

FRISCO GETS A SHOCK

Slight Earthquake Noticeable This Morning

DARING AVEATOR IS KILLED

Machine Capsize Upon Reaching a Height of One Hundred Feet—Accident is Witnessed by Many People.

SHARP EARTHQUAKE. SAN FRANCISCO, Cal., Dec. 31.—A sharp earthquake occurred here at 4:20 o'clock this morning, and notwithstanding that it was plainly noticeable in all sections of the city, no damage resulted.

(Special to Evening News.) NEW ORLEANS, Dec. 31.—John B. Moissant, the daring California aviator, who made a famous flight from Paris to London some time ago, was killed in an aeroplane accident here today. His death makes the third to occur during December, others who met death being Cecil Grace, the English aviator; Marquis Paulia and Alexander Laffon, Frenchman. Moissant's machine capsized when about one hundred feet in the air, resulting in the occupant's dash to the ground. The accident occurred at Harahan, ten miles from this city. People who witnessed the accident notified the authorities and the patient was rushed to hospital in an ambulance. When picked up he was alive, but expired enroute to the hospital. He had started on a flight to compete for the Michelin cup when the accident occurred.

An Adventurous Life. NEW ORLEANS, Dec. 31.—Moissant is said to have led an adventurous life, and prior to becoming an aviator took a prominent part in tempestuous affairs in Nicaragua. He was once a planter in Salvador and incidentally a leader in the gun powder politics of the three Central American republics.

Japanese Are Busy. MANILA, Dec. 31.—That Japanese spies in the Philippines are not only at Manila, on Corregidor Island, but

that they are engaged in mapping out the entire country, is the information received by the United Press Association today.

It has been learned that military authorities are aware that the Japanese are mapping out the country, and further that they are being secretly watched. It is said that these authorities know exactly what maps have been drawn, but are powerless to stop them as there is no law by which spies can be interfered with. Secret agents can be prosecuted under the trespass act, but the Japanese are said to be very careful not to violate this law. It is claimed that the maps show the roads, forts and general conformation of the country. Briefly, it is surmised that they are in possession of all essential information useful in case of an invasion.

LOCAL NEWS.

Dick Ambrose, of Yoncalla, is a visitor in Roseburg today.

Hay for sale at North Side Grocery Company. Phone 2633.

Joe Cobb and wife returned here this noon after spending a few days at Glengary.

We have a car load of the best Utah Building Plaster, fibred and unfibred. J. F. Barker & Co.

Nathan Fullerton and wife left for Portland last evening to spend a few days visiting with friends.

John Bates, the Happy Valley farmer, is spending the day in town attending to business matters and incidentally visiting with friends.

Mrs. A. N. Orcutt and children will return from Portland tonight after a week's visit with friends and relatives.

Jesse Atterburg and wife left for Steamboat, Jackson county, this morning where they will spend a few days visiting with friends and relatives.

Jasper Wilson, of West Fork, who has been suffering from typhoid fever for several weeks, was discharged from Mercy hospital this afternoon, and leaves for his home tonight.

Rev. E. O. Eldridge, pastor of the M. E. church, was confined to his home with a severe attack of la grippe. The gentleman has fully recovered, however, and will conduct the regular services at his church tomorrow.

IN SPECIAL SESSION

Cannot Levy Tax For Erection of an Armory

DUMPING GROUND IS SECURED

City Charter is to be Revised Under Direction of the City Attorney Amendments are Needed Says the Councilmen.

At an adjourned meeting of the city council held last evening, City Attorney George Neuner submitted the following legal opinion in which he asserts that the city has no legal right to levy a one-mill tax for armory purposes—inasmuch as a levy of ten mills, the total amount allowed under the present city charter, had been previously levied.

The matter of levying the one mill tax was brought up by Councilman Houck at a meeting held Tuesday evening, and at that time the legality of the proposition was questioned by Councilman Josephson. Consequently definite action was deferred until last evening in order to allow the city attorney an opportunity to examine the charter and submit an opinion. According to the opinion submitted last evening, it is not probable that the generosity of the state in providing one-half the funds for the erection of an armory in this city will receive further consideration.

Upon reading the opinion, Councilman Josephson advanced a motion to the effect the ordinance authorizing the special levy be indefinitely postponed, but before the question could be placed to a vote, Councilman Houck interrupted and asked that it be referred to some committee, and thus meet a more suitable death. In order to please Councilman Houck the ordinance was referred to the committee on judiciary—which is equivalent to extermination.

The city attorney's opinion follows in full:

To the Honorable Mayor and Common Council of the City of Roseburg, Douglas County, Oregon:

Gentlemen: In pursuance to your request, I beg leave to state that I have investigated the matter relative to the power vested in the Common Council of the city of Roseburg, Oregon, under its charter and the act of the twenty-fifth legislative assembly of the state of Oregon, pertaining to the construction of armories for the Oregon National Guard, and authorizing county courts and city councils to levy taxes for the part payment thereof; and pursuant to said investigation, I have the honor to submit the following opinion, to-wit:

Under the charter of the city of Roseburg, section 33, sub-division 1 thereof, the council has the power to assess, levy and collect taxes for general municipal purposes, not to exceed ten mills on each dollar of valuation of the property assessed, both real and personal, which is taxable by law for state or county purposes, and which said power, as I am informed you have exercised by ordinance.

Now then, under sub-division 2 of section 33, of said charter, the council has the power, if authorized so to do by a majority of the electors of said city voting at any election held for that purpose under the direction of the council, to levy a special tax in addition to the taxes authorized to be collected by virtue of this act for any purpose or purposes, but public notice of such election, the object thereof, and amount required for such purpose or purposes shall be given by publication, etc. The language of the foregoing section is comprehensive, and as the charter is the organic law of the municipality, the provisions thereof must be complied with, otherwise it would be an ultra vires act of the legislative body of said municipality, and consequently without force or virtue.

The state act in question authorizes the county courts of the several counties and the city councils of the various cities within the state of Oregon, to levy taxes for the purpose of raising funds for the construction and erection of armories, as provided for in said act, but gentlemen, you will bear in mind that this state act does not amend the act creating the municipal corporation of the city of Roseburg, therefore, I am of the opinion that you have not the discretionary power to levy the one mill tax for the construction of said armory, but that you are bound by said section 33 or rather sub-division 2 thereof, as that power is absolutely vested in the voters of the city of Roseburg.

It is true, and the argument has been advanced to the effect that other cities have exercised this power and have taken advantage of the state act and have constructed armories pursuant to said act, of course I have not at hand the particular charters of these cities, but have examined several charters of cities in this state, and have found all of these differ materially with the charter of Roseburg, with the respect of levying taxes for special purposes, and are expressly provided for in said charters.

In conclusion I wish to state, that

when I was asked to draw the ordinance providing for the special levy, I did not at that time investigate the matter but was of the opinion that there was nothing to the contrary in our charter, and in that case and under the state law the council would have the power, but since investigating the matter, I have reached the opposite view as municipal corporations have no inherent power to levy taxes, and as all acts or ordinances levying taxes are construed most strictly by the courts in favor of the taxpayer and against the government, I therefore, would advise that the council of the city of Roseburg, has not the power to levy a tax for any special purpose.

Respectfully submitted, GEORGE NEUNER, Jr., City Attorney.

To Revise Charter.

Declaring that the present city charter is narrow, and is not best suited to the welfare of the city, Councilman Houck brought up the matter of having it revised at last evening's session of the council. Councilman Houck said that there were many sections that needed a complete revision, while others should be simply amended so as to comply with the needs and necessities of a growing city. He said that at present it was impossible to appropriate monies for certain purposes, or to transfer money from one fund to another as the occasion might demand.

After a brief discussion the city attorney was authorized to commence the task of revising the charter under the direction of the council as a committee of the whole.

The Dumping Ground.

The committee to whom was referred the matter of investigating the dumping ground proposition, submitted a report last evening in which they recommended leasing a parcel of land owned by J. E. Harper, and located in North Roseburg, at the specified sum of \$100 per year. The report was adopted, and the land will immediately become available to the use of the city upon the transfer of the legal papers.

HOLIDAY BALL.

Is Given at The Armory By The "C. C." Club.

An event which will be remembered for all time by those who were fortunate enough to attend, occurred at the Armory hall last evening, when the members of the "C. C." Club entertained a number of their lady friends. Specifically, the occasion was the annual holiday dance, given by the club, and that it far surpassed all former events of its kind held in this city goes without saying.

The spacious armory was beautifully decorated for the occasion, evergreens, ferns and foliage being used in profusion. Ott's orchestra furnished delightful music, and punch was served during the entire evening. About thirty-five couples were present, and the gowns worn by the ladies are said to have been simply charming. Most of the club members wore dress suits.

At twelve o'clock the party repaired to the McClallen Hotel grill in a body, where they partook of the most delicious feast ever served in this city. The dining tables were tastefully decorated, carnations and ivy predominating. The rose color tables and lights, the former arranged in "T" shape added to the attractiveness of the grill, and fully exemplified that special attention had been given the decorations by the hotel management. During the banquet hour Carl Wimberly delivered an address of welcome to the ladies upon behalf of the club. That his efforts were appreciated was attested in the liberal applause that followed his address. Special music was rendered during the banquet.

Following was the menu: Eastern oysters, on Cassie, bouillon in cups, stuffed olives, salted almonds, celery, sweet pickles, chicken patties, roast young turkey with dressing, cranberry sauce, orange sherbet, fruit salad, mashed potatoes, french peas, vanilla ice cream, assorted cakes, fresh fruit, nuts and raisins, Roquefort cheese, toasted crackers, safe noir on Tasse.

SENATOR'S MOTHER EXPIRES.

Mrs. Chamberlain Dies at the Age of Ninety Years.

WASHINGTON, Dec. 30. Senator Chamberlain, of Oregon, received a telegram today informing him of the death of his mother, Mrs. Parmella T. Chamberlain, in her home in Natchez, Miss. Mrs. Chamberlain was about 90 years old. Senator Chamberlain will leave tomorrow night for Natchez to attend the funeral.

M. L. Webb, who was in the city today from his home west of the city, informs The News the telephone line under construction for some time past is now complete and all the residents in his section have taken advantage of the convenience by installing a phone.

WANTED—By young lady, situation as chambermaid or place as assistant in private home. Inquire News office. d-310

WANTED—Girl for housework in family of four; no washing or ironing. Inquire News office.

CARNEGIE IS LIBERAL

Gives Away Over \$19,000,000 During 1910

TROOPS CALLED INTO ACTION

Wireless Station Picks Up Message Indicating that Steamer Crescent is Sinking off Shore of Minnesota.

(Special to Evening News.)

CHICAGO, Ill., Dec. 31.—According to statistics compiled here, Andrew Carnegie has allowed his purse strings to hang looser than any other American millionaire during the year 1910.

A report published in the Chicago Tribune today is to the effect that Carnegie has given away \$19,664,325 for public benefactions during the year. The total amount of gifts of like character is fixed at \$114,604,438. Embezzlements, \$35,000,000, as compared with eight million dollars in the year 1909. Fire losses, \$222,000,000 including twenty million forests. There were 12,608 suicides; 1,004 people killed in mines, and the most serious railroad fatalities occurred following snow-slides in Washington, when 118 people lost their lives. There were a total of seventy four lynchings.

Fighting Continues.

HAUACHUCA, Ariz., Dec. 31.—Troop G, federal cavalry, stationed at Fort Huachuca, have been ordered to proceed to the Sonora border, and will leave for the scene tonight. From advices received here trouble is expected between the Mexican government troops and the insurgents who have mobilized on the Arizona side of the boundary line.

Boat is Sinking.

POR ARTHUR, Ont., Dec. 31.—The wireless station here has just picked up fragments of a message indicating that the Steamer Crescent is sinking in the neighborhood of Grand Marais, Minnesota, on Lake Superior. Efforts are being made to get in communication with the steamer.

Today is payday at the courthouse, and consequently all the county employes are happy.

ARCH HOXEY KILLED.

DOMINGUES AVIATION FIELD, Dec. 31.—Arch Hoxey, holder of the world's altitude record and one of the most renowned aviators in the entire country, fell 800 feet and was instantly killed at 2:15 o'clock this afternoon. Hoxey's tragic death is the second to occur on the aviation fields of the country today.

THE OLD SOLDIERS' TRIBUTE.

Members of Colonel Jewel Post Pay Compliment to Binger Hermann.

The following resolutions, passed by Colonel Jewel Post, Myrtle Point, Oregon, pay a glowing tribute to the integrity of Hon. Binger Hermann, over whom a cloud has rested for five years, but in whom his hosts of friends never lost faith for a single moment, and all are happy that time has brought vindication to one of the men whose sterling character has won and held for him thousands of friends in Oregon:

MYRTLE POINT, Ore., Dec. 27.—Hon. Binger Hermann, Roseburg, Oregon.

Dear Sir: At a meeting of Col. Jewel Post, No. 53 G. A. R. this date the following preamble and resolution was unanimously passed and spread on the minutes of the meeting, and also the Adjutant of said Post was instructed to send a copy thereof to you with the congratulations of this body because of the ending of the persecutions that have been persistently followed up for an unreasonable time, as we believe, by jealous political enemies for their personal aggrandizement:

Whereas, charges of land fraud against Hon. Binger Hermann have been dismissed by the Judge of the United States federal court at Portland, Oregon after strenuous effort had been made for a period of five years to find evidence to convict Mr. Hermann, even as we believe by unfair means, and by large expenditure of the people's money. Therefore be it

Resolved, That this Post congratulate Mr. Hermann because the persecutions have ceased, and that in our opinion he has emerged from a cloud that his enemies had intended would destroy the character of an innocent man, and it is our hope that a joyous journey through the remainder of his life will be his lot.

W. A. KING, Adjutant, R. W. LUNDY, O. M., D. A. HULING, Chap.

TO-NIGHT

Roseburg Theatre

May Roberts and Her Company

Eugene Walters' Great Play

Paid in Full

Victor L. Gillard playing Captain Williams

Change of Program, Sunday Matinee

The Funny Three Act Comedy

A GRASS WIDOW

Matinee 2:30 Sharp

Night prices, 25c, 35c, 50c. Matinee, 10c, 25c, 35c

ROSEBURG BOOK STORE

Blank Books Filing Cases Typewriters Supplies Writing Paper and Envelopes

EVERYTHING TO BE FOUND IN A FIRST CLASS BOOK STORE

Roseburg Book Store

Ask for our Cut Price Magazine Catalogue

We thank our patrons for their liberal patronage during the year 1910 and solicit a continuance for the New Year. That prosperity may be yours in the fullest measure is the wish of

The Biggest Little Drug Store in Town ROSEBURG PHARMACY, Inc. S. E. KROHN, Manager Roseburg, Oregon