

No 307

in

Circuit

Court

G W Rogers

Plaintiff

vs

A Gilbertson

Defendant

Action for money

Docket

Page

J H Crawford

Attorney for Plaintiff

C. Allen & Baker

Attorney for Defendant

WESTERN
MILITARY
ADVANCE
1471 15
10
WESTERN
1 P P
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1
E
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S

Record of the Case

1896
 Jan 8 Petition per Viewers of the
 Journal C p 592
 Apr 7 Petition per Viewers of the
 Journal C p 669
 May 13 Librarian's report
 Journal C p 688
 May 14 ordered opened
 Journal C p 704

244

P

Road

Commencing at a point S 66° E 50 rods
 from pt see cor on N side Sec 10 T 8 S R 42 E
 to a point on Co road on E side of L P
 Caution field

WITNESSES

DIRECTIONS—Place papers on TOP OF RUBBER
 Fold ends first, then sides. Throw the rubber cords
 over the ends and package is complete

244

To the Honorable County Court in and for Union County,
State of Oregon.

Your petitioners respectfully represent:

1st. That we are householders of Union County in the state
of Oregon.

2nd. That we reside in the vicinity of the line of road
hereinafter described.

3rd. That the present County Road leading from the town of
Union via Big Creek, John A. Tuckers, to Sparta traverses obliquely
the farming lands of E.P. Cranston located in and adjacent to
Clover Creek in said Union County.

4th. That by reason of such obliquity in the course of said
road, the distance of the road is increased, and the farming
lands of the said Cranston are greatly damaged and he is compelled
to build a large amount of extra fence which is expensive and
inconvenient.

5th. That the following described alteration in said County
Road can be made which will not materially increase the length
thereof nor in any way impair the road bed; the alteration is as
follows, to wit:-

Commencing at a point in the present county road aforesaid
S 66 degrees E, 50 rods from the one fourth section corner that
stands on the North side of Section No. 10 in Township No. 8 South
of Range 42 East W.M. Thence South Easterly on the best ground
for road purposes to the 1/4 section corner on the North side of
section 14 in Township and Range aforesaid. Thence to a point
S. 16° 30' W 13.20 chains from the South East corner of Section
No 11 in Township aforesaid. Thence S 85° 15' East through the
lane on the south side of said E.P. Cranston's dwelling house
to the foot of the hill on the east side of said Clover Creek.
Thence Northerly along the east side of said Cranston's field
to a point in the present County Road aforementioned.

Wherefore your petitioners earnestly pray your Hon. Board
to take such measures and actions as may be necessary to secure

the change above described in the said County Road leading from Union to Sparta, and your petitioners as in duty bound will ever pray.

Dated at Clover Creek, Union County, Oregon, Nov. 14, 1885.

Names of Petitioners.

A. T. Merwin.

D. S. Love.

Joseph Graham.

G. W. Hulick

Walter S. Love.

C. Vandeventer

S. Hutton

N. J. Jones

Philip Houghton

John Erwin

L. C. Sturgill

N. C. Love

Antrow Schwen.

Endorsed:

Filed Jan. 5 1886

at...o'clock,...min...m.

B. F. Wilson,

County Clerk.

N O T I C E.

All persons concerned are hereby notified that application will be made to the Honorable County Court in and for Union County, State of Oregon, at their next session for altering the present County Road leading from Union via Big Creek, John A. Tucker's to Sparta; the alteration to be as follows, to-wit:

Commencing at a point in said ^{county} road S 66° E 50 rods from the 1/4 section corner on the North side of Section No. 10, in Township 8 South of Range No. 42 East W.M.. Thence South Easterly on the best ground for road purposes, to the 1/4 section corner on the North side of section No. 14 in Township and range aforesaid. Thence to a point S 16° 30' W. 13.20 chains from the Southeast corner of section No. 11 in Township aforesaid. Thence S 85° 15' East through the lane on the south side of E.P. Cranston's dwelling house to the foot of the hill on the East side of Clover Creek. Thence Northerly along the east side of said Cranston's field to a point in the present county road aforementioned.

Dated Glover Creek, Union County, Oregon, Nov. 14, 1885.

A.T.Merwin

S.Hutton

D.S.Love

N.J.Jones

Joseph Graham

Philip Houghton

G.W.Hulick

John Erwin

Walter S. Love

L.C.Sturgill

C.Vandevanter

N.C.Love

Antrov Schwen

Endorsed:

Filed Jan. 5 1886.

at...o'clock...min...m.

B.F.Wilson,

County Clerk.

STATE OF OREGON,)
County of Union.)

I, A.L.Saunders, first being duly sworn, depose and say that the within notice was posted on the Court House door of said Union County and state, more than thirty days to the best of my knowledge and belief prior to this date.

A.L.Saunders.

Subscribed and sworn to before me this 4 day of Jany 1886.

B.F.Wilson, Clerk

By C.J.Wilson, Dept.

STATE OF OREGON,)
County of Union.) ss.

I, E.P.Cranston, being first duly sworn, depose and say that I posted three copies of the within notice in three conspicuous places on the road hereby petitioned for. These notices were posted in places as follows: One where the said road ^{has} ~~crosses~~ the County Road leading from Union, Union County, Oregon, to Sparta, Oregon, same county and state. Another where said petitioned road enters or comes into said road, and the third where the said road crosses a timber road about four hundred yards west of the dwelling house of E.P.Cranston said county and state. And I depose further that these notices were posted more than thirty days prior to this date.

E.P.Cranston.

Subscribed and sworn to before me this 5th day of Jany, 1886.

J.M.Carroll,

Notary Public for Oregon.

(Notarial Seal.)

KNOW ALL MEN BY THESE PRESENTS, That we, E.P.Cranston and Herbert B. Cranston are held and firmly unto County Court of Union County, Oregon in the sum of Forty Dollars lawful money of the United States; to be paid to the said to the said Court for which payment well and truly to be maid, we bind ourselves, our heirs and our executors administrators and assigns jointly and severally firmly by these presents.

Sealed with our seals and dated this Jany 4th 1886.

The condition of the above obligation is such that. Whereas if a county road petitioned for by A. T. Merwin, et. al. commencing at a point in the present county road leading from Union to Sparta said County and State, and commencing at a point in said county road S 66^o E 50 rods from the 1/4 section corner on the north side of Section No. 10 in Township 8 South of Range No. 42 East W.M. Thence south easterly on the best ground for road purposes to the 1/4 section corner on the north side of section No. 14 in Township and range aforesaid. Thence to a point S 16^o 30' W 13.20 chains from the South East corner of Section No.11 in Township aforesaid. Thence S 85^o 15' E through the lane on the South side of E.P.Cranston's dwelling house to the foot of the hill East side of Clover Creek. Thence northerly along the east side of said Cranston's field to a point in the present county road aforementioned, be granted and established, then this obligation to be null and void, otherwise to be and remain in full force and effect and collectable by law.

E.P.Cranston.

H.B.Cranston.

Endorsed:

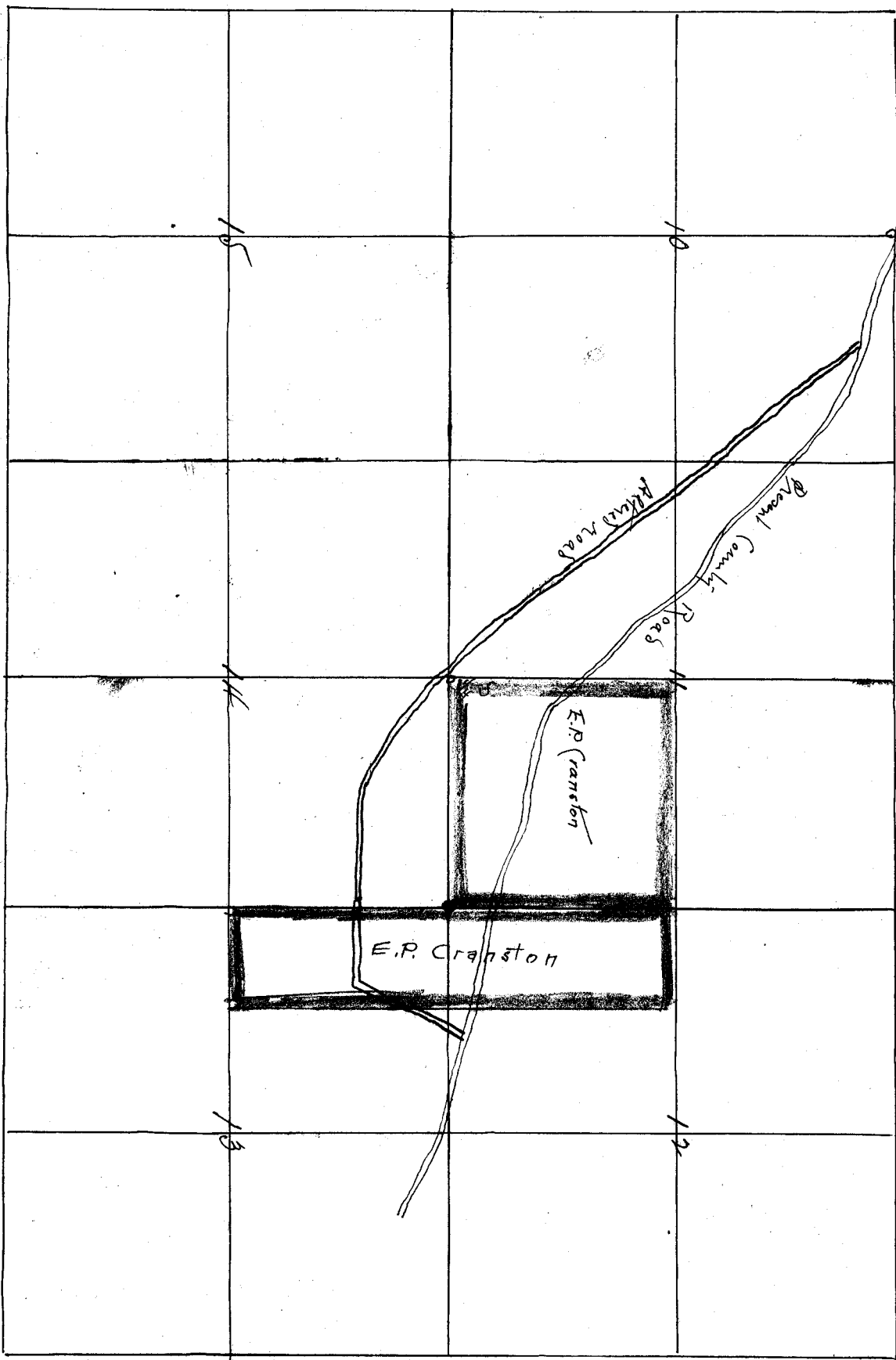
Bond from E.P.Cranston and H.B.Cranston to Union County, Oregon.

Filed Jan. 5 1886.

at...o'clock,...min...m.

B.F.Wilson, County Clerk.

Township 8 South Range 42 East



To the Hon. County Court of Union County, State of Oregon:

We the undersigned viewers appointed by your Hon. body to view out and locate a change in the county road petitioned for by E.P.Cranston and others, beg leave to submit the following report. We met on the 26 day of April being 3 days after the appointed time mentioned in your order, and after being first duly sworn in company with the surveyor proceeded to view out and locate said change as directed and shown by the surveyor's plat and report submitted herewith we find the route over which said change is located to be on good ground and taking into consideration the convenience to the neighborhood in which said change is located we think the road ought to be granted and the same established as a county road. All of which is respectfully submitted.

John A. Tucker)
Thos. Keating) VIEWERS.
A.J.Brown.)

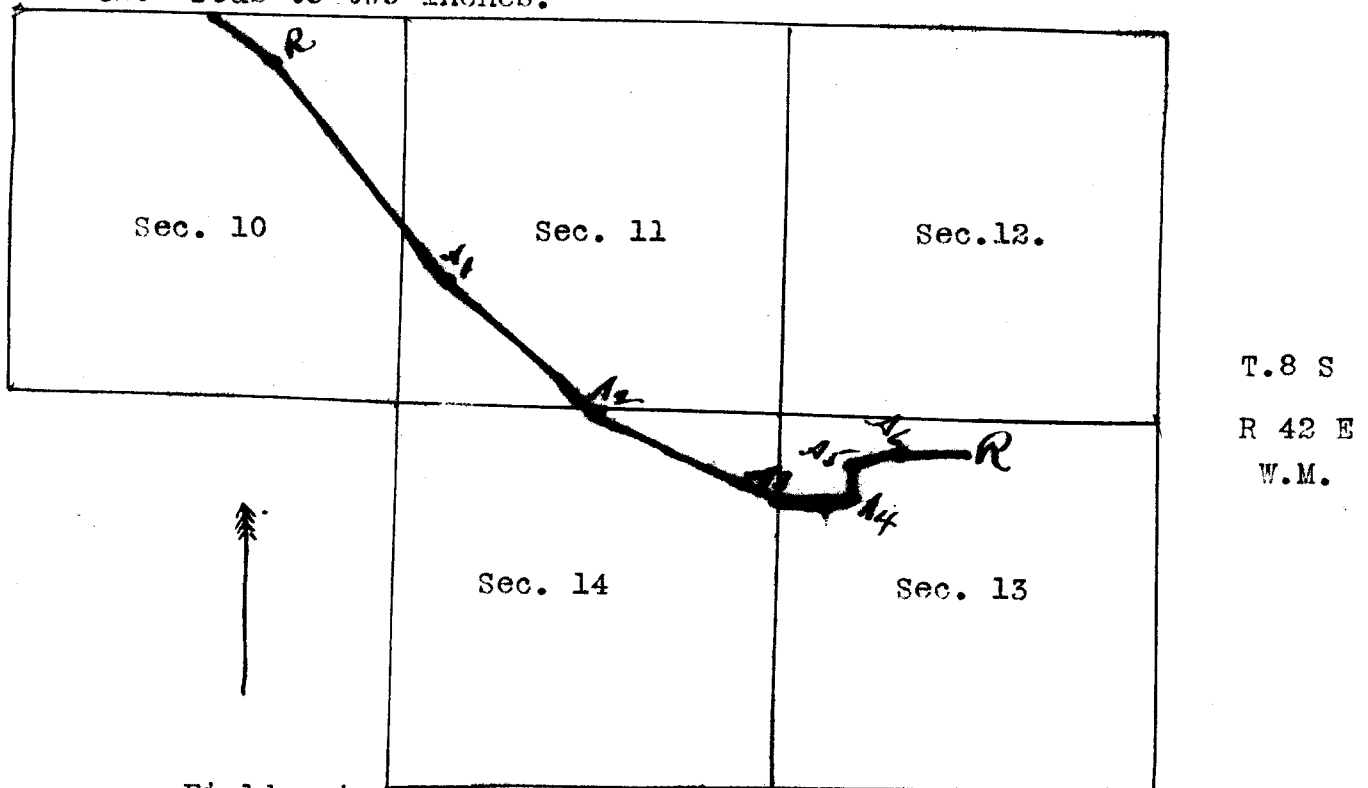
Endorsed:

Filed Apr.30 1886.
at...o'clock,...min...m

B.F.Wilson,

County Clerk.

Plat of County Road petitioned for by E.P.Cranston and others surveyed April 26"1886. Whole distance 2 miles and 100 rods running on a magnetic variation of 20° E. Scale of distances 320 rods to two inches.



Field notes of survey of road petitioned for by E.P.Cranston et al. Begining at a point marked R S 66° E 50 rods from the 1/4 section corner that stands on the north side of section 10 in Township No. 8 South of Range No. 42 East W.M. Running thence S 37° 50' m E 224 Rods to a Post marked A 1. thence S 47° 30' m E 176 Rods to a Post marked A 2. thence S 71° 30' m E 156 " " " " " A 3. thence S 85° 30' m E 68 " " " " " A 4. thence N 3° 30' m E 26 rods to a post marked A 5. thence N 78° E 30 " " " " " A 6! thence N 84° 30' m E 60 " at the intersection of the County Road at a post marked R on the N W. 1/4 of NE1/4 section 13 T 8 S R 42 E.W.M.

State of Oregon,)
 County of Union.) ss I hereby certify the foregoing field notes to be correct as made by me under the supervision of viewers on the 26th day of April, 1886

Fred Simonis, County Surveyor.

Endorsed:

Filed Apr 30 1886 at ..oclock..min..m B.F.Wilson County Clerk.

In the County Court of the State of Oregon,
For Union County.

In the matter of the road
petitioned for by.....
E. P. Crauston.....
.....

State of Oregon,)
) ss.
County of Union,)

I, G. W. Benson, County Clerk of Union County,
Oregon, do hereby certify that the foregoing is a true and correct
transcript of the original papers transferred to Baker County,
Oregon.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of the County Court, this 5th day of July, A.D. 1902.

.....G. W. Benson.....Co. Clerk.

Wheeler
County Court
Winn County.

Oregon

Wheeler notes of
the road sections
for by A. S. Meakin
et al

Transcript of
papers transferred
to Baker County.

Oregon

Filed July 5, 1902

Geo. S. Bennett
Clerk

Third Judicial Day

Friday Jan 8th 1886

Court met pursuant to adjournment present the same Judge and Commissioners and officers as on yesterday.

Due proclamation of the opening of Court having been made the Journal of yesterday's proceedings was read and approved and is now here signed

A. Craig
County Judge

Thereupon the following proceedings were had to wit:

In the matter of a
road petitioned for
by E. P. Crauston et al

Now at this time this matter comes on to be heard upon the petition of E. P. Crauston and thirteen others heretofore filed herein praying for the location of a County road as follows to wit: commencing at a point in the present County road aforesaid S 66° E 50 rods from the one fourth section corner that stands on the north side of Section No. 10 in Township No 8 South of Range No 42 East N. M. Thence South westerly on the best ground for road purposes to the 1/4 section corner on the north side of Section 14 in Township and Range aforesaid thence to a point S. 16° 30' W. 13.20 chains from the South East corner of Section No 11 in Township aforesaid thence S. 85° 15' East through the lane on the south side of said E. P. Crauston's dwelling house to the foot of the hill on the East side of said lower creek thence northerly along the East side of said Crauston's field to a point in the present County road aforesaid

third judicial way

Friday Jan 8th 1886

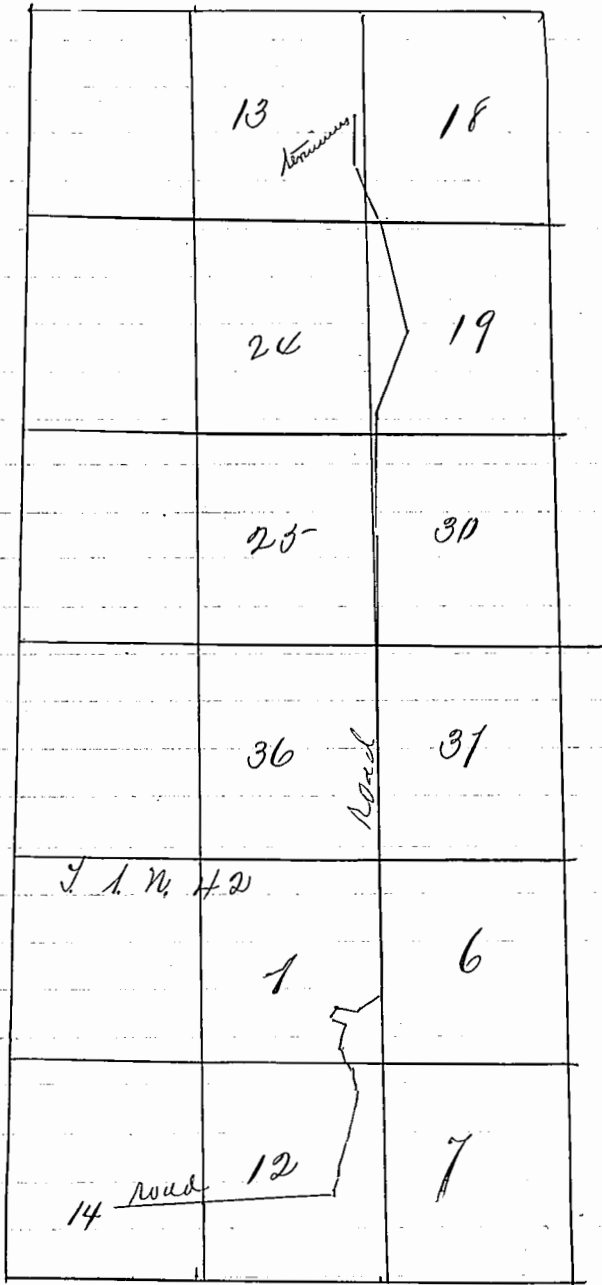
And it satisfactorily appearing to the court that due and legal notice of the pendency of this proceeding has been given as by law required in such cases made and provided, that more than twelve of said petitioners are resident householders residing in the vicinity of said proposed road and that a good and sufficient bond has been filed herein. It is therefore hereby ordered that A. J. Brown R. R. Smith and William Leavitt be and they are hereby appointed viewers and Fred Simons Surveyor to view survey and report upon the said proposed county road. And it is further ordered that they meet at the residence of William Leavitt on Feb 22nd 1886 at 10 O'clock A. M. and duly qualify before entering upon the discharge of their duties in this behalf.

On the matter of the
proposed county road
petitioned for by W. H.
Winters et al

now at this time
this matter comes on to be heard upon
the petition of W. H. Winters et al heretofore filed herein praying for the location of a county road. And it appearing to the court that there is no proof of posting or bond filed herein and that a remonstrance against the location of said road has been filed containing a greater number of names, that appears on the petition. It is therefore hereby ordered that said petition be and the same is hereby dismissed.

Third Judicial Day

Wednesday Apr. 7-1886



This is a true plot
P. N. Saunders

In the matter of the
Proposed county road
petitioned for by E. P.
Crawston et al-

now at this time
this matter comes on for hearing
upon the petition of E. P. Crawston and
others praying for the location of a
county road as follows to-wit:
Commencing at a point on the present
county road (aforesaid) S. 66° E. 50 rods

Third Judicial Day Wednesday Apr. 7. 1886

from the one fourth section corner that stands on the north side of section no 10 in Township no 8 South of Range no 42 East N. M. Thence south easterly on the best ground for road purposes to the 1/4 section corner on the north side of section 14 in Township and Range aforesaid Thence to a point S. 16° 30' N. 132.0 chains from the South East corner of section no. 11 in Township aforesaid, thence S. 85° 15' East through the lane on the south side of said C. P. Crauston's dwelling house to the foot of the hill on the East side of said Glouac Creek, Thence Northerly along the East side of said Crauston's field to a point in the present County road aforesaid mentioned.

And it appearing that viewers have heretofore been appointed to view out said ~~road~~ and that said viewers failed to meet according to law and the order of the court in at all, and it further appearing that due and legal notice of the pendency of this proceeding has been given as by law required that more than twelve of said petitioners are householders residing in the vicinity of said road and that a good and sufficient bond has been filed herein It is therefore ordered that A. J. Brown, J. A. Tucker and Thos Keating be and they are hereby appointed viewers and Fred Simons Surveyor to view survey and lay out said road and further that they meet at the house of C. P. Crauston on April 23rd 1886 at 10 o'clock A. M. and duly qualify before entering upon the discharge of their duties on this behalf x

Second Judicial Day

Thursday May 13-1884

In the matter of a
proposed county road }
petitioned for by A. W. }
Courtney et al }

Now at this time
this matter comes on to be heard upon
the report of the viewers and surveyor
heretofore appointed to view survey and
report upon said road (and said
reports having been read for the first
time in open court, according to the
provisions of the statutes in such cases
made and provided It is ordered by the
court that the further hearing of this
be and the same is hereby continued
for a second reading of said reports
on another day of this term.

In the matter of a
proposed county road }
petitioned for by E. P. }
Franklin et al }

Now at this time
this matter comes on for hearing upon the
reports of the viewers and surveyor heretofore
appointed to view survey and report upon
said road (and said reports having been
read for the first time in open court,
according to the provisions of the statutes in
such cases made and provided It is ordered by
the court that the further hearing of this
matter be and the same is hereby continued
for a second reading on another day of this
term.

Third judicial day

Friday May 12 - 1886

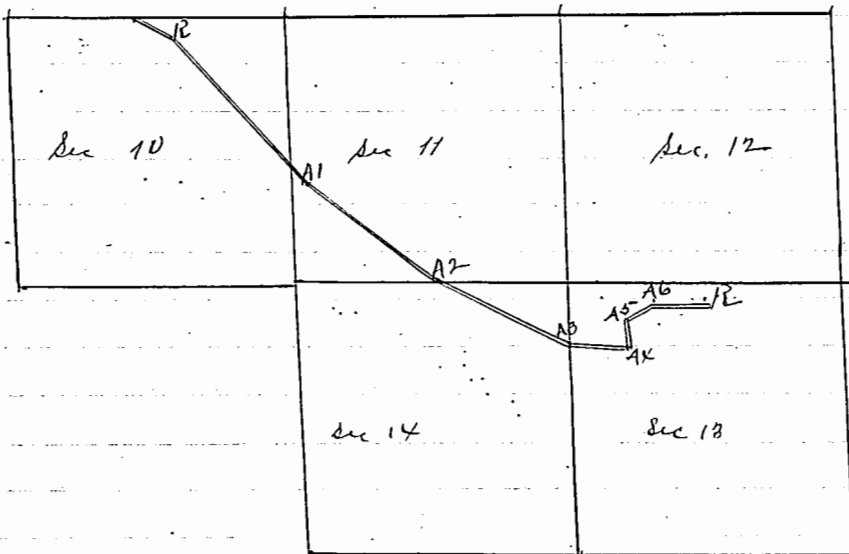
petitioned for by E. P. Cravston and others
 by leave to submit the following report
 we met on the 26 day of April being three
 days aft^r the appointed time mentioned in
 your order and aft^r being first duly
 sworn in company with the Surveyor pro-
 ceeded to view out and locate said change
 as directed and shown by the Surveyor's
 plat and report submitted herewith we
 find the route over which said change is
 located to be on good ground and taking
 into consideration the convenience to the
 neighborhood in which said change is located
 we think the road ought to be granted
 and the same established as a County
 road all of which is respectfully sub-
 mitted

Viewers

J. John A. Tucker
 Thos. Keating
 A. J. Brown

Surveyor's Report

That of County road petitioned for by E. P.
 Cravston and others surveyed April 26-1886
 Whole distance 2 miles and 100 rods running
 on a magnetic variation of 20° E. Scale of dis-
 tance 320 rods to two inches



Third Judicial Day

Friday May 14 - 1886

Field notes of survey of road petitioned for by
 E. P. Cranton et al Beginning at a point marked
 R. S. $66^{\circ} E$. 50 rods from the N. E. section corner
 that stands on the north side of Section 10
 in Township No. 8 South of Range No. 42 East
 N. M. running thence S. $37^{\circ} 00' E$ 224 rods
 to a post marked A1 " S. $44^{\circ} 30' E$ 176 "
 " " " " A2 " S. $71^{\circ} 30' E$ 156 "
 " " " " A3 " S. $85^{\circ} 30' E$ 68 "
 " " " " A4 " N. $3^{\circ} 30' E$ 26 "
 " " " " A5 " N. $78^{\circ} E$ 30 "
 " " " " A6 " N. $84^{\circ} 30' E$ 60 " at
 the intersection of the county road at a post
 marked R. on the N. W. $\frac{1}{4}$ of U. E. Section 13 T. 8 S. R.
 42 E. N. M.

State of Oregon
 County of Union

I hereby certify the foregoing
 field notes to be correct as made by me un-
 der the supervision of viewers on the 26 day
 of April 1886

Fred Simpson
 County Surveyor

In the matter of a proposed
 county road petitioned
 for by A. N. Courtney et al

Now at this time
 this matter comes on to be heard upon the
 second reading of the reports of viewers and
 surveyor in the above entitled road, which
 said reports are now read in open court
 for the second time (and it appearing
 to the court that the proceedings herein
 have in all things been regular and
 according to law, that the said reports have
 been read on two different days of this term
 of this court and that there has been
 no bills or claims for damages or removal
 structures filed herein It is ordered by the
 court that said reports be and are accepted