

COMMISSIONERS' COURT.

Business Transacted in Regular Session.

TOLEDO, Or., August 8, 1906.

Present—Hon. B. F. Swope, County Judge; Hon. F. A. Thompson, County Commissioner; Hon. John Fogarty, County Commissioner; Ira Wade, County Clerk; James H. Ross, Sheriff.

BILLS ALLOWED

Robert DePoe et al, cost bill State vs. Richard Johnson.....	\$17 85
C. F. Soule, printing for county.....	17 75
Glass & Prudhomme, supplies for county, 10 41	
Bushong & Co., supplies for county.....	33 45
H. Lewis, supplies for county.....	1 60
G. L. Gray, lumber for county, \$73.00 allowed except \$47.45, continued in order that some may be itemized and O. Kd. by road supervisor.....	25 55
C. A. Davis, report as road supervisor district 12 and claim for.....	29 50
B. F. Swope, salary as County Judge for July 1906.....	50 00
J. H. Ross, salary as Sheriff for June and July, 1906.....	800 00
J. L. Hyde, salary as Treasurer for June and July, 1906.....	66 66
Ira Wade, salary as County Clerk from June 7 to August 7, 1906.....	208 30
Lee Wade, salary as Deputy County Clerk for June and July, 1906.....	100 00
J. H. Lutz, assessing from June 1 to July 1, 1906, 52 days.....	156 00
Margaret Mackey, 22 days work in Assessor's office.....	44 00
George Bethers, superintendent, salary, stamps and traveling expenses.....	150 45
Dr. F. M. Carter, examining Thos. Elison, insane.....	5 00
J. A. Hall janitor work and washing towels.....	31 00
Ira Wade, stamps, freight and expressage.....	15 65
W. E. Earnest, registering voters in Five Rivers.....	3 60
G. T. Vernon, registering voters.....	2 80
E. Stensland, digging grave for Ole Mark, not allowed.....	3 00
Owren Ruperts, county charge.....	30 00
Ross E. Moores & Co., supplies for county 9 25	
Claus Indemann, lumber for county.....	75 45
J. M. Guillemins, house and lights for June election.....	3 00
Cowing & Cowing, plats furnished Assessor's office.....	3 50
J. H. Ross, stamps and sundries, itemized 6 59	
O. R. Altree, lumber for county.....	11 66
Toledo Livery Stable, draying for county, not allowed.....	2 00
J. C. Robertson, report as supervisor district No. 18 and claim for.....	75 00
R. A. Arnold, supplies and work on Assessor's office.....	3 10
F. M. Carter, salary as County Health Officer for April, May and June, 1906.....	25 00

In the matter of the petition of Grant Hiscox, et al, for the establishment of a county road: At this time came on for consideration the report of the viewers and surveyor relative to viewing, laying out and establishing a county road as prayed for in said petition; also at this time came on for consideration the objections and motion of R. R. Wood by his attorney, C. E. Hawkins, to dismiss said petition together with the plat of survey thereof, for the reason the description in the said petition is so vague and indefinite in its description of said proposed road, in this, the place of beginning, and terminal point of said proposed road are not definite and fail to state point of beginning and the terminal point of the same, as not to give the Court jurisdiction in said matter. After argument by council for said R. R. Wood and also by one of said petitioners, James McDonald, said matter was submitted to this Court, whereupon the same was taken under advisement and now, after due deliberation and a careful examination of said petition, the Court finds that said objection and motion are well taken and the same are hereby granted, and said petition is hereby dismissed and all proceeding thereunder held for naught.

B. F. SWOPE, County Judge,
F. A. THOMPSON, Commissioner,
JOHN FOGARTY, Commissioner.

In the matter of vacating taxes on blocks 18, 24, 25, 33 and 39, Phelps Addition to the Town of Newport: This cause coming on at this time to be heard and the Court being at this time in session, sitting with the Commissioners, and it appearing from the petition filed herein and from the records of this County that certain irregularities exist in the levying of taxes and in the return of the Sheriff therefor under said levy and assessment upon blocks 18, 24, 25, 33 and 39 in Phelps addition to the Town of Newport, Lincoln County, Oregon, and that the said assessment and the said return of the Sheriff and the sale of the said property was not in accordance with the statutes of Oregon and is therefore void. The only taxes appearing on the assessment rolls are

for the years 1893, 1894 and 1897, amounting in all to \$67.67. It is now therefore ordered and adjudged by this Court that the Clerk be and is hereby directed to enter and file a release of any and all taxes appearing in the records of this county against block 18, 24, 25, 33 and 39 in Phelps addition to the Town of Newport, Lincoln county, Oregon, for the taxes for each and every year therefor, or for any delinquencies thereon that may appear upon the said records and to issue to your petitioner herein and E. Martin, jointly, a certificate of full redemption of said block 18, 24, 25, 33 and 39 in said Phelps Addition to the Town of Newport, Lincoln county, Oregon, and that the said release so entered upon the record shall transfer and pass to the petitioner and E. Martin, jointly, any and all right, title and interest of every nature and description that might have been acquired in the said blocks 18, 24, 25, 33 and 39 in Phelps addition to the Town of Newport, Lincoln county, Oregon, by reason of the said levy of the said taxes or any of them or the sale thereof or the purchase of any of the said above described property and that the petitioners herein shall pay any and all costs of this proceeding and entering of this order, which amount paid by said petition into the county treasury by virtue thereof is the sum of \$73.

B. F. SWOPE, County Judge,
F. A. THOMPSON, Commissioner,
JOHN FOGARTY, Commissioner.

In the matter of the settlement of taxes of the Coast Land and Live Stock Company for the years 1900 and 1902. At this time came on for consideration the petition of the Coast Land and Live Stock Company, by M. M. Davis, president thereof, praying for an order of this Court directing the Sheriff of Lincoln county, state of Oregon, to accept the total amount of taxes due on its real estate in said county, less penalty and interest, in full payment for its taxes for the years 1900 and 1902, and also directing said Sheriff to issue redemption certificates for said years to said company; now, therefore it duly appearing to the Court therefrom: that the Coast Land and Live Stock Company is the owner of said land at this time; that said property was assessed for the year 1900 to Arthur Masten and the Astoria Company in the sum of \$755.23; that said taxes became delinquent for said year and was thereafter sold to Lincoln county at delinquent tax sale for amount of said taxes; that said property of said company was assessed for the year 1902 to the Coast Land and Live Stock Company for \$1051.72 and thereafter became delinquent and was sold at delinquent tax sale for said year to Lincoln county for said taxes; that said company has heretofore, namely on the — day of July, 1906, tendered to the Sheriff of Lincoln county, Oregon the said sum of \$1806.95 in full payment and complete satisfaction for said taxes for said years, 1900 and 1902, but said Sheriff could not accept the same on account of the penalty and interest thereon accrued, amounting to \$304.88; that said Arthur Masten did not at the time said assessment was made in 1900 on said land nor has he at any time since said assessment, and the said Astoria Company had no interest in said land until on or about April 11th, 1900; that by reason thereof and other errors and irregularities in the assessment, levy and sale for said year 1900, the sale made thereon was irregular and erroneous and void; that the assessment made for the year 1902 on said property was at the valuation of \$2 per acre, the same being in excess of the cash value at which said land sold for at said time, said land selling at said time at \$1.50 per acre, the purchaser to pay the taxes against the land and by reason of other irregularities in the assessment, and levy made upon said property for said year 1902, the sale made thereunder is void; that said company, for the purpose of settling said taxes peaceably and amicably is willing to pay the same by paying \$1806.95, in full payment of said taxes. The Court being fully advised in the premises and having carefully examined said petition, it is ordered by this Court, sitting as a board for the transaction of county business, that the sheriff of Lincoln county, Oregon, receive from and accept the said sum of \$1806.95, in full payment of the taxes on said property for the years 1900 and

1902; and it is further ordered that the Sheriff issue to said company redemption certificate, or its successors in interest for the year 1902 as by law provided: and it is further ordered that the County Clerk issue to said company or its successors in interest, redemption certificate for the year 1900 to said real estate; and it is further ordered that said penalty and interest in the sum of \$304.88 be and the same is hereby remitted to said company or its successors in interest.

B. F. SWOPE, County Judge,
F. A. THOMPSON, Commissioner,
JOHN FOGARTY, Commissioner.

In the matter of the special road tax raised in road district No. 5 of Lincoln county, Oregon; at this time came on for consideration the notice and statement from road district No. 5, wherein it duly appears to this Court that the legal voters of said district at a meeting duly called and held in said road district on the 2d day of July, A. D. 1906, authorized the said special road fund belonging to said district to be used for general road purposes in improving the roads of said road district in the same manner and form as though the same belonged to a general road fund and the Court being fully advised in the premises, it is ordered that said special road fund be used by said district for general road purposes and that the County Clerk draw warrants thereon upon the order of this Court in the same form and manner as though said special fund belonged to a general road fund.

B. F. SWOPE, County Judge,
F. A. THOMPSON, Commissioner,
JOHN FOGARTY, Commissioner.

In the matter of the vacation of the townsite of King and Schmidt's addition to Oyster City, Lincoln county, Oregon: At this time came on for consideration the petition of George King and Rachel King, praying this Court to make an order vacating the townsite of King and Schmidt's addition to Oyster City, Lincoln county, Oregon, and restoring the same to acreage, and it duly appearing to the Court from said petition and the evidence adduced before this Court that said George King and Rachel C. King are the sole owners in fee simple and proprietors of said townsite, which consists of blocks numbered from one to ten inclusive and situated in the ne 1/4 of the se 1/4 of section 34, and commencing on the ne corner of the ne 1/4 of the se 1/4 of section 34, township 11 s, range 11 w; thence running north along the section line 396 feet; thence west 1320 feet; thence south 296 feet; thence east to the place of beginning, all in section 34, township 11 s, range 11 w, in Lincoln county, Oregon, and containing 52 acres, more or less. That no lots or blocks have ever been sold in said townsite nor has there been any improvements of any description in the said townsite nor is there any probability of any improvements in the future. That said petition has been on file in the County Clerk's office of this county for more than 30 days prior to this date. That due notice of the pendency of said petition in this Court has been given as by law provided. And it further appearing to the Court that all the facts stated in said petition are true, the Court being fully advised in the premises and having carefully examined said petition and heard the evidence bearing on the facts therein stated, it is ordered and decreed by the Court that said townsite of King and Schmidt's addition to Oyster City, in Lincoln county, Oregon, be and the same is hereby vacated and restored to acreage, and the whole thereof, as prayed for in said petition.

B. F. SWOPE, County Judge,
F. A. THOMPSON, Commissioner,
JOHN FOGARTY, Commissioner.

In the matter of removing an obstruction from Front street in the unincorporated town of Waldport, Oregon: At this time came on for consideration the petition of Hannah J. Wakefield, praying for an order of this Court to cause an obstruction, namely, a water tank, to be removed from Front street in the incorporated town of Waldport, Lincoln county, Oregon; and it duly appearing to the Court from said petition that said Hannah J. Wakefield owns lots 1, 4, 5, 6, 7 and 8 in block 1 in said town of Waldport, adjacent to and abutting upon Front street in said town of Waldport; that one C. L. Divens has erected or caused to be erected in and

upon said Front street, a water tank in such manner as to obstruct the use of said street by the public, especially in driving teams and vehicles upon and over said street; that said town of Waldport is a duly laid out and platted townsite with all streets therein, including said Front street, dedicated to the use of the general public; that said Front street has never been and is not now a vacated street but is now and has been at all times since said town of Waldport was laid out and platted as a townsite, a public highway, duly dedicated by David Ruble, the original owner and platter of said town of Waldport, and as such has been accepted and used by the public as such up to and including the present time; that said town of Waldport has never been incorporated as by law provided. Therefore, the Court being fully advised in the premises, it is ordered that Wednesday, October 3, 1906, at the hour of 10 a. m. thereof, be and the same is hereby set as the time for hearing said petition; and it is further ordered that citation issue, as by law provided, citing the said C. L. Divens to appear before this Court on Wednesday, October 3, 1906, at the hour of 10 o'clock a. m. thereof, to show cause, if any exist, why said petition should not be granted and an order made requiring said obstruction, namely, a water tank, to be removed from said Front street in said unincorporated town of Waldport, Lincoln county, Oregon.

B. F. SWOPE, County Judge,
F. A. THOMPSON, Commissioner,
JOHN FOGARTY, Commissioner.

In the matter of the bid of J. J. Williamson to do the work on Yachats wagon road by and under the special road tax levied and raised in road district No. 19. At this time came on for consideration the bid of J. J. Williamson to do the work on the Yachats county road, under and by virtue of the special road tax voted for and raised in Yachats road district No. 19, of Lincoln county, Oregon, and it duly appearing to the Court from an inspection of said bid that said J. J. Williams offers to perform said work on said road according to the plans outlined in the resolution of the road meeting held in said district for the purpose of voting said special road tax, which resolution is now on file herein, for the sum of \$175; and it further appearing to the Court that a sum sufficient has been raised in said road district to cover the amount of said bid and therefore pay for said improvements and the Court being fully advised in the premises, it is ordered that said bid be and the same is hereby accepted and the said J. J. Williamson shall make said improvements on said Yachats county road according to the plans stated in said resolution and as modified in his said bid and shall commence said improvements at the initial point thereof, as specified in the said resolution of notice to this Court, and be carried on continuously toward the point of termination thereof; and it is further ordered that said improvements shall be under the supervision of the road supervisor of said road district, the said road supervisor while in the performance of said duty, to act as road master thereof.

B. F. SWOPE, County Judge,
F. A. THOMPSON, Commissioner,
JOHN FOGARTY, Commissioner.

In the matter of the statement of L. C. Powell in regard to errors of record of the regular June term of County Court. Dismissed.

In the matter of the claim and care of Rufus K. Eades, petition from Polk county. Application of Polk county for reimbursement for keeping Rufus K. Eades during June and July, 1906, at \$10 per month for said months, and it duly appearing to the Court from the affidavit of said Eades filed herein that he is a resident of Lincoln county, Oregon, it is ordered by the Court that the County Clerk draw a warrant for the sum of \$20 in favor of the County Judge of Polk county in payment therefor for said months.

In the matter of the report of James Harrison on bridge built by Ludemann on Yachats. Report accepted.

In the matter of the bond of Zachariah M. Derrick as County Surveyor, filed herein for approval. Bond approved, accepted and ordered filed.

In the matter of the official bond of Ira Wade, County Clerk. Bond ex-

amined, approved and ordered filed.

In the matter of the official bond of J. H. Ross, Sheriff. Bond examined, approved and ordered filed.

In the matter of the official bond of J. L. Hyde, Treasurer. Bond examined, approved and ordered filed.

In the matter of payment of jurors and witnesses at the July term of Circuit Court, the Clerk having exhibited his Jury and Witness Fee Book and the Court having examined the same, ordered that the amount therein be and the same are allowed in full.

In the matter of the taxes of Arthur S. Masten and the Astoria Co.; also Coast Land & Live Stock Co. Petition granted and order made as in said petition prayed for.

In the matter of extending the time in which to return the assessment roll of 1906 to the County Clerk. At this time the County Court considered the application of the Assessor in said matter, and being fully advised therein, it is ordered by the Court that the time for returning the assessment roll of 1906 to the County Clerk be and the same is hereby extended to the first Monday in October, 1906.

In the matter of making and drafting a county road and school district map or plat of Lincoln county. At this time the Court considered said matter, and being fully advised therein, it is ordered by the Court that County Surveyor Derrick make and draft said map or plat for a consideration not to exceed \$10.

In the matter of the fill on the Toledo-Newport county road near J. F. Stewart's dwelling-house. At this time the Court considered said matter and being fully advised therein, it is ordered by the Court that Commissioner Fogarty be and he is hereby authorized to accept the same, and upon his reporting in writing to the County Clerk that said fill has been completed according to contract, plans and specifications thereof, the County Clerk shall and he is hereby authorized to draw a warrant for the contract price thereof in favor of J. J. Gaither.

In the matter of examining and inspecting Thompson creek bridge at Siletz. At this time the Court considered said matter and being fully advised in the premises, it is ordered that Commissioner Fogarty be and he is hereby authorized to inspect said bridge and report to this Court at its next regular term.

In the matter of bids relative to bridge spanning Big Elk river at Elk City. At this time the Court considered said matter, and being fully advised therein, it is ordered by the Court that the County Clerk advertise for sealed bids to rebuild the south approach to said bridge, said bids to be opened at 10 o'clock a. m., October 31, 1906, the Court reserving the right to reject any and all bids.

In the matter of filing claims with the County Clerk to be audited by the County Court. At this time said matter came on for consideration, and the Court being fully advised therein, it is ordered by the Court that hereafter any and all claims filed against the county shall be fully itemized, and in case of road supervisors they shall attach to each of their respective reports and claims against the county an itemized statement showing the number of days' work, on what road each day's work has been performed, and the number of men employed each day; also teams if any; and in case said claims are not so itemized, the same shall be rejected or continued for correction to conform to this order.

In the matter of Codes, Statutes, and other county books or papers of the county in possession of ex-Judge Brown. At this time came on for consideration said matter, and the Court being fully advised, it is ordered by the Court that the County Clerk make demand in writing upon C. M. Brown to deliver to the said Clerk Bellinger & Cotton's Annotated Codes and Statutes of Oregon, Vol. 2; also 2d Vol. Special and Regular session laws of 1903; also session laws of 1905, and all other books or pamphlets of said county now in his possession within 10 days from date of said notice.

Court adjourned until Wednesday, October 31, 1906, at 9 o'clock a. m.

B. F. SWOPE, County Judge,
JOHN FOGARTY, Commissioner,
F. A. THOMPSON, Commissioner.
Attest: IRA WADE, Clerk.