



The Daily Astorian.

The Daily Astorian
HAS A REGULAR AND PERMANENT
...Family Circulation...
MUCH MORE THAN THREE TIMES AS
LARGE AS THAT OF ANY OTHER PAPER
IN ASTORIA.

EXCLUSIVE TELEGRAPHIC PRESS REPORT.

VOL. XLVI.

ASTORIA, OREGON, TUESDAY MORNING, JANUARY 26, 1897.

NO. 21

SAVE TIME
Expense and worry How?
An "Ad"
In The Astorian's
"Want Column."

\$1.00

Ladies' Kid Button Shoes

Patent Tip, Custom Made, Worth \$2.50

Laird, Schober & Co.'s Ladies' Fine Shoes
\$3.50 and \$6 Shoes, 10 Days, \$4.50.

Columbia Shoe Company
523 Commercial St., Astoria, O.

A Full line of
Office and Pocket
Diaries
Calendar Pads
Blank Books of all kinds
Office and Typewriting
Supplies
Tide Tables for 1897

A PROSPEROUS
NEW YEAR TO ALL.

GRIFFIN & REED

City Book Store

The Low Price Store
IS CLOSING OUT ITS BUSINESS.

All Dress Goods, Shoes, Underwear, Cloaks, Corsets, sold 30 per cent. off regular prices. If you buy one dollar's worth of goods all you pay for it is 70 cts

I. COHEN,

491 Bond St., Astoria, Or.

WHY Do We Have The LARGEST BUSINESS?

Because our Goods are Properly Represented.

We Deal Courteously with Our Customers,
We Consider Their Wants,
And Give the Most Value for the Lowest Price.

FOARD & STOKES CO.

Astoria Roofing and Cornice Co.

34 NINTH STREET 34
Gravel, Tin and Slate Roofing
Asphalt Paving for Basements, Sidewalks and Streets
Asphalt Coating on Tin and Shingle Roofs
Repairing of all kinds of Roofs

Clarkson & McIrvin Boom Company

LONG FIR PILING Promptly Furnished
216 and 217 Chamber of Commerce
Portland, Oregon

Astoria Asphalt & Roofing Co.

All Work Guaranteed
Roof Painting and Repairing Leaky Roofs.
N. JENSEN and R. O. HANSEN

Emil Schacht

ARCHITECT

GEO. NICOLL, Assistant.

OFFICE:

Kopp's New Brewery

B. F. ALLEN & SON

Wall Paper, Artists' Materials, Paints,
Oils, Glass, etc. Japanese Mattings,
Rugs and Bamboo Goods
365 Commercial Street.

UNION MEAT CO.

SHIELD BRAND
HAMS, BACON, LARD
CONDENSED MEATS
GUARANTEED THE BEST
..IN THE MARKET..
Cor. 4th and Gisan Sts
PORTLAND OREGON

SEASIDE SAWMILL.

A complete stock of lumber on hand
in the rough or dressed. Flooring, rust-
ling, ceiling and all kinds of finish; mold-
ings and shingles. Terms reasonable
and prices at bedrock. All orders
promptly attended to. Office and yard
at mill. H. F. L. LOGAN,
Seaside, Oregon. Proprietor.

The Palace Cafe

Is the Place for a
Good Meal...

Eastern Oysters

in the shell or can
Served to Order or Sold at Retail
W. W. WHIPPLE
THE PALACE

J. A. FASTABEND,

GENERAL CONTRACTOR,
HOUSE, BRIDGE AND WHARF BUILDER
HOUSE MOVER.

House Moving Tools for Rent.
ASTORIA OREGON

THE ROAD TAXES IN CITY LIMITS

Are They Revertible to the City After
Collection by the County.

OPINION OF CITY ATTORNEY

Question to Be Considered at the Ad-
journing Meeting of the Council
Friday Night.

At the meeting of the city council to
be held Friday night the most import-
ant question to be considered is that
of the city tax levy for the ensuing
year. The ways and means committee
have been of the opinion that the city
was entitled to the road taxes collected
within the city limits. There is involv-
ed in this question about \$1,000 to the
credit of the city, and if the opinion of
the committee is correct, it will also
make a considerable difference favor-
able to the city in the amount of the
levy to be imposed. The matter was
referred to City Attorney Curtis for an
opinion, which follows in detail:

Astoria, Jan. 27, 1897.
Hon. Jas. W. Welch, Chairman Com-
mittee on Ways and Means—
Your request for an opinion as to
whether the City of Astoria is entitled to
the road taxes collected within the
city limits, I beg leave to submit the
following report:

Section 141 of the charter of the City
of Astoria provides:

"All road taxes on property and polls
within the city limits of the City of
Astoria shall be turned over to the
city in the same manner as other taxes
collected for it, and shall be expended
exclusively upon roads, highways and
street crossings within said city."

The question is, do the provisions of
the charter conflict with the constitu-
tion of the state, Article 4, Sec. 23, sub-
divisions 7, 9, which inhibits the leg-
islature from passing special local laws
"for laying, opening and working high-
ways, etc.?"

The question was first raised in the
case of East Portland vs. Multnomah
county, reported in 6th Oregon, Page 62,
wherein the supreme court held:
"The paramount and primary control
of highways in a state, and of streets
in cities is vested in the legislature."
In other words, that the legislature
had power to delegate to a city the con-
trol of the roads and highways within
the city limits and such delegation of
power does not conflict with the constitu-
tional prohibition. This was reaffirmed
in the case of Multnomah vs. Slaker,
10 Oregon, Page 65, and City of Astoria
vs. Clatsop county, not reported.

A test case was made a short time
ago in the case of the City of Oregon
City vs. Moore. In this case the city
of Oregon City made a demand upon
the county treasurer to pay over to
the city the money collected within
the limits of the city for road taxes,
etc. Two propositions were submitted
to the supreme court. One, that the
provision in the charter of Oregon City
was in conflict with the constitutional
inhibition. Second, that the tax had
not been apportioned when the demand
was made.

On the first proposition the supreme
court says: "If the legislature may by
special law incorporating a city, con-
stitutionally vest in the municipality
exclusive jurisdiction over the county
roads within its boundaries, it seems to
us that no valid objections can be
made, on constitutional grounds, to a
provision in such an act merely confer-
ring upon the municipal authorities the
right to control the expenditure of
funds applicable to the improvement of
roads and streets within the municip-
ality, collected under general laws." In
other words, the supreme court holds
that the act incorporating Oregon City,
relative to this provision is constitu-
tional, and does not conflict with the
constitutional inhibition.

But where the supreme court affirmed
the decision of the lower court was
in the demand made by Oregon City
upon the county treasurer for the funds
collected, before the apportionment had
been made.

It follows, then, that the provision in
the charter of the City of Astoria is
constitutional and does not conflict with
the constitutional inhibition cited.

In my opinion the City of Astoria is
entitled to all the road and poll taxes
collected within the limits of the City
of Astoria, and as soon as the appor-
tionment is made, the city can demand
of the county that they turn over all
such money collected, such money to be
expended by the city in the manner
provided by its charter. If the county
refuse, mandamus proceedings
should be brought to compel them to
do so. Respectfully submitted,
C. J. CURTIS,
City Attorney.

NOT RECOGNIZED BY THE SENATE

"Rump" House Got No Hearing Be-
fore President Simon.

KING MAKES A SENSATION

But His Motion Lost on a Tie Vote—
Matters at Salem Still in a State
of Doubt.

Special to the Astorian.

Salem, January 25.—The lobby of the
senate chamber was crowded this af-
ternoon in anticipation of action on the
house concurrent resolution to notify
the governor of the organization of the
Oregon legislature. The resolution
failed to put in an appearance; but the
matter came up in another form, on a
resolution by Senator King, which
was lost on a tie vote, and subsequent-
ly by a decisive ruling by President
Simon, which was against the recog-
nition of the Benson house.

Immediately after the senate was
called to order, President Simon an-
nounced that he had in his possession
a communication from the temporary
house. It was signed by Chief Clerk
Moody and stated that the Benson
house was not a legally organized
body. The senate took no action on
the communication and the regular
order of business was resumed.

After several bills had been intro-
duced King, Populist, of Baker and
Malheur, introduced a resolution pro-
viding for a committee of three mem-
bers of the senate to ascertain whether
or not either of the two pretended or-
ganizations in the house of repre-
sentatives are legally organized branches
of the assembly, and, if so, which of
the two are so organized, and report
the condition thereof to the senate at
an early date as may be deemed prac-
ticable. This brought up the matter
of the house recognition in an unex-
pected form. Patterson, of Marion, at
once saw the effect of the resolution,
and he moved to lay on the table, thus
shutting off debate. President Simon
immediately put the motion to lay on
the table, and it was lost on a viva
voce vote. A call of the ayes and noes
being demanded, the roll call showed a
tie vote, as follows:

Ayes—Bates, Daly, Dawson, Holt,
King, MacKay, Mitchell, Mulkey, Pat-
terson, of Washington; Reed, Swing,
Smith, Wade, President Simon—14.
Noes—Calbreath, Driver, Dufur, Ges-
ner, Gowen, Harmon, Haseltine, Hughes,
Johnson, McClung, Patterson, of Mar-
ion; Price, Taylor—14.
Absent—Brownell, Carter—2.
So the senate failed to adopt the resolu-
tion.

The senate proceeded with the second
reading of bills, but had not gone far
when Representative Crawford, of
Douglas, appeared in the lobby with
a message which was delivered to Pres-
ident Simon, who read it, and then
said:

"The chair is in receipt of a commu-
nication, purporting to be a message
from the house, stating that the house
has effected permanent organization by
the election of Hon. H. L. Benson as
speaker, and R. R. Hays as chief clerk,
and other officers, and is ready for the
transaction of business. The chair has
already submitted to the senate a mes-
sage from the temporary organization
of the house, advising the senate that
such permanent organization was ef-
fected in an irregular and unconstitu-
tional manner, and without the pres-
ence of a quorum, and that such action
was illegal and void. The chair is of
the opinion that the pretended perman-
ent organization, without a quorum,
mentioned in this communication, is
not valid or binding, and that the sen-
ate cannot recognize such alleged per-
manent organization of the house; the
chair therefore declines to entertain or
receive this communication, and rules
that the same cannot be entered upon
the journal. This decision will stand
as the judgment of the senate, unless
the senate will overrule the decision of
the chair."

This settled the matter of recognis-
ing the house, at least for today.

CONTEST IN WASHINGTON.

Speaker Cline Gets Near the Winning
Mark.

SUICIDED IN A CHICAGO HOTEL

Chicago, January 25.—Theodore Ben-
ham, traveling salesman, 60 years old,
was found in a room of the Hotel
Grace today. His muffle was tied
around his throat and he leaned for-
ward in such a way as to cause stran-
gulation. Benham lived at Spokane,
Wash., and traveled for a Minneapolis
house. It is understood he had trouble
with his wife.

Spokane, January 25.—The news of
the suicide of Theodore Benham, in
Chicago, came as a terrible surprise to
his friends in this city, where he was
well known among the old time resi-
dents. His widow is prostrated with
grief.

Benham came to Spokane in 1882 and
for years carried on a successful busi-
ness as a builder and contractor. He
left Spokane two weeks ago last Fri-
day with plans to meet his brother at
Mendon, Michigan, to engage with him
as traveling salesman. On his way he
visited relatives in Minneapolis and
from that city wrote a cheerful letter
to his wife. From there he went to
Chicago to buy a stock of goods. It
is thought here he must have been taken
ill and in a moment of mental aberra-
tion ended his life. In 1861 he went to
Jacksonville, Southern Oregon, where
he engaged extensively in mining and
contracting, and made a great deal of
money. In 1867 he went to Nevada
and remained there until he came to
this city.

CLEVELAND MEETS QUEEN LIL.

Washington, January 25.—President
Cleveland received ex-Queen Lillook-
lani at the White House this afternoon.

THE ROAD TAXES IN CITY LIMITS

Washington, January 25.—Reports
received by the weather bureau show
the intense cold wave to be general
over the entire United States and there
are no indications of relief within the
next twenty-four hours. The tempera-
ture has fallen decidedly in the South-
ern and Middle Atlantic states, and it
has risen slowly in the Missouri and
upper Mississippi Valley, and over a
greater portion of the Lake region. It
continues below zero as far south as
the Ohio Valley and is below freezing
on the Texas coast, and generally in
the interior of the Gulf states.

The weather is generally clear to-
night, except in the St. Lawrence Val-
ley, the Gulf states and the Central
Rocky Mountain districts, where local
snow storms are reported. The indi-
cations are general that fair weather
will prevail tomorrow in the central
valleys and on the Atlantic coast north
of Florida. It will be much colder on
the south Atlantic and east gulf coast,
with freezing weather in northern Flor-
ida.

Throughout the Ohio Valley and the
Lake region the prevailing cold wave
has been accompanied by lower temper-
atures than any previously recorded by
the weather bureau for this season
of the year. Following are some of the
minimum temperatures reported on the
25th, with their relation to the lowest
previously recorded during the last ten
days of January: Chicago, 20; 3 de-
grees below. Indianapolis, 11; 4 de-
grees below. Cincinnati, 10; 2 degrees
below. Pittsburg, 8; 3 degrees below.
Detroit, 14; 6 degrees below. Sault Ste.
Marie, 18; 6 degrees below.

IN NEVADA.

Will Legalize Prize Fighting—Senatorial
Fight Over.

Carson City, Nev., January 25.—A bill
was introduced in the assembly today
to permit prize fights upon the pay-
ment of a license of \$250. The bill was
read the second time and referred to
the committee on public morals. There
is a strong public sentiment in favor
of passing the bill. Several prominent
citizens are interested in the matter,
and if it becomes a law will endeavor
to induce Dan Stuart to bring off the
Corbett-Fitzsimmons match here in
March.

The election of a United States sen-
ator was made a special order for to-
morrow afternoon. So sure are John P.
Jones' friends of the result that they
have prepared a banquet to follow on
Wednesday. It is surmised that he
will get every vote save six Republi-
cans' signatures.

CORN AND WHEAT.

Washington, January 25.—The esti-
mates by state and territory of the
area, product and value of the corn
and wheat crops of the United States
for 1894, made by the statistician of the
department of agriculture, are as fol-
lows:

Corn—Area, 81,627,989 acres; product,
2,283,875,000 bushels; value, \$491,007,000;
yield per acre, 28.2 bushels; farm price
per bushel, 21.5.

Wheat—Total area, 34,619,000 acres;
product, 427,687,000 bushels; value, \$310,
602,000; yield per acre, 12.4 bushels;
farm price per bushel, 72.6 cents.

The minister to Argentina, Hon. Wm.
I. Bushanan, reports to the state de-
partment under December 9: "I have
followed the news from the wheat dis-
tricts very carefully for the past three
months and have traveled through one
of the wheat provinces. Observations
lead me to believe that the quantity for
export will be between 480,000 and 540,
000 tons, probably nearer the first than
the second figure. The amount ex-
ported during this year was 564,459
tons."

BIG FIRE IN NEBRASKA.

Omaha, January 25.—A Bee special
from Plattsmouth, Neb., says:
Fire started in the Burlington and
Missouri River coach shop tonight and
burned for fifteen minutes before an
alarm was turned in. The coach shop
and paint shops were entirely destruc-
ed, and much damage was done to other
buildings. The loss is placed at
\$150,000. George Sletchner, an employe
of the shops, was assisting in fighting
the fire and fell from the roof of a
burning building, breaking his neck.
He died twenty minutes after.

INDIANS GET THEIR MONEY.

Lewiston, Idaho, January 25.—Agent
Fisher began the issue of checks to the
Indians of the Lapwai agency, on the
Nez Perce reservation this morning.
Owing to the cold weather the Kahlans
and other Indians from outside dis-
tricts did not appear. About 200 re-
ceived their checks. About \$150,000 will
be disbursed in this installment. Busi-
ness men are preparing for a rush to-
morrow, particularly the gamblers.

The only bird that sings while flying
is the lark.

DON'T LIKE OUR FLOUR.

London, January 25.—The Mark Lane
Express today, in its crop review, esti-
mates the shortage of the Indian wheat
crop at upwards of one million quar-
ters, and says:

"The increased pressure of American
flour in the British market is causing
some anxiety to millers, who flattered
themselves at this time in 1896 that
American competition had been collared."

LATE ARREST.

About midnight last night Officer
Oberg arrested a man who was in-
toxicated and begging on the streets,
and placed him in the city bastle. The
man's name was Herman G. Fink, and
he is supposed to have come from
Portland recently.

IDAHO STILL IN DOUBT.

Boise, Idaho, January 25.—The sen-
atorial ballot today resulted: Frank
Walton, Populist, 29; Dubois, 26; T. F.
Nelson, Populist, 13; others, scattering.

Great Britain's territory in Africa
amounts to 2,615,000 square miles.

UTAH DEADLOCK.

Salt Lake, January 25.—The sena-
torial election shows a strong indication
of a deadlock. Seventeen ballots have
been taken with but little change in
the result. The last ballot was as fol-
lows: Thatcher, 20; Henderson, 15;
Rawlins, 19; Lawrence, 4; Dooty, 3;
Powells, 1.

BANK FAILS.

Pottsdam, N. Y., January 25.—The
Pottsdam National Bank, with a capi-
tal of \$250,000, was closed by the Na-
tional bank examiner today. The fail-
ure of the Pottsdam Falls Pulp and
Paper Company about a week ago is
said to have caused the bank failure.

ROYAL

The absolutely pure BAKING POWDER

ROYAL—the most celebrated of all
the baking powders in the world—cel-
ebrated for its great
leavening strength and
purity. It makes your
cakes, biscuit, bread,
etc., healthful, it assures
you against alum and all
forms of adulteration
that go with the cheap
brands.



ROYAL BAKING POWDER CO., NEW YORK.