

The Daily Astorian.
 ASTORIA, OREGON:
 FRIDAY, JANUARY 9, 1885
 ISSUED EVERY MORNING.
 (Monday excepted)
 J. P. HALLORAN & COMPANY,
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Notice to Advertisers.
 THE ASTORIAN guarantees its advertisers the largest circulation of any newspaper published on the Columbia river.

Latest telegraphic news on outside pages.

Installation of officers at Pacific Lodge No. 17, K. of P. to-night.

Legal blanks of all kinds at The Astorian office.

Warm rain throughout the Willamette valley has washed away all the snow.

Griffin & Reed are the agents for the Little Giant Stock pianos and Taber organs.

A good chance to buy bar fixtures cheap is offered under the head of new to-day.

Rev. W. S. Hamlin, of Seattle, officiated at the Congregational church next Sunday.

There will be a union service in the Methodist church on Sunday evening, Rev. Dr. Garner will preach.

During the twenty-four hours ending at four o'clock Wednesday afternoon 1.32 inches of rain fell in this city.

John Muir has been appointed traffic manager of the O. R. & N. Co., the appointment to take effect to-morrow.

The *Gwynedd* and *McNear* came down yesterday. The *Oregon* still abides but calculates to sail at daylight this morning.

Main street has broken out again; on Chenamus street crossing this time. Things are nicely fixed on Main and "tharabouts" in case of a fire.

Another batch of delayed mail came down on the river mail boat yesterday. Everyone in town had a Christmas card or a New Year's remembrance from some far off eastern kinfolk.

The lumber that was on the Clatsop Mill Co.'s wharf when it broke down in Monday night's storm is nearly all a total loss. When the wharf broke down there were about 120 M. tons of grooved flooring, 30 M. rough lumber and 300 M. lath. Some of the flooring bunched up at Tongue Point and was recovered, but the bulk of the whole lot hasn't been heard from. The loss is a heavy one. The wharf will be shortly rebuilt.

Among the various game that adorn the markets must be mentioned the festive swan. The ideal location of a swan is on a mirrored lake where floats the stately cygnets in their parental plumage or words to that effect. But the stately cygnets business doesn't work in this latitude. The swans are decoyed toward shore, chiefly above Tongue point, and shot with bullets, after which they are plucked, entrails removed, beheaded and dumped into a boat and sold here to be cooked. Boiled swan is said to be fine and to those who have no kits of salmon it may be said that a cask of salt swan is not hard to get. The price is \$1.50 a piece, and are "werry fillin'" at the price.

It was telegraphed from the cape yesterday that a steamer was deluged around on Shoalwater bay bar. Diligent inquiry failed to get any definite information. The only bit of news about it was that on Wednesday Captain Brown had arrived at Bay Center with the mail from South Bend and other places up the bay and hastily exclaiming: "There's a steamer ashore!" put the mail in a plunger or for Osterville, and hurrying on board the *Gen. Garfield*, hastened to the scene of the disaster. Nothing further or additional has been heard. It is not likely that a collision would be fatal, but might be the *Montezuma*, which has been waiting for a favorable opportunity to cross over to Gray's harbor.

A correspondent of the *Oregonian* at Cornelius, Washington county, writes: "Have just heard of two men being found frozen to death on the mountain road between here and Nehalem valley. One, Anthony Seiders, aged about 60 years, started for a neighbor's about four miles away, and was found dead about a quarter of a mile from the neighbor's and about 100 yards from the road. The other, Mr. Kist, aged about 45, started from Greenview Saturday last for his home in Nehalem, passed Manning's mill about 3 p. m., and was found about noon; had evidently been crawling. His hat was about ten feet behind him. He was lying on his right side, with his face in the snow and one hand extended forward, the other tucked under his head, probably from exhaustion. Both were single men."

Plenty Good Cider
 At J. W. Conn's Drug Store

Breastpin Lost.
 Gold bar breastpin with three diamonds set therein. Lost at the Bros. store and W. G. Ross's residence. Finder please leave at sheriff's office and be rewarded.

Notice.
 A special meeting of the Astoria Ladies Coffee Club will be held this Friday evening, at 7 p. m.
 Mrs. Geo. P. Wheeler,
 Secretary.

Lost.
 A gold bracelet, on Squemoqua street. Finder will please leave at this office.

Attention Knights!
 All members of Pacific Lodge No. 17, K. of P. are requested to meet at the Castle Hall on Friday evening, Jan. 9th, 1885, as installation of officers will take place, and business of importance is to be transacted. Sojourning Brothers are cordially invited to attend.
 By order
 W. A. SHEPHERD, K. of Rand S.

Fishermen Attention!
 Before buying twine examine the Dunbar, McMaster & Co.'s extra strong Irish Flax Thread, No. 40, 12 ply. Jas. O. Hanthorn of this city, is the sole agent for the Pacific coast.

Misses' and nursing corsets of the famous Ball's make, at the Empire store.

All the patent medicines advertised in this paper, together with the choicest perfumery, and toilet articles, etc., can be bought at the lowest prices, at J. W. Conn's drug store, opposite Occident hotel, Astoria.

SHOT ON THE STREET.
 At fifteen minutes past ten last night the report of a revolver was heard on the corner of Benton and Concomly streets, and those who were passing saw a man fall prostrate on the sidewalk. He was carried into Alex Gilbert's saloon and proved to be a man named MacDonald, better known as "Sooty," employed as a runner by Jas. Turk, Chas. Herbert, proprietor of the Golden Gate saloon, was arrested as the man who did the shooting. But one shot was fired, the ball striking MacDonald below and to the left of the navel.
 Different causes were assigned for the shooting; one version being that MacDonald had lately worked for Herbert, and that there was some disagreement about settlement.
 The wounded man was put on a door, a pillow put under his head, and carried to the hospital. The physicians summoned to attend the case had no difficulty in finding the ball, which was on the right hip, just under the skin. It was cut out and MacDonald afterward complained of pain. He was asked who shot and said it was Charles Herbert; that Herbert owed him some money, \$2.50 was the amount; that he asked it of him in front of Alex Gilbert's saloon and Herbert pulled out a revolver and let him have it.
 Herbert, who was arrested by Officer Carlson, was taken to the city jail and searched, but no revolver was found on him. He was then removed to the county jail. He was asked if he did the shooting and answered he did; when asked what he did with the revolver, he said he flung it in the lumber pile.
 At one o'clock this morning MacDonald was no longer seemed to experience little inconvenience. The next day, eight hours will demonstrate how good his chances are to make a life of it. They seem to be decidedly favorable to his recovery.

CIRCUIT COURT PROCEEDINGS.
 January 8, 1885.

TAYLOR, J.
 Richards & Snow vs. Raddock & Wheeler. Judgment for plaintiff.

James Turk vs. Capt. Nichols. Judgment for defendant.

D. G. Ross vs. Dean Blanchard. Plaintiff allowed to file amended complaint.

Patrick Hughes vs. J. H. D. Gray. Demurrer to complaint overruled and docket allowed until to-morrow morning to answer; for trial Thursday morning next.

Andrew Young vs. Charles Anderson et al. Demurrer to complaint overruled and docket allowed until Saturday morning to answer.

Wilson & Fisher vs. Pien & Co. Demurrer to complaint overruled and judgment for plaintiff.

Andrew Johnson, Andrew Peterson and Sebastian Gjoer admitted to citizenship.

Sibson, Church & Co. vs. S. D. Adair & Co. Decree of foreclosure.

J. C. Trullinger vs. the Susan Doe. Non suit.

J. E. Elliott vs. Otto Peterson et al. Time extended to April 1 for defendants to take testimony.

State vs. Charles Nelson. Grand jury return not a true bill.

State vs. Frank Colman. Same.

State vs. Gaszio Maravali. Time to plead extended until to-morrow morning.

Blanchard & Muckle vs. C. H. Bain. Time for answer extended until to-morrow morning.

C. H. Bain vs. H. B. Parker. Motion to strike out of answer sustained.

State vs. Ah-Gin. Verdict of guilty. Monday morning for sentence.

State vs. Aug. Warner. Pien not guilty. To-morrow afternoon for trial.

WAS NOT A BOAT.

In the circuit court yesterday, in the case of J. C. Trullinger, vs. the Susan Doe, the plaintiff was nonsuited. This case has attracted considerable attention from the singularity of the point at issue. Mr. J. C. Trullinger, proprietor of the West Shore Mills, attached the vessel in process of construction which was afterward launched as the *Emma Hume*, for a bill of lumber that he had furnished.

The question raised was whether the structure was or was not a "boat." If to be a boat requires that it shall be completed, then it was held that inasmuch as there was nothing there but her hull and that she had no machinery in her, that she was not a "boat." On the other hand some of the natural query: "Suppose that she were launched just as she stood when attached, would she not come under the class of vessels usually called 'boats'?" We apply the word "boat" indiscriminately in ordinary speech, but it seems that in law a boat is not a boat until it is finished. The supreme court has on more than one occasion made a decision of the same general tenor as that made by Judge Taylor yesterday, viz: that an uncompleted hull is not a "boat."

Scott's Emulsion of Pure Cod Liver Oil, with Hypophosphites.

For Anemia and Marasmus in Children.—DR. W. D. GENTY, Kansas, Mo., says: "I have used Scott's Emulsion for years, and for consumption and anemic patients and children with marasmus. I have found it very reliable. Have frequently given it when patients could retain nothing else on the stomach."

The boss fish story has been received. It is in *Scott's Weekly*, a journal of civilization. The story is that a "near Portland, in Oregon." It tells of a devil fish that came near getting away with its captors. The tremendous part of the yarn is that it was hooked "near Portland in Oregon in three hundred feet of water." And yet there are people who are surprised that *Harper's Weekly* bolted Blaine.

Bucklen's Arnica Salve.

THE BEST SALVE IN THE WORLD FOR CUTS, BRUISES, SORES, ULCERS, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures Piles, or no cure given. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. For sale by W. E. Dement & Co.

At J. J. Arnold's
 You will find a splendid stock of boots and shoes. Ladies' and children's shoes a specialty. All styles and sizes.

Fresh Eastern and Shoalwater Bay Oysters
 Constantly on hand, cooked to any style at Frank Bryce's.

Mrs. Bryce would respectfully announce to the ladies of Astoria that she is prepared to do dressmaking in all its branches at her rooms on Cass St., opposite Odd Fellows building.

Gray sells Sackett Bros' A1 sawed cedar shingles. A full M guaranteed in each bunch.

THE ASTORIA LAND GRANT.
THE AMENDMENTS THAT WERE PASSED BY THE SENATE.
 Speech of Senator Dolph in regard to the Forfeiture.

In yesterday's *ASTORIAN* appeared the news of the passage by the senate of an amended bill forfeiting the Astoria land grant. Last evening's delayed mail brings much concerning the matter of interest to Astorians and the people of western Oregon.

On December 11th, Senator Slater moved that the senate proceed to the consideration of the bill, and the senate as a committee of the whole proceeded to its consideration.

The bill was reported from the committee on public lands with an amendment, to strike out all after the enacting clause and to insert:

That so much of the lands granted by act of congress entitled "An act granting land to aid in the construction of a railroad and telegraph line from Astoria to Astoria and McMinnville, in the state of Oregon," approved May 4, 1870, as are adjacent to and determined by uncompleted portions of said road, and not embraced within the limits of said road, be, and the same are hereby, forfeited to the United States and restored to the public domain, and made subject to disposal under the general land laws of the United States as though said grant had never been made: Provided, That the price of lands so forfeited and restored shall be the same as heretofore fixed for the even numbered sections within said grant.

Senator Dolph then offered an amendment to the bill as reported by the committee. By this it was proposed to strike from the amendment of the committee the following proviso:

Provided, That the price of the lands so forfeited and restored shall be the same as heretofore fixed for the even numbered sections within said grant.

And to insert in lieu thereof:

All persons who at the date of the passage of this act are actual settlers in good faith on any of the lands hereby forfeited, and are otherwise qualified, on making due claim to such lands under the homestead, pre-emption, or other laws of the United States after the same shall have been declared forfeited, shall be entitled to a preference right to enter the same in accordance with the provisions of this act, to purchase the same by pre-emption, or other laws, as the case may be, and shall be regarded as having legally settled upon and occupied the same under said pre-emption, homestead, or other laws as the case may be, from the date of such actual settlement, and shall be entitled to enter or acquire such land under existing laws, he shall be permitted, within one year after the passage of this act, to purchase not to exceed one hundred and sixty acres of the same, at the price of \$1.25 per acre; and the secretary of the interior is authorized and directed to make such rules and regulations as will secure to said actual settlers the benefit of said act, and to enforce within the limits of said grant for the completed portions of said road, is hereby reduced to \$1.25 per acre.

SENATOR DOLPH'S SPEECH.

The above having been read, Senator Dolph addressed the senate as follows:

By the bill as it is reported by the committee on public lands it is proposed to forfeit and restore to the public domain for settlement under the general land laws of the United States, certain lands as were granted to the Oregon Central Railroad Company of Portland, by the act of May 4, 1870, as lie adjacent to and containments with the uncompleted portions of said road, and the completed portions of said road, as forfeited at \$2.50 an acre. By the act of May 4, 1870, there was granted to said company, the Oregon Central Railroad Company of Portland, each alternate section of the public land not within the limits of the road, and not embraced by old sections, to the amount of ten sections per mile upon each side nearest to the road except such as had been previously reserved or otherwise disposed of, or held under valid pre-emption and pre-emption rights; and also the right to take materials from the public land for the construction of the road, and the usual grant of land for depot and station purposes.

The Oregon Central Railroad Company of Portland had prior to the date of that grant projected a line of railroad from Portland westward to Forest Grove, thence along the west side of the Willamette valley, by the mouth of the Willamette river, to McMinnville, and thence west side towns to the southern boundary of the state of Oregon, and had commenced the construction of that line. It had been engaged in a long contest with the Oregon Land Office, and the company of Salem for the lands granted by the act of congress of July 25, 1856, granting lands to such company as should be designated by the state of Oregon to aid in the construction of a railroad, such a telegraph line from Portland in Oregon, southerly through the Willamette valley to a suitable point of junction with the line of the Central Pacific Railroad Company in California, and having been unsuccessful in that contest, had secured congress for aid in the construction of its road.

The late Hon. Joseph S. Smith of Oregon, then in congress, introduced a bill to grant lands to the company to aid in the construction of its road as then projected, but before the bill was passed it was amended so as to limit the grant of land upon the projected line of the company's road to the company to aid in the construction of a line of land from Forest Grove to Astoria, a distance of about ninety-seven miles.

Shortly after the passage of that act, the Oregon Central Railroad Company of Portland constructed about forty-eight miles of road from Portland to Saint Joe, a point about a mile and a half distant from McMinnville, and then failed, and have been unable to continue the construction of the road. The completed road and the earned and unearned land grant was transferred to the Oregon and California Railroad Company, a company which has succeeded to the ownership of the grant under the act of July 25, 1856. That company has also acquired fifty miles of additional road from Saint Joseph southward upon the original projected line, and is devoting all its energies to the construction of its main line, and nothing has been done toward the construction of the line from Forest Grove to Astoria. Nothing in fact has been done in regard to the matter except to make preliminary surveys.

As I stated two dollars and a half on a previous occasion, I intend to vote for the forfeiture of this unearned grant; but as this is an important bill to the people of the state I have the honor in part to represent, and as, if it becomes a law, it will undoubtedly have no little effect toward the future settlement and development of portions of my state, I do not feel like letting the opportunity pass without saying that I have read and examined the grant with a good deal of reluctance. I do not share in the views of some of the

forfeiture of this grant will aid in securing the early construction of the road. I do not see how we can expect to secure the construction of the road without congressional aid when we have not been able to procure it with the aid of a congressional grant. A railroad constructed from Forest Grove to Astoria would pass through a mountain-broken, timbered country; it will be difficult of construction, quite expensive to build, and when built will have to compete for its traffic with river transportation on the Columbia river.

When the bill making this grant was under consideration in the house Mr. Smith described that country, and I debated to quote briefly from his remarks on that occasion, both for the purpose of showing why the road has not been built and why my amendments as to the price of the lands and for the protection of settlers should prevail. I send the debate to the secretary's desk and ask to have the extract marked as read.

The chief clerk read as follows:

This bill is in the interest of settlers or prospective settlers on the public lands of the United States. That it is a bill to give the road will be about one hundred and thirty miles long. Fifty miles of that distance is not settled and is not susceptible of settlement unless the communication through it is proposed by this bill shall be provided.

The Willamette valley, which contains two-thirds of the population of the state of Oregon, has no outlet to the sea but by the Columbia river. That river flows to the north end of this Willamette valley. On the west, between that valley and the sea, a single mountain rises to a height of 10,000 feet. Through this range of mountains to the mouth of the river we have no road of any kind.

We want this road to give us an outlet to the sea at all seasons; and we want to open up the country to the settlement of the mountains to the settlement. It is not a question whether by the passage of this bill the land shall be withdrawn from the public domain; but the question is whether by the passage of this bill you will open up to settlement a portion of country which otherwise never would be settled. It is a question whether it shall be occupied by settlers in the past; whether it shall be the home of a busy, thriving population, or continue to be a waste of land.

For twenty-five years Mr. Speaker, this land has been open to settlement, first under the homestead law, and then under the pre-emption law, and yet no man has gone there to settle. No white man ever went there to settle. The road must be built to the sea. It is a forest, an Oregon forest, such as is found nowhere else, perhaps, in the world, and no settler will ever go there unless there is a railroad through the pass connecting this Willamette valley with the Columbia river. In the opinion of the majority of the people of this state, the lands are rich, the timber is abundant; and the land and the timber would remain in the country for a hundred years to come if this road is not built.

No man with a knowledge of the condition of the country and its future prospects would settle there in the absence of this road.

Mr. DOLPH. Mr. President, I think the description of that country given by Mr. Smith, just read, is somewhat overdrawn. It is needless to say that the lands which will be restored to the public domain and subjected to settlement under the land laws of the United States according to this bill are not very desirable to the settlers, and I might add that there are many such settlers on the even section settlements on the even sections within the limits of the grant.

This bill is an important one, as I said before, to the people of my state, and I believe that the few hours to be devoted to it would be served by holding on to the grant as long as possible in the hope that it may prove an inducement to the construction of this road. But both parties to the grant have agreed to accept in their state conventions for the forfeiture of this unearned grant, and petitions were presented at the last session of congress, and had been presented at previous sessions, praying for the forfeiture of the grant. I have concluded, therefore, to make these expressions as an announcement of the will of my constituents, and, as nothing has been done toward the construction of the road, and the present owners of the grant refuse to give up the ability or disposition now to commence the construction of the road, to vote for the forfeiture. I do not think, either, that there is any great demand for the lands of the grant, and I believe that the country has been greatly retarded by the withdrawal of these lands from market. From the description already given of the lands it is apparent that they must be settled early, and the public lands in the vicinity have been occupied.

Since this bill was reported, however, such information as has come to me has convinced me that a few hours to be devoted to some amendment made to it in the interest of settlers on the land. I have learned that several settlers have gone upon the land, supposing that the grant had been forfeited, and that the settlers have gone upon the old sections within this grant, supposing that the grant had lapsed and become a part of the public domain; and although the officers of the land office refuse to receive and file their papers, they still reside there. Some have gone on the land with the expectation of securing their title from the railroad company.

Under this state of facts, I think their rights should be protected by some provision like the amendment offered by me. The amendment offered by me, except the provision fixing the price of the even sections at the minimum price, one dollar and a quarter an acre, is part of the house bill as it came to this body, and it appears to me to be unobjectionable.

It will be observed that it is proposed to strike out the proviso of the bill as reported by the senate commanding the public lands fixed at two dollars and a half an acre, and from what I have said in regard to the quality and condition of those lands I think it is apparent that if the price of the land is now fixed at two dollars and a half an acre, or double the minimum price, it will retard the settlement of the lands and the development of the country. I know what reasons indeed the committee to report the bill fixing the price of this land at two dollars and a half an acre. It was supposed that some persons had gone upon the even sections and purchased lands within the limits of the grant under the act of July 25, 1856, and that they would complain of the inequality should the old sections be placed at a dollar and a quarter an acre, and come to congress for relief. I have, however, taken pains to inquire into this matter, and while I could not examine the books in regard to all the townships embraced within this grant, I took two or three at random. One was 6 north, 4 west. I found that eighty acres only had been sold at two dollars and a half an acre. The next was 4 north, 6 west. I found that there had been no entry. The next was 8 north, 6 west, near the Columbia river, half way between Forest Grove and Astoria, and I found that there had been since the date of the passage of the act only 28.64 acres entered at two dollars and a half an acre. It will therefore be seen that the amount of land probably entered upon the even sections at two dollars and a half an acre is so very small, so inconsiderable, as to be of no consequence; and that the

difficultly which the committee anticipated does not in fact exist. Besides, congress has already provided a remedy for such cases by the act of March 3, 1875, which I ask to have read from the clerk's desk, as it is only a few lines in length.

The chief clerk read as follows:
 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That where any lands granted by law at double-minimum rates, and such railroad lands having been forfeited to the United States and restored to the public domain for failure to build such railroad, such person or persons shall have the right to locate on any unoccupied lands an amount equal to their original entry, without further cost, except such fees as are now provided by law in pre-emption cases. Provided, That when such location is on double-minimum lands, one-half the amount only shall be taken.

Mr. Dolph. It seems also reasonable to me that persons who have gone upon these lands in good faith as provided in this amendment should have their rights protected. They should have priority of right to purchase the same under the land laws of the United States; and if any persons have gone upon these lands under the railroad company who are not qualified to purchase under the general land laws of the United States and made settlement and improvement, no harm will be done by permitting them to purchase their lands to the extent of 100 acres at the minimum price. I do not believe that the government ought to recognize any contract, if any has been made, between the railroad company and the settlers, or perfect their titles without payment of the price to the United States, and I have therefore not included in the amendment offered by me that provision of the house bill.

The railroad company who are not qualified to purchase under the general land laws of the United States and made settlement and improvement, no harm will be done by permitting them to purchase their lands to the extent of 100 acres at the minimum price. I do not believe that the government ought to recognize any contract, if any has been made, between the railroad company and the settlers, or perfect their titles without payment of the price to the United States, and I have therefore not included in the amendment offered by me that provision of the house bill.

The amendment offered by me is broad enough to cover the legal and equitable rights of all settlers, and if any person have made any payments to the railroad company they must look to the company for the return of the same and not to the government. I cannot see any objection to my being intended to provide at once for the settlement of all claims of all persons on any of these forfeited lands, to prevent controversies between the settlers, and to relieve the officers of the land office from trouble and turn the matter over at once for adjustment to the secretary of the interior. It is not proposed to recognize the rights of any but settlers in good faith at the date of the passage of the act. The right recognized is a priority of right to purchase under the general land laws of the United States, a right to make actual settlement upon the land, a right if any settler is found not to be qualified under the general land laws to purchase one hundred and sixty acres at a dollar and a quarter an acre.

The amendment, it appears to me, is eminently just both as to the settler and as to the government. I can see no objection to it. It is not to be wondered at when lawyers do not agree as to the question of the title to the lands within the limits of a railroad grant where the road is not constructed, after the time limited for the construction of the road and before congress has acted in forfeiting the grant, that the western pioneers have gone on the lands under circumstances which require special legislation.

If congress does not now provide for this class of persons it will undoubtedly do so in the future, for that has been the unbroken practice of congress for nearly a century. I do not think there are many such settlers in this case, but they are few or many it appears to me there is plain necessity for the legislation.

After some further debate the amendment was agreed to by a vote of 33 to 19.

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 Or Shoe, go to P. J. Goodins, on Chenamus street, next door to I. W. Case. All goods of the best make and guaranteed quality. A full stock; new goods constantly arriving. Custom work.

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1885 1885

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