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Coos Bay Times

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PORT OF COOS BAY INVALID; TO REORGANIZE AT ONCE

Oregon Supreme Court Holds Election for Organization Was Illegal.

FAILURE TO POST ALL NOTICES CAUSE

Marshfield and North Bend Commercial Bodies Arrange New Election.

Chairman Grimes of the executive committee of the Marshfield Chamber of Commerce announced this afternoon that after conferring with other members of the committee, it had been decided to call a mass meeting of the North Bend and Marshfield Commercial bodies and arrange for a special election to reorganize the Port of Coos Bay. The meeting will be held at the I. O. O. F. hall in Marshfield.

The plan would be to have a special election called at once and if the proposition carries as it undoubtedly will, Governor West could appoint a commission to serve until the November election and then the new commissioners could be chosen.

This would enable the new commissioners of the new port to arrange to raise funds to keep the dredge Oregon here and continue harbor improvements. Unless this is done, the dredge will probably be taken away from here early this fall when the government appropriation for operating her on the Bay is expended.

The Port of Coos Bay is no more. This is the effect of a decision handed down today at Salem by the Oregon Supreme Court in the case of the State of Oregon vs. the Port of Coos Bay.

Telegrams announcing the decision of the court were received this afternoon. J. W. Bennett received the following message from J. C. Moorehead, clerk of the Supreme Court:

"The port case was reversed in an action by Judge Moore."

This was the last of the cases attacking the validity of the Port of Coos Bay, the port having been sustained in all the previous litigation. In the case of the Bennett Trust company and the Southern Oregon company vs. the Port of Coos Bay, the Port Commission was sustained. Judge Burnett of the Oregon Supreme Court held that the question whether or not the section of the law providing for the posting of notices of a special election was one that should be only raised by the State of Oregon.

Under this ruling, District Attorney George M. Brown instituted an action against the Port, contending that it was invalid because the election for its creation was illegal because many of the notices of said election were not properly posted. It was contended that only about 105 of the 180 judges of election in the district of Coos Bay district had posted notices of the election. At the trial, it developed that about 40 of the officials of the election did not post the notices.

The case was tried before Judge R. S. Coke. He held the defect in posting of notices was not sufficient to have altered the result of the election, especially in view of the fact that the proposition for the organization of the port carried by a majority of about 5 to 1.

The question of appeal was debated for some time and once it was thought that the decision of the lower court would be allowed to stand as District Attorney Geo. Brown was going to let the time for appeal lapse without appealing, especially as Gov. West announced that the grounds on which the appeal would be taken would be for some individual to bear the expense of the appeal. J. W. Bennett, who had instituted the original suits, questioning the validity of the Port Commission, agreed to defray the expense of the appeal and the case was taken to the Supreme Court with the result as above stated.

Effect of Decision.

It is expected that a rehearing in the Supreme Court will be asked by the Port Commission and if the high court still adheres to its decision, the only thing to do will be to arrange for another special election and the reorganization of the port all again. If this carries, it will be necessary for the Governor to appoint a new Commission, the same as was done originally.

The work done in the past by the Commission will probably stand. There is some question about the money that the Port Commission now has on hand. Part of this year's tax has been expended in port improvements and can not be returned to the taxpayers. Some of the taxpayers withheld their portion of the tax and so there will be a mixup. Then, too, the present Commission acquired considerable property including the dock and waterfront on North Front street.

Persons who are conversant with the law are much surprised by the Supreme Court decision. If the court holds the carrying out of the provisions of the law concerning the posting of notices, some declare there can be no legal election because it is practically an impossibility to find 180 men who remain a year in any community; death removes some, others move away and some on account of sickness or for other reasons cannot comply with the instructions to post the notices.

ANGLER'S LICENSE at Milners'.

LITTLE CHANGE IN ASSESSMENT

T. J. Thrift Says County Will Show Slight Increase Over Last Year.

Assessor T. J. Shrift expects that he and Deputy Assessor R. J. Montgomery will complete the assessment of Marshfield this week. If he does, he will return to Coquille to supervise some of the work in the valley towns and will then devote his attention to the office work in connection with the annual assessment.

Mr. Thrift stated last evening that very few changes were being made from last year's assessment and the valuation of Marshfield will remain about the same. The total assessed valuation of the county will show a slight increase.

Mr. Thrift is having some difficulty in finding the owners of various properties and says that the time consumed in hunting them up extends the time required for taking the census considerably.

MANY MINERS DIE IN MINE

Fear Ninety of More Were Lost in Explosion Near Welsh, West Virginia.

(By Associated Press to Coos Bay Times)

WELSH, W. Va., March 26—An explosion in the mine of the Jed Coal & Coke Company at Jed today imprisoned seventy-nine of whom ten were taken out alive and one is dead.

There are hopes that the sixty-eight remaining ones may be recovered alive.

The bodies of four miners were taken from the mine up to 3 o'clock this afternoon and 10 had been rescued alive. It is reported at this hour that there are still 93 in the mine. Government rescue men believe but few of the remaining men in the mine are alive.

ANOTHER BIG BATTLE NEAR

Fighting in Mexico Again Assumes Serious Proportions.

JIMINEZ, Mex., March 26—The federal forces under General Tomas Urbina and General Trucy Aubert attacked the Hacienda Dolores, four miles west of here this morning. The place is defended by 1000 liberals with three rapid fire and two field pieces. General Pasqual Orozco, the rebel commander in chief, is on his way from Chihuahua with reinforcements.

When General Orozco arrived he took command in person of all the rebel forces. At 11 o'clock the maneuvering for position was in progress. The rebels were greatly cheered by the arrival of Orozco. It was expected the skirmishing would develop into another battle on a large scale this afternoon.

NOTICE TO PRESBYTERIANS.

A meeting of the members and congregation of the First Presbyterian church is called for Friday evening, at 7:30. Matter of vital importance to the church will be considered.

By order of BOARD of TRUSTEES

NEW WALK TO CHURCH

Persons desiring to attend sevices at the Baptist church can now gain entrance only by using the high walk extending along Market avenue. Remember then to take the Market avenue "elevated."

ENGINEERS WILL VOTE ON STRIKE

Decide to Submit Refusal of Eastern Railroads to Grant Wage Increase to Referendum.

(By Associated Press to The Coos Bay Times)

NEW YORK, March 26.—The demands of the engineers of fifty railroads east of Chicago and north of the Norfik and Western railroad having been refused and neither of the committees of the railroads and engineers indicating a retreat from their position, moves were made today to submit the whole matter to a referendum vote of the engineers involved to determine the policy to be pursued. There is no talk of strike and in fact Grand Chief Warren S. Stone of the Brotherhood of Engineers said many things could happen before a strike took place.

Fifty representatives of the Brotherhood of Locomotive Engineers headed by Warren S. Stone later voted here to submit to the so-called strike vote the question of an increase and standardization of wages, as refused by the eastern railroads. It will require several days to distribute the ballots. April 10 has been set as the date for making public the result.

LINE RUSHED WESTWARD NOW

Harriman System Pushes Construction of Road to Coos Bay.

REVIVE OLD RUMOR

Someone started the report again today that the C. A. Smith Company had bought or was about to buy the local railway between here and Myrtle Point from the Southern Pacific. Supt. Miller stated that he had not heard anything about any such deal and did not think there was any truth in the report.

That rapid progress is being made on the east and west line of the Harriman system across Oregon, the western terminus of which is expected to be Coos Bay, is shown by the following article from the Ontario Democrat:

The Utah Construction company in charge of the railroad construction work on the first 159 miles of the Oregon-Eastern railroad west from Vale, has sub-let nine miles of the thirteen miles of grading between here and the mouth of the Malheur canyon and the other four miles will be let this week.

The first five miles of grading work has been let to Sub-contractor Goldsmith of Caldwell, who has established camp two miles west of town and has commenced work on each side of the camp and will grade up to the city limits, connecting the grade with the Ontario-Vale line here.

The next four miles of grade is being built by Jerry Hurley, a sub-contractor who has been working on the Nyssa-Homedale extension of the Oregon Short Line railroad and the Ontario-Nyssa irrigation project.

Wok has been going on in the Malheur canyon, in the cuts and tunnels for the last three months, where 300 men are at work. The thirteen miles of roadbed from this city to the canyon is an easy piece of work, as practically no grade is required. It is learned that 130,000 cubic feet of dirt will be moved at a cost of $17,000.

As soon as the thirteen miles of road bed from Vale to the canyon is completed, which will be laid and work trains operated from Vale to the Malheur conyan an dsupplies and material transported to the canyon camps by rail as well as all the heavy machinery that at present cannot be hauled out over the rough roads.

Another contemplated change is the moving of the headquarters of the Utah Construction company from this city to section 25, two miles southwest of town, which has been leased from the roadland company. This change is necessary because of the crowded condition of the camp north of the railroad yards.

Operations at the Malheur canyon camps are progressing rapidly. At mile post 39 the crews have begun boring on the 2,600 foot tunnel into the rocky cliff in both approaches. Headway is rapid and soon will be increased through the use of double shifts of crews.

The Bank brothers are also driving a tunnel at mile post 56, keeping a small crew on grade work.

The starting of grading from Vale will give a greater impetus to all the operations, and from reliable source it is learned that forces will be increased within a week or two.

ATTACK TWO LEADERS

Roosevelt and Wilson Suffer Attack in House Today.

(By Associated Press to the Coos Bay Times)

WASHINGTON, D. C., March 26—Without warning the house jumped today into a political skirmish in which the names of Governor Wilson and Theodore Roosevelt figured most prominently. The outburst started when Minority Leader Mann had the clerk read from the desk a recent bitter newspaper attack on Wilson by Hearst, in which the governor's democracy was denied. It drew republican applause.

MINOTS HAVE MORE TROUBLE

Former Coos Bay Couple Air Differences in San Francisco Divorce Court.

SAN FRANCISCO, Cal., March 26.—The Examiner prints the following:

Here is a chronological list of cruelties contained in the divorce complaint made by Attorney Thomas S. Minot:

November 13—When he came home to dinner she accused him of spending his time with other women and said she did not want him around the house.

November 14—Nagged and scolded him until he had to leave the house.

November 15—Came to his office and in the presence of other persons called him a liar, thief and crook and threatened to send him to jail and disgrace him in every jossible way.

November 15—She came home at midnight and made him get out of bed and leave their apartments at the Berkshire.

November 16—Repeated performance of Novmber 15 in his office.

December 1—Refused to talk to him when he called her on telephone to make provision for her support.

December 3—Refused absolutely to speak to him and has not spoken to him since.

Wed Second Time

Less than two years ago when Attorney Thomas S. Minot and his divorced wife Elizabeth met and were reconciled at the bier of their dead son and remarried a few days later, Mrs. Minot declared that all their troubles had been due to a lack of understanding on her part.

She said that she had never been able to appreciate the fact that a professional man must devote at least a part of his time to his career to the exclusion of his home life. The tragic death of their boy, she said, had shown her her mistake, and at last their warring temperaments had been subdued by the melting pot of sorrow and they had come into the haven of perfect understanding and happiness.

This boasted understanding was not long lived. Yesterday Minot, who was formerly a United States Deputy District Attorney, with offices in the Phelan building, filed suit for divorce in the Superior Court charging his wife with extreme cruelty. Mrs. Minot lives at the Berkshire Apartments.

The Minots were married in Marshfield, Oregon. At the time of the remarriage on May 8, 1910, they were unanimous in declaring they "never were really happy," but the birth of their son, Thomas, in 1893 cemented such love as they had for each other.

Too Often Away from Home

"We did not understand each other then," said Mrs. Minot, referring to their first marriage, "and it seemed that the cause lay in our differing temperaments. When we married my husband was a young attorney and gave much of his time to his home. Later, however, he broadened in his work and big cases fell into his grasp. Important legal matters require great attention, and Mr. Minot was compelled to spend much more of his time away from home than I, as his wife, was willing to allow.

"I knew he was ambitious and I should have been the first to encourage him," she continued, "but then—you know there are some things that women never will understand.

"We are happier now than we have ever been before," she said in conclusion at the time of the second marriage, "We understand each other now. It is awful that we had to lose our boy to bring this about. How happy he would have been to have seen this!"

Minot came to San Francisco in 1901. His wife did not come with him, declaring that their married life must end sometime because of their temperamental differences and filed suit for divorce on the grounds of incompatibility of temperament. Minot did not contest the action and she was granted the decree by default.

(Continued on page 4.)

INDIANA REGULARS FOR TAFT; ROOSEVELT RUMP CONVENTION

FEAR STRIKE OF 450,000 MINERS

Operators Declare That They Cannot Grand Demands of Union.

(By Associated Press to the Coos Bay Times.)

CLEVELAND, Mar. 26—"A strike is preferable to granting the miners' demands. We cannot grant the wage increase, even if all the other demands were waived. In other words, the operators cannot yield and if the miners do not, a strike will follow."

That was the statement issued today in behalf of the bituminous operators of Western Pennsylvania, Ohio, Indiana, and Illinois by J. C. Kolsen of Terre Haute, who added that the operators will make no further offer than to extend the present wage agreement another two years. The differences, therefore, involving the possibility that more than 450,000 miners will quit next Monday when the present wage contract expires, today appeared no nearer settlement.

FIND PACKERS "NOT GUILTY"

Jury in Chicago Federal Court Discharges Accused Beef Barons.

(By Associated Press to the Coos Bay Time.)

CHICAGO, March 26—"Not Guilty" was the verdict the jury returned today in the trial of the 10 Chicago packers accused by the Government of violation of the criminal sections of the Sherman anti-trust act. The verdict was returned before United States District Judge Carpenter after the jury had deliberated for more than ten hours.

All the defendants were in court when the verdict was read. There was no excitement although each defendant smiled and some shook hands with their attorneys. The court room was crowded and a hurried exit of many from the room when the verdict was read was checked by the judge. The verdict was a surprise to many who had been watching the case. The jury was out 19 hours.

There were three ballots, the first standing eight for acquittal and four for conviction; the second, eleven for acquittal and one for conviction, and the third being unanimously for acquittal. One ballot taken last was on the question of whether if one was guilty, all were guilty. This stood ten to two in favor of the proposition. The instructions of Judge Carpenter laid stress on the question of reasonable doubt and the jurors were instructed that if they had such doubt as would justify them to pause in any important affair, they could not return a verdict of guilty.

MEAT PRICES HIGHER

Advance Rapidly Follows Announcement of Verdict.

(By Associated Press to the Coos Bay Times.)

CHICAGO, March 26.—After the announcement of the verdict of the packers' trial, provisions advanced all round. The rise was 15 cents for pork and 7½ to 10 cents for lard.

Additional to the cost of packing house products, this was attributed on the exchange to the active covering by shorts and to sympathy with a bulge in the price of corn.

Swift & Co. shares advanced 2¾ points on the Chicago Stock Exchange toda yan hour before the verdict. After the jury a reported further jump of three and one-quarter points occurred.

GARDEN HOSE at MILNERS'.

PAYS LIFE PENALTY

Missouri Murderer Protests Innocence on Scaffold.

(By Associated Press to The Coos Bay Times)

MARYSVILLE, Mo., March 26.—Hez Rasco, murdered of the Hubbell family of four, was hanged in the yard of the county jail today. Rasco protested his innocence on the scaffers they have brought here.

SCREEN DOORS, Window Screens and FLY KILLERS at MILNERS'.

President Controls State Republican Gathering by 105 Votes.

MINORITY REPORT IS TURNED DOWN

Roosevelt Supporters Then Meet and Elect Contesting Delegation.

BULLETIN

WASHINGTON, D. C., March 26.—Senator Stephenson wins.

(By Associated Press to the Coos Bay Times.)

INDIANAPOLIS, March 26—The Indiana republican convention adopted a resolution instructing the state's four delegates at large to the national convention to vote for the renomination of President Taft. National Committeeman Harry S. New, former Vice - President Fairbanks, James Watson and Joseph D. Oliver were elected delegates. The Taft faction had a majority of 105 over the supporters of Roosevelt. At the close of the regular convention the Roosevelt delegates held a separate convention in the rear of the hall and elected as delegates at large former Senator A. J. Beveridge, Fred Dandis, Edwin M. Lee and Charles H. Campbell.

TAFT HAS CLEAR MAJORITY

(By Associated Press to the Coos Bay Times.)

INDIANAPOLIS, March 26—By a vote of 772 to 667 the Indiana republican convention for the election of four delegates at large to the national convention today tabled the minority report of the credentials committee seating the contesting Roosevelt delegates.

FOSS PREFERENTIAL CANDIDATE

Democrats in Massachusetts to Vote For Governor for President

(By Associated Press to The Coos Bay Times)

WASHINGTON, March 26—Governor Foss today notified Representative Curley of Massachusetts that while he is not a candidate for president, as announced last night, he desired his name to "appear as a preferential candidate to be voted on at the primaries in Massachusetts April 30." Champ Clark accordingly declined to allow his name on the ballot there.

RETURN TO AID POOR FAMILIES

Leaders of English Miners' Union Will Return to Districts.

(By Associated Press to the Coos Bay Times.)

LONDON, March 26.—Unless the national miners' strike is settled within two or three days and the million idle miners return to the pits, the men's leaders will go back to their respective districts in order to organize the relief work for the distressed families.

This is the substance of a statement by one of the men foremost in the negotiations on the men's side. He insisted the miners have no intention of further reducing their demands.

The owners, however, are said to have expressed a willingness to grant the specified minimum rates if exceptions be made in cases where coal or rent are given in part payment of wages. Many additional manufacturing plants closed today for want of fuel.

CAN'T SETTLE STRIKE

Premier Asquith Says he is Unable to Terminate Labor Trouble

(By Associated Press to Coos Bay Times.)

LONDON, March 26.—In a short speech in the House of Commons today, Premier Asquith confessed the government's failure to terminate the coal strike. He said: "We have done our best with perfect thoroughness and impartiality and it is with profound disappointment I have to confess to the House all our labors are unavailing."

Premier Asquith made this final appeal to the disputants:

"If at this fifty-ninth minute of the eleventh hour, the parties can not come to a reasonable arrangement on a matter of relatively small proportions, they will have a very serious account to render to the country. The government has done all it can."

All sizes CHICKEN NETTING and CATTLE FENCE at MILNERS'.