

# Last Week of Our Annual Sale...

IT POSITIVELY CLOSSES SATURDAY NIGHT FEBRUARY 3

## C. H. COOPER

### TO ASTORIANS.

The DAILY ASTORIAN will be found on sale in Portland at the well-known stationery house of J. F. Handley & Co., 391 Washington Street. Orders for advertising left with this firm will receive prompt attention.

### TODAY'S WEATHER.

Western Washington, Western Oregon—fair, except rain long coast today. Eastern Oregon, Eastern Washington and Northern Idaho, fair, warmer today.

### AROUND TOWN.

Mark Kelly, of Skamokawa, is in the city.

Crawfish cooked in wine at the National Cafe.

Mrs. L. A. Austin, of Cannon Beach, is in the city.

H. B. Settem, of Knappton, is a guest of the Occident.

H. E. Brown has returned from a trip to Portland.

Mrs. W. C. A. Pohl is down from Bear creek on a visit.

Miss Maud Wood, of Portland, is visiting friends in this city.

Mr. and Mrs. H. G. Smith are in Portland visiting friends.

Mrs. August Kratz has returned from a visit in Portland.

L. A. Austin, of Cannon Beach, is registered at the Occident.

H. M. Huxley, of Portland, is registered at the Parker house.

The steamer Dispatch arrived this morning from San Francisco.

Frank Stokes has gone to Puget sound for a few days to look after his business interests there.

The British ship Wendur sailed from Calcutta for Astoria on January 29 with a cargo of grain sacks.

The lightship was not pulled off the beach yesterday owing to a heavy swell, which sprang up early in the day.

The body of Oscar Jacobson, who died in this city on Monday night, was taken to Ilwaco yesterday morning for burial.

For Rent—5-room house; hard finish; unfurnished. Rent low to right party. Apply at premises; 422 Irving avenue.

Dan Moore is down from Portland in the interest of the estate of the late H. B. Borthwick, of which he is administrator.

A marriage license was granted in Portland Tuesday to George A. Housman, of Clatsop county, and Miss Nellie Hembree.

In addition to the steamers already chartered for the Cape Nome trade it is understood that a sailing fleet will be pressed into service.

Deputy Collector Parker has paid off the officers and crews of the revenue and marine hospital services. The amount was about \$2,500.

The tug Samson having the scow schooner Waashtenaw in tow from Grays harbor arrived at San Francisco after a passage of five days.

Roslyn coal lasts longer, is cleaner and makes less trouble with stoves and chimney fires than any other. George W. Sanborn, Agent. Telephone 1311.

The steamer Elmore arrived from Nehalem yesterday, bringing 1,250 cases of salmon and two tons of baggage, as well as a quantity of butter.

A special meeting of the Ladies' Aid Society of the M. E. church will be held today at 2 p. m. All members will please attend.

The W. C. T. U. will hold their regular meeting this afternoon at 2 o'clock at their rooms, Corner Eleventh and Bond Streets. Strangers welcome.

The old ferryboat Kikkitat, which has been running near The Dalles, arrived down yesterday morning. Her machinery will be placed in the launch Hawthorn.

Roslyn coal is the best and most economical coal for household use in Astoria. Try it once and you will have no other. George W. Sanborn, Agent, Telephone 1311.

The O. R. & N. has signified its approval of the "three-roads" proposition, the signature of President Mohler having been added to the list of petitioners yesterday.

The funeral of W. Higgins, the sailor of the British bark St. Enoch, was held yesterday morning from Pohl's undertaking parlors. The interment was in Clatsop cemetery.

Old Continental is a standard high grade Kentucky whiskey. Absolutely pure, and can be recommended to those seeking a stimulant for medical and social use. Sold by Aug. Danielson, Astoria, Oregon.

Plans and specifications were filed yesterday with the clerk of the city council for the improvement of Franklin avenue from Thirty-first street to the claim line. Estimates were also submitted.

The Magdalene cleared yesterday for Liverpool with a cargo of wheat, barley and household goods, valued at \$32,750. The Clackmannanshire cleared for Queenstown with a cargo of wheat and barley, valued at \$46,305.

Three new citizens were turned out yesterday by Judge Gray: Frank Lindstrom, a native of Sweden, Mattias Kerula, a native of Russia, and Lars Paulson, a native of Norway, being granted their final papers.

It is said that the big American ship Shanandosh has been chartered to take from San Francisco to Sydney the largest cargo ever sent to Australia from the Pacific coast. She will carry 1,500,000 feet of lumber and about 3,000 tons of general cargo.

The county court has decided to send Mrs. Aureli Raymond, of Clatsop, to the Old Ladies' Home at Portland. Mrs. Raymond is 91 years of age and has been a resident of Clatsop county for 53 years. The county will pay \$10 a month toward her maintenance.

The receipts of the school board have been estimated as follows for the present fiscal year: County school fund, \$8,000; state school fund, \$2,500; delinquent taxes \$400; levy of ten mills, \$14,750; tuition, \$150. The expenses are estimated at \$26,094, as follows: Teachers' salaries, \$15,929; janitors' salaries, \$1,700; water, \$200; clerks' salary, \$600; bond interest, \$4,500; wood and coal, \$1,000; interest on floating debt, \$200; supplies, \$400; repairs, \$300; expense, \$100; elections, \$25; printing, \$50; reduction of floating indebtedness, \$1,000.

Rev. W. S. Winans and Rev. S. Stevenson, of the American Sunday School Union, are to be in Astoria early next week to address the Sunday school workers. Mr. Stevenson is an excellent speaker of national repute and is deeply interested in Sunday school work. The meetings will be of a general nature and all Christian people are cordially invited to attend. The date of the meeting will be announced later.

Don't fail to see the Moore-Roberts Company in "David Garrick" and the "Chinese Question" at Fisher's opera house tonight.

The police are on the lookout for a gang of hoodlums who, for the past few days, have been committing all kinds of depredations in the western end of town. It has been a favorite resort of the gang to despoil vacant houses of all the plumbing fixtures, gas fixtures, locks and, in fact, everything that could be removed with convenience. The police believe they have a good clue as to the identity of the culprits and it is not at all unlikely that several arrests will soon be made. The fate of the old gang which operated along similar lines in this city several months ago should have a deterrent influence on the new aggregation, but it seems not, for some of their depredations have been of the most daring nature.

## MORE LAW AND FURTHER DELAY

### Attorney Thompson Disapproves the Roads Petition.

### ARGUES FOR REMONSTRANTS

#### Petition Comes Up Today for Final Action—Are Opponents Talking "Through Their Hats?"

The "three-roads" matter was postponed again until today when it is believed final action will be taken by the county court. It was expected that the matter would come up for decision yesterday but the inability of Deputy Praet and Assistant Carruthers to complete the work of checking off the names precluded the possibility of final action.

The work of ascertaining the validity of the 2,000 signatures is a tremendous task, the work requiring much time and perseverance. Names of persons representing every known nationality are on the petition, and some of them look more like chicken tracks on a wet day than the signatures of those who live, talk and have their being in Clatsop county.

However, much interest was added to the temporary lull in proceedings by the filing, by Attorney C. B. Thompson, of an opinion in which the validity of any favorable action by the county court was disputed. Mr. Thompson appears as one of the remonstrants and his written opinion was entirely gratuitous. It will be formally presented this morning. The main points touched upon in the opinion are an elaboration of the point made by District Attorney Cleaton, as given in the Astorian yesterday morning. Although confined to the legal phase of the controversy, the opinion is quite interesting and is considered of much value by those opposed to the "three-roads" enterprise.

Mr. Thompson taps the fountain-head of the opposition's argument in his instrument. It is clear that much of the opposition to the proposed enterprise would be quelled had the petition not been pluralized. Most of those who are opposing the construction of three roads declare that they would have heartily endorsed a proposition to tap the Nehalem country alone. Friends of the measure, to the contrary, say that those who are opposing the "three-roads" proposition would have opposed a "one-road" proposition, or any other proposition involving the expenditure of extra funds, and that they are now "talking through their hats" merely for effect.

At any rate the outcome will be known today.

Attorney Thompson's opinion follows:

ASTORIA, Jan. 31.—To the Honorable County Commissioners, Clatsop County, Oregon—Gentlemen: In regard to the jurisdiction, or authority of the county commissioners to levy a special tax of five mills each year for the period of four years under a certain petition heretofore filed with you and known as the "Three Roads Petition," I herewith submit the following opinion thereon:

Section 2241 of the code provides that any organized county thereby authorized and empowered to aid in the construction or repair of any public highway, or river improvement in the manner thereafter named. Section 2242 provides that a majority of the legal voters of such county, as shown by the poll books of the last preceding election, shall petition the commissioners of such county in favor of any proposition to aid in the construction or repair of any such public work, etc., and then it shall be lawful and competent for the commissioners to order and levy an annual tax running through a period of years, providing for a separate fund for the purpose of aiding and constructing the public works petitioned for by such voters, etc.

Now, under this law the commissioners have no jurisdiction to levy such tax unless a valid petition, as indicated in section 2242 shall be presented to them. This petition must be signed by a majority of the legal voters, and must petition for some public improvement, such as the construction or repair of a public highway or river improvement, designated in the first section above quoted. In other words the petition must designate or specify with sufficient certainty for identification, the particular public improvement intended to be constructed or repaired. While there is some doubt in my mind as to whether the petition can contain more than one public improvement, for instance three in this case, I will waive that branch of the question.

The petition asks for the construction, or rather for the levy of the tax to aid in the construction of three main roads, each beginning at a certain designated point on the corporate limits of the city of Astoria, and each ending at a certain designated point on the boundary line of Clatsop county, each over the most practicable route, the first by way of Seaside and Necanicum river to the south boundary line of Clatsop county, the second by way of Olney and Jewell to the line between Clatsop and Columbia, and the third to the Columbia county line near Westport, Oregon.

It appears from the petition that none of these roads are to be constructed over roads already laid out,

# Pears'

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but they are to be constructed over a practicable route without designating which route is the most practicable one in each case. Each of these roads will be over thirty miles in length, and no direction, courses, or intermediate points are given, except in the first road, where Seaside and the Necanicum river are named as intermediate points, and in the second road where Olney and Jewell are named as intermediate points. In the last named road there is a distance of thirty miles between the beginning and ending point, in which no route is described, except that it shall be the most practicable route. It is therefore practically left to the discretion of the county commissioners to establish or locate the particular route, and therefore the roads to be constructed, or in other words the public highway or improvement to be made in each case is not identified or described by the petition, except in very loose or general terms. It will thus appear that the county court may build the roads through intermediate points quite remote or indifferent from that expected or intended by the petitioners.

I therefore conclude that the petition does not describe the roads or highways with sufficient certainty for identification, and that therefore the petition is not definite enough to give the court jurisdiction to order the improvement, or rather levy the tax.

There is another objection which I think equally fatal. The petition in the case of each road apparently contemplates that new routes shall be located and roads laid out and constructed over them, as that must be what is meant by the words "the most practicable route."

Now, the commissioners have no power of their own motion to establish or locate roads. The commissioners cannot acquire jurisdiction to establish roads except upon the petition of twelve householders in the vicinity of the proposed road. The improvement then is to be upon a road that is not only not established or laid out, but upon a road that it is not within the power of the court to establish or lay out. For instance, if the interested householders refused to petition for the road, or if the claim for damages is too excessive, in the one case, it will not be within the power of the court to locate the road, and in the other case it might be expedient to do so on account of the damages. It therefore occurs to me that the court is without jurisdiction to levy a tax under this petition, because it contemplates an improvement which it may not be within the power of the court to make. The court should certainly not be allowed by law, and it is presumed that it was not intended by law, that the court could levy a tax for a proposed improvement which could not be made. That is, so far as public highways are concerned they must be in existence at the time of the levy of the tax, as then it is within the power of the court to apply the proceeds upon the improvement. It might be that in the case of a river improvement where the county has the right to condemn for bridges the law would be otherwise.

In summing up, I will say for these two reasons, first, because the petition does not sufficiently describe or identify the roads or public improvements, for which the levy is to be made, to give the court jurisdiction to levy the tax, and second, because the petition contemplates the improvement of roads not in existence, and which it is not within the power of the court, unaided, to establish, by which it will appear that the court cannot be assured that the improvement will be made, I conclude that the petition in question is void and the court is without jurisdiction to make the levy prayed for therein. Respectfully submitted,

C. R. THOMSON.

## Common Sense and Nonsense

### A Public Expression of Private Opinion.

The Topeka, Kansas, Capital will soon present a unique feature in journalism in the nature of an up-to-date Christian daily; or, rather, an attempt will be made to show the world just what a real Christian daily is like. In view of this experiment the publishers have volunteered to divert the absolute management into the hands of the Rev. Charles M. Sheldon, author of "In His Steps," probably the most widely read book, excepting the Bible, ever published. It was Mr. Sheldon who, at the last national Christian Endeavor convention, sprung a sensation by asking from the platform of the convention hall if there was anyone who would donate one million dollars to establish a modern Christian daily. It was this that prompted the experiment to be undertaken with the Capital, and for one week in March Mr. Sheldon will have absolute charge of the office from cellar to attic.

Although the motives prompting this undertaking are probably the purest, the result will not show that which it is undertaken to demonstrate. When all will have been said and done the experiment will have been but a sad, passing from the public mind as do all

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# Herman Wise

## RELIABLE MEN'S AND BOYS' OUTFITTER

other unusual "features" in the history of later-day journalism. The reasons for this belief are the simplest imaginable. A public newspaper is a business institution. Enormous sums of money are invested in the same as in any other legitimate enterprise—for the returns that may accrue on the capital invested. The daily newspaper is just as much a vital factor in the business community as any other necessary enterprise—the provision man or the constructive mechanic. Its existence depends upon the business it can do and the amount of business done is measured largely by its popularity. To be popular, its columns must contain matters which will interest the great mass of readers. The wants and wishes of the professional man and the tradesman, the preacher and the sporting man, must all be heeded. None can be ignored and succeed. When one is considered to the exclusion of the other, then, at that very moment, a publication becomes the organ of a sect and not the exponent of the public.

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