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NEW COUNCIL STEPS IN AND OLD ONE GOES OUT

(Continued from page 1)

time. Mayor Smith called Councilman Belland to the chair and took the floor. He said he would like to explain his idea of the matter.

Insasmuch as it was the idea of the council—at least most of them—that Carney should be seated now and a recount had to finally determine the matter, there was some doubt about the advisability of adopting the resolution as stated.

Councilman Fox moved for a recount, but his motion was out of order, because of the resolution being before the house. Councilman Leinenweber then moved that the Prael resolution be amended so that it would read to seat Carney now, and to have a recount later. This carried.

Thereupon Mr. Karinen for the first time gave up his seat to Mr. Carney and escorted him to the chair.

Councilman Leinenweber then moved for a recount at 7:30 o'clock last night. Belland wanted it at 3 o'clock yesterday afternoon.

Attorney Fulton again tried to clear the atmosphere. He called attention to the provision in the charter which makes the council the sole judges of the contest, but he also called attention to this character provision also:

Section 26—All laws of the state regulating and governing general elections, and proceedings, and matters incident thereto, shall apply to and govern elections under this act, except as herein otherwise provided.

That is, while the council is the sole judge, yet the charter has provided no method of procedure for a contest of this nature, and this section 26 clearly states that when no procedure is provided for, then the state laws and procedures shall apply as to the method of holding the contest.

But despite the advice of Attorney Fulton, and of the remark in the annual message of the city attorney, and of a remark made a few minutes before by Mayor Smith—all lawyers—the council apparently wasn't very much impressed, and most of them didn't seem to care a hang about the legal advice that had been showered



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upon them. It was accordingly voted to adjourn until next Friday at 3 o'clock in the afternoon to take up the recount.

Meantime Attorney Fulton had stated he would "stop" the procedure if it was not carried out in pursuance of the charter and the statute laws appertaining thereto.

The interesting question now arises as to whether the city auditor will turn the ballot box over to the council Friday afternoon, unless he is first assured that the council is acting in the manner provided by law.

MAYOR SMITH'S ADDRESS.

Following is the address made by Mayor Smith at the opening session of the new council yesterday. It is a finely prepared and interesting study of the city's affairs, and will well repay a close reading.

To the Honorable Members of the Common Council:

Gentlemen—At this time the duty is imposed upon me to communicate to you a general statement of the condition of affairs of our city and to recommend the adoption of such measures as may be deemed expedient and proper to advance the welfare of the municipal corporation. While I am fully conscious of the importance of the duty, I realize the impossibility of covering the subject fully and shall therefore but mention briefly what seems to me the most important subjects.

The preceding administration has been so satisfactory, that there is little to criticize concerning the present condition of the city and we will be fortunate if able to retire from office with the respect and gratitude that our predecessors now command.

The citizens of Astoria should be extremely grateful for their present fortunate condition. They have escaped serious loss or damages from the elements, while many neighboring cities much more securely protected have suffered heavily. The streets of our city have been improved in a substantial manner and modern public buildings erected and the improvements mostly paid for in full.

The financial panic of the last year that paralyzed industry throughout the country scarcely abated in the least the growth and prosperity of this city. The present construction of several important railroad projects to the mouth of the Columbia river, together with the vast importance of that river as a transportation highway from inland to the sea and the improvement of its mouth as an ocean port with the enormous wealth of merchantable timber accessible to it that is now in ready demand for immediate consumption combine to insure the rapid and continued progress and improvement of our city beyond the sanguine predictions of the most optimistic. So certain is it that immediate and adequate returns must necessarily result from honest and intelligent effort for municipal improvements in this favored location, that one of the most important services that can be rendered this community is to seek by object lessons and patient reason to dispel the doubts of the obstructing pessimists and teach a very small but extremely active minority that the nursing and giving vent to the malevolent passions of envy and jealousy is not in harmony with centralized population, and that strict loyalty to our municipal corporation as well as our business institutions is the surest guarantee of the prosperity of all.

Equally as important as our natural advantages is the recently adopted provision of our state constitution, giving to the voters of cities power to enact and amend their charters subject only to the state constitution and the criminal laws of the state; thus placing it within our own power to prescribe the boundaries of our municipal development and work out our own destiny. The law passed in pursuance to this provision provides that the City Council may propose amendments upon its own initiative, and accordingly your responsibility as well as your sphere of duty has been vastly enlarged; so that you may submit any measure to the people for their adoption from building an electric

railway to busting a trust. At the last election two meritorious measures were submitted to the voters for their adoption or rejection and one of them, the Port of Astoria bill, was adopted while the other, the bill for constructing bulkheads and filling in the tide flats, was rejected. There is some doubt as to the legality of the adoption of the Port of Astoria bill owing to a few days' delay in advertising it after the initiative petition was filed and for that reason I would recommend that its validity be judicially determined before any expense is incurred under it; and in case it should prove void that a special election be provided for at some time during the year so that it as well as the reclamation bill shorn of its objectionable features may be re-submitted to the voters.

Under the charter \$230,000 is fixed as the limit of net indebtedness and no obligation can be lawfully incurred for any purpose beyond this limit, and accordingly it is urgently necessary to exercise every precaution to guard against an increase of indebtedness. The report of the auditor and police judge shows that while the gross indebtedness of the city has been materially increased owing to the city loaning its credit to property owners on account of installments for street improvements, yet the net indebtedness which is approximately \$187,494.60 is not substantially in excess of what it has been for several years in the past.

Your attention is called to a statement showing the income and expenses of the city for the year just closed from which it appears that the expenses exceeded the income by more than \$11,000 the items of which are as follows:

Table with columns: Expense, Amount. Items include Bond interest, Street repairs, Police department, Fire department, Health department, Auditor and experts, City pound, Stationery and printing, Janitor, Surveyor and assistance, Street lighting, Public property including fuel, lights and repairs, Salaries including that of city attorney at \$115 per month, treasurer, \$90; superintendent of streets, \$95; driver street sprinkler, \$75; engineer for street roller at \$4 per day when working on roller and \$75 per month while at other work; Sexton, \$50; total... 6,685.50

Table with columns: Income, Amount. Items include Retail liquor licenses from 51 saloons at \$400 per annum... \$20,400.00; Wholesale licenses... 400.00; Sundry licenses... 4,346.00; Total licenses... \$25,146.00; Fines and forfeitures... 2,292.50; Franchise tax... 350.00; Sale of lots in city cemetery... 250.00; Rent of city roller... 200.00; Taxes... 34,000.00; Total income... \$62,238.50

That there was a deficit last year of \$11,000 is perhaps excusable on account of the unforeseen expenses and necessary expenditures required to more thoroughly equip the fire and street departments, but unfortunately the tax levy already made for the ensuing year is so small that another deficit will inevitably occur unless either additional revenues are secured or the expenses of the city greatly reduced. It is to be hoped that such a condition will not again occur and I consider it incumbent upon the common council to exercise every precaution to guard against the expenses exceeding the income one single dollar. Either provide for reducing the expenses or else make provisions to increase the revenues of the city to meet the expenses and it would be wise to do both. The charter places it within your power to license almost every occupation and business conducted within the city and resort should be had to an occupation tax rather than face any deficit.

While the expenses of the Fire Department have been quite heavy during the past year, much of this has resulted from repairing the two engines and purchasing a new combination chemical engine and hose wagon and other apparatus and supplies which has thoroughly equipped that department so that during the coming year the expense of maintaining it should be greatly reduced.

During the past few years the street department has been considerably enlarged by the city acquiring and operating both a steam roller and street sprinkler. An engineer has been employed to operate the steam roller at \$4 per day while actually running it who is retained at \$75 per month for general street work when the roller is not being operated, and one man is also employed to run the street sprinkler when it is required who is also steadily employed for other work at a salary of \$75 per month when the sprinkler is not in use.

Owing to the fact that both the sprinkler and roller are required only during a small portion of the year, arrangements should be made so that such employees can be steadily employed in cleaning the streets while the use of the roller and sprinkler is not required. And in this connection, I wish to call particular attention to Section 51 of the charter as amended by the people making it the duty of the superintendent of streets to inspect the construction or improvement of all streets and the construction of all sewers and to superintend the work performed in the repair, rolling or cleaning of the streets and allowing him not to exceed three deputies who shall be appointed by him subject to the approval of a majority of the common council. Strict adherence to this provision will not only save the taxpayers considerable sums of money but will place the responsibility for this important work where it rightfully belongs.

Too much care can not be exercised in considering proposed street improvements so as to avoid unnecessary or reckless projects to the neglect of those which are urgently required and where improvements are made, they should be of a substantial and permanent character constructed with due consideration for the future growth of the city.

I most respectfully recommend that particular effort be made to strictly enforce all license laws of the city and particularly the laws against the sale of intoxicating liquors without a license and in the prohibition precincts. Those who pay a high license for permission to conduct a business are justly entitled to protection against illicit competition and every consideration of public policy requires the strict enforcement of the liquor laws in a dry precinct.

Grades Too Low.

It is evident to all that the grades of many of our streets are too low and that unless raised the substantial improvement of our city will necessarily be greatly retarded, and I would recommend that immediate steps be taken to raise the grades of the streets that are too low wherever it is possible to do so and particularly on that portion of the streets where buildings have not yet been constructed as in Scow Bay and that where possible the streets be widened and that where streets are raised to the proper grades that fire limits be established.

The ladies of our city are entitled to great credit for having inaugurated the public library and for having maintained it for many years with very little municipal aid, but since the city now contributes a considerable sum each year for the support of the public library, I feel that I am justified in expressing the hope that the public property committee will consider the advisability of arranging for the use of a small portion of this year's appropriation in purchasing some recent standard works on engineering as well as some more complete works on biography and history for the use of the public library.

A large number of homeless laboring men are continuously in our city who would not feel perfectly welcome at the public library and who before the Sunday closing of saloons were accustomed to resort there, and for the accommodation of whom I would recommend that a plain but comfortable reading room be provided.

The first crime of an individual against the rights of property is frequently caused by severe necessitous distress resulting from being found in the world without means, friends or immediate employment and as a rescue for such persons every city that has a large transient population should provide some poor farm or workshop where such unfortunate persons may secure employment though at a very low rate of wages and meals and lodging. Such a place is more urgent here on account of the county not having a poor farm, and I suggest that you consider the question of the city installing and operating a rock crusher where at least a limited amount of labor may be secured by such persons.

The present enforcement of the laws for the preservation of the public morals is generally satisfactory, and I would recommend that care be exercised to insure absolute impartiality in the enforcement of laws

STANDARD OIL WINS IN APPEAL CASE

ESCAPES PAYING BIG FINE OF TWENTY-NINE MILLION DOLLARS.

WRIT OF CERTIORARI REFUSED

Attorney Sims Refused to Discuss the Matter But it is Said This Ruling Does Not Necessarily End the Case and May Again Come up.

WASHINGTON, Jan. 4.—The \$29,000,000 fine case of the Standard Oil Company will not be reviewed by the Supreme Court of the United States. The decision of the court to this effect was announced by Chief Justice Fuller soon after the court convened today. The case came to the court on a petition filed by the government asking the court in a petition for a writ of certiorari to order up the record in the case for a review of the decision of the United States Circuit Court of Appeals for the seventh circuit, by which Judge Landis' original decision imposing a fine of \$29,000,000 against the Standard Oil Company for accepting rebates from the railway companies was reversed. In the Supreme Court the case turned largely upon the right of the court to interfere, in view of the fact that the case had been passed upon by the Court of Appeals, the government contending for such privileges as a right, while it was urged in behalf of the oil company that the precedents were all against such a proceeding.

May Still Proceed.

CHICAGO, Jan. 4.—United States District Attorney Sims was informed of the adverse ruling of the supreme court in a private telegram. He declined to discuss the matter. It is pointed out, however, that the supreme court's ruling by no means necessarily ends the case. The original case may again be tried before Judge Landis, or the government may proceed on some entirely new case with practically the same evidence. The indictments were voted in Tennessee and it is not improbable that the government's next attack on the Standard Oil Company will take place in that state.

HEAVY TRAFFIC.

CHICAGO, Jan. 4.—Passenger traffic out of Chicago is unusually heavy on account of people returning from holiday visits. It was necessary yesterday to run the Twentieth Century Limited in two sections. This is the first time that a second section has been in operation.

STILL THEY COME.

DENVER, Jan. 4.—Thousands of dollars were collected in the Denver churches yesterday for the relief of the earthquake victims in Italy. The largest collections were taken up in the different Catholic churches.

without respect to race or color for the least inequality or partiality necessarily gives rise to suspicion that immunity has been secured either through favors of purchased outright.

The dictates of humanity as well as gratitude to Providence for our own well being prompt us to not only extend our sympathies to the unfortunate sufferers from the fearful disaster that has recently devastated Southern Italy, but also to contribute our share to assist in relieving their distress; and should it meet with your approval, I will be pleased to appoint a committee either from your body or the general public to receive contributions for their aid.

The success of our administration depends upon patient, honest and harmonious effort in the performance of our official duties with a conscientious and just regard for the rights and motives of each other absolutely free from any partisan considerations.

And assuring you of my earnest desire to work in perfect accord with all of my fellow officials in a honest effort to build up our city and promote the welfare of all, and thanking you for your kind consideration, I am

Very sincerely yours, A. M. SMITH, Mayor.

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