

Forced Out Sale

We want the Public to understand thoroughly we are carrying out the rule of this house, established years ago---GIVING YOU THE TRUTH. This is no catch-penny proposition, but just what we represent it to be---A FORCED OUT SALE.

We are not giving furniture away

But we are selling cheaper than ever sold on the Bay before, not because we WANT to, but because we are COMPELLED to. By the first of November we must move ---that is a fact. We have no other place to put our goods---that's a fact. What is left, then, for us to do? What would you do? Just what we are doing---

Sell out at a Big Sacrifice.

REMEMBER, these are not old, shopworn goods, but all new and up-to-date in every particular. You can well afford to borrow money at 10 per cent, and store the goods if you do not need them right away. **EVERYTHING IN THE CARPET LINE.**

GULOVSON'S

"THE PLACE THAT SAVED YOU MONEY"

How To Make Coos Bay a Great Harbor

Francis H. Clarke Gives Legal Opinions Which Recommend Organization of Port by Initiative and Referendum---Plans a Greater Coos Bay.

After some preliminary remarks Mr. Clarke spoke as follows:

The Supreme Court of Oregon, September 3, 1907 rendered a decision in the case of Farrel vs. the Port of Columbia, which may be regarded as epochal in its influence and effect. It involves an interpretation of the fundamental law of Oregon and more particularly that feature of it which is embodied in the constitutional amendments adopted June 1906 as follows: "Corporations may be formed under general laws, but shall not be created by the legislative assembly by special laws. The legislative assembly shall not enact, amend or repeal any charter or act of incorporation, for any municipality, city or town. The legal voters of every city or town are granted power to enact or amend their municipal charter subject to the constitution and criminal laws of the State of Oregon." The legislative assembly in 1907 enacted a special law by which they attempted to create a separate municipal district comprising the three counties of Multnomah, Clatsop and Columbia under the name of the Port of Columbia. It was invested with similar powers to those conferred by special act on the Port of Portland in 1891, and its powers included the very important one of issuing bonds not exceeding the aggregate sum of \$400,000 and raising money by taxing the district described, to retire these bonds at maturity and the payment of interest thereon. The court, in its decision holding that the special act creating the Port of Columbia, was and is unconstitutional and void, uses the following language: "By this amendment (that of June 1906) the power to create incorporations for municipal purposes by special act was not only eliminated, but the creation of a corporation by such an act is expressly prohibited, and it is no longer in the power of the legislative authority to create a corporation public or private by a special law.

This decision becomes therefore a matter of special interest to the people who inhabit the shores of Coos

Bay, for the reason that they have, for some time past, been considering the propriety of asking the legislative assembly of the state to set apart a definite district around and including the bay and creating a port, somewhat after the plan of the Port of Portland, organized in 1891, and calling it the Port of Coos Bay. The Port of Portland was created before the constitutional amendment deprived the legislative assembly of the power to create such districts, and is the only similar corporation known to the laws of this state. The Port of Portland was invested with powers among which the following may be enumerated: "To hold, receive and dispose of real and personal property; to sue and be sued, to plead and be impleaded in all suits or proceedings brought by or against it; to own, operate and maintain a towage service from the open sea; to purchase, own, lease, control and operate tugs and pilot boats; to fix and collect charges for pilotage; to make contracts etc. In order to carry out these powers it was provided that the Port should have the power to tax the district to raise money. It was also provided that the corporation thus organized could make certain harbor improvements. Many other powers were conferred, but this statement will be sufficient to show what the general nature of the corporation is. It will also be well to state that the amendment to the constitution which the court construed in the Port of Columbia case does not affect the Port of Portland and that corporation remains a legal entity in all respects.

The position of Coos Bay both in law and history, is extremely unsatisfactory. Let me briefly state what that position is. In the first place it is a very important arm of the ocean. It extends into the mainland some 15 miles. Its form is peculiar and advantageous for it sweeps first northeast and then south around a peninsula which is narrow at its north end and broadens to five miles at its southern extremity. The bay averages about

two miles in width, but the inner bay widens to three and one half and four miles. There are several deep and capacious inlets into and from which the tide ebbs and flows, and the bay and inlets constitute a very remarkable network of waterways which are capable of being made into one of the notable harbors of the world. The shores of this bay and its inlets are rich in various and abundant resources, such as coal and timber, and the hill slopes and bottom lands are, generally speaking, among the richest agricultural lands in the world. The wharfing waterfront of the bay is over 70 miles in extent. The tidal area which is capable of being dredged out is about 20 square miles in extent and can be made to furnish anchorage for the largest fleets. The bottom of the bay has no hard formation and can be deepened to meet all commercial needs. The bar at the mouth of the bay is only 300 feet across at the apex and there is, generally, 20 feet of water on it at mean low tide.

The topography of the bay district is such as to make it a very convenient site for a large commercial place or port. The bay is capable of being made amenable to the requirements of commerce in its largest senses. There is no reason why it should not be improved to equal the harbor of Liverpool, England, of Glasgow, Scotland; of Boston, Baltimore, or any harbor on the American Pacific coast.

But the fact is that it has been slightly regarded by the state of Oregon and but little favored by the federal government. Its channels are not kept clear. Its waters are permitted to be shoaled. Encroachments are not resisted and there is no competent authority which controls its uses or its abuses. The people who inhabit its shores know this and regret it; but, for some unaccountable reason they have done little to rescue it from a state of nature or to prepare it for that great destiny to which its merits entitle it. Now that it cannot ask

the legislative assembly to create a port corporation like the Port of Portland, by special enactment, what shall it do?

It is with a view of answering this question that I have made an analytical examination of the law and that I have taken this method of presenting my views as a lawyer. As a result of my examination and the knowledge I have acquired of the navigable waters of the bay and their adjacent territory, I am convinced that it is necessary to lose no time in organizing such a municipal corporation as will have legal power to control the entire bay and its navigable waters, and all the territory to be benefited by its improvement. Can this be done?

No doubt it is possible to induce the legislative assembly to enact a general law which shall provide for the creation of ports. No doubt the people of the whole state can, under the initiative and referendum amendment enact a law which will permit such a creation. My personal inclination is to waive such suggestions aside as being in the one case unnecessary and troublesome, and in the other case unnecessary and cumbersome. To wait on the action of the legislature is to invite the opposition which it is believed has been hurtful to this section in past years. To invoke the public consideration of an act by the whole people would require a long and expensive campaign of education among thousands who are indifferent to our needs. Therefore my judgment is, that if the people of the Coos Bay district can, they should organize themselves, exercise their own powers, act for themselves, and make a harbor such as they may be proud of.

There is no doubt that this power is entirely in the control of the inhabitants of Coos Bay. That its nature and its use may be understood it is well to consider the fundamental law on which that power rests. It is only necessary for me to remind you that theoretically all power rests with the people. Their collective will is sovereign and unlimited.

They organize and create a government and delegate to that government certain powers. The people of Oregon are a sovereign people whose will is unlimited except so far as they have delegated certain of their sovereign powers to the government of the United States, in making the constitution of the state the people provided that this sovereign power should be exercised by the legislature and the constitution of the state defines the limits of such legislative authority. By the constitution of the state the people delegated their power to make laws to the legislature and deprived themselves of all such power except so far as they reserved in themselves the power to amend such constitution and through such amendment to reclaim any and all the sovereign powers which they originally possessed as a sovereign people. In 1902 the people of Oregon exercised their power to amend the organic law and did amend it by adding the well known initiative and referendum provisions. This amendment was further amended in 1906. Your attention is called specially to the amendment of 1906 which reads as follows: "The referendum may be demanded by the people against one or more items, sections or parts of an act of the legislative assembly in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections, or parts of an act shall not delay the remainder of that act from becoming operative. THE INITIATIVE AND REFERENDUM POWERS ARE RESERVED TO THE LEGAL VOTERS OF EVERY MUNICIPALITY AND DISTRICT, AS TO ALL LOCAL, SPECIAL AND MUNICIPAL LEGISLATION IN THEIR RESPECTIVE MUNICIPALITIES AND DISTRICTS. The manner of exercising said powers shall be prescribed by general laws except that cities AND TOWNS may provide for the manner of exercising the initiative and referendum powers as to their municipal legisla-

tion. No more than ten per cent of the legal voters may be required to order the referendum or more than fifteen per cent to propose any measure, by the initiative, city or town."

It will be seen that the cities of Marshfield and North Bend have each, the rights and power to enact local, special and municipal legislation of any and every character, and that within the limits of what is local, special and municipal, there is no power superior to them except that of all the people of the whole state. It will also appear that the sovereign people of the whole state have reposed such great confidence in the people of the different localities that they have delegated the entire power of self government to the cities of North Bend and Marshfield without limitation except so far as such corporation may be limited by the constitution, the criminal laws and the meaning of the words local, special and municipal. The question formulates itself as follows: Can the cities of Marshfield and North Bend, separately, amend their municipal charters or adopt new ones, and therein and thereby create some form of harbor commission, and invest such commission with power to raise money by levying a tax on the people of the city, for the purpose of improving Coos Bay or any part thereof? I do not need to say that there is nothing in the constitution or the criminal laws to prevent it. On the contrary the constitutional amendment referred to clearly intended to invest the people of these cities with sovereign powers to make local, special and municipal laws, to govern themselves, as fully as the sovereign people of the state might have enacted such laws if they had so elected.

Let us then consider what is local, special and municipal legislation.

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—Cut price sale of underwear at Prentiss.