

The Daily Astorian.

ASTORIA OREGON ISSUED EVERY MORNING (Monday Excepted) D. C. IRELAND : PUBLISHER Astorian Building, Cass Street.

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THE CITY.

The DAILY ASTORIAN will be sent by mail at 75 cents a month, free of postage. Readers who contemplate absence from the city can have THE ASTORIAN follow them, DAILY or WEEKLY editions to any post-office without additional expense. Addresses may be changed as often as desired. Leave orders at the counting room.

Lots of tide land ice floats by Astoria daily.

The tide lands of Lewis and Clarke are hard and "dusty."

Will the 8th of January pass without a gun being fired at Astoria?

It is said that the steamer Edith will make a trip to Brookfield and return to-day.

We understand that the Oregon will make another attempt to reach Portland to-day.

Mr. J. S. Chambers is still very ill, and confined to his rooms at the residence of Mr. John Chappelle.

We would like to see upper Astoria provided with a daily mail. She is entitled to it. Whose duty is it to supply the want?

From and after Jan. 1, 1879, the mails will leave Astoria for Fort Clatsop on Saturdays, and return to Astoria on Monday of each week.

Timothy Bergman of this city should be indicted. Yesterday was an extremely dull day for local items, and Timothy was employed to start a dog-fight or a fire alarm. He signally failed in both.

We have on exhibition at this office samples of brick, showing what can be produced in Clatsop county. It is the most unreasonable thing imaginable to suppose that Clatsop county cannot produce good brick.

Messrs. Moore, Denver, Slaughter and Foster drove a band of thirty-eight head of beef cattle from the Nehalem valley to Klaskanine farm, arriving yesterday. If there was a road to Kamm's farm this stock could be driven into Astoria and sold at a fair profit to the butchers to-day. Why are there no roads?

It appears from statements made by passengers yesterday who were familiar with the history of some of the poor fellows transactions in life, that domestic troubles had considerable to do with the resolution of W. N. Castle of self-destruction. Although a widower, he leaves a wife in San Jose who has given him very much trouble.

We understand that word has been received by the Chief of Police here to bury poor unfortunate Castle, once an ornament to society, no doubt, perhaps a loving husband and a fond father, now the corpse of a suicide in Astoria, atoning for his misdeeds. His burial occurred yesterday, and was conducted quietly, with as little expense as possible, by request of his heirs.

Return of the Oregon.

The steamship Oregon returned to Astoria yesterday morning, after proceeding as far up the river as possible to go. She reached a point about three miles above Kalama, where the river was found to be gorged with ice, piled up in sheets to a thickness of five or six feet, too formidable for the steamer to cut through. She passed one gorge safely, above Oak point, which presented considerable obstruction, and caused delay, as it extended clear across the river, and was piled up side ways, end-ways and other-ways.

Common Council Proceedings.

Council met in accordance with the provisions of the charter, on Monday evening, Mayor W. W. Parker presiding.

Councillmen present - Gray, Hahn, McGuire and Nowlan. Councilmen absent - McCann and Shively.

In attendance - Auditor and Clerk R. H. Cardwell, and Chief of Police W. J. Barry. Minutes of previous meeting read and approved.

The certificates of the canvassers and auditor and clerk declaring the result of the city election December 11th, 1878, were read, and on motion, C. A. McGuire and John Hahn were declared duly elected from the first and second ward to serve for the term of three years.

Petition from J. W. Robb, attorney for the heirs of the Olney estate, asking that the sum of \$34 31, amount over-paid in taxes, be refunded, was read and referred.

REPORTS OF OFFICERS.

Report of H. B. Parker, police-judge, for the month of December, 1878, was read and ordered placed on file.

Report of R. F. Wickham, superintendent of streets for the month of December, 1878, was read and referred.

Report of W. J. Barry, chief of police, for the year 1878, was read and referred.

Report of R. H. Cardwell, auditor and clerk, for the year 1878, was read, ordered received, and placed on file.

Report of David Ingalls, city treasurer, for the quarter ending December 31st, together with a report for the year 1878, was read, ordered received and placed on file.

The mayor read his annual message, giving a general statement of the condition of affairs of the city government, which was ordered placed on file.

N. B. Raymond was nominated city surveyor to fill the vacancy caused by the resignation of Hayden Gearhart, which nomination was referred to the committee on health and police, together with the following message:

MESSAGE FROM MAYOR PARKER.

To the Honorable Common Council, City of Astoria, Oregon:

I herein respectfully submit for your consideration, the opinion entertained by myself relative to the question of appointing or electing officers of this city government to fill vacancies caused by resignation, removal, or otherwise, of persons previously elected by the voters of the city, or by appointment of the city council, which question as applicable to the filling of a vacancy in the office of city surveyor, caused by the resignation of the late incumbent, who had been duly appointed according to the city charter, was under consideration in your honorable body at its last regular meeting and laid over till this meeting to get the views of the mayor on the subject.

It must be admitted that the city charter, in the few provisions relating to the matter, is not as plain, direct, and free from ambiguity as a document of that kind, the fundamental law for the government of a small city of common, practical people, ought to be. Like too many of the statutes of most legislative assemblies, its full and correct meaning and intention can only be ascertained, in some of its parts, by bringing together clauses and sections not connected, but found in different and sometimes widely separated portions of the charter.

Section 3 of the charter says: "The power and authority given to the municipal corporation of the city of Astoria by this act, is vested in a mayor and common council, and their successors in office, to be exercised as hereinafter prescribed."

Here the "mayor and common council" are spoken of as one body, possessing certain power and authority.

Section 8 of the same chapter says: "There shall be appointed, as hereinafter provided, a treasurer, assessor, auditor, attorney, superintendent of streets, harbor master, surveyor, police judge and chief of police, who shall be officers in this municipal corporation, who shall be nominated by the mayor, and confirmed by a concurrence of a majority of the members of the council," etc.

This provision names certain officers who shall be appointed by the common council, and defines the mode of such appointment, that is by nomination by the mayor, and confirmation by a concurrence of a majority of the council.

Section 12 (of chapter 3) says: "All officers required to be elected by this Act, except those nominated and confirmed by the common council, as in this Act provided, shall be elected by the qualified voters of the city or ward, as the case may be, at the general election next preceding the expiration of the term incumbent of the office."

This section says plainly that there are only two methods of electing or appointing the officers of the city: that is either by vote of the citizens, or by nomination by the mayor and confirmation of the council.

Section 23 (of chapter 4) says: "A vacancy in any office," caused in any manner named in sections 24, 27 and 28, which include resignation and about all other ways of making vacancies that are likely to occur, "must be filled by the appointment of a majority of the council, to continue during the remainder of the term." This section is the one chiefly that

causes ambiguity in the letter and reading of the charter on this subject.

It seems to me, however, that taken in connection with section 12, (quoted above) which says plainly that there are but two methods of electing or appointing all officers of the city government, to-wit: either by vote of the citizens, or by nomination and confirmation of the council; it is easy to understand the matter.

It is simply this: an "appointment of a majority of the council," is a "nomination by the mayor and a confirmation by a majority of the councilmen;" and "to be appointed by the council," is "to be nominated by the mayor and confirmed by a concurrence of a majority of the council."

This construction is, moreover, in harmony with the usages and practice in all other small municipal corporations like our own.

It is only in this manner, by such construction, that section 8 (quoted above) can be reconciled with section 12, in relation to the police force of the city.

Section 8 says, there shall be nominated by the mayor and confirmed by the common council a "chief of police" and other officers; but section 12 says: "The common council shall have power, and it is their duty to organize, govern, and conduct a police force in the city limits, and to that end may—

1. Appoint a chief of police, and, if needed, one or more captains of police," etc.

But section 8 defines how the common council may "appoint" a chief of police and other officers. The appointment is by nomination by the mayor, and confirmation by a concurrence of a majority of the council.

By such reading and understanding of the words "appoint" and "appointment" by the council, or by "the concurrence of a majority of the council," the different parts, clauses and sections of the charter in the matter of elections and appointments to office, are consistent with each other, and the modes of proceeding in unison with the practice in this matter in other small cities like our own.

Section 20 of the charter says: "The mayor is the executive of the municipal corporation, and must exercise a careful supervision over its general affairs and subordinate officers." He has no vote, or influence, in the proceedings of the council, but by making it his duty to nominate to the council for confirmation the administrative officers of the corporation, and then to "exercise a careful supervision over" them, he is to a considerable extent, responsible for the management of the affairs of the city.

I think the vacancy in the office of city surveyor can be legally filled at this time, only by nomination by the mayor and confirmation by a concurrence of a majority of the common council.

W. W. PARKER, Mayor.

On motion James Stewart was authorized to act as city sexton temporarily.

ORDINANCES.

An ordinance to repeal section 21 of ordinance No. 312, was read first and second time, the rule suspended and the ordinance read third time and passed.

An ordinance prohibiting any person from giving or selling to any person confined in the city jail spirituous, vinous or malted liquors, was read first second and third time and passed.

An ordinance fixing the salaries and compensation of the city attorney at fifty dollars per year was read first and second time, and by unanimous consent was read third time and passed.

An ordinance making appropriation for the support of the fire department for the year of 1879, of \$1,600 was read three times and passed.

On motion of councilman Nowlan the regular nights of the meeting of the common council were fixed for the first and third Thursdays of each month as heretofore.

On motion of councilman McGuire, the superintendent of streets was instructed to move the lamp from the corner of West-eight and Cushing-court to the corner of West-eighth and Cedar streets.

On motion of councilman Nowlan, the committee on streets and public ways was instructed to have lamps erected on the corner of Main and Eighth street.

RESOLUTIONS PASSED.

Resolution as offered by councilman Gray, authorizing the appointment of a committee to employ counsel to investigate the Olney estate matter on the part of the city.

Also resolution offered by councilman Hahn authorizing the committee on ways a means to employ counsel to take charge of the case now pending, known as the roadway matter.

Also resolution offered by councilman Nowlan, authorizing the committee on ways and means to employ a competent person to examine the reports of the officers of the city of Astoria for the past year.

WARRANTS ORDERED.

The following bills were ordered paid by warrants:

Table with 2 columns: Name and Amount. Carl Adler \$ 7 50, Robt. Carpenters 5 33, A. Van Orsen & Co. 24 88, H. B. Parker 19 10, Chas. Stevens & Son 7 00, R. F. Cauffman 1 60, Ah Joe, witness fee 1 70, Lee Chung 1 70, Lun Jim 1 70.

Secretary A. F. D. 49 65 Supt. of streets. 60 00

On motion the council adjourned to meet on Tuesday evening, 14th inst.

Lewis and Clarke has a flourishing and interesting school, composed largely of young men and women, scholars all well behaved and studious. The school had an entertainment on the 27th, in which the scholars all acquitted themselves with much credit. All present seemed to enjoy themselves to the fullest extent. The music was good and abundant, and they had the valuable assistance of one of Astoria's best citizens, Mr. Powers, and his "baby fiddle." It is refreshing to note the progress of this neighborhood in the past few years. From a wilderness whose solitude was broken only by the over-beating surf, or the wild shriek of some bird or beast, it has been transformed into the quiet and peaceful abode of man.

Happy homes have taken the place of brush and wildwood; school houses have been built, and the people seem to enjoy most of the pleasures of the older inhabited parts of the country. The neighborhood has three good organs, besides violins, flutes, clarionets, etc., and abundant talent to use them. And now that "confidence is about to be restored" throughout the country, and better times looked for, they all feel happy.

Mr. C. T. Thomas, accompanied by Mr. A. M. Thomas put in his appearance at Astoria in a small boat yesterday in search of news. They left home at Bay View at 12.45. The thermometer was at 22 deg. at Bay View yesterday morning. Charley will secure his mail matter and return to Bay View to-day.

If a person orders his paper discontinued, he must first pay all arrearages, or the publisher may continue to send it until it is paid, and collect the whole amount, whether the paper is taken from the office or not.

AROUND THE CITY.

Call and see stereoscopic view of Cascade canal, and photographic copy of 1878 chart of the Columbia river bar, at H. S. Shuster's art gallery. Photography is truly a science.

Fresh fruits and vegetables at Bailey's.

Get your baskets filled for a little money at Bailey's.

Fresh oysters in every style at Schmeers'. See advertisement.

New invoice of those Medallion Ranges at Magnus C. Crosby's.

Fresh oysters in every style and at all hours at the Pioneer restaurant.

Shipmasters wishing to secure seamen can have their wants supplied by calling at the Chicago house, Main street.

Wood of all kinds, and a splendid lot of pitch wood, at Gray's wharf, for sale in lots to suit purchasers.

P. J. Goodwin, on Main street, has just received the latest and most fashionable style of gent and ladies boots, shoes, etc.

Lodging House—Persons requiring furnished or unfurnished rooms can be accommodated at reasonable rates at Mrs. Munson's Chenamus st., Astoria.

Peter Runey is still in the market with all kinds of building materials in his line. Has just received 100,000 lath, 2,000 bushels of sand, and a large stock of first quality of brick at his warehouse foot of Benton street.

Mr. J. Stewart, stone and marble cutter of Astoria will guarantee satisfaction to all ordering work of him, and will do a better job for less money than any outside workman. His work in the cemetery here should be sufficient recommendation. Before you let your contracts for work of this kind it would be well to call upon Mr. Stewart.

The latest and handsomest style of jewelry, and nicknacks of rare and unique design, at the Bee-hive store of Mrs. M. H. Steers.

Mrs. M. H. Steers has her new stock now open for inspection by purchasers. Dolls of all sizes, and all colors, at prices beyond competition, they are so cheap. Also: Wall-pockets, slipper cases, wall-shelves, children's rocking chairs, picture frames, etc., cheaper than ever.

Great care has been taken by the purchaser of the stock just opened at the Bee-hive, to suit the tastes of the people. New music, new books, etc., etc., in fact, you should go and see the nice things in order to know what Mrs. Steers has for you, and how cheap they may be bought.

You can't buy anything more handsome, no gift more enduring, nothing that will longer revive a remembrance of the day, than one of those magnificent photographic panoramas of Astoria, at Shuster's art gallery. That is a home production; and is calculated to make us all love our homes in Astoria. By all means get one.

Mr. Peter Wilhelm has permanently fitted up a cozy parlor reading room in connection with the Gem saloon in Astoria. The latest shipping papers and homeward and outward bound shipping lists are kept on file. Telegraph office in the same building.

BANKING AND INSURANCE.

I. W. CASE.

ASTORIA, OREGON.

BROKER AND BANKER.

DEPOSITS RECEIVED IN COIN OR currency subject to check at sight.

Sight checks issued on Portland, available in any part of Oregon and Washington territory.

Sight checks issued on San Francisco, available in any part of the State of California.

Sight checks issued on New York City, available in any part of the Eastern States.

Approved bills discounted. Loans made on available security. Collections made promptly.

\$67,000,000 CAPITAL.

LIVERPOOL AND LONDON AND GLOBE.

NORTH BRITISH AND MERCANTILE OF LONDON AND EDINBURGH.

OLD CONNECTICUT OF HARTFORD, AND

COMMERCIAL OF CALIFORNIA FIRE INSURANCE COMPANIES.

Representing a capital of \$67,000,000. A. VAN DUSEN, Agent.

Home Mutual Insurance Co., OF CALIFORNIA.

J. F. HOUGHTON, President. CHAS. B. STORV, Secretary. HAMILTON BOWD, Agents for Oregon. G. L. STORV.

Office—North-east corner of Stark and First streets, PORTLAND, OREGON.

Net Cash received for Fire Premiums in 1877. \$835,511 04

Assets, Jan. 1, 1878. \$678,065 85

Liabilities—Losses unpaid \$3,638 37 Dividends 1,287 00 Surplus for Promoters \$572,470 47 Losses paid in Oregon in six years \$114,516 72

I. W. CASE, Agent. Astoria, Oregon.

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AUCTION SALES.

E. C. HOLDEN,

Notary Public for the State of Oregon. Real Estate Agent and Conveyancer.

Agent for the FIREMEN'S FUND INSURANCE COMPANY of San Francisco.

COMMISSION AGENT and AUCTIONEER.

Rents and Accounts Collected, and returns promptly made.

Regular sales day, SATURDAYS at 2 P. M.

N. B. Parties having real estate, furniture or any other goods to dispose of either at auction or private sale should notify me as soon as convenient before the day of sale. No storage charged on goods sold at Auction.

E. C. HOLDEN, Auctioneer.

AMUSEMENTS.

WORSLEY'S Dancing Academy.

Page's building next door to E. S. Larsen.

GENTS CLASS—On Monday and Thursday evenings, at 7 30.

LADIES CLASS—On Monday and Thursday afternoons, at 2 30.

BOYS CLASS—On Tuesday and Friday evenings, at 7 30.

MISSSES CLASS—Wednesday and Saturday at 4 P. M.

Wednesday evening for the entire school. None admitted except scholars.

Saturday evening 8 O'Clock.

TERMS—Ladies and gents class per Month \$5 00 Boys and Misses class per Month 2 50

JUST RECEIVED.

BOILED CIDER; PLUM PUDDING, IN CANS; CODFISH BALLS, IN CANS; PORK AND BEANS, IN CANS; EASTERN CRANBERRIES; ZANTE CURRANTS; FRESH CITRON; ORANGES AND LIMES, the finest ever brought in the market; CRYSTAL DRIPS, GALLON CANS; NEW ORLEANS MOLASSES; PICKLED HERRING IN KEGS. JUMBLES, ETC., ETC. MUSCATED RAISINS, 2-B-PACKAGES, VERY FINE; PIGS FEET, 1-B AND 2-B TINS; CHICKENS AND TURKEYS, IN TINS; EASTERN AND OREGON HAMS, best quality. Also, a fine assortment of BREAKFAST BACON AND OTHER MEATS, AT J. W. GEARHART'S.

NOTICE—CAUTION.

THE UNDERSIGNED HEREBY CAUTIONS everybody and gives notice that he will not be responsible for any debts contracted by any other person than himself, for or on his account, without his written order, after this date. Also that all moneys due the undersigned on current accounts must be settled and paid within ten days, otherwise they will be put in the hands of an attorney for collection. H. B. PAEKER. Astoria, Oregon, Jan. 1, 1878. 1-2w*

BATHS, BATHS,

Hot, Cold, Shower, Steam and SULPHUR BATHS

Occident Hotel Shaving Saloon, NIEBERHAUER & ULLENHAERT, PROPRIETORS.

Special attention given to ladies and children's hair cutting.

Private Entrance for Ladies.

HOUSE TO LET—A nice residence, new, containing six rooms, will be ready to occupy at any time on short notice. For particulars inquire at THIS OFFICE.