

# TO VOTERS!

The Commercial bodies of Coos Bay have decided to send out a few copies of the Port Bill so that the entire proposed district may have an opportunity of becoming familiar with its provisions. The creation of a Port of Coos Bay meets with so much general approval that it is hardly necessary to make any campaign argument in its favor. Most of the residents of the proposed district are personally familiar with the great benefits that arise from such measures and are anxious that the port be created in order that Coos Bay and its tributary water ways may be placed on a business footing to secure substantial and continuous improvements. When the Port is created its management will be in the hands of five commissioners who must be legal voters of the district. Practically speaking they will bear the same relation to the port that County Commissioners do to the county. Their power and authority is limited by the provisions in the bill. There has been an attempt by some parties to create a bugaboo feeling against the Port and the extravagant abuse that is liable to follow its adoption. The hypotheses upon which such remarks are based do not merit the consideration of progressive and patriotic citizens; they are animated by sordid and selfish motives or prompted by paid hirelings.

The history of port commissions shows that they have been managed judiciously and conservatively and it is not unreasonable to assume that there will be found capable and trustworthy citizens in the proposed Port District of Coos Bay to give honorable treatment in the administration of port affairs. The bill as a whole is good; the spirit and just intent will be carried out and the results will be what the people of Coos Bay and adjacent territory desire.

The United States Government makes no provision for looking after our inlets and inland water ways which are among the greatest assets of this district. North Inlet, Hayries Inlet, Kentuck Inlet, Coos River, Catching Inlet, Isthmus Inlet, South Inlet, and Ten Mile all need special attention for the accommodation of the resources along their shores and one of the important duties of the Port Commission will be to make such improvements in these channels as the Port can afford and traffic justifies.

There is no doubt that Coos Bay and its tributary streams afford natural advantages for splendid improvements and when they are fully developed this district will possess unrivalled accommodations for water transportation.

## THE PORT OF COOS BAY.

THE SPECIAL VALUE OF every foot of ground, whether it is used for agricultural or commercial purposes, in the proposed Port of Coos Bay, is due to the existence of a harbor for the world's shipping in close proximity. Destroy the harbor and the values will all disappear. It follows that unless the harbor is preserved and improved, men who now pay the taxes will, unless they have large means to enable them to hold unalienable property for a long time, lose all they have. The farmer or merchant who permits his house to fall into decay, because it will take money to repair it and save it, would not be considered wise. In fact, he would be considered foolish. In the same way, people who base their expectations of prosperity on the presence of a good harbor close by would be regarded as foolish if they allowed it to deteriorate or be filled up.

What Coos Bay needs is as follows:

- 1.—To prevent the filling up of the harbor.
- 2.—To prevent unnecessary obstructions to navigation.
- 3.—To prevent the tidal area from being diminished.
- 4.—To dredge, deepen and widen the channel to the sea.
- 5.—To provide a dry dock for repairing ships.
- 6.—To enter into contracts with the United States so as to obtain appropriations for the extension of the jetties at the mouth of the bay.
- 7.—To provide rules for the regulation of shipping.
- 8.—To improve the inlets or sloughs entering the harbor.

In order to get these things she must organize so that there will be one body which can have jurisdiction over the whole Bay, subject to the veto which the constitution gives the people. By organizing as one body, Coos Bay may become an important port and the large landed interests may be required to contribute their just proportion of the expense, instead of compelling the smaller interests to bear it all.

Port organizations have been exceedingly successful in all parts of America. The city of Portland is a notable example. Her port organization has enabled her to make a harbor 110 miles from the sea where she only had 12 feet of water to start with. She has, through her Port Organization, obtained from Congress many millions for the mouth of the Columbia river. The people of Coos Bay will have no right to complain hereafter, should they fail to organize the Port, if all the appropriate

ions go to the Port of Portland and none to the scattered communities around this bay.

The people at the mouth of the Siuslaw are about to organize a Port and the question is now before them with an absolute certainty that it will carry. It is more than probable that they will receive a considerable appropriation from Congress in the next Rivers and Harbors' bill.

It is desired to obtain an appropriation in the next Rivers and Harbors' bill of \$1,800,000 for Coos Bay. To get it the Port must be organized and a commission appointed which can contract with the government. To get it the Port must do exactly as Portland does. To get it the Port must show that the people are ready to do their part. Congress will never appropriate money to improve the inner bay, and she will never consider Coos Bay materially until she is shown that the inner harbor is improved to meet and make useful the work at the harbor mouth.

The voters should realize that if they decide to create this district at this election they can make their own laws in the district so created hereafter. In other words—no bond issue, no ordinance, no important move can be made without their consent. They may even change the general law under which the port is created so far as it applies to the port. So says the Oregon Constitution.

A vote no, means that values will diminish, the bay will be injured by neglect, small land holders will lose out, big land holders will get tax titles, and paralysis will destroy the importance of this Port.

## THE PORT LAW — ARTICLE I.

By Francis H. Clarke.

I PROPOSE IN A few short articles to explain the Port Bill which is now being discussed by the people of Coos Bay, in view of the expected organization of the Port of Coos Bay. This bill was enacted into organization of this Port of Coos Bay. This bill was enacted into a law at the last session of the Legislative Assembly. It was so enacted at the instance of the Oregon-Idaho Development League, Governor Chamberlain, the people of Coos Bay, of the Siuslaw towns and other coast cities. It is not my intention in explaining this law to answer any personalities or to discuss the question as to how this law was prepared and what was done with the money which was paid me as a fee for my legal work in connection with it. Suffice it to say that the business men of Marshfield paid me a fee and \$50 as expenses for my services in the matter. This was my charge and I did not consider it much of a fee, especially as I paid out all of it in expenses. It would not have been possible for me to make the many trip necessary, to stop at the hotels where I could meet the people who had the information I wanted and to pay the expenses I necessarily incurred in getting the law before the people who control without it unless I paid the expenses out of my own pocket. I did not feel called upon to do that, but my charge is my business and the people who paid it are men who, if the harbor of Coos Bay amounts to anything, can see where they are to be benefitted in improved values.

It is now evident enough that the people who live on Coos Bay are to experience a great slump in values unless they do something. If the Port is not organized and the bay is neglected the average farmer and every lot owner will see his land values cut fifty per cent. This will not affect the big corporations as much as the small owners. The estates can flourish for ten years until there is another boom. But unless Congress appropriates money for the mouth of the harbor, there will be a continued destruction of the jetty and a further accumulation of sand on the bar. Congress will not appropriate money to improve the mouth if the people can't take care of the stomach. In other words—there will be no appropriation for the bar if the commerce which goes over it can't reach the harbor. Let us be plain. Coos Bay is a very poor present harbor and a very great future one. Every ship which enters the bay gets stuck in the channel. Yet the prosperity of every man here and his ability to pay his taxes at all depends on the number of ships which enter the harbor. No ships—no values. Few ships—small values. More ships—greater values. That is an epitome of the Coos Bay proposition.

Coos Bay people must do something for themselves. They must make a good harbor or they will get disgusted with the conditions and their property will not be worth paying taxes on. But the only way to succeed in getting a good harbor is to proceed just as Portland did. A certain writer who has conceived a contempt for the proposed Port law, probably because he didn't write it and knows of his own knowledge that nothing is good except what he does, has complained of the excessive power which the Port Commission is given by this law. The powers which he complains of are given to the Port and the commissioners are to exercise them only subject to the Initiative and Referendum and the Recall. Now that gentleman may know of a way to create a port without giving it any powers. I don't. But in defining these powers given to the port, that is the people of the port, the commission accepted the language word for word of the Port of Portland law. They are the same powers which the Port of Portland has exercised. They are the same provisions which the Oregon Supreme Court has taken occasion to construe. They are the same powers that the Port of Tillamook, of Astoria, of Seattle, of New York City, of Boston, and all others exercise, and if this port is to be a port, I do not see why the people of this port are not just as capable of exercising port powers as are those of any other port. I think Coos Bay people will measure up to a standard of intelligence and honor as high as that of any other place.

Now, I shall take up in other articles several phases of the law itself. With these preliminary remarks I will ask you to consider with me merely one phase now. I call your attention to the question of boundaries. You will see from sections one and two that the people themselves can form a district by petition. These sections only provide the details of the proceeding by which the district is formed and the election called. But in section 2, the following language is used: "When a petition is filed for the incorporation of a port under the provisions of this Act, the territorial limits of which do not include such county as a whole, the limits proposed by such petition shall not extend beyond the natural watershed of any drainage basin whose waters flow into another bay, estuary or river navigable from the sea situated within such county."

This provision was inserted because it was necessary to satisfy certain objectors who did not want their districts encroached on. Let me

illustrate. It would be absurd to tie up the Coquille Basin to the Coos Bay Basin. Both would be paralyzed by the demands each would make on the resources of the district. So the Coquille river members of the legislature thought that when Coos Bay organized its port it should not take in any navigable bay or river unless such bay or river was a part of its system. Now, when the committee of the several Chambers of Commerce of the Bay traced the boundaries they discovered that Sunset Bay and Big Creek constituted a separate drainage basin and that they were, by the language of the law, specifically excluded from the Port of Coos Bay. They also found that the taxable values in the excluded district were slight. But a certain pin pointed disturber claims that this exclusion of Sunset Bay is a favor to Simpson, because, altho thousands of dollars worth of his property is included in the Port, this strip has been left out. I think it was right to leave it out under the circumstances. In all respects the boundaries are traced as the law requires and as nature dictates. I will ask the voter if this is not a fair and frank statement and can he find any fault with it. In my next article, I will consider the 3rd, 4th 5th and 6th Sections of the Port Law. Then, I will consider the 7th Section which deals with the powers of the Port. The articles succeeding that, will deal with the Commission and its powers.

## 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.