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Official paper of Clatsop county and the City of Astoria.

WEATHER.

Oregon, Washington, Idaho—
Fair.

THE ERA OF FIRES.

It would seem as though there was to be an era of fires hereabout, considering the sharp blazes that visited this city and Warrenton during the past 48 hours. Fires go in series just as other events sometimes flock, and the mere supposition begets the better sense of precaution, if it does nothing else.

The measure of value of precaution is rated by the loss consequent upon carelessness and has no other basis of computation even among those who estimate both upon the hypothesis of genuine business, such as insurance. It should not take much of a loss in Astoria to impress the whole community the absolute expediency of rigid care; for the simple reason that there is so much to sacrifice to an uncontrolled conflagration. It would also seem as though this principle was well understood in this city, since fire of any scope at all, is so rare.

Astoria may count herself almost among the immune places and profit by the good fortune.

THE WIDE, WIDE WEST.

The Southern Pacific Company heralds the fact that its lines from the east and the middle west have brought 40,000 people into the coast country out here over 10 per cent more than came via its lines last year, and the tale is very significant, and urges a sharp realization upon the westerner that he had best be making hay while the land and all it contains, is his.

Of course it is an infinitely good thing to have these new and busy people in our midst to aid in the development of this imperial paradise, but all the same, the man on the ground may save the cream of the good things to himself and his own if he knows enough to husband his advantages and make the proper reservations.

The man from the east or west is not coming thousands of miles to take the second-fiddle place if he has anything to invest, and he is quite sharp enough to pick up the good things without being told of them when he gets here. And what he achieves will be at the cost of some man who has not been wide-awake enough to garner it for himself.

A MISPLACED SHOT.

The solid shot that smashed through the walls of the East Portland home on Tuesday morning last, was peculiarly misplaced, not only that it was on a deadly and unwarranted range in being turned loose on the city at all, but that it was in the cannon at all. What business had a solid shot to be in such a gun? Who put it there, and for what purpose? The mere governmental requirement that the gun be discharged at least once every three months, does not enter into the proposition in any way whatever. The fact that must be ferreted out is why it was there. Once that is ascertained, there will be a "cat out of the bag" that will claw somebody into an inextricable lot of trouble. When a peaceful ship like the Costa Rica in times of peace, can yield such an alarm as this in a populous, home city, there

must be a fool or a scoundrel unhung in or about the metropolis of Oregon.

SOMETHING IN THE AIR.

Culling from the vagrant conclusions floating about in the semi-political air of Astoria, it would seem there is something in the atmosphere that has a new tang to it; a tact, yet unavowed conclusion of important changes in popular sentiment as to local policies and municipal administration.

It is hard to determine just what it is, but it is sensibly noted by some of the shrewd ones about town and while it is bruited, it is not argued from any pronounced predicate. It is existent, undefined, yet appreciable; but whether it is local option, or some other untoward creed or other attribute of popular expression, no one seems able to say.

But it is here, alright, and will assert itself plainly later on.

EDITORIAL SALAD.

In forfeiting the charter of a railroad company granted in 1892, Governor Hughes advances the new theory in politics that a company with a franchise owes the public some reciprocal advantages. Can any one complain that 15 years is quite long enough to hold a charter without doing any work?

The inspectors of election of a prominent life insurance company have been figuring on the returns of last December's ballot without as yet reaching a conclusion. The fact that they get \$35 a day while on the job is mentioned casually to prove that they are competent accountants and in their right minds.

We are called to witness the singular spectacle of a millionaire being arrested for spending his money. Times progress. The twentieth century rich man is supposed to give it away.

Governor Hughes' order to the militia will sift out the dress parade soldiers from the fighting men. Soldiering is not all beer and skittles and pretty girls.

The blizzard is playing a farewell engagement out in Montana—sort of a one-night stand entertainment that will exhaust its vitality before it reaches us.

The only trouble about the Jamestown Exposition is someone may get to digging into the history of the Smith family.

If the peace conference teaches the English the value of corn as food some good will have been done.

Joseph Foraker knows where he stands, but they are all a little doubtful of Ohio.

It's about time for the bill collector to call on the Sultan again.

To all men of peace: Stead-y!

All aboard for Jamestown!

SKIN DISEASE BACILLI KILLED BY WINTERGREEN

Liquid Penetrates to the Roots of Distressing Ailments and Gives Quick Cure

Oil of wintergreen—that simple liquid so well known to every druggist in the land—is just coming to be properly appreciated. Its value long has been known to the medical profession, but only in recent years has it been found that a proper mixture, combined with other soothing agents, acts instantly in all cases of Eczema and other skin diseases, stopping immediately that awful itch.

One of the doctors to whom great credit is due in developing this discovery is Dr. Decatur D. Dennis, who, by combining oil of wintergreen in proper proportions with several other remedial agents, devised a LIQUID REMEDY that did away with greasy ointments and old-fashioned stomach remedies. The medical men were prevailed upon to give the general public the benefit of this lotion in the shape of "D. D. D. Prescription," now put up by a Chicago house, the company which makes the famous D. D. D. skin soap.

A few drops stop that awful itch, and continued use means a quick cure for eczema, psoriasis, salt rheum, ringworm, dandruff and all other distressing diseases of the skin. Get a bottle of D. D. D. Prescription today, and stop that itch AT ONCE.

PORT OF COLUMBIA

Courts' Attorneys Submitted a Written Opinion of Act.

CLEARLY UNCONSTITUTIONAL

Attorneys Taylor, Fulton and Hamilton at Request of County Court Submit Report—In Their Opinion Act is Unconstitutional And Void.

At the session of the County Court held yesterday Attorneys F. J. Taylor, G. C. Fulton and J. F. Taylor, who have been retained by the court to fight the Port of Columbia law which will become operative on May 23, submitted a written opinion in regard to the constitutionality of the act as follows:

Astoria, Oregon, May 1, 1907.
To the Honorable the County Court of the County of Clatsop.

Gentlemen:—Complying with your request for our opinion on the constitutionality of the act of the legislative assembly of this State, of February 20, 1907, creating the municipality of the Port of Columbia, we respectfully submit that we have given this Act our careful consideration and are of the opinion that it is clearly unconstitutional and void.

First—It is within the inhibitions of Section 2 of Article XI of our State constitution, as amended. This section reads as follows:

Section 2—"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 and town are hereby granted power to enact and amend their municipal charter, subject to the constitution and criminal laws of the State of Oregon."

The above is the only provision of our constitution relating to the creation of corporations. By the first paragraph of this section, the legislative assembly is authorized to create and form corporations under general laws only. If the act went no further than this, the legislature would be powerless to create any corporation otherwise than by general law.

Oregon Railway & Navigation Co. vs. Oregonian Railway Co., 130 U. S. 26. But it goes further, and expressly states that no corporation shall be created by the legislative assembly by special laws. It would seem that this was surely clear enough, but the framers of the section in question in order to make assurance doubly sure further provided, that the legislative assembly should not enact, amend or repeal any charter or act of incorporation for any municipality, city or town, but authorizes the legal voters to enact and amend their own charters.

That the act in question creates a corporation, generally designated as a municipality, is clearly expressed in Section 1, which reads as follows:

"Section 1—Multnomah County, Clatsop County and Columbia County in this State, is hereby created a separate district to be known as the Port of Columbia; and the inhabitants thereof are hereby constituted and declared to be a corporation by the name and style of the Port of Columbia, and as such shall have perpetual succession, and by the said name shall exercise and carry out all the corporate powers and objects hereby conferred and declared, and make all contracts, hold, receive, and dispose of real and personal property, and do all other acts and things which may be requisite, necessary, or convenient in carrying out the objects of said corporation or exercising the powers conferred upon it as in this Act set out and expressed, and sue and be sued, plead and be impleaded in all actions, suits, or proceedings brought by or against it."

We apprehend that no lawyer will contend that this Act is not a special Act. That it is, is too plain for discussion, it comes clearly within the definition of a special Act as laid down by our Supreme Court in the case of Maxwell vs. Tillamook County, 20 Or. 495; Manning vs. Kilpel, 9 Or. 367.

We have therefore a special act creating a corporation, and in our judgment a municipal corporation. This is clearly within the inhibition of the above section of our constitution. Second—The act in question is also within the inhibition of Subdivision 10, Section 23, Article IV of our State Constitution, which reads as follows: "Section 23—The legislative assembly shall not pass special or local laws in any of the following enumerated cases, that is to say: (10) For the assignment or collection of taxes for State, County, Township, or road purposes."

By the act in question, the corporation "Port of Columbia" is empowered to own, operate, and maintain an efficient towage service from the open sea at the entrance of the Columbia River to all points upon the Columbia, extending as far inland as Tongue Point, and is authorized to purchase, lease, control and operate steam tug boats and steam or sail pilot boats, and is required to maintain a certain number of capable pilots upon the bar to meet the demands of commerce, and is further authorized to issue bonds not exceeding in the aggregate \$400,000, and to assess, levy and collect each year a tax upon all real and personal property, situated within its boundaries and which is by law taxable for State and County purposes, not to exceed one-fortieth of one per cent for

the purpose of retiring the aforesaid bonds. The State of Oregon also therein expressly grants to the said Port of Columbia, full control over pilotage at the entrance of the Columbia River to the same extent to which the State of Oregon might itself exercise and control. Considering these several powers, it seems clear that the tax is levied for the benefit of commerce, placing the burden of such tax upon the three counties in the State. The tax necessarily must be a State tax within the intention of the above constitutional provision.

We are also of the opinion that this act is unconstitutional and void, in that it is an attempt by the legislative assembly to delegate to the corporation, Port of Columbia, all the legislative power and jurisdiction possessed by the State of Oregon over pilotage on the bar pilotage grounds.

This we think is an unlawful delegation of such powers.

Respectfully submitted,
F. J. TAYLOR,
G. C. FULTON,
J. F. HAMILTON.

The court, after due deliberation, made the following order:

"It is ordered by the court that in the event of Multnomah or Columbia county attempting to organize or put in force or effect the said law or to test the same by suit or otherwise, the attorneys be and are hereby authorized and empowered to represent Clatsop County in opposition thereto."

From this it will be seen that Clatsop will fight this matter to a finish and there is no question about her winning out in the end.

EAGLES' MEMORIAL SERVICES.

Local Aerie To Hold Memorial Services On Sunday.

Astoria Aerie of Eagles, No. 17, F. O. E., will, on next Sunday, May 5, hold memorial services in their hall on Exchange street. The following program will be rendered:

Funeral march (Webber), orchestra; address, worthy president, C. E. Linton; prayer by worthy chaplain, T. A. Davis; "Kammenol Ostrow" (Rubenstein), orchestra; eulogy, past president, A. D. Craig; roll-call, by worthy secretary, C. E. Foster; violin solo, "Largo" (Haendel), S. W. Driscoll; ovation by John C. McCue; solo, "Face to Face," Miss Kathryn Shively; "Inflamatis" (Stabat Mater), orchestra; selection, Frank Daveney; closing exercises, "Nearer My God to Thee"; benediction by the worthy chaplain.

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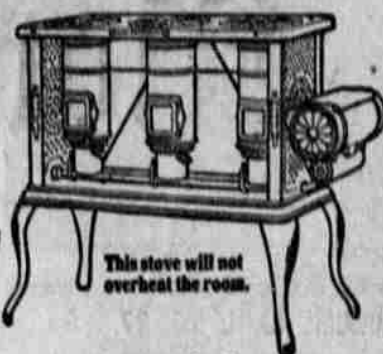
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