

The Daily Astorian.

ASTORIA, OREGON:

D. C. TRELAND.....Editor.

THURSDAY.....JANUARY 23, 1879

Judge Choate on State Rights.
Telling Why the Governor of Massachusetts Cannot be Coerced.

Judge Choate has filed a long and elaborate opinion in the case of "Red Leary," in which he discusses the novel questions raised by Mr. Sullivan in order to delay or prevent the delivery of "Red Leary" on the requisition of the governor of Massachusetts. Judge Choate regards as conclusive the warrant of the governor of New York, which shows that "Red Leary" was arrested on a requisition containing a copy of the indictment found in the state of Massachusetts against the prisoner for burglary committed in that state.

The warrant, Judge Choate says, is conclusive as to the power of court to inquire into the proceedings had before the governor on which the warrant was issued. In reply to Mr. Sullivan's claim that the United States courts could compel the governor of the state of New York to produce the papers on which he issued the warrant, Judge Choate decides that the United States courts have no power to grant a mandamus in such a case. On this point, Judge Choate quoting Judge Taney, says:

Such a power would place every state under the control and dominion of the general government, even in the administration of its internal concerns and reserved rights. And we think it clear that the federal government, under the constitution, has no power to impose on a state officer, as such, any duty whatever, and compel him to perform it; for, if it possessed this power, it might overload the officer with duties which would fill up all his time, and disable him from performing his obligations to the state, and might impose upon him duties of a character incompatible with the rank and dignity to which he was elevated by the state.

Judge Choate adds: On the point of his right to certiorari the governor, yet more unseemly and improper would be the attempt of an inferior court of the United States to subject him to the process of certiorari to compel him to the production of papers with the consequence which must flow from his refusal, of his being treated by the court as in contempt. The total want of power to compel the production of the papers on which the governor acted, is of itself a strong argument against the intention of congress to make the governor's determination subservient to review by the courts.

The question of identity of "Red Leary" with the party described as the alleged fugitive from Massachusetts, Judge Choate decides against the prisoner. "Red Leary's" lawyers are preparing the case for appeal to the circuit court of the United States, so that "Red Leary" will not be extradited for some time to come.

Restored to Life.

From the Joplin (Mo.) Daily Herald.
From a lady who arrived at the St. James hotel Saturday from the central portion of Arkansas we learn the particulars of an affair which posses many features of interest, and to the medical profession in particular. The lady left her home at the beginning of the present cold snap, with the intention of coming to Joplin, and there being no other conveyance was

compelled to make the entire trip by stage.

The only passenger in the stage with her was a man very thinly clad. While coasing the Boston mountains he complained very much of the cold, and in fact the weather was remarkably cold, even for the top of those mountains. After a while he apparently fell asleep. Arriving at the station on the north side of the mountains the driver attempted to awaken the passenger, but to his horror found him frozen stiff and apparently dead. He was taken out of the hack and placed in a room, which was rather cold, though not as low as the freezing point by several degrees. The lady remained at the station until next day, and just as she was preparing to resume her journey was surprised to learn that signs of life had been detected in the supposed dead man, who was to have been buried that forenoon. True enough, signs of life were plain to be observed, and by lively rubbing with flannels saturated with whiskey for about an hour he was able to speak. When the lady left he was fast recovering from his stupor, and she had no doubt by this time he has fully recovered. Had he continued in that condition three hours longer he would doubtless have been buried, as all thought he was dead. Being placed in a room of just the right temperature no doubt assisted his recovery.

A Faithful Dog.

New York Herald.

It is nearly a fortnight since Charley Dykeman, who resided at Manhasset, was buried in Greenfield cemetery, Hempstead, L. I. Mr. Dykeman owned a dog, resembling very much a Newfoundland, which followed the funeral cortage to the grave-yard and never returned to its home. From the minute that the grave was filled the dog has kept faithful vigil over it, and so continuously has he slept upon it that his shape has been worked into the clay. The people generally, moved to kindness by the dog's faithfulness, have given him food plentifully, and young ladies have strewn the ground with sweet morsels. Nevertheless the dog has not been seen to eat anything and is reduced to a skeleton. The intense cold weather of the few days and nights past was not sufficient to drive him to shelter, but he was at all times found a faithful sentry, and the wonder is that he was not frozen to death by the cold, and buried in the snow. Many people, hearing of the case, have journeyed to the graveyard to verify it. During Thursday and Friday some people tried to coax the dog away, as an act of humanity, intending to treat him kindly, but failed, and several attempts to catch him by throwing a rope over his head, were not more successful. The faithful brute has aroused the sympathy of a whole community. During yesterday many people peered through the picket fence at his shivering form and pitied him.

Salem and Astoria Narrow Gauge.

Corr. Salem Statesman.

ASTORIA, Jan. 16.—I have been very much interested in your articles recently on the subject of a railroad to Astoria, and I assure you they have awakened in Astoria a determination to push it ahead. We expect Mr. Gaston down here in a few days to confer with us about it. If our people here will give the aid in shape of lands at the terminus that is now proposed, it is possible we will soon have the beginning of that great work.

I do not look for any great reduction in the rate of freight between the Wallamet valley and Astoria by the building of this road, but I am certain that before its completion there will be built up at Astoria a sea port at which San Francisco rates can always be obtained for Oregon produce. It will not interfere with the growth of Portland, but on the other hand will build it up also. It is in the interest of all Oregon to build up within

her own borders such a market, at all times accessible to the deepest sea-going vessels, as some misguided gentleman at Portland wish to have built up at Tacoma. What Salem and all Oregon needs is this narrow gauge railroad to Astoria, and then one from Salem to Winnemucca.

CITY BY THE SEA.

Your complexion is sallow, and skin yellow, your liver is affected. Obtain from your druggist a bottle of Pfunder's Oregon Blood Purifier.

NEW ADVERTISEMENTS.

SPECIAL NOTICE.

ALL PERSONS KNOWING themselves indebted to me will please settle their accounts, as all accounts unpaid by February 1st will be placed in attorneys hands to enforce collection. We mean it.

B. HAMBURGER.

Astoria, Jan. 20, 1879.

MAIL NOTICE.

SEALED PROPOSALS for carrying the United States mails between the Post-office at Astoria, Clatsop county, Oregon, and the landing of the O. S. S. Co., one time a week each way, will be received by the Postmaster until January 27, 1879. No contract is required to be executed; but persons bidding must be honest and capable, not less than sixteen years old, and the accepted bidder will be required to serve at the compensation proposed until otherwise ordered by the Postmaster General; he will also be required to take the oath prescribed by law. No more can be allowed than's fair and reasonable compensation for the service, to be determined by the department. Postmasters and assistants cannot draw pay for such service.

THOS. J. BRADY.

Second Ass't Postmaster General.

WM. CHANCE, P. M., Astoria, Oregon.

H. B. FERGUSON, Deputy Fish Commissioner.

January 14, 1879.

\$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.

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 bought in the market;

CRYSTAL DRIPS, GALLON CANS;

NEW ORLEANS MOLASSES.

PICKLED HERRING IN KEGS.

JUMBLES, ETC., ETC.

MUSCATED RAISINS, 2-lb PACKAGES, VERY FINE;

PIGS FEET, 1-lb AND 2-lb 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.

CITY BOOK STORE,

MAIN ST., ASTORIA.

CHAS. STEVENS & SON

Invite the attention of purchasers to their stock, just laid in

The Finest Selection!

The Cheapest Prices!

The Greatest Worth!

RECEPTION POCKETS;

LADIES' DIARIES AND PURSES COMBINED;

COMB AND BRUSH POCKETS;

CUTLERY, JEWELRY, CHARMS,

ETC., ETC.;

LADIES' FANCY BOARD, ETC.;

GOLD PENS AND PENCILS;

PAINTPENCILS, GUTTA PERCHA GOODS;

EXCELSIOR DIARIES, BLANK BOOKS, STATIONERY, ETC.

All goods sold at lowest cash prices.

CHAS. STEVENS & SON.

City Book Store to Main street, two doors from the Pioneer Restaurant, opposite the bakery of Mrs. C. Binder.

BATHS, BATHS,

Hot, Cold, Shower,

Steam and SULPHUR BATHS

Occident Hotel Shaving Saloon.

NIEDERAUER & UHLENHART,

PROPRIETORS.

Special attention given to ladies' and

children's hair cutting.

Private Entrance for Ladies.

T. S. JEWETT. B. S. KIMBALL.

Draying & Trucking.



ASTORIA TRUCK & DRAY CO.,

Squemoqua st., between Cass and Main,

Contracts for draying made and satisfaction

guaranteed. Orders left at the Occident Hotel or received by mail promptly filled.

JEWETT & KIMBALL.

MISCELLANEOUS.

CHARLES HEILBORN,

MANUFACTURER OF

And Dealer in

FURNITURE and BEDDING.

ALSO IMPORTER OF

CARPETS, OIL CLOTHS, WALL

PAPER, SHADES, ETC.

All kinds of repairing promptly at-

tended to all furniture made to order.

Full line of picture mouldings and

frames, brackets, window cornices, etc.

Full stock and lowest prices, corner of

Squemoqua and Main street, Astoria.

W. E. DEMENT,

DRUGGIST.

ASTORIA. - - OREGON.

Carries a full Assortment of

Drugs, Patent Medicines,

PAINTS, OIL AND GLASS.

Prescriptions filled with care Day or Night.

Manufacturer of Fishermen's Relief.

A sure preventative of Chapped Hands, and

care for Fish Wounds.

C. J. SMITH,

(IN THE ASTORIAN BUILDING)

HAS JUST RECEIVED A LOT OF NEW

goods, consisting of

MEN'S AND BOYS

CALF AND KIP BOOTS

Buckle and Congress Gaiters,

Women, Misses and Children's

BUTTON BOOTS.

Which will be sold at the very lowest prices.

A RARE CHANCE.

I WILL SELL ANY OR ALL OF THE

following described property, viz:

160 Acres, Sec. 22, T. 8, N. of R. 9 west, southeast quarter.

Also, in Olynes Astoria

Lots 1, 2, 3, and 4, in Block 79;

Lots 3, 4, 5, and 6, in Block 160;

Lots 2 and 4, in Block 150; and Lot 8,

in Block 132;

North half of Block 8, -2 1/2 acres.

DAVID INGALLS, 85-6m