

COUNCIL MEETS

Drastic Liquor Ordinance is Adopted Last Night.

CITY OFFICERS ARE ABLE TO ACT

Mercantile Ordinance is Adopted Without a Dissenting Vote—Considerable Other Business Transacted.

The city council in regular session last night completely eliminated the bonds that restricted the acts of the police officers employed under the former administration, and passed an ordinance whereby the present policemen of the city are in a position to assist very materially in enforcing the local option laws now in effect.

The ordinance is very specific and defines in no uncertain terms what constitutes a blind pig. Not only is a violator of the local option law subject to arrest and conviction under this ordinance, but his place of business may be declared a nuisance and closed, inasmuch as the councilmen declared that an emergency existed the rules were suspended and the ordinance was placed on its third reading. It was adopted by a unanimous vote of the body.

The ordinance is self-explanatory and follows in detail:

Title of Ordinance. An ordinance to declare the keeping or maintaining of any place in the city of Roseburg in which intoxicating liquors are sold contrary to law, or in which such liquors are kept for the evident purpose of selling or giving away contrary to law, or where intoxicating liquors are kept for the purpose of inducing people to resort to, to be a nuisance; providing for the punishment of any person, including owners, lessors and other persons, maintaining or assisting in maintaining any such nuisance; providing for the search of places alleged to be maintained contrary to this ordinance and for seizure and destruction of intoxicating liquors kept therein; regulating the practice and procedure in such cases and defining intoxicating liquors for the purposes of this ordinance.

Be it ordained by the people of the city of Roseburg: That the City of Roseburg does ordain as follows:

Provisions of Ordinance.

Section 1. The keeping or maintaining of any place within the City of Roseburg in which intoxicating liquors are sold or given away, contrary to law, or in which such liquors are kept or harbored for the evident purpose of selling or giving away said liquors contrary to law, or where intoxicating liquors are kept for the purpose of inducing people to resort to, to buy or receive intoxicating liquors in violation of law, is hereby declared to be a nuisance, and any person maintaining or assisting in any manner in maintaining any such nuisance shall upon conviction thereof be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars or by imprisonment in the city jail not less than ten days nor more than ninety days or by both such fine and imprisonment, and in default of payment of such fine or any part thereof such person shall be imprisoned in the city jail of Roseburg, Oregon, one day for each two dollars of said fine unpaid.

If any person shall be convicted a second time for violating any of the provisions of this ordinance, such person shall be punished for such second and each subsequent violation of this ordinance by both such fine and imprisonment.

Section 2. Any person who knowingly permits any building or tenement or any part thereof, within the City of Roseburg owned or leased by him, or under his control, to be used in maintaining a nuisance as defined in section one of this ordinance, or who, after being notified

in writing by any person of such use omits to take all reasonable measures to effect therefrom the person or persons so using the same shall be deemed guilty of assisting in maintaining such nuisance and shall be punished as provided in said section one.

Section 3. Upon the filing of a complaint with the city recorder of said city charging that a designated place within said city is kept or maintained as a nuisance within the meaning of section one of this ordinance, by any person or persons, and that intoxicating liquor is kept or harbored therein with the evident purpose of selling or giving away the same contrary to law, a warrant shall be issued by said city recorder directed to any peace officer of said city, commanding such officer to arrest the person or persons charged or described as maintaining or assisting in maintaining such nuisance, and to search the place described in said complaint, and seize and take into custody all intoxicating liquor and the packages and vessels containing the same found therein, and safely keep the same as herein provided. It shall be the duty of the officer receiving such warrant to demand admittance into such place and upon admittance being refused he is hereby authorized and required to force open the same and execute said warrant. The property seized under such warrant shall remain in the custody of the officer receiving the same, and of his successor in office, until the case has been decided by the court, and if the defendant or defendants be found guilty the property seized shall be destroyed by such officer.

Section 4. In all prosecutions or proceedings under this ordinance it shall not be necessary to state the kind of liquor sold, kept or harbored, nor to show the knowledge of the principal to convict for the acts of an agent or servant; and in all cases the persons to whom intoxicating liquors shall be sold in violation of law shall be competent witnesses. The issue of a license or internal revenue special tax stamp by the Federal government to any person for the sale of intoxicating or malt liquors shall be prima facie evidence that such person is selling, exchanging or giving away intoxicating liquors. All beverages containing more than one percent by weight of alcohol, and fermented cider, commonly known as hard cider, and all spirituous vinous and malt liquors shall be deemed intoxicating liquors within the meaning of this ordinance.

The only question raised regarding the hasty passage of the ordinance came from Councilman Fullerton, when he inquired if the ordinance, in substance, did not cover the same ground as the state law now in effect. In making this inquiry Judge Fullerton said he did not deem it wise to invoke an ordinance, which would shift the burden of prosecutions from the state to the city. Prosecutions, Councilman Fullerton contended, were costly, and that the city should not be required to spend money in relieving the state of its responsibility. When assured that the provisions of the ordinance were not intended to add expense to the city, Councilman Fullerton was satisfied and cast his ballot in favor of the measure.

The Occupation Ordinance.

The occupation ordinance, which

ELECTION TODAY

Portland Voters Would Correct the City Charter.

BOND ISSUES CONFRONT CITIZENS

Mobilization of Western Division of the Regular Army is Planned Red Bluff Selected of Place of Meeting.

PORTLAND, Dec. 9.—The electorate of Portland is voting at a special election today on several amendments correcting defects in the city charter which have been revealed since the commission form of government went into effect last July, and bond issues aggregating approximately \$275,000 for permanent improvements. The bond issues include \$200,000 for the improvement of various parks and playgrounds of the city; an issue of \$50,000 for a municipal paving repair plant and an issue not exceeding \$25,000 for the establishment of a municipal market or markets. An act to amend the charter of the city so as to provide that officers appointed by the council, instead of all appointed officers shall serve during the pleasure of the council.

Mobilization is Planned.

SACRAMENTO, Cal., Dec. 9.—That mobilization of all the forces of the western division of the regular army and the members of the state national guard of all states comprising the division will take place at Red Bluff in the near future is indicated here when it was learned that Major General Arthur Murray, U. S. A. and Adjutant General Forbes, of the California national guard had visited that town to select a site for such a purpose.

LOBBY EXISTED

House Committee Submits Unanimous Reports.

COL. MULHALL'S STORY IS ENDORSED

American Federation of Labor Exonerated of Lobby Charge—Work of Mfg. Association Branded Outrageous.

(Special to The Evening News.)

WASHINGTON, Dec. 9.—The president's charge that an "insidious lobby" existed in Washington, was sustained today by a unanimous report of the house committee, which investigated the president's accusation. Democrats and republicans joined in denouncing lobby and lobbyists, and largely endorsed the story told by Col. Mulhall, including what he said about the National Association of Manufacturers, Congressman McDonald, a progressive, made a separate report which was more strongly worded than that of the committee proper. The congressman handled the situation without gloves. In the majority report manufacturers were declared guilty of improperly preventing or seeking to prevent legislation unfavorable to their personal interests. The American Federation of Labor was exonerated of the charge of "corrupt and illegitimate lobbying." Congressman Bartholdt, Burke, Calder, Sherley, Webb and Fairchild, all mentioned in Col. Mulhall's narrative, were exonerated.

As for the National Association of Manufacturers, and the National Council of Industrial Defense," the report said, "we think it both offensive and outrageous that these associations should have their hirelings about the capitol buttonholing members of congress. We think that they went beyond the efforts of legitimate effort and deserve severe censure, as well as a pointed suggestion that they completely reform their methods or remain away in the future."

Goes To Paris.

LONDON, Dec. 9.—Mrs. Pankhurst left London enroute for Paris today. She announced that she was going to visit her daughter, who has been exiled in France for some time. It was not stated how long the suffragette leader would remain away, but it is believed her stay will continue indefinitely. English authorities raised no objections to her departure, and it was unofficially stated that nothing pleased the government better than to have her remain outside of the country. Mrs. Pankhurst was so weak and emaciated from her recent hunger strike that she was necessarily removed to the station in an ambulance.

has for its purpose the taxing of trades, occupations and businesses within the corporate limits of the city of Roseburg, came up for its third reading last evening, but upon motion passage of the same was deferred for one week in order to allow the preparation of a number of minor amendments.

County Judge Dexter Rice was present at the meeting, and in a brief address said his notice had been called to the occupation tax assessed against bootblacks of the city. In most instances, Mr. Rice said, the owners of these stands were either mere boys or cripples, the latter of whom were unable to earn a livelihood in any other manner. Speaking of the boys engaged in the bootblack business, Mr. Rice said many of them were the sole or partial support of their mothers, and consequently should not be taxed. "Several mothers of these boys are applicants for widows' pensions," said Mr. Rice, "and it does not seem right that these lads should be taxed by the city. If the city persists in levying this tax many of the mothers will necessarily have to seek assistance from the county, and thereby further burden the taxpayers." It was the suggestion of Mr. Rice that the tax on bootblacks be eliminated.

Chairman Clark, of the license committee, said he considered it unjust to tax the bootblacks, and moved that the section of the occupation ordinance applying to this line of business be stricken out. The motion carried without a dissenting voice. Mr. Clark also asked that the word "dryman" be defined to include all persons who haul by contract. Councilman Clark said many of the legitimate drymen had complained of having to accept contracts for hauling without paying the usual license. Councilman Clark said the license committee desired to play fair with every one, and consequently thought all persons engaged in a similar line of business should be treated in common.

Fred Wright, a local bill poster and distributor, was present and complained regarding certain non-residents who made a practice of bill posting in Roseburg without paying a license. Winnie Gaddis, the plumber, also complained of the practice of non-resident plumbers, who came here

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FOR BUSINESS MEN.

Mr. B. G. Leedy, past master of the State Grange, and E. E. Blanchard, of Grants Pass, will address the business men of Roseburg at the Commercial club rooms tomorrow evening at 8 o'clock. The subject will be "Co-operation between the Business Men and the Farmers." Every business man in the city should hear this address.

TELEGRAMS FAIRLY SWAMP ROBERT BOOTH, OF EUGENE; HIS CANDIDACY IS URGED

Friends of Robert Booth Insist That He Announce His Candidacy for U. S. Senator.

Following the announcement in Sunday's papers that a large delegation of Eugene and Lane county people had called on R. A. Booth at his home Saturday afternoon and had urged him to become a republican candidate for the office of United States senator many of Mr. Booth's friends and acquaintances who had not known that the movement was on foot Saturday called at his office and at his home yesterday and expressed the hope that he would accede to the request that had been made, says the Eugene Register. Other scores called him by telephone, and last night another large delegation of representative citizens, both men and women, waited upon him at his home and further urged upon him the acceptance of the call that had come to him from the people of his own community.

Added to the solicitations of the people here were letters and telegrams that poured in from all over the state all day yesterday. Last night Mr. Booth's desk was piled with the expressions of opinion. Without exception these messages assured him of hearty co-operation, and promised strong support throughout the campaign should Mr. Booth decide to become a candidate.

Mr. Booth is as yet undecided as to what he will do, although he appreciates fully the demand that has been made upon him. Farther than again thanking them for their expressions of endorsement, Mr. Booth made no reply to the delegation that called on him last night. He wishes to wait a few days until he shall have heard from other friends and other sections of the state in order to be able to judge more fully the need that exists. Upon the expressions that come from the other counties, added to the sentiment that has been expressed here he will base his decision, which will probably be made public in a few days.

L. B. Moore, local station agent of the S. P. line, has just received word that a tariff would reach here shortly authorizing round trip fares from stations in Oregon to points in California, on account of the Christmas and New Year holidays. Sale dates will be December 29 to 25 inclusive and December 27 to Jan 21 inclusive. Final return limit January 5, 1914.

BUTTER AND EGG

Trust is up For Probe in the Federal Court.

HORRORS OF TEXAS FLOOD INCREASING

List of Dead Reaches One Hundred and Sixty—Boats Busy Rescuing Persons From the Flood District.

CHICAGO, Dec. 9.—Dissolution of the Chicago Butter & Egg Board and the Elgin Butter & Egg Board as combinations in restraint of trade, was asked today by Master in Chancery Morrison, who filed a report in Federal Judge Kohlsatt's court. The court will hear the arguments on the application tomorrow. Morrison's report said that a careful investigation made showed that the two organizations were working in unison, and arbitrarily fixing the prices on butter and eggs in all of the Central Western states. This report alleges that these two concerns regularly forced the prices down on those products during the flush periods, during which time they contracted for all of the available supply at remarkably low quotations, and then in the winter seasons boosted the price to all that the traffic would stand.

Flood Conditions Frightful.

BRYAN, Tex., Dec. 9.—The Brazos river valley flood conditions are frightful and reports coming in from all over the devastated district constantly add to the horror of the situation. So far only 160 are counted as dead, although hundreds more are missing, many of whom will undoubtedly turn up alive in the near future, but it is also certain that the death list will be largely augmented when all the fatalities are known. Not

CARO IS VICTOR

Regains Title to Property Valued at \$40,000.

DEED IS MORTGAGE SAYS COURT

Oregon Supreme Court Holds That Himan Wollenberg Was With-out Title to Valuable Roseburg Property.

A most important decision was rendered by the Oregon supreme court today, when that high tribunal reversed the holding of Judge Lawrence Harris, of Lane county, and bestowed the right and title of certain property, heretofore held by Himan Wollenberg, and valued at approximately \$40,000 in the name of Simon Caro of this city. The property involved includes the building, now occupied by the United States land office, the building occupied by Ross Goodman, the tobacconist, the store structure occupied by C. H. Terelnski, and the residence property situated at the northwest corner of Jackson and Douglas streets.

The controversy between Mr. Caro and Mr. Wollenberg dates back several years and was only settled after several legal battles which were characterized by many perplexing questions of law.

A brief review of the case follows: In the year 1895 and prior thereto Simon Caro, the victor in today's decision of the Oregon supreme court, owed Himan Wollenberg the sum of \$16,510, which was secured by two mortgages covering the building occupied by the United States land office and stores occupied by C. H. Terelnski and Ross Goodman, and the residence property at the northwest corner of Jackson and Douglas streets.

In the year 1895 Mr. Caro gave Mr. Wollenberg a deed to the property in lieu of the two mortgages previously executed. In the year 1899, or four years later, Mr. Caro gave Mr. Wollenberg possession of the property under the deed. Claiming to hold title to the property, Wollenberg entered into possession of the same as his own.

Caro denied that Wollenberg was the owner of the property, and in defense of his accusations alleged that the latter assumed possession of it as a mortgage, and for the purpose of collecting the rents and applying the same on the mortgaged indebtedness. It was claimed by Caro, that the deed of 1895, although absolute in form, was given as a mortgage and that Wollenberg's entry therein was that of a mortgagee in possession.

An action to recover possession of the property was brought by Caro some time ago, and the case was later tried before Judge Lawrence Harris, of Eugene, in the local circuit court. In rendering his decision favorable to Wollenberg Judge Harris held that the deed executed by Caro in favor of Wollenberg was a mortgage, but that Caro was precluded from maintaining a suit for the reason that the statute of limitations had expired. In other words, Judge Harris held that Caro should have brought the action within 10 years after Wollenberg assumed possession of the property.

Following the decision of Judge Harris, Mr. Caro appealed the case to the supreme court, with the result that the ruling of the lower court was reversed.

Although the full opinion of the supreme court has not been received here, it is believed that Caro will be placed in immediate ownership of the property.

The property is valued at approximately \$40,000, and renders Caro a wealthy man. The attorneys involved in the action believe that the rents collected by Wollenberg since he came into possession of the property will practically wipe out the indebtedness, and leave the property clear.

One question involved in the case, details of which have not been received here, is whether the supreme court allowed Wollenberg for the actual cost of the improvements made by him since coming into possession of the property. At any rate, these expenditures cannot possibly total more than \$5,000. Mr. Caro was represented by Attorneys Cardwell & Watson, who made an excellent legal fight on behalf of their client. Wollenberg was represented by Attorneys Cashow & Rice.

There is an appeal from the decision of the Oregon supreme court, and consequently Caro's right to the property begins at once. In order that a correct account of the rents collected by Wollenberg may be forthcoming, it is possible that the supreme court will appoint an accountant to investigate this phase of the case until a further fall of the water reveals those ledges now held fast in the debris beneath the rushing current. Not even anything like an accurate estimate of the victims be made. Rescuers are hourly racing with the current to save between 3,000 and 6,000 refugees perched in tree tops or clinging to roofs of buildings in the valley.

RIISING STAR BUYS.

At a recent meeting of the trustees of the several branches of the Odd Fellows order in this city, the Rising Star lodge purchased \$2,240 worth of stock in the Odd Fellows property at the corner of Jackson and Cass streets. The property is now owned by Philaretian, Rising Star, Union Encampment and the Rebekah branches of the local lodge of Odd Fellows. The property is valued at \$25,000, and the stock was distributed among the several branches of the order on that basis.

the case and thereby determine the exact amount of cash due either of the parties involved.

GIRL IN THE TAXI COMING TO THE LOCAL THEATRE ON DECEMBER THE 10TH

Cast Includes a Number of Clever Players—Seat Sale to Be Instituted Soon.

Did you ever feel that you wanted some good amusement to cheer you up? Not a play where you would have to tire your brain, excite your nerves and make you feel unnatural. Take yourself and some other selves to the Antlers on Dec. 10 and see the champion of all gloom destroyers, "The Girl in the Taxi." If you haven't seen this bull's eye, but you have heard of it, don't miss it. Paris, New York, London, Chicago and in fact, all large cities just raved over it. This out sweet girl in her taxi has attracted more admirers than a cool shower on a hot day. Go with your laughing apparatus well oiled up. You may be an old grouch yourself, but this is one classy comedy with its cute songs that will bring you back to Happyland. Order seats now.

CITY NEWS.

The Roseburg Gun Club is negotiating for the purchase of a small tract of land, owned by Eugene Hanan and situated at a point about two miles south of the city. In the event it is purchased the land will be used for gun club purposes. A move is also being made to erect a small, yet modern club house on the land, if purchased. The club house, the members of the association believe can be erected for a sum not to exceed \$400. The marriage of Miss Alma Powell, of Oakland, to Delbert W. James, of Roseburg, was solemnized at high noon, Saturday, December 6, at St. George's Episcopal church. The wedding ceremony was performed by Rev. Chas. Wilson Baker and witnessed by a few intimate friends of the contracting parties. Mr. James is a Southern Pacific brakeman, and his bride is one of Oakland's fairest daughters. The happy couple will make their home in Roseburg where a host of friends extend congratulations.

LOPEZ IS ALIVE

Poisonous Gases Fail to Kill Bandit.

STILL HIDING IN TUNNELS OF UTAH MINE

Guards at Entrance Hear Desperado Moving About in Tunnel During Night—Posses Catching Exits Doubled.

(Special to The Evening News.) SALT LAKE, Dec. 9.—That they heard Lopez, the Mexican bandit, moving about near one of the entrances of the Apex Utah Mine during last night, was reported this morning to Sheriff Smith by Deputies Miller and Rucker, who were on guard at the bulkhead of the Andy tunnel leading into the workings. The sheriff immediately strengthened the guard about the various exits of the mine in order to prevent the desperado from making a probable get away. At Bingham two shooting affrays took place last night over disputes arising from the Lopez case.

Fish and Game Commission.

SALEM, Dec. 9.—Governor West today announced the appointment of H. H. Clifford, of Baker City, and Floyd Hilyou, of Portland, as two of the members of the new fish and game commission. Up to noon the governor had not received a reply from the party to whom an offer of the third place on the commission, nor would he give out the name of the individual to whom the appointment has been tendered. The commission is in session here this afternoon. Besides the two new members, M. J. Kinney is attending. It is expected that the board will organize this afternoon by selecting a chairman and secretary.

SIXTEEN DAYS TO CHRISTMAS



Today is Better Than Tomorrow For Doing Your Christmas Shopping.