The Daily Astorian.

ASTORIAOREGON

ISSUED EVERY MORNING, Monday Excepted ..

D. C. IRELAND : : PUBLISHER. Astorian Building, Cass Street.

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THE CITY.

mail at 75 cents a month, free of postage, Read- 9, 1879. ers who contemplate absence from the city can or WEEKLY editions to any post-office with- J. H. D. Gray, J. F. Nowlen, C. W. and additional expense. Addresses may be Shively, John Hahn and C. A. Mc enanged as often as nestred. Leave orders at Guire, detendants. the counting room.

A. F. and A. V. Notice.

money at Bailey's.

Ranges at Magnus C. Crosby's.

· · · Twelve yards Chinese Grass Cloth, 36 inches wide, for one dollar at Ham-

just received the latest and most fash- costs and disbursements. ionable style of gent and ladies boots, shoes, etc.

Parties in want of good Cedar Shingles will do well to apply to H. C. Comegys, Kalama, W. T.

-A full house greeted the Hyers Sister: Combination at Metropolitan W. Parker be by said common council hall last night. They are "way up," and by the defendants as members warranto, and mandar every body will want to go to-night. thereof, recognized as mayor of said Dillon M. C., § 689.) Secure seals early.

of the morning services, the sacrament of the Lord's supper will be administered. The preparatory lecture will be given at the half on Saturday afternoon and that the defendants do immediately and that a per-provided and that the defendants do immediately and that a per-provided and that a per-provided and that the defendants do immediately and that a per-provided and that the defendants do immediately and that a per-provided and that the defendants do immediately and the sacrament in the authority, then the court will not inquire in this proceeding whether the authority was properly exercised who keeps wine, malt or spirituous liquors for sale in less quantities than on a court either as his sale business or an account of the authority was properly exercised or not. If it has not authority, then the court will be a diministence of the authority was properly exercised or not. at 2 o'clock. Sabbath school as usual. ately comply with and obey this order. must be judgment for the plaintiff. All cordially invited.

-The steamer Ordway will leave Husbination for Portland, returning Mon-execution thereof. day with the Primrose troupe, affording a good opportunity for parties wishing to make a pleasure trip to the metropolis. Will leave Portland on return Monday at 9 A. M. Fare for the round trip 83 00.

A reward of \$200 has been offered by Sheriff King, of Benton county, for Hight, 5 feet 9 inches; weight, 150 to 160 ceedings, which we did without once pounds; rather heavy set; a little stoop-shouldered; eyes gray; well-snaped face; square chin; hair dark brown of a spirit of unfairness; but as mem-(very thin on top of head), almost bald: bers of the council think we have done smooth shaved; heard sandy; hair short; them regregated in increases a pening out of and adjacent to the said bar-room or drinking complexion auburn; aged 31 years.

-The little schooner H. C. Almy went out on the 2d from San Francisco, with a party of twelve gentlemen bound for the Farilones on a pleasure trip. On get-ting out in that neighborhood it was found to be very rough and disagreeable, and the vessel was run in toward Bolinas. On arriving in that vicinity, in the evendragged ashore and became a total loss, the party having a narrow escape with their lives. The vessel was owned by mon conneil to be removed from the of- and observance of which it acts. Capt. Mullett, and has been engaged seal-hunting. She was not insured.

-A magnificent stock of jewelry at Adler's.

-Baby carriages of the best styles, and at low prices, at Loeb's.

-Call at Adler's and secure a croquet set. Cheaper than ever.

-Books and stationery of every preferred or the testimony given on the variety, the best, at Adler's.

Art Gallery. Boat sponges, wholesale and retail

at Dements drug store, Astoria. Five seat as such mayor. thousand just received.

-Warren & McGuire have the

early rose potatoes for seed. Farmers, please remember this.

-Wall-receivers, brackets, and a

splendid lot of picture-frames, at Adler's, almost at your own price. - - To make room for a large invoice

of baby carriages on the way, Adler has what he has now.

City Council Affairs.

In the minutes of the proceedings of the common council, as published yesterday, the following occurs:

The decree of the circuit court reinstating Mr. W. W. Parker as mayor of the city, was read and filed.

A resolution was then read, and unanimously adopted, reseating Mr. Parker as mayor, whereupon a committee was appointed to conduct him sa 00 to the seat which was then filled by 9 00 him and business was proceeded with.

The decree of the court, above referred to, was published the day previous, and we did not consider it at all necessary to reproduce it in that connection. It is as follows:

DECREE OF THE COURT. In the Circuit Court of the state of Oregon for Clatsop county, in vaca-THE DATES ASTORIAN will be sent by tion after January term 1879, April

W. W. Parker, plaintiff, vs. the nare THE ASTORIAN follow them, DAHA city of Astoria and and John McCann,

This cause having been, on the 26th day of February, 1879, submitted upon the petition and alternative writ, and the office by the common council. A regular communication of Temple defendant's demucrer thereto, with the Lodge No.7, will be held on Saturday proofs, was then and there argued by evening, 19th inst., at half past seven counsel on both sides, the plaintiff ap-All members are requested to be present as special financial business will be under consideration. By order W. M.

E. C. HOLDEN, Secretary.

E. C. HOLDEN, Secretary.

J. W. Bobb and Mr. C. W. Fulton, duly considered the matter and being Get your baskets filled for a little fully advised in the matter, it is here now considered and adjudged by the ... New invoice of those Medallion court that the demurrer to the petition and alternative writ herein be, from 5 cents upwards, at Hamburger's, and it is overruled and that upon the allegations and facts admitted on the is entitled to judgment and to theP. J. Goodman, on Main street has peremptory writ prayed for, and to his office, or withholding thereof when

It is therefore here now ordered and adjudged, that the defendants, the city of Astoria and John McCann, J. H. D. Gray, J. F. Nowlen, C. Shiveley and C. A. McGuire and John receipt books, specially for use in can-neries, at the City Book store.

Hahn, being members of and constitu-ting the common conneil of the city of Astoria, do admit and restore W. W. -Incoming passengers-there are 1800 Parker to his office and place as mayor of said city and ex-officio president of the common council, and that said W. city, and ex-officio president of said Sabbath services at Presbyterian common council, with all the hall will be conducted by the pastor, rigihts, privileges and authority to hall will be conducted by the pastor, rights, privileges and authority to Parker from discharging the dtuties of his or their account, any wine, spirita-Rev. E. N. Condit. Morning service at said office appertaining, and that the office of mayor, or not? If it has 10 o'clock; eve i g at 7: 30. At the close the writ heretofore issued here the authority, then the court will not

It is further ordered and adjudged that the plaintiff do recover and from of this state provides that public offi- servant or employe, employed or per-The steamer Ordway will leave Hus-ther's dock Sunday morning, April 20th, the defendants costs and disburse- cers shall not be impeached; but incom-mitted by said person to sell wine, spiriat 5 o'clock, with the Hyers Sisters comments, taxed at - dollars and have petency, corruption, malfeasance or tuous or mait liquors in less quantities

(Signed) C. B. Bellinger, Judge.

makes it the duty of the council to take just such action as is reported above, law. and, as it is the custom with us, we the capture of the scalawag Rayburn, simply published a synopsis of proof a spirit of unfairness; but as mem- accusation by the legislature against room or drinking shop or any room on them personal injury by not publish. office, with a view to his removal cent to the said bar-room or drinking ing the resolution in full, and make the request that we do so, here it is:

ASTORIA, April 15, 1879. Whereas, On the 22d day of January, 1879, charges were preferred against W. W. Parker, mayor of the city; and Whereas, After due examination and testimony of prominent citizens of this duly considered as proven, and the said W. W. Parker was declared by the com-

reinstated in said office of mayor, and upon the representations of attorneys in behalf of said W. W. Parker and the city of Astoria, before the Hon. C. B. In this country the officers of mu-Beilinger, judge of the Circuit court of nicipal corporations are, in many re-Clatsop county, said judge ordered that said W. W. Parker be restored to the office of mayor, for the reason that the remove the mayor, he being a public offi- on In. C. 8, 176.) cer, and did not decide upon the charges

as mayor of said city, but that, in due

-Best Salem flour is sold in this good citizens, who will obey the man-sponsibility to the public, outside of city at \$5 50 per barrel by Warren & dates of the courts, and the laws corporation and the state. He has a governing the country in which they lie have an interest in the office, by live, and instead of considering that reason of the duty thus specially enthe council had "taken water," as joined. some seemed to think yesterday on reading THE ASTORIAN, we believed then, as we believe now, that no such inference could be drawn by any taking his seat, in answer to the resosensible person, on reading our aclintion of the council requesting him count of the proceedings. Concern-thereto, is as follows:

have nothing to say. The council this case, or sought to retain this office, probably thought it was necessary to except in obedience to what I think is write it as written; but of one thing the wish of a large majority of the we neglected to print the resolution, which we had not seen nor heard read, as we were not present at the meet-

The "findings" of Judge Bellinger in this case " never occurred " to us, but we quote from the records as fol-

CASE OF W. W. PARKER VS. COMMON COUNCIL OF ASTORIA.

On the 15th inst, we gave the decree of the Circuit court in the above-entijudge for issuing such decree :

After examining the distinction between the mandamus writ and the writ of quo warranto, the court pro- John walked: We rest.

It appears from the petition that Parker was the legally elected mayor of the city of Astoria at the time alleged, and that he was removed from

If this power of removal rests in the conneil, then upon the petition there be tried by this writ, and the proceed- application for correction thereof. ing by which that power was exercised must be reviewed in some other way.

If no such power exists in the comtheir attorneys, and the court having mon council, then there is no colorable pretense to justify the withholding of the office from Parker.

It may be said that the question as to the authority of the council to remove the mayor presents in itself such a fair ground of dispute as brings the case within the rule of disputed titles; pleadings, the plaintiff, W. W. Parker but to allow this would be to deny the writ in every case of intrusion into an there is a mere claim of appointment without an appointment in fact, or when appointment is a void one.

In quo warranto, the court will go behind the certificate or commission, and decide the legal rights of the par-

gation of all the facts. But if the certificate or commission under which the intruder claims is merely colorable and void, it does not present such a case of fair dispute as requires the full investigation of quo warranto, and mandamus will lie.

The question then is, has the common council the authority to restrain

ment as may have been prescribed by

Under the constitution of the United States, and under many if not removed from office. It is a written

therefrom. any removal of a public officer by the intoxicated, or to any person under the legislature, must be in the nature of age of legal majority, any intoxicating an impeachment. If the mayor of liquor, shall be deemed guilty of a mis Astoria is a public officer, then the demeanor and upon conviction thereof case comes within the inhibition of the constitution; for it cannot be ad- the liceuse to such bar-room or drinking mitted that the common council of As- shop shall be declared forfeited. Any ing, two anchors were let go, but she city, the charges above referred to were toria possesses greater power than the person or persons convicted for a violalegislature by which it was created,

fice of mayor; and
Whereas, W. W. Parker applied to
the Circuit court of Clatsop county to be
Whereas, W. W. Parker applied to
hath any duty concerning the public,
and he is not the less a public officer Every man is a public officer who when his duties are confined to narrow hmits. (7 Bacon's ab. 280.)

spects, public officers, charged with duties which concern both the corporacommon council had no jurisdiction to tion and the public at large. (Dillon lar eaterer, has fixed his hotel up

The charter of the city of Astoria provides that the mayor shall per-Resolved, That we, the members of form such other duties, in addition to the Chicago house. the city council of the city of Astoria those prescribed therein, as shall be -See late specimens lightning pro-less of photographs, at H. S. Shuster's or, or ability of said W. W. Parker to act States or in this state. The duties States, or in this state. The duties deference to the decree of the court, said thus imposed makes the office a public W. W. Parker is entitled to his seat as one. It is immaterial whether any mayor, and is hereby invited to take his service shall be actually performed by the mayor, not peculiarly local We regard any man, or body of men or corporate. He is charged with reduty concerning the public. The pub-

petitioner will have judgment as pro-

vided by the state. Reply of Mayor Parker made on

best and most substantial people of we beg to assure them, we certainly the city, including many who never had not the slightest intention of voted for me, and in fulfillment of "slurring" or "offering insult," when my duty as rightful mayor of the city. In regard to the lack of confidence in me, so ungentlemanly embodied in JOHN MAGUIRE, - - - MANAGER. your resolution, and voted for by a majority of you, I think that the history and results of our doings plainly indicate that I have greater cause for lack of confidence in you than you have for such lack of confidence in

And now, that we have got through FINDINGS OF JUDGE BELLINGER IN THE with "the whole business" "on the square" we cannot express ourself that is to say "us"-better than to elucidate a point made years ago in tled case, as above. The following is southern Oregon. When John Steers a portion of the reasons given by the wanted to ride a certain mule across a bridge, and the mule wanted to ford the stream. What was the result.

Ordinance No. 324

An ordinance to extend the time, in which the city assessor shall make and return to the auditor, the assessment of all property subject to taxation by the city of Astoria, and to extend the time council, then upon the petition there in which persons deeming themselves is presented such a dispute as cannot aggreed by the assessment, may make

The City of Astoria does Ordain as follows. SECTON 1. That the time in which the city assessor shall make and return to the auditor, the assessment of all properly subject to taxation by the city of Astoria, shall be and is hereby extended for the year 1879, until the first

2. That the time in which any person deeming himself aggrieved by the assessment, or valuation of property. may apply to the common council for correction thereof, shall be and is hereby extended for the year 1879, until the 15th

Passed the council April 15th, 1879. Attest: R. H. CARDWELL, Auditor and Clerk. Approved April 16th, 1879. W. W. PARKER, Mayor.

Ordinance No. 325.

An ordinance to amend ordinance No. 52 "entitled an ordinance to provide for licensing and regulating bar-rooms

and drinking shops,"

The City of Astoria does ordain as follows;

Sec. 1. That section one of ordinance No. 252, of the City of Astoria, entitled an ordinance to provide for licensing and regulating bar-rooms and drinking shops" be and is hereby amended so as

to read as fellows. That no person or persons in this city directly or by another, shall sell, barter or deliver or shall knowingly permit to be sold, bartered or delivered, for, or on than one quart without first having obone quart, either as his sole business or in connection with some other occupa-Sec. 19, Art. 7, of the constitution tion and also every such persons agent, delinquency in office may be tried in than one quart, shall be deemed a keeper of a bar-room or drinking shop within the same manner as criminal offenses, the intent and meaning or this ordi-It will be observed that the court and judgment may be given of dismis- nance: Provided that this ordinance sal from office, and further punish- shall not apply to drug stores in the

Sec. 2. That section five of said ordinauce No. 252 shall be and is hereby amended to read as follows, to wit:

That any keeper of a bar-room or most of the states, impeachment is the proceeding by which public officers are removed from office. It is a written ous or disorderly conduct in the barshop, or who shall sell or give or permit to be sold or given to any person already shall be fined not less than twenty-five nor more than one hundred dollars; and tion of the provisions of this section shall not be permitted to take out a license for the period of one year.

Passed the council April 15th, 1879. Attest: R. H. CARDWELL, Auditor and clerk. Approved April 16th, 1879. W. W. PARKER, Mayor.

AROUND THE CITY.

····The proprietor of the Chicago house, whom everybody knows as a popusplended style. It is all newly painted and furnished, and is one of the most attractive places on Main street. Call around; every luxury of the season at

····Mr. J. Stewart, stone and marble entter of Astoria will guarantee satisfaction to all ordering work of him, and will do a better job for Jess money than any outside workman. His work in the cemetery here should be sufficient recom mendation. Before you let your con-tracts for work of this kind it would be well to call upon Mr. Stewart.

····Fresh fruits and vegetables at Bailey's.

···· The cheapest ever offered is Hamburger's Embroidery. ····Oysters served in every style at the Walia Walia Restaurant.

The demorrer is overruled and the Schmeers'. See advertisement. ····Fresh oysters in every style and

at all hours at the Pioneer restaurant.Just received per Elder 2,000 pounds, 8-pound sheet lead, for sale at lowest rates at Magnus C. Crosby's.

····Now that building is reviving in Astoria, bear in mind the fact that Peter Roney is well supplied with all kinds of of baby carriages on the way, Adier has ing the wording of the resolu- "Gentlemen of the Council: I Runey is well supplied with all kinds of building materials which he is prepared tion, as we give it to-day, we should not have brought any suit in to dispuse of to all at very lowest rates.

AMUSEMENTS.

Metropolitan Hall.

Friday Evening, April 18th.

A Success--Second Appearance.

The Redpath Lyceum Bureau, of Boston, have the pleasure of announcing an engagement for the fourth year with the renowned

The Only Colored Burlesque Troupe in the World,

Assisted by the

HYERS' SISTERS QUARTETTE. Whose fame has extended from Ocean to Ocean. Also:

BILLY KERSANDS, The geatest living Colored Comedian, and

WILLIE E. LYLE.

Female Impersonator. Who will appear in their OPERA BOUFEE EXTRAVAGANZA,

URLINA. The African Princess

Reserved seats can be secured at Caufield's drug store, three days in advance, without extra charge.

GRAND OPENING

Hill's New Variety Theatre,

NEW AND ELEGANT BOXES, SITTING ROOMS, ETC.

The Decorations of the New Theatre were executed by Mr. F. Holt. NEW AND ELABORATE SCENERY. Painted by Mr. Wm. West. Architect and

On and after this date will be given a Class Entertainment,

Which for Refinement and Novelty cannot be equalled on this coast. Our Per-formance Commences with our First Part of Male and Female MINSTRELS. GRAND OLIO,

Consisting of

Singing, Dancing, Acrobatic Feats, Negro Sketches, Trapeze Performers, Pantomimists and Jugglers.

To see our Refined and Unequalled enter-tainment. New Acts, New Song's and couplete change of Programme twice a week GEO. HILL, Proprietor.

Entrance to Poxes and Circle on Chenamus Street. Performance to commence at eight o'clock precise.

City Express.



Two Trips Daily to Upper Town. MR. F. SHERMAN takes pleasure in an-11 nonneing the fact that he has perfected arrangements for making two regular trips dally to Upper Astoria and back, regular street car style, for passengers and small

ger-Will leave J. W. Gearbarts, the Parker House, and the Occident, Gaily at II A. M. and 3 P. M. Returning will leave Van Dusen's upper town store. Fare for the round

Fish Commissioners Notice. NOTICE IS HEREBY GIVEN THAT the undersigned will be in readiness from and after this date, to issue licenses, at his office up staus, corner of Cass and Sqemocqhe streets, Astoria, Oregon, H. B. FERGUSON,

Deputy Fish Commissioner, Fish Commissioners Notice. THE UNDERSIGNED FISH COMMIS-sioner for Washington territory, hereby gives notice that he will be at Brookfield for the rest of the season. ALBERT T. STREAM. NORTH COVE, W. T., Feb. 17, 1879.

FOR SALE.

MRS, STEERS HAS LOANED the Chapef of the Holy Innocents an organ (during the repairs of its own), which she offers for sale at quite a low figure.

The Instrument is Really a Good One. Fine toned and in excellent order. It may be seen at the Chapel of the Holy Innocents, Upper Astoria.

HALL OF BEAVER LODGE NO. 35, L.O. O.F., ASTORIA, Oregon, April 10, 1879. To the Officers and Members of Beaver Lodge No. 35, 1, O. O. F.:

YOU ARE REQUESTED TO BE PRES-ent at the regular meeting on the 24th inst., for the purpose of deciding upon a pa-rade on the 25th day of April, the sixtleth anniversary of Odd Fellowship in America. JAS. W. WELCH, N. G.

ED. D. CURTIS, R. S.

PFUNDER, PORTLAND,

Has just received direct from the manufacturers, the largest and best assortment of

Cannery Thermometers

Ever imported to this State. Send in your erer imported orders : orders early. Address : WM. PFUNDER & CO. Lock box 218, Portland, Oregon,