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AGENTS FOR THE ENTERPRISE.

Beaver Creek, Dr. T. B. Thomas	Clackamas, Geo. Knight
Gandy, Geo. Knight	Clackamas, Geo. Knight
Clackamas, Geo. Knight	Clackamas, Geo. Knight
Milwaukie, Oscar Wiestinger	Clackamas, Geo. Knight
Union Mills, G. J. Trullinger	Clackamas, Geo. Knight
Meadow Brook, Chas. Holman	Clackamas, Geo. Knight
New Era, W. S. Newberry	Clackamas, Geo. Knight
Wilsonville, Henry Miller	Clackamas, Geo. Knight
Park Place, F. L. Russell	Clackamas, Geo. Knight
Gladstone, T. M. Cross	Clackamas, Geo. Knight
Stadium, J. Q. Gace	Clackamas, Geo. Knight
Mulino, C. T. Howard	Clackamas, Geo. Knight
Carus, R. M. Cooper	Clackamas, Geo. Knight
Molalla, Annie Stubbs	Clackamas, Geo. Knight
Marquam, E. M. Hartman	Clackamas, Geo. Knight
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Aurora, Henry A. Snyder	Clackamas, Geo. Knight
Orville, L. J. Perdue	Clackamas, Geo. Knight
Kagle Creek, H. Wilburn	Clackamas, Geo. Knight
Yamhill, J. O. Elliott	Clackamas, Geo. Knight
Sandy, F. Gotsch	Clackamas, Geo. Knight
Salmon, Mrs. W. M. McIntyre	Clackamas, Geo. Knight
Currinville, Geo. J. Currin	Clackamas, Geo. Knight
Cherryville, Mrs. M. J. Hammer	Clackamas, Geo. Knight
Marmot, Adolph Aschoff	Clackamas, Geo. Knight

The way to build up Oregon City is to give Oregon City people your patronage.

COUNTY BOARD OF HEALTH.

Dr. J. P. Tansie, of Hillsboro, one of the leading physicians of the state, has prepared a bill for introduction at the session of the legislature in January asking for the enactment of a law creating county boards of health in the several counties of Oregon, the board to consist of two physicians to act in conjunction with the county judge, who shall be chairman of the board and continue in office during the term of office of such county judge.

The board shall hold stated monthly meetings and its duties shall be to guard against the introduction of contagious and infectious diseases by a vigilant medical inspection and control of all persons and things arriving from infected districts; require the isolation of all persons and things infected with or exposed to such contagious diseases; receive and examine into all complaints made by any inhabitants of the county concerning nuisances or causes of danger or injury to life and health within the county; enter upon or within any places where such things are supposed to exist; and shall have power to order the suppression and removal of all nuisances detrimental to life and health within ten days after furnishing the owners, agents or occupants of infected premises with a written statement of its conclusions in the matter and shall have the same removed at the expense of the occupant of the premises, if their order is not complied with.

It shall also be the duty of the board to prescribe sanitary regulations for the burial and removal of corpse, a certificate from the county judge and a certificate of the attending physician or the affidavit of two persons who were present at the time of death of such person, being necessary for the removal of a corpse from the county for burial. Undertakers, sextons or other persons having charge of any corpse shall not inter the same until such permit has been obtained and filed with the board. Before a corpse can be transported over any railroad or by any steamboat in the state, it must be enclosed in a hermetically sealed casket of metal or other indestructible material, if the cause of death shall have been from a contagious or infectious disease.

The bill also provides that certificates of birth, containing the names, ages, nationality and residence of the parents, date of birth and sex of the child, duly witnessed and signed by the physician or midwife in attendance, be transmitted to the county clerk within 30 days after the birth has occurred; and that a register of births and deaths be kept in the county clerk's office. The county court shall audit and pay all bills and expenses of the board incurred in the performance of its duties as provided by the bill.

This is a good law and merits the support of every member of the legislature. Few people have any adequate conception of the number of deaths that occur from scarlet fever, diphtheria, measles and kindred diseases, to say nothing of the number of persons who are left with weak eyes and lungs and other infirmities for life as a result of the carelessness regarding the spread of such diseases. The section providing for the registration of births would be the means of saving thousands of dollars now lost in litigation over the establishment of heirs to property in dispute, besides being of value as a matter of statistics.

THE COUNTY ROAD FUND.

The Enterprise publishes elsewhere the full text of the decision of the supreme court in the appealed case of Oregon City against Clackamas county for the control by the city of that portion of the road fund derived from the levy on property within the city limits. As briefly mentioned in the Oregonian, last week the inference was given that the city had really won the case. But on a close perusal of the decision it will be found that the county has really won for it admits that the county has the right to divide the county into road districts and apportion such sums to them out of the road fund as the court may see fit, having due regard for the amount of taxes collected in the districts and the condition of the roads and the amount of travel. The county can therefore make Oregon City into a road district and give the city such a sum as the needs of the roads within the

city may require, being required to give no fixed sum, for the county court alone is left to decide how much a road district shall have from the road fund. The county's control of the road fund is further strengthened by the state constitution which provides that all funds derived from a special tax levy shall be expended only for the purpose for which it was raised and by the authorities making the levy. Under this clause of the constitution it would compel the county which made the special road levy to spend the money so raised on the public roads of the county and no town would be allowed to use any portion of this fund in repaving streets that had not been declared public highways by the county, or in opening alleys, building crosswalks, etc.

The city of Portland does not share in the Multnomah county road fund, the county court spending this fund in or about the city or in the county as they see best. That Oregon City has received its just share of the road fund is proven by the county records, for during this past year the county has put on roads within the city limits over \$3,500 and on the roads within three miles of the city over \$4,500, making a total of about \$8,000 that has been spent for the direct benefit of Oregon City, while the city has only contributed \$2,200 to the road fund. The county records show that each year since the organization of the county Oregon City has had the lion's share of the road fund and consequently has no kick coming. In fact the principal kicking is being done in the interest of ward politicians who see in the road fund a valuable adjunct to their power.

A chronic by the name of Garner, who belongs to that class who are forever hunting work and yet are always idle, is quoted as follows by the McMinnville Telephone Register: "W. C. Garner, of this city, who recently visited the woolen mills at Salem and Oregon City in search of employment, reports that a majority of the hands at Salem receive 50 cents per day for their labor. At Oregon City he found persons with three and four years' experience in the business getting as low as 35 cents per day. They were receiving 50 cents per day before the election and have been reduced since although they were promised fair wages if McKinley was elected. Mr. Garner said the majority of them voted for McKinley on that promise and are now much exercised at their condition. Such cattle ought to receive 20 cents per day and should not kick." From the figures given it is evident that this chronic is not familiar with the wage scale in the Oregon City woolen mills, but probably got his information from some of the gentlemen of leisure who hold down dry goods boxes in this city. As a matter of fact the Oregon City Manufacturing Co. pays the same wage scale as is paid by the other manufacturing establishments of this city. As to a reduction in wages since the election, that is another one of his falsehoods as well as his statement that the hands were promised an immediate raise of the wages in the event of McKinley's election. That an increase of wages in all lines of labor is sure to come now that the principles of the Republican party are to govern this country, is a fact that cannot be disputed, but it will not come in a day, or a month, but will come with the general revival that is setting in all over the country. In the meantime Mr. Garner, not being able to get \$3.00 per day for his services as a laborer, will have to hold his peace and hold down a dry goods box.

The good roads convention that will be held in Portland on Friday of this week will be an important factor in arousing a deeper interest in the question of good roads. It is only within the last five years that the people of Oregon have taken any special interest in their roads and have begun to realize that money put into improved highways is one of the best investments they can make in advancing the development of the state. Clackamas and Multnomah counties have been the pioneers in the good road movement and these counties have made much progress in road building, under the new system, that it would be impossible to induce the residents of either county to go back to the system in vogue in other parts of the state. These road conventions should be encouraged by every person who has the advancement of Oregon at heart, for through them it is possible to reach the people to get them to see the necessity of adopting the cash system that the state may have roads such as will attract the class of immigrants who by their industry and wealth will be a help to Oregon and who will only settle in sections that show progress and have roads, schools, etc., such as they were used to in their Eastern homes.

This coinage of silver dollars still goes on. More than 16,000,000 of them were coined during the 10 months from February 1 to November 1 of the present year. This is twice as many as were coined in all the years of so-called free coinage from 1792 to 1873.

The Ohio legislature has passed a bill providing for the execution of criminals by electricity instead of by hanging. This is the second state to adopt electrocution in carrying out the death penalty.

It will be worth the trouble of calling and getting our prices on candies and nuts for the Christmas tree.

E. E. WILLIAMS, the grocer.

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60 Warren St., New York City.
Rev. John Reid, Jr., of Great Falls, Mont., recommended Ely's Cream Balm to me. I can emphasize his statement, "It is a positive cure for catarrh if used as directed."—Rev. Francis W. Poole, Pastor Central Pres. Church, Helena, Mont.

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SUPREME COURT DECISION.

Below is given in full the decision of the supreme court in the suit of Oregon City against Clackamas county on an appeal from the circuit court, the case having been tried before Judge McBride, and a verdict rendered in favor of the county. The argument before the supreme court was made by C. D. Latourette on behalf of the city, and Geo. C. Brownell represented the county.

"This is a mandamus proceeding to compel the county treasurer of Clackamas county to pay over to the plaintiff certain road taxes collected under the general laws of the state. The record discloses that in January, 1895, the county court of that county levied a tax of four mills on the dollar on all the taxable property within the county, and a poll tax of two dollars upon each and every person liable therefor for road purposes as authorized by subdivision four, of section 4083, Hill's Annotated Laws of Oregon, as amended in 1893, (laws 1893, page 60), and that pursuant to such levy, there has been collected from the property and inhabitants of the plaintiff and paid over to the defendant, the sum of \$2,874.77, which the plaintiff claims by virtue of subdivision 25, of chapter 5, of its charter, which reads as follows: 'The council shall have exclusive control and direction of all funds collected under general laws for the improvement of roads and streets within said corporation, and the street superintendent shall perform the duties of supervisor as required by the general laws of this state relating to streets and highways; but he shall report to and be under the direction of the city council and not to the board of county commissioners of Clackamas county; provided, that the city council may, by ordinance, direct that any or all of such funds collected for road purposes be expended on any main county road leading into Oregon City, when, in their judgment, the city would be benefited thereby; provided, that the city council shall turn over to the county court of Clackamas county 40 per cent of the funds so collected each year and the same shall be expended under the direction of said county court on the main county roads leading into Oregon City.' In behalf of the defendant it is contended that this provision of plaintiff's charter is in conflict with article 4, section 23, subdivisions 7 and 10, of the state constitution, which prohibits the legislature from passing special or local laws 'for laying, opening and working on highways and for the election or appointment of supervisors,' and 'for the assessment and collection of taxes for state, county, township or road purposes; and is therefore void. But it seems to us that upon this question the case is ruled by the City of East Portland vs. County of Multnomah, 6 Or. 62, in which it was held that a provision in an act incorporating a city excepting the territory within the limits of the municipality from the jurisdiction of the county court for road purposes and vesting the same in the municipality was not violative of the provisions of the constitution referred to. This case was re-affirmed in Multnomah County vs. Sliker, 10 Or. 65, and City of Astoria vs. Clatsop County, not reported. Now, if the legislature may, by a special law incorporating a city, constitutionally vest in the municipality exclusive jurisdiction over the county roads within its boundaries, it seems to us no valid objection can be made on constitutional grounds to a provision in such an act merely conferring upon the municipal authorities the right to control the expenditure of funds applicable to the improvement of roads and streets within the municipality collected under general laws. But notwithstanding the constitutionality of plaintiff's charter the demurrer to the alternative writ was properly sustained because it does not appear from the record that the portion of the tax collected under the levy of January, 1895, to which plaintiff is entitled, has ever been ascertained or determined by the proper tribunal or at all. The statute under which it was levied provides: 'That in any county of this state the county court of such county at the time of levying the tax for county purposes, may, if in the judgment of the county court, it is for the best interests of the county, levy a tax upon all the taxable property in the county, not to exceed five mills upon the dollar, and in addition thereto a poll tax of two dollars be assessed upon every person who shall be liable to pay a state poll tax, which taxes shall be collected with and at the same time and in the same manner as county taxes shall be collected, and shall be paid into the county treasury, and shall be kept as a separate fund to be known as the road fund, and shall be used for the purpose of laying out, opening, making and repairing county roads, and building and repairing bridges; and no other tax or other taxes for the purpose in this section mentioned shall be levied or collected except that the county court may order bridges built or repaired out of the general fund. Such county court shall apportion the taxes so collected among the several road districts in the county, having due regard to the amount of taxes collected in the several road districts, to the condition of the roads, and necessity for repairs, and to the amount of travel thereon. The county clerk shall thereupon notify the road supervisor in each of the road districts in his county of the amount of the road fund set apart for the use of his road district for opening, making and repairing county roads and building bridges in his road district; and such supervisor shall direct and supervise the expenditure of such amount of the road fund so set apart for the purposes herein named, and certify his accounts for labor performed or material furnished to the county court; and if the county court approves the same, it shall order warrants on the county treasurer in favor of the person performing such labor or furnishing such material payable out of the fund to the credit of such road district and until such fund is exhausted.' (Laws of 1893, page 60.) Under the general law the county court is invested with jurisdiction to divide the county into road districts, and, by the statute in question, to levy and collect a special tax for road purposes and apportion the same among the several road districts of the county in the manner therein provided and through supervisors appointed by it to control and direct the expenditure of the amount set apart for each road district. This jurisdiction extends to all parts of the

county, including the territory of Oregon City, except as it may be limited and qualified by the city charter. And the only limitation to be found in the charter is that the municipal and not the county authorities shall 'have the control and direction of all funds collected under the general laws for the improvement of road and streets within said corporation,' and the right to appoint the road supervisor. In all other respects the jurisdiction of the county court over the territory of Oregon City remains unimpaired. It may divide it into road districts, levy and collect from the inhabitants thereof and the property therein, in connection with the remainder of the county, a road tax, ascertain and determine the amount thereof which shall be apportioned to and expended in the road districts or district within the limits of the municipality but when the apportionment is made its jurisdiction ceases so far as the expenditure of the amount set apart for the district or districts within Oregon City is concerned and that of the municipality begins. Until such apportionment there can be no fund arising out of the tax 'for the improvement of roads and streets' within Oregon City or in any other district of the county. The statute does not require the tax to be expended in repairing the roads and highways in the district from which it is collected but it becomes a common road fund to be apportioned by the county court among the several districts of the county, having due regard to the amount of the tax collected from each district, the condition of the roads and the amount of travel thereon. This apportionment is a judicial act and until it is made the county treasurer cannot be compelled by mandamus to pay over any part of the fund to the plaintiff. No such proceeding seems to have been had and therefore the judgment must be affirmed and it is so ordered."

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