

PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS.

JANUARY TERM, 1904.
Monday, February 1st.

The board of county commissioners of Walla Walla county, Washington met pursuant to adjournment: Members present: Edw. Cornwell, chairman; F. E. Smith and J. N. McCaw, commissioners, and W. J. Honeycutt, county auditor and ex-officio clerk of the board.

The minutes of the session held in January were read and approved. In the matter of a county road as petitioned for by Leland Bussell and others, the county surveyor ordered to make an examination of the proposed road and it is further ordered and the hearing of the report of the surveyor is set for 2 o'clock on the 8th day of March.

In the matter of an error in the road district taxes for the year 1903 of the O. R. & N. Co., agents for the Pullman Car Co., it is ordered and 42 cents personal tax in road district 1 and 26 cents in road district 2 is hereby remitted.

A petition for a county road was filed by L. W. Simmons and others together with the bond.

The following named persons were drawn to serve as grand and petit jurors for the ensuing year as required by law.

William Fine, W. B. Brooke, Willis Ingalls, W. B. Schaffer, M. Mickelson, George W. Barnes, G. B. Taylor, H. E. Hodges, J. H. Morrow, Ben Pilcher, Orlando Demaris, Con Melger, H. D. Eldridge, William Ewaldt, E. E. Keith, J. S. Haviland, John Rodgers, W. B. Buffum, H. E. Leonard, A. W. Phillips, R. D. Loundagin, Walter Minnick, J. W. Bruce, W. R. Willis, A. E. Clark, Robert O. Sanders, W. J. Duncan, F. E. Fender, B. M. Kent, H. D. Grubb, D. G. Ingraham, H. G. Shuhum, W. L. Brown, Frank McCown, Wash C. Smith, F. T. Keiser, A. G. Loundagin, L. H. McComber, Herman Meyer, John G. John, Ira L. Brunton, M. C. Walker, J. L. Buroker, William Weatherford, Fred Cantonwine, H. D. Griffith, G. W. Sanders, W. H. Saylor, J. A. Lane, John Kennedy, Isaac Page, Marion Koger, T. H. Connick, H. C. Actor, J. C. Story, W. L. Waggoner, B. C. Roff, A. C. Kershaw, J. M. Sanders, Thomas Ryan, W. C. Hays, W. S. Freeburn, J. H. Currie, Jacob Kost, W. P. Clark, George T. Welch, C. E. Morgan, Oscar Grant, William Wiseman, S. J. Smith, W. J. Harsell, Robert Cline, Ben Grote, H. G. Blanchard, Albert Sonneburg, Arthur Good, J. C. Waddell, Edward Greenville, Michael Shaughnessy, S. M. Tresler, Amos Cummings, F. W. DeLong, H. W. Diggs, J. W. Lindley, J. H. McNett, John M. Gunn, J. H. Cundiff, John Dalton, F. M. Lowden Jr., A. J. Latimer, Joseph Talbot, Henry Mand, T. J. Egg, Robert Talbot, F. W. Theil, George Drumheller, P. J. Nelson, J. N. Willis, T. J. Jones, W. J. Landy, F. M. Hodger, J. H. Lee, J. M. Stewart, John Leroux, William Ruddock, John Kydd, A. D. Perry, Charles Placker, W. K. Johnson, Joseph Kellough, Chas. M. Schneider, J. L. Yeend, James McNamara, J. C. Langley, F. E. LaBadie, Samuel Bradshaw, C. W. Lambert, W. H. Gross, Surman Yeend, Claud M. Bagley, G. B. Dague, Frank Ingram, John Wickersham, J. M. Glover, Harry Gilkerson, T. J. Furrel, C. L. Shemwell, Henry Kahl, Jonas Buroker, Charles E. Kibler, R. A. Stockdale, F. M. Shelton, March McKay, D. B. Ferrel, P. S. Witt, John Alheit, W. S. Ferguson, W. B. Thomas, J. B. Catron, J. A. Dunham, A. J. McManis, Frank Harbert, Samuel Williams, Charles McIntroe, Chris Augustavo, W. D. Loney, W. J. Haney, James Yeend, L. O. McIntroe, John P. Kent, Thomas Page, F. M. Pauley, N. D. Blackman, A. L. Cauvel, Daniel Burr, J. G. Frankland, B. F. Simpson, J. G. Muntinga, W. A. Langodon, Jay Williams, H. W. Ebbing, James Casey, F. W. Paia, W. H. Meyer, P. H. Kauffman, A. P. Pearson, Frank Hunt, Chris Ennis, A. Oldaker, John Thoney, Jack Fix, Thomas Coplund, John Bachold, Philip Wirth, George W. Whitehouse, A. B. Olson, D. W. McFadden, Charles Retzer, John Smith, Charles F. VanDewater, James Wandling, O. W. Brunton, A. Minick, Ward Emigh, R. G. Parks, John McFeely, Oscar Drumheller, George Files, Woodson Cummins, W. D. Burnap, Lewis School Jr., J. F. Hartley, T. R. Eastman, H. A. Gardner, A. J. Evans, Chas. E. Nye, M. McCarty, Harry Holloway Jonas Winans, M. U. Esderts, William Berg, D. W. Coward, W. H. Johnson, J. P. Gardner, Frank Nulder, Henry Ioberson, Eugene Tausick, E. R. Parkes, Joseph Fallon, Frank F. Loehr, T. D. S. Hart, W. S. McCalley, E. D. Mattinson, Thomas Darry, Sidney Coyle, Byron Litcher, Samuel Dunnington, Jacob Betz, J. J. Kauffman, Chris Long, Bruce Crawford, John Collins, B. L. Kidwell, C. M. Rice, W. J. Knott, Lyman Griswold, G. J. Cummins, George Lambdin, E. F. Thrasher, G. W. Warner, J. C. Bench, Moses

Swain, G. W. Gluck, Charles Yox, Dave Stokes, Louis Kahn, Milton B. Bryan, Jeff Jennings, C. F. Faris, H. F. Clodius, Marcus Zagar, C. N. DeLorimier, J. H. James, Joel Woods, D. K. Highley, Platt Morrow, Charles B. Preston, J. W. Hardy, R. M. Breeze, Isaac Wilson, O. T. Denny, W. S. Guntls, A. M. McCoy, S. W. Smith, John Morehead, James Williams, M. H. Keiser, William Martin, Alex Johnson, Thomas Johnson, Herbert Hansen, Henry Jeffries, John Files, M. J. Lowden, V. E. Brown, J. J. Spencer, George Perry, William Blevins, A. F. Alexander, W. H. Stine, T. C. Elliott, Thomas Mosgrove, P. M. Winans, Patrick Lyons, W. H. Carnes, W. H. Case, G. W. George, C. F. Nichols, Angus McKay Jr., P. S. Witt, Jacob Kibler, Thomas Gilkerson, E. H. Bradbury, Frank Romine, D. F. Powell, J. C. Roberts, William Hedger, T. J. Stanfield, W. T. Nelson, James Yeend, J. M. Fiedler, Alex Cameron, E. E. Fall, Heber White, Hugh Lundy, J. W. Stewart, W. G. Cordiner, J. B. Caldwell, A. J. Blackard, Oren Demaris, Robert Clancy, J. N. Grinstead, C. B. Lane, W. Beem.

Whereupon the board adjourned until tomorrow at 9 o'clock.

Tuesday, February 2.

The board met pursuant to adjournment all members present.

In the matter of the cancellation of personal tax for the year 1897 of Ingebor Johnson it is ordered and the sum of \$7.66 taxes for said year are hereby cancelled and remitted.

The balance of the day was spent by the board in hearing various road matters.

Whereupon the board adjourned until tomorrow at 9 o'clock.

Wednesday, February 3.

The board met pursuant to adjournment all members present.

Claims were allowed against the county in the following amounts and the county auditor directed to draw warrants in payment of the same: current expense fund, \$4975.33; road and bridge fund, \$2955.79; road districts, \$1824.09; total, \$9755.12. Whereupon the board adjourned until tomorrow at 9 o'clock.

Thursday, February 4.

The board met pursuant to adjournment all members present.

In the matter of rebate on 1902 taxes of Ernest Keller on the improvements on N.E. 1/4 S.E. 1/4 and S.E. 1/4 S.W. 1/4 and S. 1/2 S.E. 1/4 Sec. 4-11-35, it is ordered and the sum of \$2.76 is hereby rebated and a warrant for said amount ordered drawn in favor of the said Ernest Keller for said amount of taxes heretofore erroneously paid.

In the matter of a donation to the Walla Walla Poultry Association it is ordered and the sum of \$75 is hereby donated to said association and the auditor directed to draw a warrant in said amount.

The balance of the day was spent on various matters relating to county roads.

Whereupon the board adjourned until tomorrow at 9 o'clock.

Friday, February 5.

The board met pursuant to adjournment all members present.

In the matter of cancellation of personal taxes for the year 1903 of C. A. Hales, upon information that an error had been made in the assessment of said personal taxes, it is hereby ordered, and the sum of \$17.33 personal taxes for said year are hereby cancelled and remitted.

In the matter of the resignation of James Williams, justice of the peace in and for Waitsburg precinct, said resignation being filed with the board the same is hereby accepted and S. W. Smith is hereby appointed to fill the vacancy.

In the matter of a change in the boundaries of Lincoln and Clyde precincts, upon petition and otherwise it appears that a change would benefit the voters of said precincts, it is ordered and the following territory is taken from Clyde precinct and added to Lincoln precinct. Commencing at the south east corner of Section 3-10-36, thence running north three miles to the northeast corner of Section 1-10-36, thence west nine miles to the northwest corner of Section 3-10-35, thence south three miles to the southwest corner of Section 15-10-35, thence east nine miles to the place of beginning.

In the matter of the sale of fractional lot 3 of block 3 town of Waitsburg heretofore sold for taxes to the county. It is ordered and the county treasurer is hereby directed to sell said property at public sale to the highest and best bidder for cash.

In the matter of the M. E. Stewart road heretofore established it is ordered by the board and the county attorney is hereby instructed to institute proceedings in the superior court to procure the right of way across the premises of L. A. Pomarel.

In the matter of the petition of Joseph Utter and others for the crea-

tion of a new voting precinct from a portion of Clyde, Eureka and Lincoln precincts, the same is hereby rejected.

In the matter of the petition of Bert E. LaDue and others for the setting aside of a portion of the county road as a bicycle and foot path, it is ordered and the following strip of land of the public highway is hereby set apart for the exclusive use of bicycles and pedestrians, to wit: A strip of land four feet in width on the south side of Pleasant street from Division street to the Seeber school road, and a strip of land four feet in width on the east side of Fern avenue from Pleasant street to the Miles C. Moore road.

In the matter of the approval of the amended plat of Greens Annex, it is ordered and the said amended plat is hereby approved.

In the matter of the change in the names of the streets in Greens first addition, upon request of Mary F. Green, it is ordered and Odessa street is hereby changed to Clinton street and Rivera street is hereby changed to Valencia street in said addition.

Whereupon the board adjourned until tomorrow at 9 o'clock.

Saturday, February 6.

The board met pursuant to adjournment all members present.

In the matter of cancellation of warrants paid by the treasurer during the months of November and December, it is ordered and the following amounts of warrants on the various funds are hereby cancelled: November, current expense fund, \$4702.32, road and bridge fund \$2; road district warrants, \$526.21; road district receipts, \$455.39; total, \$5685.92.

December—current expense fund, \$5731.88; interest on same, \$1.41; road and bridge fund, \$9.70; road district warrants, \$1265.68; road district receipts, \$390; soldiers relief fund, \$48.95; total, \$7447.62.

In the matter of the cancellation of personal taxes for the year 1903 of George Lambden, he having produced a receipt showing that he had paid a certain amount of taxes on sheep in Umatilla county, Oregon for said year, it is ordered and the sum of \$59.72 personal taxes for said year of said Lambden is hereby remitted and cancelled.

In the matter of the claim for damages by James Keenan in the H. A. Anspach road it is ordered and the auditor is hereby directed to draw a warrant in the sum of \$250 in full settlement of said claim for damages.

In the matter of bonds of road poll tax collectors for the year 1904 it is ordered and the amount of said bonds is hereby fixed at \$500 for each poll tax collector.

Claims for per diem and expenses of county commissioners were allowed in the following amounts and the auditor directed to draw a warrant in payment of the same. Edw. Cornwell, \$58.50; F. E. Smith, \$66 and J. N. McCaw, \$44. Whereupon the board adjourned until Monday, the 15th, at 9 o'clock.

Monday, February 15.

The board met pursuant to adjournment all members present.

The bond and oath of office of S. W. Smith, justice of the peace at Waitsburg was filed and the bond duly approved by the board.

The following named persons are hereby appointed poll tax collectors for the year 1904: Wm. H. Chase, Angus McKay, Jr., Charles L. Shemwell, James Williams, Dale Donnelly, John W. Lindley and Henry Geaney.

It is further ordered that the compensation of said poll tax collector be and the same is hereby fixed at 5 per cent of the amount collected.

Whereupon the board adjourned until tomorrow at 9 o'clock.

Thursday, February 16.

The board met pursuant to adjournment all members present. The board finding from affidavit of Mrs. Eggert and statement of the county assessor that personal taxes assessed against the Stewart minor heirs for the year 1903 was erroneous, it is ordered and the sum of \$6.31 the amount of said taxes is hereby remitted and cancelled.

Upon the affidavit of S. H. Erwin that an error had been made in his personal property assessment for the year 1903, it is ordered and the said assessment is hereby reduced in the sum of \$1500 and tax amounting to \$28.13 is hereby remitted and cancelled.

Various road and tax matters occupied the attention of the board the balance of the day.

Whereupon the board adjourned until tomorrow at 9 o'clock.

Wednesday, February 17.

The board met pursuant to adjournment all members present.

In the matter of cancellation of personal taxes for the years 1878 to 1890 inclusive, the board finding that

said taxes are uncollectable and upon advice of the county attorney it is ordered and said personal taxes are hereby remitted and cancelled, except taxes attached to real estate.

It is ordered and taxes on real estate for the year 1890 are remitted and cancelled as follows: Lots 1, 2, and 3, Sec. 11-8-30 and all of Sec. 9-7-33 amounting to \$6.45 for the reason that said property was not assessable for said year 1890.

Claims for per diem and expenses of the county commissioners were allowed as follows and the county auditor directed to draw warrants in payment of the same: Edw. Cornwell, \$27; F. E. Smith, \$23; J. N. McCaw, \$36.

Whereupon the board adjourned until Tuesday, February 23, at 9 o'clock.

Extra Session, Saturday Feb. 20.

The board met in extra session at 2 o'clock p. m. all members being present.

We the undersigned county commissioners of Walla Walla county, Washington in consideration of urgent public business necessary to be transacted by the board of county commissioners of said county do hereby consent to the holding of an extra session of said board for the transaction of such business commencing on the 20th day of February, 1904, at 2 o'clock p. m. and to continue thereafter until such business is completed. Dated this 20th day of February, 1904.

EDW. CORNWELL,
J. N. McCAW,
F. E. SMITH.

County commissioners of Walla Walla county, Washington.

In the matter of the resignation of the county clerk.

Walla Walla, Wash., Feb. 18, 1904.

To the honorable board of county commissioners of Walla Walla county, Washington. I hereby tender my resignation as county clerk and ex-officio clerk of the superior court of Walla Walla county, Washington to take effect immediately.

A. A. HAUERBACH.

Walla Walla, Wash., Feb. 19th, 1904. To the honorable board of county commissioners, Walla Walla. I hereby withdraw my resignation as county clerk of Walla Walla county filed with you Feb. 18th, 1904.

A. A. HAUERBACH.

Walla Walla, Wash., Feb. 20th, 1904. Board of County Commissioners, Walla Walla, Washington.

Gentlemen:—Referring to the resignation of Mr. A. A. Hauerbach, county clerk, together with his subsequent withdrawal of the same and an apparent shortage in his accounts as such clerk. First—I am of the opinion that the resignation of Mr. Hauerbach when presented to your board had the effect of creating a vacancy in the office without any action of the board of commissioners looking to the formal acceptance or rejection of such resignation. (Sections 1547-1548, 1 Ballinger's code.) Second—Under the provisions of 1694 1. Ballinger's Code, if your board has proof that an officer has failed to account in a proper manner for public funds in his possession as such officer it is the duty of the board to declare the office vacant. But regardless of the latter point I am of the opinion that Mr. Hauerbach's resignation vacated the office and that it was not within his power to recind such resignation by a subsequent withdrawal.

Yours very truly,
LESTER S. WILSON.

Edward C. Mills having checked up the books and records of the county clerk filed his report with the board. Upon request being made before the board the matter of the resignation of the county clerk was continued until Wednesday, February 24th at 9 o'clock.

Whereupon the board adjourned.

Tuesday, February 23.

The board met pursuant to adjournment on the 17th all members being present.

Bids for a steam roller of the kind and class wanted were presented as follows:

John Smith company—Oastler roller, 10 ton double cylinder, \$3500; 10 ton (gross) cylinder, \$3650; 12 1/2 ton gross cylinder, \$3750; 12 1/2 ton gross single, \$3450; 10 ton Groton combination, \$2850.

Buffalo Pitts Co.—Buffalo Pitts roller—10 ton double cylinder, \$3495; 12 1/2 ton double cylinder, \$3670. Buffalo Pitts bid for 12 1/2 ton roller being the lowest and best bid the same was accepted at \$3670.

Whereupon the board adjourned until tomorrow at 9 o'clock.

Wednesday, February 24.

The board met pursuant to adjournment all members being present.

In the matter of the resignation of the county clerk.

Walla Walla, Wash., Feb. 24, 1904. To the Honorable Board of County

Commissioners for Walla Walla county, Washington.

Gentlemen:—I hereby tender my resignation as county clerk of Walla Walla county, the same to take effect immediately upon the appointment and qualification of my successor.

A. A. HAUERBACH.

Arthur A. Hauerbach having on the 24th day of February 1904 presented and filed with the board his resignation as county clerk of Walla Walla county, Washington, to take effect immediately, and by reason of such resignation the office of county clerk of said county having become vacant it is ordered by the board that the office of county clerk of Walla Walla county, Washington, be and the same is hereby declared vacant.

In the matter of the appointment of a county clerk the application from Harry Debus having been filed was placed before the board, and the said office of county clerk having been declared vacant, thereupon a ballot was taken by the board resulting as follows: Dorsey M. Hill, two votes and Harry Debus, one vote. It is therefore ordered and Dorsey M. Hill is hereby appointed county clerk of Walla Walla county, Washington. J. N. McCaw casting the dissenting vote.

In the matter of taxes for the year 1903 on bank stock of the First National and the Baker-Boyer national banks of Walla Walla, it is ordered by the board that the county treasurer be and he is hereby instructed to receive from said banks the amount of tax for said year 1903 upon the valuation as returned by the county assessor for said year, but that the receipt given to said banks shall show but a partial payment of the amount of tax for said year actually due and that the remainder of the tax due upon the stock of the said banks for the said year according to the valuations as fixed by the board of equalization shall remain a valid charge and tax upon said stock of the said First National bank and upon said stock of the said Baker Boyer National bank.

The bond of Dorsey M. Hill having been approved by the superior judge, was filed in the sum of \$10,000 and the said Dorsey M. Hill took the oath of office as county clerk and appointed James Williams, deputy, which appointment was approved by the board.

Whereupon the board adjourned until tomorrow at 9 o'clock.

Thursday, Feb. 25.

The board met pursuant to adjournment all members being present.

Upon application from Mabel B. Anderson and a written statement from the county assessor that an error had been made in the assessment for 1903 of the said Mabel B. Anderson, it is ordered and the sum of \$5.25 taxes on improvements on property on Boyer avenue is hereby remitted and cancelled.

It appearing to the board from the tax records and the statement of the county assessor that an error had been made in the personal assessment of Ward Emigh for the year 1903, it is ordered and the sum of \$2.10 taxes for said year is hereby remitted and cancelled.

In the matter of the personal taxes of Davin Bros. for the year 1903 it

appearing to the board from the tax records and other statements that an error had been made in said assessment it is ordered and the sum of \$181.56 personal tax for said year is hereby remitted and cancelled.

In the matter of the resignation of F. E. Smith, county commissioner: To the Board of County Commissioners of Walla Walla County, Washington.

Gentlemen:—I herewith tender my resignation as commissioner of Walla Walla county, Washington. My resignation to take effect immediately.

Respectfully submitted,

F. E. SMITH,
County Commissioner.

Claims for per diem and expenses of county commissioners were allowed as follows and the county auditor instructed to issue warrants in payment of the same. Edw. Cornwell, \$24; F. E. Smith, \$26; J. N. McCaw, \$24.

Thereupon the board adjourned until Monday, March 7th, 1904 at 9 o'clock.

EDW. CORNWELL,
Chairman.

Attest:
W. J. HONEYCUTT,
Clerk of the board.

G. S. BRAINERD GETS FIVE YEARS

Late Heed of Defunct Bank Sentenced
By Judge Caldwell.

LE SUEUR CENTER, Minn., March 2.—George S. Brainerd, late president of the Farmers and Merchant's bank at Montgomery, convicted here before a jury district court, was sentenced today by Judge Caldwell to five years at hard labor in the state penitentiary. The charge against him was receiving deposits after he knew his bank was insolvent.

W. H. Patten, cashier of the bank in this city, was sentenced today to eight years for forging a note for \$5000. He pleaded insanity. When arraigned for sentence he stated that he had not been in his right mind for years, owing to certain injuries, but that he had suddenly come to his senses and now for the first time realized the position in which he is placed. Other charges of unlawful practices are pending against Patten.

William Ratliff, who shot Lewis Ballman, inflicting painful injuries, was sentenced to ten and a half years.

WORLD'S FAIR AT ST. LOUIS, MO. MAY TO NOVEMBER.

Account of the World's Fair at St. Louis the O. R. & N. Co. announce the following rates:

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To Chicago and return from St. Louis \$62.50

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