PRESENT SEA WALL AMENDMENT

(Continued from page 1)

struction of such works and improvements as the commission shall recommend, together with an estimate of the cost thereof.

"The commission shall have authority to employ such engineers, inspectors, laborers and clerical assistance necessary to the performance of the duties herein prescribed; provided, however, that no expenditures shall be made or indebtedness incurred in an amount exceeding $10,000.

"Section 160. Each member of the commission shall receive the sum of $5.00 per day for the time actually employed in the performance of his duties.

"Section 161. Bills for the compensation of the members of the commission and for expenses incurred hereunder shall be paid from the general fund of the city of Astoria upon certificate by the three members of the commission, when countersigned by the city auditor, and the council of the city of Astoria is hereby authorized to include, from time to time, in the general levy of taxes such sums as may be necessary to cover the amounts so paid out of the general fund.

"Section 162. The commission shall, from time to time, report in writing to the common council the result of their investigations, and such reports, as well as the records of such commission, shall be public records of the city of Astoria.

"Section 163. No work of general improvement for the reclamation of lands within the city of Astoria covered by the ebb and flow of the tide shall be undertaken before the completion of the investigation by the commission hereby created."

Mr. Allen urged the acceptance of his substitute, but the committee finally voted it down. Mr. Allen's presentation of the railway's side of the matter was done in a masterly way, and, judging from the attitude of approval among the citizens present, he voiced their views as well. Yet the committee seemed determined to go ahead with the bill that they have worked upon for many months.

Mr. G. B. Hagardt, the Portland engineer, also made an interesting talk. Mr. Hagardt said his object in coming to Astoria was to set himself right on this matter. He said he had understood that the charter amendment committee was quoting him as having expressed certain figures and facts in relation to the bulkhead project.

"I did state certain facts and figures, in a very general way," said Mr. Hagardt, "but it was done in a general and abstract way. But I did not state that it would cost so much to construct this seawall. I wish to make that very clear, for the sake of my reputation if nothing else. The figures given by me were meant to be quite general, under certain ideal conditions, and what I would really wish to urge in this case is that a thorough investigation should first be made. Engineers should be employed, and a complete survey made. Then after this is done the cost may be estimated with accuracy, but not before. It is a big project, gentlemen," said Mr. Hagardt, "and a matter of this kind must be first looked into very carefully by engineers. You might even find the cost to be prohibitive."

In a nutshell the whole matter might be stated thus: many objected on the ground that no investigation has been made by men competent to make such an investigation. On the other hand, the charter amendment committee apparently believes that this investigation can just as well be made by the commission after the people have voted in favor of the enterprise, providing they do so. One case is first examining your pig before you buy, and the second case seems to be somewhat like buying a pig in the poke.

Many of the citizens present made short talks, as a rule urging delay, and urging caution and thorough investigation before acting. One of the last to speak was I. Bergman, who urged some delay to look into the matter first.

On all sides were brought out facts tending to show that the project will be very costly and that it means much in the way of changing grades, filling in lands and in changing the drainage and sewerage systems of the city.

Mr. Allen stated last night that he sawno way to acquaint the people with the provisions of the bill, unless his company would have it printed, or unless the Morning Astorian were good enough to print it, so that the people might at least have the day to contemplate it before the council took its probable action tonight. The Astorian herewith presents the entire bill, and it will probably be worth the study of the taxpayers of this city:

THE BILL.

Section 158. In order to protect the health of the inhabitants of the City of Astoria and to prevent the noisome disease breeding stenches that arise from the tide flats, it is deemed necessary and proper that tide lands, and flats and overflowed lands within the city be reclaimed by filling in the same to and above the high tide line and that bulk heads and retaining walls be constructed within the city at such place or places as may seem proper or convenient for the purpose of retaining and holding such fills as the same shall from time to time be made or constructed and that the power and authority given to the City of Astoria by this amendment to its charter including the construction of all necessary bulkheads and retaining walls and fills, and the issue and sale of all bonds to defray the expense thereof, and the establishment of improvement districts and letting and supervision of all contracts for reclaiming and filling in all or any portion of the tide-flats, mud-flats or overflowed lands of the city, and making the assessments to defray the costs and expenses thereof, and issuing and selling bonds to pay the contractors for such filling where the property owners avail themselves of the privilege of paying their assessments in installments, and all other acts necessary and proper to be done in carrying out the provisions of this act, except where herein otherwise specially provided, shall be exercised and performed as hereinafter provided by a commission consisting of nine electors and bona fide residents and taxpayers of the City of Astoria, which said commission shall be known as and styled "The Sanitary and Reclamation Commission of the City of Astoria," and said commission shall collectively consist of the following named electors and bona fide residents and taxpayers of the City of Astoria, to-wit:

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And when the Commission shall be hereinafter referred to or mentioned, it shall be deemed to mean and include "the Sanitary and Reclamation Commission of the City of Astoria." The remaining members of the Commission shall file any vacancy that may occur in the body by death, resignation, removal from the city, or otherwise, by the appointment of a person to be a member thereof who is a bona fide elector, resident and taxpayer of the city; and five members of the Commission shall constiute a quorum for the purpose of organization, as well as the transaction of all other business, but it shall require the affirmative vote of five members of the Commission to adopt any measure or authorize any action. The Commissioners named shall hold office until the first Monday in January, 1915,(and until their successors shall have been elected and qualified, and at the general election to be held the second Wednesday in December, 1914, a Commission consisting of nine members shall be elected, two of which members shall be elected from each ward of the city and one at large; one member from each ward shall be elected for the term of four years, and one from each ward for the term of eight years, and the Commissioner at Large shall be elected for the full term of eight years, so that one member of the Commission from each ward shall be elected every four years, and the term of office shall be eight years and until their successors are elected and shall have qualified, and any person appointed to fill a vacancy shall hold for the remainder of the unexpired term.

Within sixty days from the time this act goes into effect, the nine persons named in this section shall meet at some convenient place in the city on the written call of three or more of their number, published in a daily paper of the city for not less than three days before the time named therein for said meeting and organize by the election of a presiding officer from their number who shall be styled "Chairman of the Sanitary and Reclamation Commission of the City of Astoria," and a secretary of the Commission who shall be styled "Secretary of the Sanitary and Reclamation Commission of the City of Astoria" and also a treasurer who shall be known as "Treasurer of the Sanitary and Reclamation Commission of the City of Astoria," and also an attorney who shall be styled "Attorney of the Sanitary and Reclamation Commission of the City of Astoria," and it shall not be necessary for said secretary, treasurer or attorney to be a member of the Commission, and such secretary, treasurer and attorney shall hold office at the pleasure of the Commission and may be removed at any time and shall receive such salary or salaries as the Commission shall from time to time by by-laws or resolution prescribe; and such Commission shall also have power and authority to employ and hire and discharge at pleasure and to fix the compensation of an engineer and such other inspectors, workmen, laborers and servants as it may deem necessary and convenient for the accomplishment of the purposes of this act.

Section 159. The chairman of the Commission shall preside at all meetings and appoint all regular or standing committees thereof, and in case of his absence, the Commission may appoint from their number a chairman for the time being. The chairman of the Commission shall execute all written contracts on behalf of the same and sign all orders or warrants for the payment of money authorized thereby, and together with the secretary shall verify and sign the record of the proceedings of all meetings. The chairman of the Commission shall hold office until the first Monday in January following his appointment, and until his successor shall have been lected and qualified, and a chairman of the Commission shal be selected by a majority vote of the Commission by ballot at the meeting of the Commission on the first Monday in January of each year.

Section 160. The secretary of the Commission shall be its clerical officer and he shall make and keep an accurate record and minute of its acts and proceedings, countersign all warrants and orders authorized by it and signed by the chairman, for the payment of money, and attest all written contracts signed by the chairman on its behalf, keep its accougts and have and keep the custody of all its books and records and perform such other duties as may be prescribed by resolution of the Commission.

Section 161. The treasurer of the Commission shall be custodian of all funds arising from the sale of bonds, and all moneys coming into the hands of the Commission or any of the officers of said Commission from collection of taxes or assessments, or any other source whatever. He shall give a bond with two or more sufficient sureties in such sum as the Commission, shall provide conditioned for the faithful performance of his duties as treasurer of the Commission, and that he will keep or account for and pay over to his successors all funds coming into his possession by virthe of his office. The treaurer shall keep all funds derived from the sale of bonds by said Commission and from all other sources under this act in a separate fund and shall pay the same out only upon the order of the chairman, countersigned by the secretary and no order or warrant shall be issued except in pursuance of an order adopted by the Commission.

Section162. The Commission may adopt rules for the government of its members and its proceedings and on the call of any two of its members must cause the yeas and nays to be taken and entered in its journal upon any question before it, and its deliberations and proceedings must be public.

Sectio 163. The Commission shall meet in the city for the transaction of business at least once a month at such hour and place as it may direct and at such other times as it may provide, and said Commission shall hold an annual meeting on the first Monday in January of each year, at the hour of noon, and it may be convened by the chairman at any time upon not less than one day's notice to each member at that time present in the city.

Section 164. Said Commission shall act only at regular or special meetings and neither the City of Astoria nor said Commission shall be bound by any contract or in any way held liable thereon unless the same shall be authorized by a resolution of such Commission and made in writing and by order of the Commission signed by the chairman and secretary thereof, or some other person duly authorized on behalf of the Commission. The style of all resolutions or by-laws of said Commission shall be "Be it resolved by the Sanitary and Reclamation Commission of the City of Astoria." The Commission may provide for punishing any person for violating any resolution or by-law by fine or imprisonment in the city jail or both such fine adn imprisonment upon conviction thereof before the auditor and police judge of the City of Astoria.

Section 165. The City of Astoria is hereby authorized and empowered to construct, keep and maintain bulkheads or retaining walls in, upon, over, along, under, across or on any of the streets, alleys or highways of the City of Astoria that are now laid out and established or that may be hereafter laid out or established or secured either by dedication or condemnation, or otherwise and to construct and maintain the same upon any right of way therefor hereafter secured either by purchase, dedication or condemnation or in any other manner which said bulkheads or retaining walls shall be of such length, dimensions, kind or character and constructed at such place or places as the Commission shall from time to time determine and designate at and below the extreme high tide line on the shore or water frontage of the Columbia river above or below low tide within the city and for the purpose of constructing such retaining walls or bulkheads the city may acquire by purchase or condemnation or otherwise such rights of way as in the judgment of the Commission may be necessary or convenient for the construction and maintenance of the same.

Said Commission shall have power and authority at any regular meeting thereof to levy a tax not exceeding five mills on the dollar in any one year, upon the taxable property of the city which said tax shall be levied by resolution which shall be certified to the Common Council of the City of Astoria before said Coun-Council shall levy taxes for general municipal purposes for the ensuing year and such taxes shall be included in the general levy of taxes for that year and as made by the Council of the City of Astoria, which tax shall be collected at the same time and in the same manner as other taxes of the City of Astoria are collected and when so collected shall be turned over to the treasurer of the Commission and shall be exclusively under the control of such Commission and shall be used exclusively for the purpose of defraying the expenses of constructing such bulkheads and retaining walls and paying interest on bonds issued for that purpose and for retiring or redeeming such bonds and in paying salaries of officers, servants, and employees and the general incidental expenses of the Commission. And to defray the costs and expenses of constructing said bulkheads or retaining walls, said Commission may also from time to time as required issue and sell negotiable bonds of the City of Astoria, running for a period of not less than forty years, the aggregate amount of which bonds for the construction of such bulkheads or retaining walls shall not exceed the sum of $300,000.00. All bonds issued and sold to raise fúnds for the construction of bulkheads or retaining walls shall provide that the same may be recalled and paid at the option of the city at par at any time after the expiration of ten years from the date of issuance of the same. Provided that nothing herein contained shall be construed to limit or restrict the amount of twenty-year bonds that may be issued and sold from time to time to defray the costs and expenses of filling in the tide lands, mud flats and overflowed lands where the owners of property assessed to defray the expense thereof shall avail themselves of the privilege of paying assessments in ten equal installments as hereinafter provided; it being the expressed intention of this act that the costs and expenses of constructing the bulkheads shall be defrayed by general taxation or the issue and sale of bonds but the costs and expenses of filling in and reclaiming the tide lands, mud flats and overflowed lands shall be by local special assessments levied upon each lot or parcel of land or tract of water frontage filled in according to the benefits resulting from the filling in and reclaiming of the same including the filling in of the abutting streets and alleys. All bonds issued under this act shall bear such rate of interest as may be determined upon by the Commission not exceeding 5 per cent per annum and all bonds issued to pay for filling in or reclaiming the tide lands, mud flats and overflowed lands on account of persons owning property assessed for that purpose availing themselves of paying assessments in installments, shall provide that the same shall be redeemable at the option of the city at par with accrued interest at any time after the expiration of two years from the date of issue, and all bonds shall be signed by the chairman and secretary of the ommission and the full faith and credit of the City of Astoria shall be pledged to the payment of all bonds issued under this act.

No part of the expense of filling in or reclaiming any of the tide lands, overflowed lands, mud flats or water frontage including the streets of any reclamation district (excepting the retaining walls or bulkheads) shall be paid from general taxation, but the whole expense of filling in and reclaiming such tide lands, mud flats or water frontage in any district including the streets, and crossing and alleys thereof shall be defrayed by special assessment upon the lots, lands and premises inclusive of water frontage included within the special assessment district to be constituted of the lands so filled in and benefited by the improvement, and the contract for any such improvement shall provide that the contractor shall look exclusively to such assessments and the funds to be derived therefrom for payment for constructing the same, except whenever any of the owners of the land assessed for such improvement shall ask for the privilege of paying his assessment in ten instalments as hereinafter provided, the Commission for and on behalf of the City of Astoria shall have power and authority to issue and dispose of negotiable bonds of the City of Astoria from time to time, equal in amount at the par value thereof to the amouna remaining due the ity of Astoria on account of such persons so assessed having availed themselves of the privilege of paying such assessments in installments, and said bonds shall be payable twenty years from date of issue and draw interest at such rate as the Commission shall determine not exceeding 5 per cent per annum payable annually and shall provide that the same may be called at any time after two years from the date of issue at par plus the accrued interest and all moneys paid to the treasurer of the Commission on account of installments of such assessments shall immediately be used in retiring such bonds.

Such bonds may be issued and sold at par direct to the contractor executing the work. The aggregate amount of such twenty-year bonds so issued on account of instalments shall not exceed $500,000.00 at any one time and such bonds as well as the bonds issued to secure funds for constructing bulkheads or retaining walls shall not be taken into computation in ascertaining the limit of indebtedness of the city mentioned in Section 132 of the charter of the City of Astoria. When the expenses of any fill shall be assessed against any lands belonging to the city or used for public buildings or public grounds and exempt by law from such assessments, the amount of such assessment shall be paid by the Common Council to the treasurer of the Commission by warrant on the treasurer of the City of Astoria payable out of the general fund.

Section 166. In case the Commission shall at any time desire to acquire any real property or water frontage within the city for a right of way upon or over any land or lands or water frontage to construct or maintain any bulkhead or retaining wall across or upon such land or lands or water frontage, it may maintain an action in the Circuit Court of the State of Oregon for Clatsop County against the owner or owners thereof for that purpose and it shall not be necessary in order to maintain any such action to submit any question to a vote of the taxpayers, inhabitants or voters of the city; or in case the Commission shall through its chairman and secretary certify to the Common Council of the City of Astoria that it has been unable to agree with the owner or owners of property desired for said purpose as to the amount to be paid for the appropriation thereof, the said Common Council shall by ordinance direct an action or actions to be instituted in the name of the City of Astoria in the Circuit Court of the State of Oregon for Clatsop County to condemn and appropriate to the use of such city such right of way and it shall not be necessary in order to maintain any such action to submit any question to a vote of the taxpayers, inhabitants or voters of the city and such action shall be commenced and prosecuted in the manner prescribed by the general laws of the State of Oregon, providing and regulating the mode of proceedings to appropriate land by private corporation.

Section 167. No contract for the construction of any bulkhead or retaining wall shall be let or entered into by the Commission until plans and specifications for the same and a complete and detailed estimate of the costs therof shall have been made and filed with the Commission and approved by a resolution therof, in which resolution said Commission shall specify and provide the time and manner of constructing and completing the proposed improvement and all necessary matters relating to the execution and inspection and approval of the work and the time and manner of the payment of the contractor therefor All contracts shall be let to the lowest responsible bidder after advertisement for bids published in the City of Astoria, and no contract for any bulk-head or retaining wall shall be let at a price exceeding the estimated cost thereof fifteen per cent. The Commission shall provide for rejecting any and all bids and the contractor entering into any contract for the construction of any bulk-head or retaiing wall shall be required to give bonds with one or more sufficient sureties in such sum as the Commission may determine conditioned for the faithful performance of the contract and the contractor will pay all persons supplying labor or material in the performance of the same upon which bond any person or persons supplying labor or material shall have a right to bring action against such principal and surety or sureties in the name of the City of Astoria.

Section 168. Whenever the Sanitary and Reclamation Commission of the Citv of Astoria shall consider it necessary to fill in or reclaim any of the tide lands, and flats, overflowed lands or water frontage in the City of Astoria in order to protect the health of the inhabitants of said city, the City of Astoria is hereby given power and authority to fill in and reclaim any or all of the tide lands, mud flats, overflowed lands and water frontage and the abutting streets within the said City of Astoria to such depth or level as said Commission shall deem proper including all streets, alleys, parks, squares, lots, blocks, tracts, parcels of real estate and water frontage north of or below the extreme high tide line or any street next south of said line or between the extreme high tide line or any street next south thereof and the U. S. Bulk-head ilne, and may establish and lay out reclamation districts and provide for filling in such districts as said Commission shall from time to time consider necessary and proper, to defray the costs and expenses thereof by levying special assessments upon the lots, lands and premises, including the water frontage, franchises, rights of way and easements within each district so reclaimed according to the benefits resulting to each lot, tract or parcel of land, tract of water frontage, right of way, franchise or easement within the district from the filling of the same or reclamation of the same, including the costs and expenses of filling in the streett and intersections thereof within the district so reclamied and each lot, tract or parcel of land, including water frontage, right of way or franchise in each district shall be assessed such proportion of the entire costs and expenses of making the fill including the filling of the streets and alleys as the benefits resulting to such lot, tract or parcel of land, water frontage, right of way or franchise is proportonate to the benefit resulting to all such property from the improvement of such district. And provided further that any and all streets within any reclamation district may be filled in to the same level or grade that the lots, blocks, tracts of land or water frontage is filled in or to the full established grade of such street or streets or to such depth or level below the established grade as the Commission shall deem proper or advantageous; and provided further that whenever the boundary of any district to be filled in shall be the line of any street which is to be filled in whole or in part as part of the improvement of the district the lots, lands and premises including water frontage abutting upon or adjacent to and specially benefited by the filling in of such street or portion thereof may be included within the special assessment district and be assessed for its proportion of the cost of filling in such treet according to the benefits resulting therefrom, although such lots, lands or premises or water frontage be not within the district to be filled in or reclaimed.

Section 169. Whenever the Sanitary and Reclamation Commission of the City of Astoria shall deem it necessary in order to protect the health of the inhabitants of any portion of the city to fill in and reclaim any portion of the tide lands, and flats, overflowed lands or water frontage of the City and to defray the costs thereof by special assessment, they shall so declare the fact and their determination or intention to reclaim or fill the same by resolution stating in general terms the nature and character of the fill and the elevation or level of the same including that of the street or streets to be filled and shall designate and describe the district to be filled in and reclaimed and the district upon which the special assessment shall be levied to defray the costs and expenses therof; and shall cause estimates of the expenses thereof and specifications for the proposed improvement to be made and filed with the Secretary of the Commission. It shall be suffifficient to describe in general terms the nature and character of the fill and the elevation and level thereof including the elevation or level to which the streets are to be filled. Such resolution shall direct the Secretary of the Commission, upon the estimate of the costs and expenses thereof and specifications for the proposed improvement being filed with him, to cause notice of the intention of the Commission to cause such fill to be made to be given by publication in a daily newspaper published in the City of Astoria, which notice shall contain a statement of the improvement to be made in general terms and a statement of the district to be filled in and to be assessed and a statement that an estimate of the costs of the improvement and specifications for the proposed work has been filed, and such notice shall be published in such paper for at least ten days. If a remonstrance against such proposed fill or improvement signed by persons owning three fifths of the property in the district to be improved or reclaimed and assessed, shall be filed with the Secretary of the Commission by the time of the next regular meeting of the Commission following the final publication of such notice, no such fill or improvement shall be ordered except by the affirmative vote of six members of the Cimmission, but if no such remonstrance be filed the same may be ordered by a majority vote of the members of the Commission At any time after the expiration of said time in which a remonstrance can be filed and within four months thereof, and also after such estimate and specifications are filed, the Commission may by resolution order the improvement or fill constructed and prescribe the time and upon the passage of such resolution declaring the intention of the Commission to make such fill or improvement and the giving of the notice in this section provided and the filing of the estimate of the cost and expenses thereof and specifications for the proposed work and passage of the resolution ordering the improvement or fill and prescribing the time and manner of making the same, the City of Astoria shall be deemed to have gained jurisdiction for the purpose of making the improvement and assessing the property benefited thereby to defray the costs and expenses thereof.

Section 170. The Commission shall provide by resolution for the time and manner of doing the work of reclaiming or filling in any reclamation district subject only to the following restrictions, viz:—after such notice as may be prescribed in the resolution the work must be let to the lowest responsible bidder, and the Commission shall provide for the rejection of any and all bids when deemed unreasonable, and the Commission shall provide for taking security by bond in such sum as it shall consider reasonable conditioned for the faithful performance of any contract let under its authority, and that the contractor will pay all persons supplying labor and material used in the performance of the work and conform to the requirements of the charter and all ordinances of the City of Astoria relating to public works, and the provisions of such bond may be enforced by an action in the name of the City of Astoria. The Commission shall provide by resolution for the time of the completion of the work and for the inspection and acceptance thereof.

Section 171. When, by the provisions of this act and the cost and expenses of filling in or reclaiming any district of tide lands, mud flats, overflowed lands, or water frontage is to be defrayed by special assessments upon the property so filled in, within such district benefitted by the improvement, such assessment may be made as hereinafter provided. The Sanitary and Reclamation Commission shall select three disinterested freeholders of the City of Astoria to act as a Board of Assessors which shall make the special assessments authorized by this Act. If a member of such Board of Assessors which any property in any special assessment district directed directed assessed by the Commission, they shall appoint some other person to act in his stead in making the assessment, who for the purpose of the assessment shall be a member of the Board and such Board of Assessors may be changed from time to time at the pleasure of such Commission.

Section 172. When any special assessment is to be made pro rata upon the lots, lands and premises including water frontage, rights of way and franchises in any special assessment district according to the benefits, the Commission shall by resolution either at the time of ordering the fill or reclamation or before or after said time direct the same to be made by the Board of Assessors, and shall state therein the amount to be assessed and describe or designate the lots, lands and premises, water frontage, rights of way and franchises constituting the district to be assessed. Upon receiving such order or directions, the Board of Assessors shall make out an assessment roll listing and describing therein all the lots, premises, parcels of land, water frontage, rights of way and franchises to be assessed, and the valuation thereof with the names of the owners therof, if known, and shall levy thereon the amount to be assessed in the manner directed by the provision of this act. They shall assess upon each lot or parcel of land, tract of water frontage, right of way or franchise such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot or parcel of land, tract of water frontage, right of way or franchise from the improvement and when such an assessment is completed they shall report the same to the Commission and file the same with the Secretary thereof.

Section 173. When any special

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