

OREGON CITY ENTERPRISE.

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OREGON CITY, OREGON, FRIDAY, AUGUST 21, 1896.

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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.

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Oldest Banking House in the City.

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of crockery is justly a housekeeper's pride. Everyone can have it, too, at small cost, simply by taking advantage of the brilliant crockery hints offered in our stock. You'd be astonished to see what \$1.00 would buy at our establishment. Odd pieces that one must be very odd not to be delighted with; breakfast, dinner, and tea sets that are wonders of art, beauty, and uniqueness; an assortment that gives the purchaser everything to choose from, are our crockery attractions. See here: 100 piece dinner set, fine decorated, for \$7.75.
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DR. J. H. IRVINE, Proprietor.

BEFORE JUDGE McBRIDE.

Injunction Suit Restraining E. C. Maddock From Selling Property for Delinquent Taxes.

Among the actions recently brought in the circuit court for Clackamas county, is an injunction suit brought by Holden Hargreaves, as plaintiff, to restrain ex-Sheriff Maddock from selling the property levied upon for delinquent taxes as advertised in the Three Sisters. The papers were served upon the sheriff and Deputy Moody last Saturday morning by Coroner Godfrey, the day upon which the sale was advertised to take place. Accompanying the service of the other papers was an order from Judge McBride restraining the sheriff from selling the advertised delinquent property. The order also cited the sheriff to appear at Astoria on Thursday, the 20th day of August, 1896, and show cause why the injunction should not be made perpetual. The attorneys for the plaintiff are W. W. Thayer and Henry S. Rayner, of Portland, and L. L. Porter and G. D. Dimick, of Oregon City. On Tuesday the defendant, E. C. Maddock through his attorney, Brownell, filed a general demurrer to the complaint, and consequent order of court. Deputy Sheriff Moody announced that the sale would be postponed until Saturday at 10 o'clock a. m.

Below is given in substance the complaint made by the plaintiffs in the injunction suit:

Holden Hargreaves, plaintiff, vs. E. C. Maddock, defendant.

Said plaintiff, Holden Hargreaves, on behalf of himself and others similarly situated to wit: Mrs. E. Warner, J. L. Waldron, H. E. Cross, Thomas Charman, W. W. Porter, Ella Broderick, Ella R. Burghardt, Ella Chapman, T. M. Cross, Daniel Fancher, Y. S. Gard, A. T. Plowman, Isaac Prindle, L. D. Shank, John O. Shannon, Peter Smith, Fred Stahlmecker, John P. Sumner, Mary Thorne, C. W. Armstrong, Mrs. L. W. Andrews, George Dunlavy, Edward Duppis, S. J. Garrison, C. E. Ogleby, Oregon & California Railroad Company, Sarah McCown, Grant Mumpower, F. T. Mintie, Seth Luelling, S. N. Luelling, W. S. U'Ren, Edward Magone, Ruth and Daisy Marquam, E. E. Kells, Joseph Knight, Albert C. Med, Maria Kraeft, W. W. Jessie, D. W. Howard, H. J. Harding, Benjamin Athey, John J. Fleming and Charles Athey, and for the benefit of all other taxpayers of the county of Clackamas, state of Oregon, similarly situated, comes and complains of the defendant, E. C. Maddock, and for cause of complaint says:

That the plaintiff, Holden Hargreaves, and each every of the persons hereinbefore named and referred to are residents and taxpayers of the county of Clackamas, state of Oregon, and have been such for a period of at least one year last past.

That on the 9th day of May, 1896, the defendant caused George F. Horton, the duly elected, qualified and acting county clerk of said county, to execute and deliver to the defendant aforesaid a list of taxes returned as unpaid for the year 1895, of said county of Clackamas, together with a certain warrant attached thereto, commanding said defendant to demand payment of delinquent taxpayers charged therein, and in case of failure of said persons to pay the sums so demanded, to make sale of goods and chattels of said persons, and in case of failure to find personal property of said persons for the purpose of satisfying said delinquent taxes. A copy of which list and warrant is hereto attached marked exhibit "A," and hereby made a part of this complaint.

That the plaintiff is indebted in the sum of \$12.28 for unpaid taxes levied against him by the officers of said county for general taxes due said county, and each and every of the persons hereinbefore named are indebted to said county for unpaid taxes for said year 1895, in the several sums set opposite their names in the published notice, a copy of which is hereto attached and marked exhibit "B," and hereby made a part of this complaint.

That said defendant and no deputy of said defendant at any time has made any demand upon plaintiff or upon said persons or either of them for payment of said unpaid taxes, notwithstanding the plaintiff and each and every of said persons are residents of said county, and have been for a period of six months last past, and accessible to defendant so that he might have made demand for said unpaid taxes as directed by said warrant.

That on or about the 26th day of July, 1896, defendant caused the county clerk, G. F. Horton, aforesaid, to issue a certain warrant commanding him to levy the same upon the goods and chattels of the delinquent taxpayers of the said county for the year 1895, and if none could be found then upon the real property of said persons. Below follows a copy of the warrant in substance:

"In the name of the state of Oregon you are hereby commanded that you

levy upon the goods and chattels of the delinquent taxpayers named in the following list, and if not found, then upon the real property set forth herein, or so much thereof as shall satisfy the amount of taxes so charged, with costs and expenses, and that you pay over all monies so paid to the county treasurer of said county as required by law. This is signed and witnessed by George F. Horton, county clerk, on the 26th day of June, 1896."

The plaintiff alleges that said defendant has wholly failed to make out and file with the county court of said county the statement as required by section 2809 of Hill's annotated laws of Oregon, of the taxes of said county remaining unpaid for the year 1895, aforesaid, or any statement whatever. That he has wholly failed to make the return to the county court aforesaid of the delinquent taxes from said year 1895, of said county remaining unpaid as required by section 2810 of said laws; that he has also wholly failed to make and file with the county clerk of said county his affidavit as required by section 2811 of said laws setting forth that plaintiff and the persons hereinbefore first named, or either of them or any taxpayer of said county has not paid their or any of their taxes due said county for the year 1895, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to plaintiff or to said persons hereinbefore named or any persons charged with unpaid taxes for said year 1895, of said county, whereon he could have levied the same, or any affidavit whatever appertaining to said matters.

That on or about the 17th day of July, 1896, defendant, without having previously made any demand of plaintiffs or any of said persons, or taxpayers of said county for payment of the taxes due to said county for the year 1895, aforesaid, and without making any search or inquiry for goods and chattels belonging to them or either of them whereon he could levy said warrant and collect said unpaid taxes; and without making any inquiry or search for the goods and chattels whatever of any delinquent taxpayer of said county for said year 1895, upon which to levy said warrant and with the intention of cheating, wronging and defrauding plaintiff and each and every of the persons hereinbefore named and delinquent taxpayers of said county for the said year 1895, and the county of Clackamas, and requiring them unlawfully to pay the additional costs of publication and sale of the real estate, caused a certain notice to be published in a certain newspaper published in Oregon City, Clackamas county aforesaid, entitled the "The Three Sisters," setting forth that by virtue of the warrant aforesaid, defendant has levied upon the lands described of all the taxpayers of said county named in said notice for the purpose of satisfying the respective sums constituting their delinquent taxes for said year 1895, due said county, and that he will on the 15th day of August, 1896, sell at public auction all the lands described therein, or so much thereof as may be necessary to satisfy the sums taxed against said property in said county for the year 1895, together with costs and accruing costs of sale. A copy of this notice is hereto attached and marked exhibit "B," and thereby made a part of this complaint.

That said notice has been published by said newspaper on each and every Friday since said 17th day of July, 1896. That plaintiff is the owner of the following goods and chattels, and has been for a period of six months last past, the same being subject to the satisfaction of his delinquent taxes aforesaid and said goods and chattels have been in his possession during all of said time, and are now in his possession in the county of Clackamas aforesaid to-wit: Household goods, two cows and one wagon to the value of \$160.

That each and every of the persons hereinbefore first named have been during said period and are now the owners of goods and chattels in said county subject to levy, for the satisfaction of the delinquent taxes due from the said county for the year 1895.

That George F. Horton, county clerk aforesaid, had no lawful right or authority to execute and deliver to defendants, or either of them, for the reason said defendant has wholly failed as aforesaid to make the statement, return and affidavit and file the same as provided by sections 2809, 2810 and 2811 of laws aforesaid, and that said warrants and each of them are null and void.

That plaintiff is owner of lot 1, sec. 2, tp 4 s, r 4 east, Clackamas county aforesaid, containing 19.97 acres, and the persons hereinbefore first named are the owners of the respective names in said published notice, and that the defendant, if not prevented by the order of this honorable court, threaten to and will proceed on the 15th day of August, 1896, to sell said real estate as set forth in said published notice.

That said sale will thereby cast a cloud upon the title of plaintiff's real estate aforesaid, and upon the real estate of

each and every of the persons hereinbefore first named, and all other taxpayers of said county similarly situated, and that plaintiff and each and every of said persons will be thereby irreparably injured, and that the plaintiff and each of said persons are without any plain or adequate remedy at law in the premises.

That the question presented by the complaint is one of general interest to each and every delinquent taxpayer set forth in said published notice, and each and every taxpayer of said county of Clackamas.

That said parties are so numerous that it is impracticable to make them all plaintiffs and bring them all before the court in this suit. Therefore, and for that reason, plaintiff institutes this suit for himself and for the use and benefit of each and every of the persons first hereinbefore named, and the taxpayers generally of said county of Clackamas, that the court grant a temporary order of injunction, restraining and prohibiting the defendant from selling the real estate of plaintiff and of each and every person hereinbefore named, described in said notice, under said warrant and published notice; and from performing any act whatsoever under and in virtue of said warrant and notice, and upon the final hearing of said cause that it be adjudged and decreed that the defendant be perpetually enjoined from performing the same, and for such other and further relief as may be just and equitable.

Saturday's Ball Game.

On last Saturday afternoon the young men's ball nine of Oregon City, won for itself and the city, much honor by successfully defeating in the hardest contested ball game of the season, Portland's Y. M. C. A. team. The victory should have merited little credit, had it not been that the visiting team were far in advance of Oregon City players, in age, size and experience. The game was called at a quarter after three by umpire Clarence Fields, and the players commenced their contest, and for two hours, the struggle for victory continued. All the playing was good, battling much above the ordinary, and base running first-class in every particular, winning much applause from the deeply interested, attentive audience. The audience, although rather small in numbers, was ever willing, by cheer and shout, to assist the home team in their efforts to succeed. The young ladies especially were important factors in the game, displaying as much interest as the competitors themselves, applauding whenever the opportunity afforded, and shouting quite enthusiastically, in voices pitched so high and shrill, that it is quite remarkable the players did not lose their interest in the game, and entirely forget the art of ball playing while listening to to such a combination of entertaining sounds. It was however of great value to the home team in strengthening their courage and determination. Clarence Fields umpired the game, exhibiting much ability in ball tactics, making good decisions and conducting the game with credit to himself as a player and referee. At the close of the game the score stood 13 to 15 favoring the Oregon City boys. In honor of the victory, Mrs. Emma Davidson prepared with much care and pains a beautiful bouquet of the most delicate flowers, and presented them to the team, which were greatly appreciated and much admired, by all.

Free Pills.

Send your address to H. E. Bucklen & Co., Chicago, and get a free sample box of Dr. King's New Life Pills. A trial will convince you of their merits. These pills are easy in action and are particularly effective in the cure of constipation and Sick headache. For Malaria and Liver troubles they have been proved invaluable. They are guaranteed to be perfectly free from every deleterious substance and to be purely vegetable. They do not weaken by their action, but by giving tone to stomach and bowels greatly invigorate the system. Regular give 25 cents per box. Sold by Charman & Co., Druggists.

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"Four out of every five bottles of medicine sold in the last five years are S. B. goods. The S. B. Headache and Liver Cure I use myself as a general physic. If you are sick and want to get well, the quickest, cheapest and safest method is to buy the S. B. remedies and use as directed. C. P. BALCH, druggist, Dufur, Or." For sale by C. G. Huntley.

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When you are hungry and want an appetizing meal—one that is well cooked to your taste and well served—try the Nickel Lunch Counter. This is no second-class restaurant, we feed the best people in Oregon City and they always go where they get full value for their money. Give us a trial.

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