

# BROOCKINS' CASE.

## County Judge Goodall Explains Various Matters.

### A VERY SCATHING ARRAIGNMENT

A Matter of Interest to the Tax-payers of Union County.

Union, April 13, 1889.

EDITOR SCOTT:— Will you kindly allow me space in your esteemed journal to reply as briefly as the case will admit of, to your mild criticism of the action of the county court in the allowance of a certain bill of Sheriff Hamilton's, which appears in the SCOUT of the 11th inst.

Some of the facts referred to in your article are of interest to the people of this county, and they should be fully informed therein, and in this article I shall confine myself to facts and I have to admit at the outset that some of them are not very creditable to my sagacity. The other parties mentioned can speak for themselves.

I will begin by saying that the relations existing between myself and the present county commissioners have been somewhat strained owing to a prejudice existing with them toward me since opening the duties of their office, doubtless to some extent growing out of the heated campaign through which we had just passed, and to their friendship for Sheriff Hamilton with whom I had a newspaper controversy, and through the efforts of certain of my old enemies, chiefly of the sheriff's office and dependents and hangers on who have labored unremittently and unscrupulously to keep alive this prejudice between the commissioners and myself, which, in spite of their honest efforts, they have not fully succeeded in doing.

Now what I have said of the honorable commissioners is prompted by no unkindness or disrespect, for they are honest, considerate gentlemen of more than average ability to perform the duties of the position they occupy, desirous of performing their whole duty fairly and impartially, and they are sincerely aware of their prejudice toward myself though it has been painfully manifested and very annoying to me all along. Many a good man is unwittingly influenced by his prejudices.

Owing to the friendly relations which existed between these gentlemen and myself before the election, this prejudice was a matter of surprise to me, and I very much regret the necessity of speaking in this article, but it becomes necessary in order that your readers may know what I have to say further on.

Sheriff Hamilton presented a fee bill to the county court of the last March term for sundry services, and among other items was this:

Mileage from Union, Or., to Albany, N. Y., and return, to bring Broockins, a fugitive, 6208 miles at ten cents per mile, \$620.80, and one-third added to mileage, \$206.90, making \$827.70.

The question of allowing the bill was discussed at great length and considerable warmth. I showed the commissioners by the statute (a part of which was quoted in your article of last week) that Union county was not liable for any portion of the service; that Hamilton did not perform this service as sheriff of Union county, but as agent of the state, appointed by the governor, and that the governor could have just as well appointed any other man. It was represented to the court, and we believed that Hamilton had received back from the state only the money paid, actual expenses of the trip, nothing for the service. So the commissioners contended long and earnestly that Hamilton should have the whole \$827.70 until I told them I would make the whole matter public through the press if they made such allowance. Finally at my suggestion the commissioners asked Deputy Sheriff Lowell for a copy of the bill presented by Hamilton to the state, who very promptly replied that "that was none of his, Bennehoff's, business," which so offended Bennehoff that he turned completely over and did not want to allow anything, but I had previously agreed to allow the single mileage, \$620.80, as a compromise and did not like to retract as I now know I should have done, but the best of us will display unaccountable weakness at times. The only explanation I can offer for my action is that I have endeavored, as best I could under the difficulties that beset me in consequence of the prejudice afore mentioned, to perform my duty to the people of the county and at the same time remove said prejudice if possible. But I was not satisfied with my own act, and after a talk with some gentlemen of Union who were in Salem last winter, I resolved to write to Governor Penney and Secretary of State McBride for a statement of Hamilton's bill presented to and paid by the state, and I at the same time asked Deputy Clerks Oliver and Bell not to issue warrants to Hamilton for service above named, Mr. Neill, clerk, not being in town at the time; but Mr. Oliver contended that I had no authority to countermand an order of the county court in vacation, but I told him that I believed that this item was a swindle; that Mr. Hamilton, I believed, had received full pay from the state, and asked him not to issue those warrants until I could hear from Salem, and I as a member of the county board wrote a protest on the bill to the issue of said warrants until further action of the county court, but Mr. Hamilton demanded the warrants and Mr. Oliver delivered them. Secretary McBride and Governor Penney

each replied to my letters. The governor says Mr. Hamilton was the agent of the state and was paid in full by the state a per diem of \$5 in lieu of mileage, and he says also that in conversation with Sheriff Kelley and ex-Sheriff Noram, of Multnomah county, they tell him that such service has always been paid the state and no bill presented to the county.

Two or three days after Hamilton drew the warrants, Deputy Sheriff Lowell returned them to the clerk's office where they remained several days until District Attorney Rand came to town when by his advice, as I am informed, Hamilton drew them again from County Clerk Neill and I am told by the county commissioners that Mr. Rand contended with them that Hamilton was entitled to compensation from the county. He did not try to convince me.

Now I wish to say concerning the part the clerks played in the matter, while I have ever and do now entertain none but feelings of friendship and respect for them, I am compelled to contend that they did wrong in this matter. They should not have issued or delivered those warrants to Hamilton against my protest as a member of the county court, and a charge of fraud, until a mandamus had issued out of the circuit court commanding them to issue them, which Hamilton would never have undertaken. Mr. Neill had seen the governors letter before he delivered the warrants to Hamilton. As evidence that the commissioners are partial to Hamilton, I will here state that while they are ready enough to cut any one else's bill if there is an item of over charge, they never cut Hamilton's bills if they can avoid it. I do not think Hamilton has presented a bill since they were in office that they did not allow illegal fees and in his last bill presented, with the facts above set out before them, they allowed him, against my protest, nearly \$100—that he had no right to whatever. (See his bill.) Here now is a copy of the bill presented to and allowed by the state to Sheriff Hamilton:

THE STATE OF OREGON.	
To A. N. Hamilton, Dr.	
For per diem, mileage and expenses actually and necessarily incurred and paid by him in the pursuit, arrest and return to the State of Oregon of Charles Broockins, a fugitive from justice, Resolutions and appointments dated December 21, 1888, Dec. 23, 1888, To R. R. fare Union to Albany, \$130.90	
Dec 23-4th Jan'y, To meals of agent (21 meals @ 75c)	15.75
Jan'y 5, R. R. fare Albany to Oswego	7.25
" " Hack hire to Oswego from depot	2.00
Jan'y 8 To Fees of officers of Tioga county, New York	16.00
Jan'y 8 To R. R. fare Albany to Union, (agent)	130.90
Jan'y 8 do (prisoner)	130.90
" " " Hack hire Union station to jail	2.00
Jan'y 14 Meals of agent and prisoner (21 meals each @ 75c)	31.50
Jan'y 14 Sleeper for agent and prisoner Albany to Union	23.00
Jan'y 14 Sleeper for agent Union to Albany	11.50
Jan'y 14 Per diem of agent 14 days @ \$5 per day	70.00
Jan'y 14 Cost of requisition	5.00
Per diem allowed per request of the governor	
Total amount	\$570.70
Filed and audited January 21, 1889.	
Geo. W. McBride,	
Secretary of State.	

I wish to call especial attention to two items in his bill. You will observe that he charges \$2 hack hire from Union station to the jail, Mr. Jos. Squires, who drove the hack in which Hamilton rode from Union station to the jail, says he paid only 50 cents. You will observe also that he charges \$130.90 railroad fare from Union station to Albany, N. Y., and the same for self and prisoner, each, from Oswego, N. Y., to Union, Oregon. The ticket agent at Union station offered to sell me a first class railroad ticket, unlimited, (as to time) from Union to Albany, N. Y., for \$93 and limited for \$82.85, and he tells me that the fare has not changed in price in the last several months, or since December last. He could not give me the sleeper fare, nor could he give the fare from Oswego, N. Y., to Union, but said it would not be any more than from Albany to Union, usually it was a little less going west. In a letter from the Baker City railroad agent he gives the same figures with the difference only between here and Baker City. If a man would swindle in going one way why would he not the other? But the people have a right to know who gets the money and what for.

It was a woman who saw the first snake, but since then the men have attended to that sort of thing.

### NOTICE FOR PUBLICATION.

LAND OFFICE AT LA GRANDE, OREGON, March 21, 1889. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the register and receiver at La Grande, Oregon, on May 28, 1889, viz:

BROADBUSH W. BATES, Hd. No. 2906, for the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec 6 and NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec 7, Tp. 4 S, R. 41 E, and, JOHN R. CLINE, Hd. No. 2908, for the NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  Sec 12, NE  $\frac{1}{4}$  Sec 13, Tp. 4 S, R. 40 E, and W  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec 7, Tp. 4 S, R. 41 E, W. M. JOHN BATES, Hd. No. 2905, for the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  and NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Sec 7, Tp. 4 S, R. 41 E, W. M.

They name the following witnesses to prove their continuous residence upon, and cultivation of, said land, viz: Andy Wilkinson, Alfred Minnick, R. V. Davis and William Wilkinson, all of High Valley, Union county, Oregon.

Any person who desires to protest against the allowance of such proof, or who knows of any substantial reason, under the law and regulations of the Interior Department, why such proof should not be allowed, will be given an opportunity at the above mentioned time and place to cross-examine the witnesses of said claimant, and to offer evidence in rebuttal of that submitted by claimant.

HENRY RINEHART, Register. 4-18-89

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### FRUIT TREES.

A general assortment of spring fruit trees for sale. Anyone desiring to purchase trees will do well to address me at the Cove, or call on me at my home near town, 3-25-nd H. J. GEER.

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160 ACRES, NEAR NORTH POWDER, Union County Oregon, all under fence, a good 1 1/2 story house, good cellar, well, barn and outbuildings. Terms easy. For further particulars call at this office.

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EAST BOUND,	WEST BOUND,
Passenger, No. 4, L've Passenger, No. 3, L've at 8:25 a.m., at 1:20 p.m.	Passenger, No. 3, L've Passenger, No. 4, L've at 1:20 p.m., at 8:25 a.m.
Freight, No. 8, L've Freight, No. 7, L've at 2:35 a. m., at 11:20 p. m.	

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The Oregon Railway & Navigation Co., and Pacific Coast Steamship Co. will dispatch Steamers between San Francisco and Portland, as follows:

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Leaving at 12 Mid'n., L'v'ing Spear st., wharf at 10 a.m., as follows:			
Oregon, Mon Mar 14	4 State, Sun ** 7	Oregon, Mon Mar 14	4 State, Sun ** 7
Columbia Tues ** 12	Oregon, Mon ** 11	Columbia Tues ** 12	Oregon, Mon ** 11
Oregon Sat'y ** 20	State, Friday ** 15	Oregon Sat'y ** 20	State, Friday ** 15
State Wed'y ** 28	Columbia Tues ** 19	State Wed'y ** 28	Columbia Tues ** 19
Columbia Sun ** 24	Oregon Sat. ** 23	Columbia Sun ** 24	Oregon Sat. ** 23
Oregon, Thur. ** 29	State Wed'y ** 27	Oregon, Thur. ** 29	State Wed'y ** 27
	Columbia Sun ** 31		Columbia Sun ** 31

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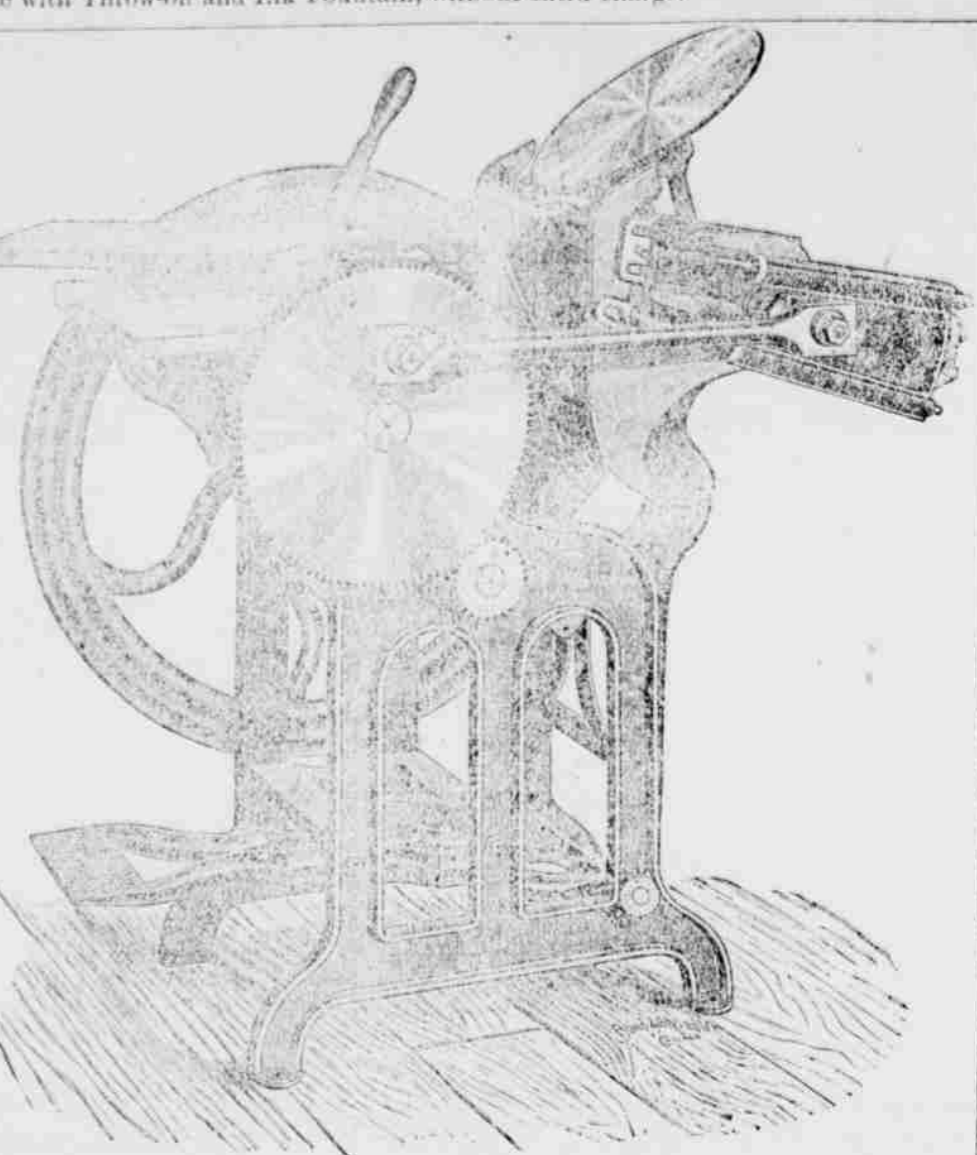
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Palmer & Rey, Portland, Or.: GENTLEMEN:—The "Cal. Reliable" California Reliable press, with ink fountain attached, recently purchased by us, have, after several trials, convinced us of their superiority over any other presses in the market, and we recommend them unhesitatingly to the trade. LEWIS & BRYCES PRINTING CO., H. B. LEWIS, Manager.

Palmer & Rey, Portland, Or.: DEAR SIR:—We take pleasure in saying that the "Cal. Reliable" California Reliable Gordon press, supplied with your excellent ink fountain, gives us entire satisfaction. We never had a better running press; it is perfect. We consider it superior in every respect to any other make of G. S. Gordon's, or "Challenge" Press, and heartily recommend it to any one in need of a first-class job press. Yours truly, A. ANDERSON & CO.

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### NOTICE FOR PUBLICATION.

LAND OFFICE AT LA GRANDE, OREGON, March 23, 1889. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the register and receiver at La Grande, Oregon, on May 13, 1889, viz: WILLIAM MURRAY.

D. S. No. 790, for the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  and SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec 1, Tp. 5 S, R. 40 E. He names the following witnesses to prove his continuous residence upon and cultivation of said land, viz: J. A. Robertson, A. Cockrell, Wade Shelton and John Mummy, all of Union, Oregon.

Any person who desires to protest against the allowance of such proof, or who knows of any substantial reason, under the law and regulations of the Interior Department, why such proof should not be allowed, will be given an opportunity at the above mentioned time and place to cross-examine the witnesses of said claimants, and to offer evidence in rebuttal of that submitted by claimant.

HENRY RINEHART, Register. 3-28

### NOTICE FOR PUBLICATION.

LAND OFFICE AT LA GRANDE, OREGON, March 21, 1889. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the register and receiver at La Grande, Oregon, on May 13, 1889, viz: WILLIAM MURRAY.

D. S. No. 8306, for the W  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec 27, Tp. 0 S, R. 45 E. He names the following witnesses to prove his continuous residence upon and cultivation of, said land, viz: Charles M. Waterbury, Leander J. Ferguson, Lewis F. Jennings and Joseph Evans, all of New Bridge, Union county, Ore.

Any person who desires to protest against the allowance of such proof, or who knows of any substantial reason, under the law and regulations of the Interior Department, why such proof should not be allowed, will be given an opportunity at the above mentioned time and place to cross-examine the witnesses of said claimant, and to offer evidence in rebuttal of that submitted by claimant.

HENRY RINEHART, Register. 3-28-89

### NOTICE FOR PUBLICATION.

LAND OFFICE AT LA GRANDE, OREGON, March 7, 1889. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the register and receiver at La Grande, Oregon, on June 4, 1889, viz: ELMER PHILLIPS.

D. S. No. 2672, for the S  $\frac{1}{4}$  NE  $\frac{1}{4}$  and NW  $\frac{1}{4}$  NE  $\frac{1}{4}$  and NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  Sec 10, Tp. 6 S, R. 41 E. He names the following witnesses to prove his continuous residence upon and cultivation of, said land, viz: T. H. Foster, Shannon Marshal, John Reeves and J. S. Mitchell, all of Clatsop, Oregon.

Any person who desires to protest against the allowance of such proof, or who knows of any substantial reason, under the law and regulations of the Interior Department, why such proof should not be allowed, will be given an opportunity at the above mentioned time and place to cross-examine the witnesses of said claimant, and to offer evidence in rebuttal of that submitted by claimant.

HENRY RINEHART, Register. 4-18-89

LAND OFFICE AT LA GRANDE, OREGON, March 7, 1889. Notice is hereby given that the following named settler has filed notice of his intention to make final proof in support of his claim, and that said proof will be made before the register and receiver at La Grande, Oregon, on April 20, 1889, viz: ISAAC VANDEVANTER.

D. S. No. 2706, for the NE  $\frac{1}{4}$  Sec 34, Tp. 5 S, R. 41 E. He names the following witnesses to prove his continuous residence upon and cultivation of, said land, viz: G. H. Marshall, Moses Vandevanter, Samuel Vandevanter and Enoch South, all of Union, Oregon.

Any person who desires to protest against the allowance of such proof, or who knows of any substantial reason, under the law and regulations of the Interior Department, why such proof should not be allowed, will be given an opportunity at the above mentioned time and place to cross-examine the witnesses of said claimant, and to offer evidence in rebuttal of that submitted by claimant.

HENRY RINEHART, Register. 3-14-86