

DOCTORS BEAT COURT

Dr. Eisen Deprived of License by State Board of Medical Examiners Before Injunction Can Be Served on Them.

The state board of medical examiners beat Dr. W. T. Eisen and an injunction issued by Judge Brough out in a close race this afternoon and revoked the license held by Eisen.

Learning that it was the intention of the state board to revoke his license because he had been convicted of having performed an illegal operation, Dr. Eisen hastened into the court of Judge Brough and asked for an injunction restraining the state board from taking any action which would deprive him of his right to practice medicine.

Dr. Eisen was convicted last winter in the circuit court and sentenced to pay a fine of \$500 for performing an illegal operation.

A short time ago Dr. A. W. Morris started proceedings before the examiners to have Dr. Eisen's right to practice revoked. About the same time it was held that the board could not revoke the license of Dr. J. W. Morrow and this afternoon was set as the time for taking up the case.

Dr. Eisen asserts that new evidence was discovered after it was too late to be used in a motion for a new trial, whereby he might have been held to prove himself innocent. He has taken an appeal to the state supreme court, and he asks that the medical examiners be prevented from revoking his license until after the case is finally decided.

Dr. Eisen was convicted of performing a 16-year-old girl, who testified against him. She was treated at the X-Ray sanitarium, which became notorious for several similar cases. Ernest Haymans, who was in charge of the institution and was witness for the state, afterward was sought by the officers and could not be found.

The members of the state medical board are Dr. Patton, Dr. R. C. Coffey, Byron E. Miller and J. S. Mott. They were to meet in the Corbett building this afternoon to consider the Eisen and Morrow cases.

WATER SYSTEM TAKEN OVER BY EUGENE

(Special Dispatch to The Journal.) Eugene, Or., July 22.—At a meeting of the city council yesterday afternoon the proposition of the Willamette Valley company to turn over its water plant to the city for \$1,000,000 was accepted, and as soon as a few minor details are arranged the city will take over the operation of the plant by the company up to the present time of the month.

The contract was also made with the Willamette Valley company to furnish electric power for the operation of the pumps at 1 1/2 cents per kilowatt. There are three 350-horsepower pumps at the pumping plant and during the summer time they are all operated, but in the winter only one is necessary. The company, in its contract, holds itself responsible for all power the city will need or can use in the operation of the pumps, and the manager says if will be obliged to add another dynamo and engine to the electric plant. This will be done immediately.

By the purchase the city also acquires the valuable Skinner Butte property, an eminence in the north part of the city on which the reservoir is located. The butte is one of the most beautiful sites for a natural park in the state and the city will probably take steps to beautify it.

The surveys for the proposed gravity water system is going on and the work will soon be completed. F. C. Kelsey, a Portland civil engineer, and McArthur & McClain, a Eugene firm, have the contracts for the construction of the system. Under the gravity system, water being constructed the city will operate the present pumping system and give the public the best service possible under the existing conditions.

DENTIST, MINUS A LICENSE, FINED \$50 (Special Dispatch to The Journal.) La Grande, Or., July 22.—J. E. Stevenson, a practicing dentist here, is on trial for the second time today for practicing without a license. He was fined \$50 and a week's suspension from charge. Stevenson alleges a conspiracy between the state board and the La Grande dentists.

MUST RING NOSES OF POWER HOGS

Pinchot Says Such a Trust Would Make Oil Octopus Look Small.

(United Press Leased Wire.) San Francisco, July 22.—Gifford Pinchot, chief forester of the United States, went to Berkeley today after making an appeal to the people of California to protect the watersheds of the state and stop ruthless destruction of forests.

Declaring that the question of allowing giant monopolies to take possession of the water rights of the state is the most important question before the people before next winter, Pinchot warned California that such a combination must be prevented.

He said the monopoly would be of such proportions that the Standard Oil company would look small beside it. After speaking at Berkeley today Mr. Pinchot will depart for the east tomorrow.

HUGE FINE SET ASIDE

(Continued from Page One.) Standard Oil company of Indiana \$29,240. The higher court orders that the case be given a rehearing and remands it for that purpose.

The decision is scathing in its arraignment of Landis, holding that he imposed the fine on the corporation when it had not been indicted and was not even on trial.

When Judge Landis rendered the decision nearly a year ago, assessing the greatest fine ever known in the history of the state, it was the sensation of the day.

The case was based upon alleged rebating on oil shipped by the Standard Oil company of Indiana.

Landis assessed the highest possible fine in each separate alleged offense, making the enormous total.

Crave Defeat for Government. The decision today came as a great shock to the government counsel in the trust-busting cases, as they appeared yesterday the Landis decision would be affirmed in every particular.

The federal court of appeals, which handed down the decision today, is composed of Chief Justice Taft, Justice Francis E. Baker and William H. Seaman.

The Standard Oil company of Indiana is one of the subsidiary companies of the Standard Oil company of New Jersey. It has a capital stock of only \$1,000,000, but the government investigations showed that during some periods it has earned more than 1,000 per cent profits.

Sued Wrong Corporation. Judge Grosscup delivered the opinion, which in part was as follows: "Briefly, the reason for imposing the sentence on the Standard Oil company of Indiana was that the Standard Oil company of New Jersey that the stock of the Standard Oil company of Indiana was owned principally by the Standard Oil company of New Jersey."

"The court, without abuse of judicial discretion, found that the Standard Oil company of New Jersey was not the defendant in the case, and that the Standard Oil company of Indiana was the defendant in the case, and that the Standard Oil company of Indiana was the defendant in the case."

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COAST DEFENSE REORGANIZED

Newport, R. I., July 22.—Twenty-one guns greeted President Roosevelt when he arrived here today on the yacht Mayflower. He was escorted to the college by a detachment headed by Rear Admiral Morrill.

In a brief speech the president declared that to assume an attitude of weakness toward other nations is sure to invite disaster and humiliation. In part he said:

"If we intend to put forward the claim of being a great nation, we must be ready to make good that claim. We must have a navy certain enough to have a number of well-manned heavy officials who would like the navy to be merged with the army and advocate a coast defense navy."

After his arrival here, President Roosevelt arranged to have the captain and crew of the wrecked schooner Menawa provided with money and transportation to their homes in New York. Captain Snowden of the Mayflower transmitted a report of the accident to the navy department at Washington.

Landis erred in excluding the testimony of Holland, a government witness, Tuesday the Landis decision, in which he stated that he did not remember telling anyone that the Standard Oil company had rebated on oil shipped by the Interstate Commerce Commission.

The decision says that the finding of the lower court is reversed because evidence thus proffered was excluded by the court for the sole reason that, as a matter of fact, the Standard Oil company had rebated on oil shipped by the Interstate Commerce Commission.

The opinion states that Landis erred in ruling that ignorance of the law is a defense. The court held that the Standard Oil company of Indiana was not the defendant in the case, and that the Standard Oil company of Indiana was the defendant in the case.

The opinion further declares that the lower court should have determined the number of offenses by the number of transactions consummated, instead of by the number of barrels.

Another section of the opinion reads as follows: "Would a cab driver, convicted of violating a city law against excessive cab fares, be sentenced to pay a fine that would leave him bankrupt many times over and unable to pay anything but the cost of his legal expenses, and other creditors?"

"Is this case another case simply because, instead of being an individual, the defendant is a corporation, and because, instead of being up for sentence under a city ordinance that was not intended to designate the defendant, it is up under a national law—a law that was intended, not to destroy, but to promote?"

The decision declares that the sentence was imposed wholly because of facts wholly outside the record.

The Standard Oil's Offense. The offense for which the Standard Oil company was convicted and fined consisted in a secret deal whereby it secured freight rates lower than the published rates by means of an arrangement with the Alton road, the company was given a rate of 6 cents per hundred pounds on oil shipped from the Alton road to the Standard Oil company's independent shippers, who knew nothing of this secret deal, were forced to pay 18 cents, the published rate. For three years the Standard Oil company enjoyed this secret rate and the evidence adduced before Judge Landis showed that during that period the profits of the corporation amounted to \$200,000,000.

The immense advantage enjoyed by the Standard Oil company, by means of this secret rate, enabled it to crush out competition and the independent shippers were being driven out of the field.

Canada Waits With Regard to the Case. Quebec, July 22.—Thousands of visitors thronged into the city early today to witness the arrival of the royal princess, George Frederick, Prince of Wales, and his apparent to the throne of the united kingdom and the British domain, on the fast cruiser Indomitable, the prince to marry the princess, the daughter of the Canadian king, King George V.

The streets are filled with enthusiastic Canadians, singing, shouting, cheering and laughing, every one from the youngest child to the oldest man, entering into the spirit of the occasion.

Formal welcome, the civic address, will not be given until the prince and princess arrive tomorrow afternoon, but late today the governor general, Vice-President Fairbanks and a number of important Canadian officials, according to the program, will be received on board the Indomitable.

Great curiosity has been aroused by the "mystery ship" and she is the center of interest to all lovers of the maritime matters. The secrets of her construction have never been made public, although it is generally known that she embodies some radical ideas in naval construction.

Charles W. Fairbanks, who arrived today, with Mr. Fairbanks, to represent the United States at the tercentenary celebration here.

He will not be at Point Lewis by Rear Admiral Cowles and Captain Winthrop on the battleship USS Hampshire, which first will salute in honor of the American official.

That Councilmen Annand and Conant have defaced the public records of the city by withdrawing their names from the report of the committee on health and public safety, recommending the passage of the ordinance introduced by Driscoll to prohibit saloonkeepers from allowing women to enter their saloons, is believed to be a serious matter.

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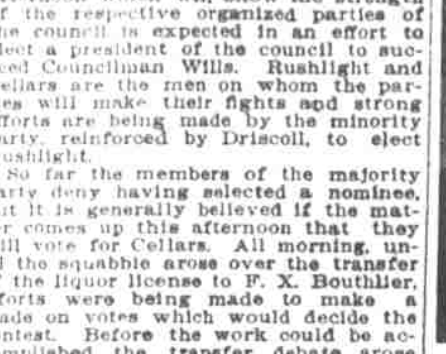
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Andrew McCullum of St. Johns has wandered away and it is feared may have become prostrated by the heat and overcome by fatigue, as he has been ill for some time. He is 69 years of age.



Andrew McCullum.

Reorganized Factions of City Council to Test Strength.

Rushlight was elected president of the city council at this afternoon's session. The vote stood: Rushlight, 8; Bennett, 2; Dunning, 1; Menefee, 1; Vaughn, 1.

That a test vote will be made this afternoon which will test the strength of the respective organized parties of the council is expected in an effort to elect a president of the council to succeed Councilman Willa.

Driscoll is generally believed if the matter comes up this afternoon that they will vote for Cellars. All morning, until the squabble arose over the transfer of the liquor license to F. X. Bouthlier, efforts were being made to make a trade on votes which would decide the contest.

Before the vote could be accomplished the transfer debate arose and nothing more was done, but it is believed the efforts will be made along the same lines at this afternoon's session.

Rushlight is practically assured of the victory if the majority party and Driscoll's. Two more votes will be necessary and it is believed that they can be secured. Just who these men will vote for is not known, because the election is taken by ballot.

Since Driscoll renounced the majority party this morning resembling nothing so much as a kangaroo court, Business was hurried over or else allowed to hang fire, privileges of the council were suspended, and much time was taken up in conducting business of trifling nature. The council was never thoroughly organized, and the session was organized more than a year ago.

Wills watched Driscoll, while Annand kept his eye on the other members of the ex-member of the majority party. Baker maintained a "rough" all the morning, whereas usually he is the one who is being laughed at.

Driscoll and members of the minority party were having the power to transact business that they have longed for more than a year. But no one was willing to enter the lists for Rushlight's election fell through so far as the morning session was concerned.

Rushlight's succession to Wills' position as presiding officer of the council would be the greatest blow Driscoll could inflict on the council, and he is striving with all his might to elect him. Driscoll landed several "rough" bills, but will not act in transacting business, but will not act in transacting business, but will not act in transacting business.

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SCHWERIN DOES ALL OF ANUBIS' SOME SWEARING PEOPLE ARE SAVED

Pacific Mail Mogul Loses Vessel From the Wreck Reports Camp Made on San Miguel.

(United Press Leased Wire.) Santa Barbara, Cal., July 22.—The sloop Ynez arrived in the harbor today from San Miguel Island, where the Kosmos line steamer Anubis went upon a reef early Monday morning, and reports the rescue of all hands on the stranded vessel. She left the wreck at 4 o'clock Tuesday afternoon.

Captain Nidever of the Ynez brought dispatches from Captain von Salzen, calling for tugs. At that time it was believed that the Ynez would save the steamer, which is stranded on a reef on the west coast of San Miguel. She had 16 feet of water in her hold when the Ynez left.

The passengers, 19 in number, and the crew of 44 men, had been safely landed on the island, where a camp had been made, and they were well provided with provisions.

The island, which is owned by Captain Waters of this city, has few inhabitants, the only habitation being the ranch-house belonging to Waters.

Early this morning the launch Charm, with Captain Pillsbury, head of the Marine Underwriters of San Francisco, on board, left for the island from the port of Gaviota. The tug Redondo of the Redondo Railway company departed from Redondo last night and should have been at the side of the disabled steamer this morning. It is thought possible that one or more of the coastwise steamers, whose schedule would bring them in the vicinity of