

No 541

in

Circuit Court

D. A. Roskowitz
Adm'r.

Plaintiff

vs

T. P. Baird et al

Defendant

Action for

of foreclosure
of mortgage

Docket

Page

Shelton & Hardesly

Attorney for Plaintiff

Attorney for Defendant

RE
RECEIVED
COURT HOUSE
JAN 11 1911
P. M.
ST. LOUIS, MO.

Record of the Case.

1896
 Nov 4 Petition re Newcomer app'd
 Journal D p 47
 Jan 5 1st reading of report
 Journal D p 54
 Jan 6 ordered report
 Journal D p 55
 Sept 10 Order set aside
 Jour & D p 218

266

Road

change in commencing 100 paces S of
 N. W. cor of Sec 15 T 6 S R 39 E to intersect
 road in N. of Wolf Creek

WITNESSES.

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

266

To the Hon County Court of the State of Oregon
for Union County =

We your petitioners J. N. Parker and
Jacob Newman respectively petition your
Hon Body to change and establish a
County road running through your petitioners
land said change to commence as follows
to wit: Commencing at a point 100 paces
South of the North West corner of Section
15, Township 6 South of Range 39, East of
Willamette Meridian running thence on Section
line One fourth of a mile from the North West
corner of Sec. 15, Township 6, S R 39 E, thence due
West on ~~half~~ ^{quarter} Section line One mile, thence
~~due~~ South on Section line One fourth of a mile
more or less intersecting the road
running on the North side of Wolf creek
there the said change to terminate, And
We your petitioners further petition your
Hon Body to vacate all that portion of the
County road heretofore established that
lies South of Commencement and the
terminus of the change of road that
we herein petition for = all of said road
petitioned to be vacated runs and lies
upon the land of your petitioners and
your petitioners in duty bound will ever
pray &c

J. N. Parker
J. Newman

Subject for Views
James M. Smith
J. E. Carroll
Wm. Shaw, Jr.
Suddeyer J. W. Kimbrell

Filed Oct 11, 2, 1886
at J. S. Still
Co. Clerk
By J. S. Parker
Deputy

Know all Men by these Presents:

THAT WE, J. H. Parker and Jacob Newman of the County of Union and State of Oregon, are held and firmly bound unto the said County of Union in the sum of One Hundred & fifty Dollars, the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents

Signed this 2nd day of November 1886

Now the condition of the above obligation is such, that whereas, if the County Road is to be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law. for by J. H. Parker & Jacob Newman and others, and presented at the Nov. Term, 1886 of the County Court of said Union county, commencing at a point 100 paces South of the North West corner of Sec 15 T. 6 S. R. 39 E. N. M running thence on Section line One fourth of a mile from the N. W. cor. of said Sec. T. & R. thence West on 1/2 Sec line One mile thence South on Section line 1/4 of a mile more or less intersecting the road running North of Wolf Creek and there said change to terminate

J. H. Parker
J. Newman

STATE OF OREGON,
County of Union } ss.

I, J. H. Parker and Jacob Newman each for himself says that I am worth the sum of One Hundred and fifty Dollars over and above all debts and liabilities and property exempt from execution, and that I am a resident and householder in said County and State.

J. H. Parker
J. Newman

Subscribed and sworn to before me, this 2nd day of November A. D. 1886

A. J. O'Neill Clerk,
By J. H. Parker Deputy.

Bond of Road Petitioners.

Petitioners.

Filed Nov. 2nd 1886

A. S. Wells
County Clerk.

By J. P. Parker
Deputy.

1 At a Regular Term of The County Court of the
2 County of Union and State of Oregon held
3 at The Court House in The City of Union in
4 said County and State on Wednesday Jan 5th
5 A.D. 1887 and from day to day during the
6 continuance of said Term with County
7 business,

8 Present The Hon O.P. Goodall County Judge
9 J.A. Rumble Commissioner
10 J.D. Chrisman "
11 A.T. Neill Clerk
12 A.N. Hamilton Sheriff

13 When on Tuesday January 6th A.D. 1887
14 or the second Judicial day of said Term among
15 other proceedings the following were had, to wit:

17 In the matter of the Proposed
18 Change in County Road petitioned
19 for by J.M. Parker and
20 Jacob Newman

21 Now comes on
22 to be heard the Viewers' and Surveyor's
23 Reports on the proposed change in
24 the County Road petitioned for by
25 J.M. Parker by Jacob Newman for a
26 Second Reading as provided by law
27 and such report being favorable and
28 having been read on two different days of
29 this Term and it appearing to the Court that
30 the proceedings herein have been all
31 things regular. It is therefore ordered
32 that the Reports of Viewers and Surveyor, and

In the *County* Court for the *County of Union* State of Oregon

STATE OF OREGON

County of *Union* }

I *A. J. Neill* County Clerk of said *Union*

County hereby certify that the foregoing transcript has been by me carefully compared with and is a true copy and the whole thereof of the original *Journal Entry* in the *Matter of a proposed Change in County Road* petitioned for by *J. M. Parker et al* as the same appears of Record in *my office*

In Witness Whereof, I have herunto set my hand and affixed my official Seal
this *26* day of *January* A. D. 188*7*

A. J. Neill Clerk
James Oliver Deputy

the plat of Survey of the proposed
Change be placed on Record, and the
Proposed Change be allowed and the
same be opened according to law, and
be declared a public highway whenever
the petitioners have complied with the
Recommendations of the viewers as given
in the viewers report below recorded but
not otherwise and that the said petiti-
10- ers J. W. Parker and Jacob Newman, and
11- the Supervisor who shall be appointed
for the District in which the said Road is
located be notified of the action
of the Court herein

Viewers Report

16- We the undersigned viewers have on this
17- 13th day of November A.D. 1886 carefully
18- viewed and examined the above described
19- road and change, and find the same to be
20- on good ground except the following, which
21- we would recommend being done before
22- road is accepted viz Bridges to be
23- made on Sloughs Nos 1, 2 & 3 also to
24- make grade on an angle so that
25- Elevation on hill East of Slough No 1
26- will not be over 12 degrees also that
27- rocks be picked out of Road from A1
28- or proposed Road to place of starting,
29- otherwise we would (not) recommend the
30- proposed change

Viewers

{ D. W. Nelson
J. E. Carroll
James Welch

We the Undersigned Viewers have
on this 13th day of November A.D.
1884 carefully viewed and
examined the above described
Road and Change and find
the same to be an good ground
except the following which
we would recommend being
done before road is accepted
Viz; **Bridges** to be made on
Slough No 1, 2 & 3 also to make
grade on an angle so that elevation
on hill East of Slough No 1 ~~to~~
that will not be over 12 degrees
also that rocks be picked
out of Road from A 1 on proposed
road to place of starting
otherwise we would recommend
the proposed change.

Viewers } D. W. Nelson
 } J. E. Carroll
 } James Melch

The County Court. authorize this
proposed change to be made when the
Petitioners comply with the Recommendation
of the Viewers and not otherwise.

Jan 3rd 1887.

Discription of Proposed

Change in County Road of J. W. Parker and
Jest Newman. Starting at a point at Post
Marked R. South $3^{\circ} - 25$ m. West 14 Rods 12 Links
from N. W. Cor. Sec. 15. T. 6. S. R. 39, E. W. m.

Thence Running North 2° West 94 Rods 18 Links to Post A.1.

" " West $2^{\circ} 3$ m. South 225 Rods 7 Links " T.M.

" " " $2^{\circ} 3$ " " 97 " 11 " " A.2.

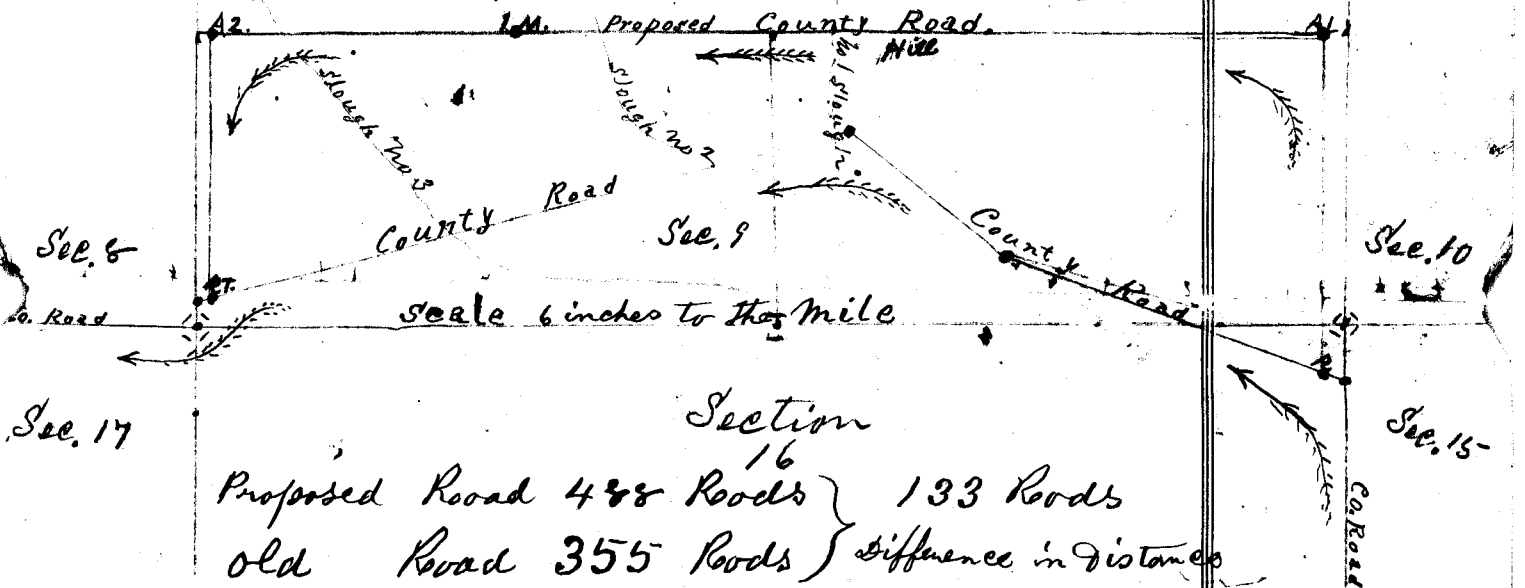
" " South 2° East 70 " 14 " " R.T.

Being in Length $1\frac{1}{2}$ miles and 8 Rods (or 488 Rods)
and intersecting the County Road at a point
North $11^{\circ} 5$ minutes East of the N. West Cor. Sec. 16,
Township 6 South Range 39 East of Willamette Meridian

J. W. Kimbrell Surveyor

Plat of

A Part of Sec. 8.-9.-10.-15.-16. and 17. of
Township 6 S. Range 3 E. W. M.
Showing the Proposed Change in County Road



I hereby certify that the above is a correct
Plat of the Survey of the Proposed Change in
The County Road Petitioned for by J. W. Parker
and Jacob Newman and Ordered viewed and
Surveyed by the County Court ^{v of Union Co. Oregon} at the November
Term of said Court A. D. 1886

This 13th day of Nov. A. D. 1886 J. W. Kimbrell Surveyor

Road

Report

Road positions for

J. W. Parker and

Jacob Newman

Filed NOV 18 1886

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

J. W. Parker

County Clerk.

J. W. Parker

Deputy

In the County Court of the State
of Oregon for Union County,

In the Matter of the Change in County
road petitioned for by J.W. Parker
and Jacob Newman.

Now at this time comes J.W. Kimbrell
The duly appointed qualified and acting
Supervisor of road district No. 25, in
Union County Oregon, and by this his
petition shows to the Honorable County
Court that heretofore at a regular term
of this Court to wit: on Tuesday January
6th A.D. 1887 a permit was regularly
granted to J.W. Parker and Jacob Newman
to turn the County road established on
the petition of James Fork et al. through
another part of their lands upon the
conditions provided for in said order
and permit, that said J.W. Parker and
Jacob Newman have failed and
neglected to comply with said conditions
or to build the bridges on the sloughs therein
referred to and numbered 1-2 & 3 or to make
grade as required therein on ^{the} East of Slough
No. one, or to clear the proposed change of
road of rocks from A-1- as in said order
directed, ~~that said portions~~ of said road
and said proposed change thereof are each
in said road district No. 25,
Wherefore your petitioner prays that said
order granting said permit be vacated
and set aside
J.W. Kimbrell

In witness Petition
granted... and said
discontinued road
ordered vacated.
as the Supervisor has
found it necessary to do
a large amount of work
on the old road

County Court of
Union County Oregon

Motion to vacate order
granting permission
to Jacob Newman and
J.W. Parker, Decharge
County Road

Filed Sept 10th 1887
A.D. Neill clerk
By J. Oliver Deputy

State of Oregon 3
County of Union 3⁵⁵

I J.W. Kimbrell being
First duly sworn say I am Supervisor
of road district No. 25 Union County Oregon
and that I am the petitioner herein and
that said petition is true as I verily believe.

J.W. Kimbrell

Subscribed and sworn to before me
this 10th day of Sept 1887

A.D. Neill clerk
By J. Oliver Deputy

Thursday Nov 4th 18862nd Judicial Day

on the Undertaking of said Saunders as Sheriff are hereby released from further liability as such surety

COMMISSIONERS JOURNAL "D" PAGE 42

In the Matter of a }
change of a portion of }
a County Road

On this day came J. W. Parker and Jacob Newman who presents to the Court their petition of themselves and praying for a change of a portion of a county Road heretofore laid out and established said change to be as follows to wit: Commencing at a point 100 paces South of the North West corner of Section 15, Township 6, South of Range 39 East of Willamette Meridian running thence on Section line One fourth of a mile from the North West corner of Sec 15, Township 6, S. R. 39. East. thence due West on quarter Section line One Mile thence due South on Section line One fourth of a Mile more or less intersecting the Road running on the North of Wolf Creek there the said change to terminate. And we your petitioners further petition your Hon Body to vacate all that portion of the County road established that lies South of commencement and the terminus of the change of road that we therein petition for all of said road petitioned to be vacated run through and upon the land of your petitioners and your petitioners in duty bound will ever pray &c. And it satisfactorily appearing to the Court from proof filed herein that the said J. W. Parker and Jacob Newman the petitioners herein have a legal right to change said road and that they filed a good and sufficient bond. It is therefore ordered by the Court that James Kelch, J. E. Carrell and S. W. C. Nelson be appointed Viewers and J. W. Kimbrell Surveyor to view, survey and report upon said proposed change and that they meet at the house of J. W. Kimbrell Nov 15th 1886 at 9 O'clock A.M. and duly qualify before entering upon the discharge of their duties in this behalf

At a regular Term of the County Court of the County of Union and State of Oregon held at the Court House in the City of Union in said County and State on Wednesday Jan 5th A.D. 1887 and from day to day during the continuance of said Term with County Business.

Present The Hon. O. P. Goodall County Judge
 J. A. Rumble Commissioner
 J. F. Chrisman "
 A. T. Neill, Clerk.
 A. W. Hamilton Sheriff

Proclamation having been made of the opening of Court, the following proceedings were had, to-wit:-

In the Matter of the Wallowa
 Bridge at Jackson Graham's
 Place

Now at this time comes Jackson Graham and presents to the court his bill for services rendered in the construction and repair of the bridge across the Wallowa River at the place of the said Jackson Graham and it appearing to the court from the said bill that there is now due and owing from Union County to the said Jackson Graham for his services so rendered on his contract with the said County the sum of \$291⁷⁵. It is therefore ordered by the court that the Clerk issue County Warrants to Jackson Graham for the said sum of \$291⁷⁵.

In the Matter of the Proposed
 change in
 County Road petitioned for
 by J. W. Parker et al.

Now at this time comes on to be heard the report of the viewers and surveyor in the matter of the proposed change in County Road petitioned for by J. W. Parker and Jacob Newman: which reports are accompanied by the plat of survey and field notes and these reports having been read in open court for the first time according to the statute in such case made and provided it is ordered that the same be laid over for a second reading on another day of this term.

In the Matter of Bridges
 on irrigating ditches which
 cross County roads

Now at this time comes on to be heard the matter of Bridges which it is necessary to construct across ditches which are owned and used by individuals for irrigation and for other purposes, and it appearing to the court that there are many ditches in the County

First Judicial Day

Wednesday January 5th 1887

owned and used by private individuals for the purposes of Irrigation, Mining etc. across which ditches County roads run, and that it is necessary to construct bridges across these ditches on the line of the County roads which cross the same. It is therefore ordered by the Court that all the Road Supervisors in the County be instructed and required to require of all owners of such water ditches that run across the line of any County road to keep the same bridged securely whenever bridges are necessary, as required by law. And if any owner of such water ditch neglects or refuses to keep the same securely bridged and such bridges in good repair as by law required, then the supervisor shall keep the same well and securely bridged at the expense of the owners of such ditches.

COMMISSIONERS JOURNAL "D" PAGE 55

Thereupon Court adjourned till tomorrow morning at nine o'clock

Second Judicial Day

Thursday January 6th 1887

Court met pursuant to adjournment.

Same officers were present as on yesterday Due proclamation of the opening of Court having been made The Minutes of yesterday's proceedings were read, approved and signed

O. P. Goodell
County Judge

Thereupon the following proceedings were had, to wit

In the Matter of the proposed change in County Road petitioned for by J. W. Parker & Jacob Newman } Now comes on to be heard
The Assessors and Surveyors reports on the proposed change in the County road petitioned for by J. W. Parker and Jacob Newman for a second reading as provided by law, and such

Second Judicial Day

Thursday January 6th 1887

Such report being favorable and having been read on two different days of this term, and it appearing to the Court that the proceedings herein have been in all things regular It is therefore ordered that the reports of Viewers and Surveyor and the plat of Survey of the proposed change be placed on record and the proposed change be allowed and the same be opened according to law and be declared a public highway whenever the petitioners have complied with the recommendations of the viewers as given in the Viewers report below recorded, but not otherwise. And that the said petitioners, J. W. Parker and Jacob Newman, and the Supervisor who shall be appointed for the district in which the said road is ^{located} be notified of the action of the Court herein.

Viewers Report

The undersigned Viewers have on this 13th day of November A.D. 1886 carefully viewed and examined the above described road and change and find the same to be on good ground except the following which we would recommend being done before road is accepted, viz: Bridges to be made on Sloughs Nos 1-2 & 3, also to make grade on an angle so that elevation on hill east of Slough No 1 will not be over 12 degrees, also that rocks be picked out of Road from A. 1 on proposed road to place of starting otherwise we would [not] recommend the proposed change.

Viewers

W. C. Nelson
J. E. Carroll
James Welch

Surveyors Report of Proposed change in County Road petitioned for by J. W. Parker and Jacob Newman.

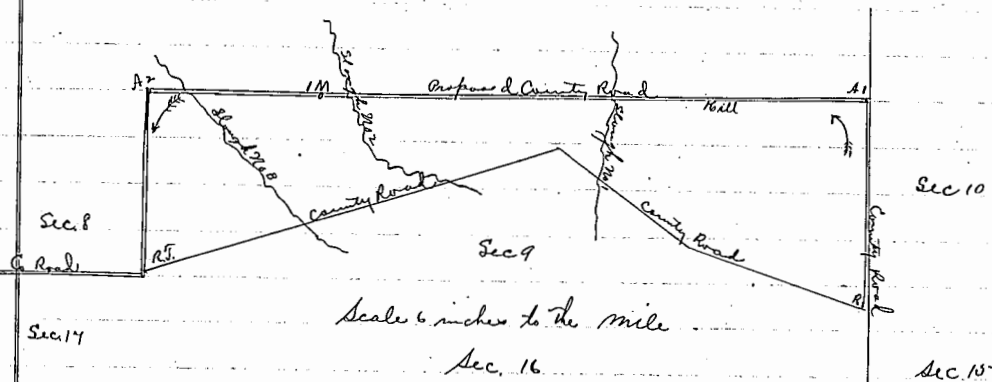
Starting at a Point at Post Marked R. - South 3°, 25' West
14 rods 12 links from N.W. Corner Sec. 15 T. 6 S. R. 39 E. N. M.
Thence Running North 2° West 94 Rods 18 links to post A 1
" " West 2° 3^m South 225 Rods 7 links " 1 M.
" " " 2° 3^m " 97 " " " " A. 2
" " South 2° East 70 " 14 " " R. T.

Being in length 1 1/2 miles and 8 Rods (or 488 Rods) and intersecting the County Road at a Point North 11° 5' East of the N. West Cor. Sec 16 Township 6 South Range 39 East of Willamette Meridian.

J. W. Kimbrell,
Surveyor.

Second Judicial Day Thursday January 6th 1887

Plat of Survey
 A part of Sec 8-9-10-15-16 & 17 of Township 6 S. Range 39 E. N. M.
 Showing the proposed change in County Road



Proposed Road	488 Rods	} 133 Rods Difference in Distance
Old Road	355 Rods	

I hereby certify that the above is a correct Plat of the Survey of the Proposed Change in the County Road petitioned for by J. W. Parker and Jacob Newman and ordered viewed and surveyed by the County Court of Union Co. Oregon at the November term of said Court A.D. 1886.

This 13th Day of November A.D. 1886

J. W. Kimbrell
 Surveyor

In the Matter of Damages on the proposed Co. Road petitioned for by Reavis et al.

Now at this time comes on to be heard the report of the Viewers heretofore appointed to assess damages which certain citizens claimed they would suffer on account of the building of the proposed County road petitioned for by D. A. Reavis et al. and said report having been read in open court for the first time it is laid over for a second reading on another day of this term.

In the Matter of the Report of Viewers and Surveyor on the proposed County Road petitioned for by W. A. Charnes et al.

Now at this time comes on to be heard the Reports of Viewers and Surveyor on the proposed County Road petitioned for by W. A. Charnes et al. and said reports having been read in open Court for the first time they are laid over for a second reading on another day of this term.

Fourth Judicial Day

Saturday Sept 10th 1887

In the matter of the
 Proposed County Road
 Petitioned for by J. H.
 Parker et al.

This matter coming on to be heard at this time on the motion filed herein to vacate the order granting permission to Jacob Newman and J. H. Parker to change a County road as follows, to wit: Commencing at a point one hundred paces South of the North West corner of Section fifteen Township Six South, of Range Thirty Nine East of Mill Mer. Thence on sec line $\frac{1}{4}$ of a mile from N.W. corner of Sec 15 S 6 T. R 39 E. Thence due West on 2nd sec line 1 mile Thence due South on sec line $\frac{1}{4}$ of a mile more or less intersecting the road running on the North side of Wolf Creek; and to vacate all that portion of the County road heretofore established that lies South of the commencement and the terminus of the proposed change. And it appearing to this Court from the record herein that the said change was granted at the January Term of this Court and the proposed road established and declared a public highway when the petitioners for whose benefit the change was made should open up the proposed road and put it in good repair and condition, but not otherwise. And it further appearing to the Court from the affidavit of J. W. Kimbrell Supervisor of Road District No 25 filed herein that said conditions have not been complied with. It is therefore hereby ordered by the Court that said permit be vacated and set aside and that said Jacob Newman and J. H. Parker be notified of the action of the Court herein.

Thereupon it was ordered by the Court that this Court be now adjourned to meet on Monday Oct 10th A. D. 1887.

O. P. Goodell
 County Judge