

Oregon City Enterprise

DATES TO REMEMBER.

Monday, April 10—Spring term of circuit court for Clackamas county convened by Judge McBride.

FRIDAY, APRIL 23, 1897.

CIRCUIT COURT.

Regular Spring Term Convened by Judge McBride.

The regular April term of circuit court for Clackamas county convened last Monday at 10 o'clock a. m. with Thomas A. McBride, circuit judge, on the bench.

The grand jury was chosen as follows: G W Church, of Oregon City, foreman; G W Bentley, of Marquam; J P Logan, of Willamette Falls; Amos Harrington of Highland; James F Nelson, of Mulino; J C Smith, of George; and Ed Hornschuch, of Beaver Creek.

The names of the petit jurors who answered to roll call were:

H S Ramsby, C K Ballard, M H Reibhoff, James Barstow, John H Darling, Bishop Seely, D W Bentley, Chas Thompson, Amos Harrington, Frank Welch, D J Parmenter, J C Smith, H S C Phelps, J Monk, Ed Hornschuch, M H Looney, J E Mitts, G C Kinney, J P Logan, G W Church, W Aldridge, L Blanchard, Isaac Farr, Henry Cooke, J W Bootman, J F Nelson.

Those excused were Geo H Young, J Courtney, Tom Brown and A Bolteh; absent, G C Fields.

T W Fouts was appointed court bailiff, Thomas Miller jury bailiff and Max Schelpius bailiff of grand jury.

Judge McBride in his charge to the grand jury admonished them to diligently inquire into all crimes committed in the county, not alone where parties had been bound over from justice courts but also into cases where they had reason to believe crimes had been committed; but that they should not indict upon hearsay testimony that would not be admissible upon coming to trial since an indictment founded upon such testimony must necessarily fail upon trial and they should be satisfied upon a reasonable doubt that the trial jury would convict before finding an indictment. The judge also advised that in cases where parties had been held to answer before the grand jury, to notify them that their cases were under investigation and that if they desired they could come before the grand jury and make a statement of their case. Where parties have not been bound over great care should be exercised because people were tempted to bring action to obtain witness fees or from malice and due diligence should be used to ascertain the motives of the persons who bring the charges and see that petty charges and mere neighborhood broils are not brought into court but if the grand jury believes that the charges are made by persons who are reliable and witnesses can be brought to substantiate the charges it is their duty to investigate their charges. Cases where justice of the peace have concurrent jurisdiction should be referred thither for trial, as the expense would not exceed \$20 in the justice court and would cost from \$50 to \$200 if tried in the circuit court and since taxes were high money to pay them hard to get economy should be practiced whenever possible.

The following cases were called and dismissed:

G E Hayes vs S B Calif. Honora Davoren vs Agnes Crookshank, C Zimmerman, trustee, vs William Barlow; J H Revenue vs C Bailey, Githens vs Cromer et al, Henry Hamaan vs John A Linenburger, Caroline Looney vs H M Looney, O Cutting vs J R Richardson, Mary A Lehigh vs T L Charman, J A Jones vs Albert Kraeft, J B Seeley vs T M Baker and Knapp Burrell & Co vs G W Bentley.

The first jury trial was that of A F Sears, of Portland, against R Glasspool of this city, for an attorney's fee of \$250 for services rendered seven years ago. The jury reported a verdict for the plaintiff, awarding him but \$125, however, aside for the \$25 already received, and no interest.

The motion for a change of venue to Multnomah county in the action of Pope, Anderson & Co, vs A D Chapman, was denied. At the November term of court the cause was tried before a jury, which instead of awarding the hoped for to the plaintiff, reported a verdict in favor of the defendant for nearly \$120. That verdict, however, was deemed not to be warranted by the evidence, and it was set aside by the court and a new trial granted. In denying the motion for a change of venue, the judge intimated very strongly that no greater injustice was likely to result to the merchant plaintiff from trying the case before a jury of farmers here than to the farmer defendant by trying it before a jury of merchants in Portland.

The divorce cases of Catherine Hammer vs Julius W Hammer; and Mehala Simmons vs John H Simmons, were both granted on the ground of desertion, the plaintiff in the latter case being allowed to resume her former name of Mrs. Mehala Eaton.

S Mathew vs S V Lewelling and W S

U'Ren; default and judgment were entered for \$692.43 and \$50 attorney fees. Miller Bros vs U F Knight; judgment by default for \$62.69.

E G Caulfield vs Frank Vorheis, et al; default and judgment for \$27.21 and \$15 attorney fees.

Robbins & Son vs Michael Pendleton; judgment by default for \$172.51 and \$50 attorney fees.

George Palmateer vs J T English, et al; judgment by default for \$326, costs and disbursements and the sale of mortgaged property to satisfy judgment.

The jury was dismissed Tuesday morning until Thursday morning. C W Miller was appointed guardian for C R Toft, a minor.

Joseph Rice appointed guardian for William, Thomas, John and Fred Shirley, minor heirs of Sarah Shirley.

The grand jury returned true bills Thursday afternoon against Peter Younger for indecent exposure; Ernest Bell for forgery; and Thomas Dinnel for burglary. They will be arraigned Friday.

COUNTY COURT.

Special Meeting Held on Friday, April 16th.

Allowance of \$5 per month made to S. C. Smith, a pauper, was ordered discontinued.

H. H. Johnson was appointed county roadmaster for 1897 at \$4 per day when actually employed. Commissioner Marks dissented from this appointment. C. D. & D. C. Latourette appointed attorneys at a reasonable fee in case of Moores vs. Clackamas county.

Mileage and per diem of commissioners allowed as follows: Frank Jaggard, 10 days and 12 miles, \$31.20; S. F. Marks, 7 days and 32 miles, \$24.20.

Ordered that the city of Oregon City shall constitute road district No. 36 of Clackamas county.

Bill of D. W. Kinnaird in case of Oregon City vs. County of \$2 allowed. Roadmaster ordered to enter into contract with Sidney Smyth for improvement of Molalla and Highland road. The contract is as follows:

This agreement, made this 16th day of April, 1897, between the county court of Clackamas county, Oregon, by its duly authorized roadmaster, party of first part, and Smyth & Howard, party of the second part, witnesseth, that the said party of the second part agrees to grade a roadbed in accordance with plans, profile and specifications, to be furnished by said roadmaster and hereby made a part of this agreement, upon that portion of the Molalla road lying between the end of the plank road on the south side of Caulfield bridge and the end of the plank road on north side of Beaver Creek and about half mile in length, said roadbed to be cleared and grubbed by and at expense of said second party hereto. Second—Further agrees to grade a similar roadbed on Highland road from a point where the same leaves the Molalla road, in an easterly direction for a distance of about a quarter mile, to connect with rock road already built. Third—Further agrees to crush and deliver upon said roadbed rocks of good quality, sufficient to macadamise said road for a width of 10 feet and to a depth of 9 inches. The party of the first part to receive and spread said rock, to construct all necessary culverts across said roadway, to furnish estimates up to the first day of every month during the progress of said work, and pay in full at each regular sitting of the county court, the amount shown by said estimates to be due on said work, and upon the completion of said work and the approval of the same by the roadmaster, the full amount then due; all payments to be at the uniform rate of 12 cents per cubic yard for excavation (earth in embankment) to be without consideration except where the land is over 300 feet, in which case the roadmaster shall determine the price and his judgment shall be final as to compensation) and \$1.50 per cubic yard for crushed rock. The County Court of Clackamas County, Oregon, by H. H. JOHNSON, Roadmaster, (Witness) SMYTH & HOWARD, CHAS. FRONT.

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