 hours, any boxes, wood, coal, lumber or other building material, or any other obstruction, without first obtaining permission from the street committee. It is also declared to be unlawful to leave any wagon, buggy, cart or dray or other vehicle standing upon any improved street for more than 10 hours, or to leave any wagon, buggy, cart, dray or other vehicle, when not being used, upon any street during the night time.

It is further declared to be the duty of the occupant of any lot to cause to be removed any earth, snow or ice on sidewalks or streets within 24 hours after receiving written notice from the street superintendent, who is also authorized to notify persons against leaving wagons standing upon the streets. A fine of \$5 to \$100 is provided, or imprisonment of from two to 50 days.

#### New Street Repair Bill.

Mr. Burns has also offered a new bill regulating the manner in which street improvements shall be made. The bill has the effect of placing the matter of the awarding of contracts in the hands of the council. When the Sixteenth street case was on in court Judge McBride ruled that the street committee had no legal authority to award contracts, and since that time contracts have been awarded by resolution. The ordinance makes the new arrangement permanent. It provides that the bid of any contractor who may have heretofore failed, or who may hereafter fail, to live up to his agreement with the city may be thrown out for this reason, and that where the ordinance does not specify the amount of the bond required, the bond shall be in the sum of \$200. The street committee is authorized to advertise for bids, which shall be submitted to the council, with such recommendation as the committee may see fit to offer.

#### New Field Guns.

Vienna, Feb. 25.—The Hungarian diet passed the ordinary and extraordinary army estimates today, as well as a credit of 8,750,000 for the purchase of new field guns.

### NO CHARGE FOR SERVICE

#### Shown that C. C. C. Rosenberg Collected Pay for Medicine Only.

#### ACQUITTED BY THE JURY

#### Case Does Not Constitute Offense—No License Necessary to Dispose of Medicine—Attorney Comments.

Judge McBride rules—

That a person must "practice medicine"—a legal term interchangeable with the expression "practice surgery"—for a fee without license in order to be guilty of infraction of the law.

That, where no charge is made for actual services rendered by a person providing such attendance for another person, the practitioner is not guilty under the statute.

That charge for medicine furnished was not intended by the law to constitute an offense in the case of a person who has no license to practice.

District Attorney Allen says—

The law should be amended so as to apply to all persons who practice medicine without license, whether or not charge is made for medicine or for services, or for both.

Under Judge McBride's ruling Charles C. C. Rosenberg was acquitted yesterday by a jury in the circuit court.

In the state circuit court yesterday Dr. Charles C. C. Rosenberg was acquitted of the charge of practicing medicine without license, which had been preferred against him by the state medical society and the Clatsop County Medical Association. The acquittal followed Judge McBride's instructions to the jury at the conclusion of the case. The jury evidently accepted Rosenberg's statement as to the facts in the matter, and the verdict of acquittal was arrived at in short time.

Rosenberg is generally known as "Dr." Rosenberg. He is a Finn and prominent in the local Finnish colony, owning the Finnish paper Lannetar. It is generally believed he is a physician, practicing regularly under the laws of the state of Oregon, but this belief appears to be an erroneous one. His arrest for the offense was caused some months ago at the instance of the state and county medical associations. He gave bonds and was released. The trial was set for Wednesday, on which day the state presented its case. Yesterday the case of the defense was presented.

#### Charged For Medicine.

Rosenberg was the only witness the defense put on the stand. He testified that he had attended the two persons named in the complaint, one in particular having been a sufferer from a dislocated bone in the arm. The patient had come to him for attendance and he had prescribed for him and dressed the wound.

"I did not make any charge for examination of the injured arm," Rosenberg testified, "nor was the patient required to pay anything for any other actual service which I rendered. I did, however, furnish the man with some medicine to apply to the arm, and I exacted a fee for this. Otherwise I made no charge."

The statement of Rosenberg summarized the case of the defense, which set up the contention that, Rosenberg having made no charge for service, he was not guilty of violation of the state regulations. The matter was submitted to the jury without argument.

#### Judge McBride's Charge.

In charging the jury Judge McBride quoted the law with reference to offenses such as that with which Rosenberg was charged and explained its operation and application. He said the law intended to prevent persons from practicing medicine without license. However, if a person were to attend a patient and exact no fee, he could not be regarded in the light of an illegal practitioner, even though he had charged for medicine furnished. There must be a charge for actual medical service to constitute crime.

The ruling of Judge McBride and his charge to the jury precisely fitted the case at issue and made it clear to the jurors that the defendant was not guilty under the Oregon law. The statement of Rosenberg was accepted as a truthful one, and after being out a few minutes the jury returned a verdict of not guilty. Rosenberg was

represented by Messrs. Smith and No-land.

District Attorney Allen remarked during the trial that he believed the court's interpretation of the law to be absolutely correct, and suggested in an informal manner that the law might easily be amended so as to cover just such cases as that heard yesterday. Mr. Allen seemed to entertain the opinion that the present statute was defective in that it permitted persons to charge for medicine whether or not they were provided with medical licenses. He said after the trial that the law made no distinction between the expressions "practicing medicine" and "practicing surgery," and that the terms were used throughout the code in an interchangeable manner.

The ruling of Judge McBride will be of great interest to physicians and surgeons who are licensed practitioners.

#### One Year For the Jap.

Sakutaro Hanaka, a Japanese, was yesterday sentenced to one year's imprisonment in the state penitentiary for assault with a dangerous weapon. Kanaoka's crime was committed at Clifton and was the result of a drunken row among section hands there. He appeared yesterday by his attorney, Charles A. Abercrombie, who moved that the information be quashed. This motion was denied by the court, whereupon Mr. Abercrombie announced that he would withdraw the plea of not guilty which had been previously entered and file a plea of guilty. Judge McBride sentenced the man to a year's imprisonment. Considerable difficulty was experienced in making the defendant understand what was transpiring, but eventually he gathered that he had been ordered confined to prison for 12 months. He will be taken to the penitentiary by Sheriff Linville tomorrow night.

#### Scoggin's Case Today.

The case of the state vs. Arthur Scoggin will be tried before Judge McBride today. Scoggin is charged with malicious destruction of property. He has been in jail for several months and there is now much sympathy for him. He is represented by Judge Winton. The man is accused of having caused the death of N. D. Bain's pointer dog, Printer Boy, an animal that was noted all over the western country as a fine specimen of his breed. The dog was being exercised on the day of the accident which resulted in his death. It is charged that the animal was burned with ammonia thrown upon it by Scoggin, who was at that time employed at the Lindenberger cold storage plant. The dog suffered greatly for some days and then succumbed to his injuries. The case attracted widespread attention at the time and there was considerable feeling against the accused man. This feeling has given way to one of sympathy.

#### The Divorce Mill.

The sensational case of Bertha B. Reid vs. Captain John Reid came to the notice of Judge McBride yesterday, when G. C. Fulton appeared and asked that cognizance be taken of the fact that he represented the defendant in the action. The case has not yet been set for trial, but it promises to be an interesting one.

Judge McBride handed down a decree of divorce in the case of Charles A. McCormick vs. Margaret McCormick.

#### Important Announcement.

Mr. J. J. Blumer, representing the eastern banks involved in the failure of the E. R. Dumont Publishing Company, is in the city of Astoria to dispose of the assets. The stock consists of encyclopedias, histories, works on literature, Shakespeare, Voltaire and other standard publications.

These works are sold for cash at a mere fraction of the publishers' price.

Call at or telephone your address to the Occident hotel.

#### MADE IT WEIRD ENOUGH.

Spectacular Recital of Ghost Story Ends in Serious Accident.

Cincinnati, Feb. 25.—In an accident in the Richmond street Christian church tonight 10 children were seriously burned and others painfully scared by an explosion of alcohol, which was lighted in a kettle to make more weird the ghost story which the minister was telling the youngsters gathered around him. Seven were so seriously injured that it was necessary to take them to a hospital. The rest were taken to their homes.

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