

THE PORT LAW—ARTICLE II.

By Francis H. Clarke.

IN ARTICLE I OF THIS series I undertook to explain sections 1 and 2 of the Port law, more particularly in the matter of boundaries. I will now call attention briefly to sections 3, 4, 5 and 6 of the same law. Section 3 is a mere matter of detail, prescribing the form of ballot, the manner of holding the election and the form of decree and proclamation by which the district becomes an organic body. Of course, nobody objects to these as they merely follow the forms in vogue and which the courts and people are familiar with.

Section 5 provides that the expenses of the election shall be paid by the county.

Section 6 provides that, from and after the date of the proclamation there shall be "a separate district to be known as the Port whose name is specified." "The inhabitants thereof shall be a corporation," etc. Such corporation shall have perpetual succession and by the said name shall exercise and carry out the objects and corporate powers. It shall make contracts, hold, receive and dispose of real and personal property and do all other acts and things which may be requisite, necessary or convenient to carry out the objects of the act. It may sue and be sued, plead and be impleaded in the courts.

The provisions of Section 6 are the usual ones, but I want to point out that the inhabitants of the District constitute the Corporation under the corporate name. I understand that some have contended that the Commissioners are the corporation and have a right to exercise the powers of the corporation without taking the inhabitants into consideration. In Oregon the wisdom of the people has placed on the statute books two very important constitutional enactments. They are the fundamental law of the state. They are not merely a part of the Port law but the very foundation of it. I refer to the Initiative and Referendum provision of the Constitution and the Recall which was recently enacted by the people. The particular reason why this Port law makes the "inhabitants" the corporation instead of making the Commission the corporation is, that in Oregon, under the Constitution, the people rule and the Commission could not be allowed powers which the inhabitants could not regulate, limit or suppress. The inhabitants of the district thus created can, under the Constitution and under this law, amend the law itself, so far as it applies to the district after the district is once organized.

In order to make this feature plain, let me quote the Constitution and again remind the reader that every word of the law must be read with this constitutional provision in mind. Section 1 A of Article IV of the Constitution of Oregon contains the following: "The Referendum may be demanded by the people against one or more items, sections, or parts of any act of the legislative assembly in the same manner in which such power may be exercised against a complete act. . . . The Initiative and Referendum powers reserved to the people by this Constitution are hereby further reserved to the legal voters of every municipality and district as to all local, special and municipal legislation, of every character, in or for their respective municipalities and districts."

Note specially that all local, special and municipal legislation may be brought to popular vote by the people of the district. In order that no question may be made about this, let me cite the case of Dalzell vs. The Port of Portland in which the Supreme Court of Oregon, in an opinion filed November 24, 1908, decided that the Port of Portland was a Municipal Corporation and that the inhabitants of that Port had a right to invoke the Initiative and Referendum to change and amend the law under which it was organized. There is not the remotest question that the Port of Coos Bay will have the same right.

Now, I have called attention to this Constitutional provision so that those who doubt that the people have the final say on everything may dispel the doubt. If the Commissioners enact an ordinance, pass a resolution, make a regulation which eight per cent of the people of the district insist by petition, shall be submitted to the people to vote on, it will have to be done. For instance, there are some 1,300 acres of mud flats in the Bay. I have heard it said that this "Port Bill" is a scheme of the present owners of the flats to have the Port issue bonds and pay them a large price for that property. Nothing can be farther from the truth. Suppose such a scheme were started. Suppose the Commissioners voted to issue bonds and to buy those flats and pay one hundred dollars an acre for them. It is not at all probable, but suppose it for argument's sake. Now, the owners, I am informed paid \$2.50 per acre about four years ago for the title. To compel the inhabitants of the Port to pay \$100 an acre, or \$50 an acre, or even \$25 an acre would be an imposition. The flats are not worth any more today than they were when they were purchased and if the Commissioners should do such a thing as I have suggested eight per cent of the people would bring the right to issue those bonds into question by compelling the submission of it to the people. Who can doubt that a proposition to purchase such property at an exorbitant price would be voted down. Thus, I have shown you how this law is, so far as the granting of powers to the Port is concerned, is as safe and effective as any law that was ever enacted. And let me say further—that the men who are most earnest in the support of this law, including myself, will be the first to invoke the Initiative and Referendum if any such measures as the one suggested, are attempted. But they will not be attempted.

THE THEATRE.

The "Bell Boy" Company delighted a good sized audience at the Masonic Opera House last evening with one of the best all-around performances presented in that play-house in some time.
A good chorus, good singing, clever

antics and in their team work won their way to the hearts of the audience.
While not the largest it was the best and most winning chorus ever seen on the Masonic stage. There was a vim and dash in their work that made it go with a swing that was entrancing.
The scenery was new and the costumes most elaborate. The Japanese scene is the big hit of the production, introducing two juveniles who brought down the house by their cleverness. The songs were well sung and the jokes new and catchy. All together it was an excellent show.



er dancing, and elaborate costuming that made the stage pictures something seldom seen on Coos Bay. All contributed to an enjoyable evening.
Ella Galvin, the clever little sourette, made a decided hit while Johnny Galvin as "A Bell Boy" captured the audience by his clever

times most elaborate. The Japanese scene is the big hit of the production, introducing two juveniles who brought down the house by their cleverness. The songs were well sung and the jokes new and catchy. All together it was an excellent show.

STANDS BY APPOINTMENTS

(Continued from page 1.)
sum of the council but in the section governing the rejection of appointments by the mayor, it expressly provided that such rejection must be by two-thirds majority of the entire council. He also stated that according to his interpretation of the charter the appointees became legal officers of the city as soon as they had filed their acceptances and qualified before the city recorder.

been a conference before the names of "Haines and Carleton were presented for slaughter." He said that they had been anxious for such a conference but it was not forthcoming. He said that the council stood willing and glad to accept Mr. Carleton's appointment but that they could not accept the appointment of W. R. Haines. He said that Mr. Haines had been too active in the last campaign and was not acceptable to the city. He said that Haines had signed his name to misleading circulars during the campaign and could not be accepted.

Here Councilman Nelson interrupted, Mr. Nelson wanted to know why Messrs. Carleton and Horton had not been named. He said they would be acceptable to the council. He said that if Mr. Snover's opinion was correct, the city might just as well not have any council.

Councilman Coke wanted to know how many votes Mr. Snover thought any difference. He said that the charter provided a two-thirds majority of the entire council of six.
Mr. Coke said that there were only four members of the council that had to decide the question and that three were a two-thirds majority of four.

Mr. Snover replied that it did not make any difference to him in this matter as he had simply given his opinion of the regulations governing the point at issue.
Mayor Straw then had his say. He said that he had not consulted anyone about the appointments because he did not think that the dignity of the office of mayor of Marshfield would permit the belittling of it to consult any one person or any faction relative to the persons he should appoint. He said that in making the appointments, he had not attempted to cross any one. He said that he had merely tried to get two good men for the place and was sure that he had not appointed anyone that was dishonest. Furthermore, he said that he wished to say that he would not appoint any one that was unfriendly to him and people whom he knew would not stand for the policies which he has stood for. He said that he would be foolish to appoint any enemy to such a position. He said that during his term of office he had never attempted to use the prerogatives of his office to override anyone or to force any action, but as he had been informed by the city attorney that his appointments hold, they must stand.

Councilman Albrecht said that he was getting tired of this squabble and thought it was high time for both sides to bury the ax. He said that it wasn't doing either side or the city in general any good. He said that he would like to have it arranged so that the council could enjoy the mayor's confidence and the mayor the council's confidence and to get down to business. He said that he thought that the matter of the appointments could have been amicably arranged had there

PAY 1908

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TITLE GUARANTEE & ABSTRACT CO.

By Henry Sengstacken, Mgr.

Next a communication from G. W. Carleton was read. This was the same as printed in The Times yesterday. After the conclusion of its reading, Mayor Straw asked City Attorney Snover if it could be considered a resignation. The latter replied that it scarcely could as it was addressed to the mayor and city council; but he said that if the council so wished, it might be considered a resignation. Councilman Coke said that it could not be so considered as he did not think Mr. Carleton was a member of the body.

Previously, one of the council stated that if Mr. Snover's opinion of the law governing the rejection was correct, the council must submit but there were no definite statements on the question.

Then the council proceeded to other business.

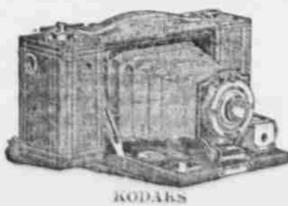
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