

TODAY'S WEATHER. For Washington and Oregon, occasional light showers.

The Daily Astorian

The Astorian has the largest LOCAL circulation, the largest GENERAL circulation, and the largest TOTAL circulation of all papers published in Astoria.

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ASTORIA, OREGON, THE DAY MORNING, MAY 21, 1895.

PRICE, FIVE CENTS.

Fisher Brothers, Ship Chandlery, Hardware, Iron & Steel, Coal, Groceries & Provisions, Flour & Mill Feed, Paints, Oils, Varnishes, Loggers Supplies, Fairbank's Scales, Doors & Windows, Agricultural Implements Wagons & Vehicles.

NEW GOODS. B. F. ALLEN, 365 Commercial Street. Japanese Rugs and Matting, Bamboo Furniture, etc.

B. F. ALLEN'S, 365 Commercial Street. Wall Paper of 1895 now in with a stock Japanese Leathers, Wholesale in Chicago from \$9 to \$18 per roll of 12 yards.

Snap A Kodak. at any man coming out of our store and you'll get a portrait of a man brimming over with pleasant thoughts.

Come and Try Them. HUGHES & CO.

IS THERE? Is there a man with heart so cold. That from his family would withhold the comforts which they all could find in articles of FURNITURE of the right kind.

And we would suggest at this season, nice Sideboard, Extension Table, or set of Dining Chairs. We have the largest and finest line ever shown in the city and at prices that cannot fail to please the closest buyers.

HEILBORN & SON.

ASTORIA IRON WORKS. Cor. 1st St., foot of Jackson, Astoria.

General Machinists and Boiler Makers. Land and Marine Engines, Boiler work, Steamboat and Cannery Works Specialty.

John Fox, President and Superintendent. A. L. Fox, Vice President. O. B. Prael, Secretary.

They Lack Life. There are twines sold to fishermen on the Columbia river that stand in the same relationship to Marshall's Twine as a wooden image does to the human being—they lack strength—life—evenness—and lasting qualities.

For Flowers and Floral Decorations. Call at Grunlund & Palmberg, Cor. 8th and Exchange sts.

Kopp's Beer Hall. Choice Wines, Liquors and Cigars. KENTUCKY WHISKEY. Only handed over the bar. The largest glass of R. P. Beer. Half and half, 5c. Free Lunch. Chas. Wirkkala, Proprietor.

THOMAS MOKKO. The blacksmith whose shop is opposite the Cutting's cannery, is now prepared to do such odd jobs as making new cannery coolers, repairing old ones, making new fish bin boat irons, and repairing old ones, and all other blacksmithing that requires first-class workmanship.

Carpenter Shop. Your mind is on repairing your house this spring, possibly on building a new one. If so, remember we are carpenters and builders with a shop full of tools always willing to do such jobs and want your work. MILLER & GOSNEY, Shop on Thence Book.

BOUND TO PLEASE. I am "bound to please" as much so as the individual in the cut is bound to "Please," and every one of my customers testify that I more than succeed. I do it by lines of goods that isn't surpassed, and by prices that are lower every day in the year than the so-called "bargain sales," which are heralded with the blare of deafening advertisements.

I. L. OSGOOD, The One Price Clothier, Hatter and Furnisher. 506 and 508 COMMERCIAL STREET, ASTORIA, OR.

YOU WILL FIND. Our line of fishing rods start in with the common bamboo pole for a few cents and run up into the \$5 for those that are lots better. So you see every body.

SUITS. PANTS. CLOTHING FOR MEN AND BOYS.

Our Spring Stock Has Arrived. They Are Wonders For The Money. Look Through Our Stock. Men's Suits Worth \$10.00 for \$6.50. Men's Suits at \$8.00 for \$6.75. Worth nearly double the money. Come and see us.

Oregon Trading Co. 600 Commercial Street. The Cheapest House In The State.

THREE LOTS. In a desirable location, 2 blocks from High School. A BARGAIN.

CHOICE LOTS IN HILLS FIRST ADDITION. On the new Pipe Line Boulevard—Just the place for a cheap home.

A Block IN ALDERBROOK. STREET CAR LINE will be extended this summer to within 5 minutes walk of this property—Will sell at decided bargain.

CREAGE. In 5 or 10 acre tracts inside the city limits, also adjoining Flavel. GEORGE HILL, 471 Bond St., Occident Block, HILL'S REAL ESTATE EXCHANGE.

The CASINO. 7th & BOND STREETS.

New Novelties and Attractions THIS WEEK. Admission Free.

A DECISION RENDERED

Income Tax Law Declared to be Unconstitutional.

FIVE FOR—FOUR AGAINST.

Gathering of Clans in Portland—Carlisle Talks on Silver—Murderer Fredericks Sane—Will Hang.

Associated Press.

Washington, D. C., May 20.—(Special to Astorian)—The supreme court today declared the income tax law unconstitutional in toto. The justices against the law were Chief Justice Fuller and Justices Gray, Field, Brewer and Shiras. For the law were Justices Harlan, White, Brown and Jackson.

At the outset in his opinion, Justice Fuller said: "Our previous decision was confined to the consideration of the validity of the tax on the income from real estate and on the income from municipal bonds. The question thus limited was whether such tax was direct or not, in the meaning of the constitution, and the court went no farther, as to the tax on incomes from real estate than to hold that it fell within the same class as the source whence the income is derived, that is, that the tax upon realty and the tax upon receipts therefrom were alike direct, while as to the income from municipal bonds, that could not be taxed because of the want of power of the tax source, and no reference was made to the nature of the tax as being direct or indirect."

"We are now permitted to broaden the field of inquiry and determine to which of the great classes the tax upon a person's entire income, whether derived from rents, or products, or otherwise from real estate, or from bonds, stocks or other forms of personal property, belongs, and we are unable to conclude that the enforced subtraction from the yield of all owners of personal property, in the manner prescribed, is so different from a tax upon the property itself, that it is not a direct but an indirect tax, in the meaning of the constitution. The words of the constitution are so taken in their obvious sense and have a reasonable construction. We find no basis in holding otherwise than that the words 'direct taxes' on the one hand, and 'duties, imports and excises' on the other, were used in the constitution in their natural and obvious senses, nor in arriving at what these terms embrace, do we receive any aid from the words beyond, or narrowing them within the natural and obvious import, at the time the constitution was framed and ratified, and passing from the text we regard the conclusion reached as inevitable when the circumstances which surround and control the construction, and the views of those who framed and those who adopted the constitution are considered."

The chief justice discussed the reasons for the constitutional provisions regarding direct taxation. The states had plenary powers of taxation, but gave up the great sources of revenue derived from commerce and retained the power of levying taxes and duties covering anything other than excises, but in respect to them, the range of taxation was narrowed by the power granted the federal government over interstate commerce. While they granted the power of apportioning direct taxation they secured to the states the opportunity to pay the amount apportioned and recoup from their own citizens in the most feasible way. The opinion continues: "It is said the tax on the whole income of property is not a direct tax, but a duty. We do not think so. Direct taxation was not restricted in a breadth and restriction thrown to the winds in another."

The opinion dismissed the Hytton case with this comment: "What was decided in the Hytton case was that the tax on carriage was an excise and therefore an indirect tax." The opinion next took up the argument that a tax on property is not a direct tax, within the meaning of the constitution, and said: "We find it impossible to hold that a fundamental requisition deemed so important as to have been forced by two provisions, one affirmative, and one negative, can be defined away by forced distinctions between that which gives value to property and the property itself. The stress of the argument is thrown, however, on the assertion that income tax is not a property tax at all, that its assessment upon the tax-payer, upon account of his money spending power, as shown by his revenue for the year preceding the assessment, and that rents received, crops harvested, interest collected, have lost in connection with their origin, although once not taxable, have been transmuted in their new form into taxable subject matter. In other words that income is taxable irrespective of the source whence it is derived."

The chief justice said that since the court had held unanimously that the receipts from municipal bonds should not be taxed, because such bonds were instruments of states, the same rule applied to revenue from other sources not subject to a tax, and that the lack of power to levy any but an apportioned tax on real and personal property equally, extends to the revenue therefrom. "The court does not understand," it says, "that an income tax has ever been regarded in England as other than a direct tax."

DELEGATES ARRIVE. Portland, May 20.—Delegates to the state convention of Republican clubs, which meets Wednesday morning, are arriving on every train and the rooms at the Astoria Republican Club, the headquarters for delegates, are filled with an enthusiastic lot of young Republicans. Secretary Wells, of the state clubs, has received the information that about 900 delegates have been elected, though it is not expected that more than 400 delegates will be present. As far as heard from 172 clubs have elected delegates. The silver question continues to be the leading topic of conversation among the delegates, and as the time for meeting draws near, interest in the subject increases. A large number of delegates are opposed to the convention taking any action on the money question, or outlining the policy of the party. They claim that it would place the Republican party of the state in an embarrassing position, should the state club convention outline a policy of free and unlimited coinage of silver as the ratio laid down by the national convention. It is asserted that the purpose of the state clubs is to carry out the work outlined by the national convention. There is a growing belief, however, that the adoption of a resolution declaring for the free and unlimited coinage of silver as the ratio of 16 to 1 will be urged upon the convention.

COMMITTEE RETURNS

With the Right of Way in Their Pockets.

HAMMOND HERE MONDAY

To Receive Reports—Final Arrangements Will No Doubt be Then Made for the Railroad.

It has come—not the railroad on a scow—but the railroad right of way committee. Messrs. Kinney, Wingate, Ferguson and Stuart, and it has brought with it the right of way committee, except a few deeds which will follow by mail.

As predicted by the Astorian, this indefatigable workers left no stones unturned to secure the good of the people and would not take no for an answer. The committee on inside right of way, headed by Chairman Welch, will also report to present a clear report, with the exception of the two or three cases for which suit will have to be brought—more shame to the owners—and as all but the one subsidy deed are in, the great work of construction will shortly commence. Mr. Hammond will be here, it is now understood, on the 27th—next Monday—by which time the abstracts of title will be completed, when all papers can be turned over to him in clean shape. The suits which may be necessary to acquire title to right of way, will be pushed vigorously and in the meantime Joyce guarantee will be given Mr. Hammond.

It is indicated by those best posted that there will finally be but few right of way suits to be instituted, as this week will see more deeds sent in by those who have been a little slow, but who are now convinced that they should hold out no longer on a bond like deal which, as has been shown so conclusively in these columns, is so largely to their own interest primarily, and to the interest of the state at large. Books might be written upon the subject, and how the news is confirmed that in Hill is interested in the reorganization of the Northern Pacific, as predicted in the Astorian, double value is attached to Astoria's enterprise and to more valuable time should be wasted in contemplating so vital a matter.

Next week the Astorian will publish the complete roll of honor of donors of subsidy and right of way, with a list also of those who had to be sued. Too much cannot be said of the work done by the outside right of way committee, Messrs. Wingate, Ferguson and Stuart. They deserve the gratitude of all loyal citizens for their faithfulness. There was perhaps the most difficult work of any of the committees because of the large field to cover with inadequate means of travel. Those gentlemen secured the confidence of everybody along the route, whether they donated or not, because they told the truth at all times and kept every promise, no matter how small the circumstance. Every man, woman and child is glad to see them whenever they go to any home on the line over every foot of which they have traveled several times.

ROYAL ARCH MASONS. Companion Royal Arch Masons, members of Saints John Chapter No. 14, and all adjoining Companions in good standing, are hereby notified that Oregon Commandery No. 1, Knights Templar, of Portland, has, through Sts. John Chapter, extended an invitation to the Royal Arch Masons of Astoria to be present and join with them in holding divine service at the Masonic Temple, Portland, on Thursday, the 23d inst., at 7:30 p. m., in celebrating the anniversary of an event very dear to the Templars' heart.

It is hoped that as many Companions as can possibly make it convenient will accept the courteous invitation of the Oregon Commandery Knights Templar and all such are requested to so notify the secretary of Sts. John Chapter No. 14, I. O. O. F., GEO. W. LOUNSBERRY, Acting M. E. H. P., E. C. HOLDEN, Secretary.

SALVATION ARMY MEETS. A large and enthusiastic meeting was held last night in celebration of the opening of the new quarters of the Salvation Army in Rescue Hall.

Among the uniformed army on the platform, which included Major Morton, of the Guard, were several local ministers and friends of the movement. The Rev. Staver made a short and pointed address in which he said that he was formerly prejudiced against the Salvation Army methods, but that he was now warmly in sympathy with their work and manner of reaching the people. He said that he was reminded of the parable of the fig tree, given in olden times by a certain Lord, when his invitation was declined by the noblemen and aristocrats, sent his servants out into the by-ways and highways with orders to bring in everybody. He thought that we were living in that part of the parable now when extraordinary measures must be

PREDECESSORS ADJUDGED SANE. San Francisco, May 20.—After hearing expert testimony regarding the question of the sanity of Murderer Fredericks, all the witnesses pronouncing Fredericks sane and shamming insanity, Judge Murphy sentenced him to be hanged on July 29th.

Regular communication of Temple Lodge, No. 7, A. F. and A. M., this evening.

Highest of all in Leavening Power.—Latest U. S. Gov't Report. Royal Baking Powder. ABSOLUTELY PURE.