W C Johnson Jan 5 95

OREGON CITY ENTERPRISE.

VOL. 28. NO. 20. OREGON CITY, OREGON, FRIDAY, MARCH 16, 1894. ESTABLISHED 1866

COURTS.

Circuit court convenes first Monday in November and third Monday in April.

Probate court in session first Monday in each month.

Commissioners court meets first Wednesday after first Monday of each month.

Oregon City Enterprise

$1.50 Per Year.

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Clackamas County.

COUNTY AFFAIRS.

Doings of the Commissioners at Their March Sitting.

LIST OF THE ROAD FOREMEN.

Vacation and Other Warrants—Appropriations for the Road Districts Throughout the County.

Report of the viewers on the Heinz road filed together with expense account of $28.80 and claim of Wm. Yohann for damages. Report approved and J. W. Smith, H. B. Wolfer and J. B. Mills appointed to assess damages to meet on the premises of Wm. Yohann March 14, at 10 A. M.

Petition of W. E. Bonney et. al. for a change in the voting place in Canyon Creek precinct to Gorbett school house was granted.

Application of Ella Meyer for rebate of taxes granted and warrant ordered issued in her favor for $7.28.

Ordered that the warrant issued for the care and keeping of S. S. Higgins be hereafter issued to Mrs. M. E. Gaines.

The proposition of the Portland General Electric company to compromise their mortgage tax suit by the improvement of the road between Oregon City and Oswego which was laid over from the last term of court was rejected and the attorneys instructed to prosecute the suit.

Application of Meade Post for aid from the indigent soldier fond for Wilson Rittenhouse granted and the clerk instructed to draw a warrant for the sum of $15. The application of the post for aid for the funeral expense of Oren Holmes was granted and the clerk ordered to draw a warrant for $34 upon the indigent soldiers' fund.

Upon the application of the directors of the Mt. Pleasant school district to have their assessment for 1893 corrected the court ordered the sheriff to make the correction as prayed for.

Petition of John Neibor et al for a county road granted and Sidney Smyth, county surveyor, appointed with W. H. Smith, John Forsythe and Geo. Kennedy to act as viewers to meet on Saturday, March 24th at 10 o'clock a. m.

Relative to the application of Mrs. Joel for a rebate of tax assessed for 1892 and 1893 a rebate was ordered granted, the sheriff to accept $9.10 in full payment for all taxes due.

Petition of John Stormer et al for a county road granted and Sidney Smyth county surveyor appointed with W. H. Mattoon, E. Lacey and W. H. Kandle as viewers to meet at the place of beginning March 20th at 10 a. m.

In the matter of the application of Margaret Wineset for relief, Commissioner Scott was ordered to make investigation and report to the court and in case he found the need for relief urgent he was authorized to provide temporary relief.

Report of A. W. Cooke, supervisor of road district No. 1 showing expense of $18.75 for labor, $5 20 for material and $21 for supervision was approved and warrants ordered drawn in accordance with his report and his recommendations were approved. He was authorized to purchase such amount of powder as he required and Commissioner Scott was instructed to purchase four-wheeled scrapers and four-lipped scrapers for the district.

Report of H. Breithaupt relative to the subscription work done upon the Baker Ferry and Fagalda Mill road made and approved.

Report of W. H. Smith, supervisor of road district No. 2 showing expenditure as follows: Labor $283.98; material $84.58; supervision $40, approved. It was ordered that the supervisor procure the necessary material and construct the bridge over the Abernethy on the Walker road.

Concerning the application of J. E. Young for a deed from Clackamas county to the e½ of the nw¼ of the nw¼ of sec 19, t 2 s, r 3 e, to the estate of Wm. Young it was ordered that a quit claim deed be made at the expense of the executor.

Petition of W. H. H. Samson for the vacation of the May's mill and John Smith road granted and Leonard Heinz, Oren Wright and W. H. White appointed viewers to meet at the residence of W. H. Samson on the 20th day of March to examine and report upon the advisability of vacating said road.

Petiton of Marion Johnson et al for a county road granted and Sidney Smyth, county surveyor, appointed with C. W. Risley, M. Oatfield and T. Hagenberger to meet on the 26th of March at the place of beginning.

Report of G. W. Prosser, supervisor of district No. 4 showing expenditures as follows: Labor, $307.63; material $14; supervision $30, approved and bills ordered paid. Relative to the reported need of a bridge across Carroll creek at the old Boise mill the supervisor was authorized to procure a deed to the land required at a cost not to exceed $1 and to procure the necessary material and construct the bridge.

A. Nicholas was appointed clerk of election for Highland precinct in place of Roscoe Gard, a non-resident.

Report of County Judge J. W. Meldrum upon the expenditured for incidental expenses for the county approved and the clerk authorized to draw a warrant for the sum of $50 to be expended in like manner as the last.

The petition of W. W. H. Samson et al for the appointment of good men as supervisors was denied as in the opinion of the court it had "endeavored to select and appoint good men to be road supervisors of the several road districts in the county and believing the present incumbents of the office of supervisor are good men the petition is denied and dismissed."

As the report of the sheriff showed that his warrant for the collection of delinquent taxes for '92 and '93 was about to expire and it appearing that there still remained taxes of those years uncollected it was ordered that new warrants be issued by the clerk in accordance with the law.

Claim of C. H. Dye for collecting $1729 of delinquent taxes at 8 per cent. amounting to $138.32 allowed.

Commissioner Bair who was appointed to investigate the needs of Mrs. N. Smith of Molalla who asked for aid from the county, reported that she was a young woman in good health and that the neighbors were disposed to assist with provisions as they could. He ordered groceries supplied to her to the amount of $5 and thought that that was all that would be required.

Relative to the redemption of lands sold for taxes in 1893 it is ordered that the same may be redeemed by the owners until the first of June by paying to the sheriff the amount of the tax plus 10 per cent from the date of sale.

The road fund to be expended upon the roads for the coming year was apportioned as follows; First district, $3,674.19; second, $6,386.27; third $2,301.69; fourth, $3377.56.

Mileage and per diem allowed as follows: C. Bair four days and 36 miles, $11.80; R. Scott, three days and 18 miles, $10.80.

VACATION WARRANTS ISSUED.

Peter Betz, scalps	$20 00
Harrison Bair, scalps	10 00
T. W. Fouts, bailiff	6 00
Ernest Wallers, scalps	1 00
Bert Jewell, scalps	1 00
J. W. Doores, pauper ex	7 00
Louis Schultz " "	3 00
Mrs. J. S. Flemming "	12 00
Z. S. Dodson, "	12 00
Jane Walls, "	20 00
E. M. Hartman, "	11 00
R. Scott "	8 00
Martin Hornberger "	12 00
Co. F	25 00
H. S. Gibson, sch. supt	60 00
W. H. Burghardt, indigent soldiers account	12 00
Geo. H. Kern, scalps	1 00
Hattie Cochrane, court reporter	10 00
Thos. M. Miller, bailiff	6 00
W. H Vaughn, scalps	1 00
Frank J. Habelt, "	1 00
Mrs. E. Morgan, pauper ex	8 00
Wales Russell, " "	15 00
P. J. Ridings " "	10 00
Jas. Lowry " "	10 00
W. H. Young " "	12 00
H. J. Harding, " "	11 00
D. H. Tuttle " "	6 00
S. W. Gaines " "	6 50
Peter Nehren, janitor	50 00
Ida Garrett, pauper ex	20 00

BILLS AUDITED AND ORDERED PAID.

Sidney Smyth, county survevor	$ 4 50
S M Ramsby, county recorder	132 00
Geo F Horton, clerk,	473 94
C W Ganong, jailer acc't	20 00
Ben Irwin & Co, records	93 00
Portland Hospital	28 00
Glass & Smyth, pauper ex	8 95
Teachers ex	63 00
Geo. W. Prosser, road acct	7 00
J W Meldrum, pauper ex	13 58
ENTERPRISE, stationery	94 25
J Paulding, witness	3 00
S. Thomas, road acct, laid over,	8 00
State vs. M. G. Anderson	22 36
State vs L D Matthews,	66 05
D W Kinnaird, plats	75 00
J C Bradley, assessor	182 00
C W Ganong, sheriff	114 04
Jury list, Dist. 12	14 00
E E Williams, pauper ex	6 25
Robbins & Son, " "	6 25
R L Holman et al inquest	51 05
Pope & Co, court house ex	8 85
P Rinearson, road acct	3 00
W A Huntley, stationery	38 58
Jury list, Dist. 5	7 00
Sarah Comer, pauper ex	30 00
State vs Wm Albee et al	7 70
" " A. S. Williams	32 00

W. H. Smyth, supervisor of road district No. 2 recommended that the principal part of the work for 1894 be done upon the following roads: Oregon City and Cutting mill road, Abernethy Baker Ferry, Springwater and the Canby & Goode bridge road.

Foremen have been chosen as follows: Abernethy precinct C. Holstrom, Ely, P. S. Flitcroft; New Era and Canemah, Peter Engle; Canby, V. Mack; Beaver Creek, Frank Jaggar; Milk Creek, C. T. Howard; Upper Molalla, Jas. Dickey; Hardings, H. L. Patterson; Viola and Springwater, J. M. Hayden; Highland, Henry Klinesmith and Canyon Creek, Chas. Hubbard.

The following named foremen were appointed by A. W. Cooke and approved by the court Milwaukee, W. S. Councill; Clackamas, J. W. Roots; Damascus, John Hazlewood; Eagle Creek, Ed. Burnett; Borings, W. H. Boring; Cascades, Ola Mikkelson; Sievers, R. A. Ten Eyck; Cherryville, J. W. Baty; George, F. Rath; Garfield, J. C. Irwin.

Concerning School Funds.

Multnomah county recently had trouble with custodians of the school fund in that county, the same having been paid out of the treasury for other purposes than that for which it was collected. In looking up the matter the school board requested the opinion of Judge Thayer, and without going into the details or legal points of that opinion the conclusions are here given. Concerning the using of the tax collected for one fund to meet another obligation, Judge Thayer says:

"No tax shall be levied except in pursuance of the law, and every law imposing a tax shall state distinctly the object of the same, to which only it shall be applied. How thea can there be any pretense of right in the county treasurer to pay the state tax out of such funds? It would be a direct application of funds to another purpose than that for which they were raised. The practice of paying to the state treasurer state taxes out of moneys collected and paid into the county treasury without regard to the purpose for which the moneys were raised."

As to the manner of levying the state tax, he says: "It requires an estimate of the expense for the ensuing fiscal year to be made up, a deduction from the sum total to be made of any surplus in the state treasury, not applied by law to some special purpose, and specifies that the remainder shall be the total amount of revenue to be raised the ensuing year for state purposes; directs that it be apportioned among the several counties of the state according to the total amount of taxable property in each be levied and collected in the manner other taxes are levied and collected and paid over to the state treasurer. The several counties have no alternative but to raise the amount apportioned to them respectively, and to pay it over in full on or before the first Monday of February in each year. They have no means of realizing the required amount except through the mode indicated in said provision of statute, unless it confers an incidental power upon counties to provide for it in some other way, which it doubtless does. If the exaction cannot be made through the levy and collection provided, the counties must certainly have the power to accomplish it through auxiliary measures. They should have the right to anticipate a delinquency in the collections of the tax, and to make such provision as would enable them to promptly apply it. This probably could be accomplished by increasing the levy for county purposes so as to enable them to meet such deficiency, as it necessarily is an expense to the county. Nor would it perhaps be any irregularity for the county to pay such deficiency out of the moneys raised in the county for the general county expenses. But to take money out of a fund created for another and destinct purpose to pay it with, even under an express statutory direction to that effect, would accord to a legislative fiat more authority than to a constitutional inhibition. Section 2593, Hill's Code, as originally adopted, or as amended by the act of 1893, laws of 1893, page 90, is a law imposing a tax. It distinctly states its objects, and how can any part of the fund it provides be applied to another purpose with out directly violating said section 3 of article 9 of the state constitution? If such a course were permitted the amount of the fund and the time when it could be realized would be precarious, indeed, would depend largely, in both repects, upon the success of the tax collector in collecting the delinquent list. Said fund must be kept by the county intact, subject only to apportionment by the county superintendent, as provided by subdivision 5, section 2590, Hill's code."

Among the featured of the Argonaut for March 12th are "The Thirst for Gold; A Story of a Lost Mine," by Frank Robbins; "A Vicomte's Vagary; How Gaston de Bonville Mingled Amateur Mediancy and," translated from the French of Leon de Tinseau; a letter from Paris, describing the Vicomtesse de Tredern, a Parisian grande dame: a letter from New York on the newest theatrical events: and a long review, with copious extracts, of "A Bundle of Life," by John Oliver Hobbs, the literary sensation of the day.