

WITNESSES

No 264

History of the Case

in
Circuit Court

W D Wright et als

Plaintiff

vs

Mary W. Hannah
et als

Defendant

Action for Change of Deed

Docket A Page 444

O. F. Bell

Attorney for Plaintiff

Attorney for Defendant

WEST VIRGINIA
PRINTING CO
1841 13th St
Martinsburg, W. Va.

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D. C. 20250

Record of the Case

1869
 July 3 Ref. Sec. Viewers apfd
 Jnl D p 678
 Sep 4 - 1st Reading reports of V's
 Jnl D p 628
 Apr 5 - Audited opened
 Jnl D p 634

325

Road

Petitioned for by J. M. Pentecost et al

Beginning at point in middle
 of line Sec 19 T1N R 39 E 4M
 Thence E 1 1/2 miles to center of Sec
 20 T1N R 39 E 4M

WITNESSES

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

325

Petition for County Road

To the Honorable County Court for Union County Oregon

The undersigned, householders of Union County Oregon, residing in the vicinity where the hereinafter described road is proposed to be respectfully petition your Honorable Body to survey, lay out and establish according to law within said County and state a county road on the following line to wit: Beginning at a point in the middle of the west line of section nineteen, Township One North Range (39) thirty nine East W M thence running east one mile and a half to a point in the middle of section twenty Township One N. Range 39 E. 77 M And in duty bound your petitioners will ever pray
dated Summerville May 20, 1889

Names

Names

J. W. Lewtcoast
& A. Bailey

Charly Harker

J. W. Bailey

J. W. Dittreal

W. Shepper

E. L. Wallinger

Henry Hug

A. S. Hug

John Hug

John M. B. Bland

John Neeser

John Niederer

Robert Blumenten

Conrad Niederer

A. J. Johnston

James W. Dright

H. McDonald

Three Sections of
John A. Bailey
Henry Houg

Filed May 29th 1889
Attest
Cyril W. Stewart
Clerk

615 15 1

State of Oregon

County of Marion

I Henry G. Guss being duly sworn say that I posted three notices of which the within is one and a true and correct copy of all of said three notices on the line of the within proposed road and as follows one notice at or near ^{each} terminus of the said road and one about the middle thereof on the ^{28th} day of May - A.D. 1889 that being the place where the proposed road is situated, that said notices have so remained posted until the date hereof

and that the said notices have remained so posted for 30 consecutive days last past

Subscribed and sworn to
before me this 29th day
of June A.D. 1889

Henry G. Guss

H. Treacher Notary Public
for Oregon

Approved for pay
Wheat on
March 17

Henry Hughes

Filed July 1st 1889
By Special Clerk
By James Lewis Deary

A. Wheeler
City of Baltimore

Notice of Road Petition

To Whom it may concern

Each and all of you, will please take notice, that the undersigned Householders in the ~~County~~ County of Union and State of Oregon and residents in the vicinity of the proposed County Road hereinafter described, will present to the Hon County Court of the State of Oregon for Union County, at the next regular session of said Court to wit the July Term 1889 at the Court house in the City of Union in said County and State a petition praying said County Court to Cause to be surveyed, laid out and established according to law a County Road in the County of Union and State of Oregon and described as follows Beginning at a point in the middle of the West line of section nineteen Township One North, Range 39 E. W. M. thence running east one mile and a half to a point in the middle of section twenty T. One N. Range 39 E. W. M. as near as practicable, all of said points, being in Union County Oregon

Dated Unionville May 20, 1889

J. A. Bailey

J. W. Bailey

J. W. Little

W. Shepper

J. D. ...

Henry H. ...

A. J. Hug

John Hug

Robert Blumenthal

Account of
posting notices in
matter of Road
of Henry Mag. Bally
+ all

1843
133

2nd July 1st 1844
J. J. Hall Clerk
of Prisoners
Dublin

1844

STATE OF OREGON,
COUNTY OF UNION. } ss.

I *James Oliver*

being first duly sworn, say that I

~~posted three several notice, of which the notices hereto attached is a true and correct copy, in three public places in said County in the vicinity of the proposed road therein described, to wit: One~~

~~Thirty days previous to the presentation of the road petition therein mentioned, to wit: On the~~
~~day of~~ 188 , and that thereafter and thirty days

~~previous to the presentation of said road petition therein mentioned, to wit: on the~~ 29"
day of *May* 1889, I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door, in the town of Union, in said County, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Subscribed and sworn to before me this

3rd day of *July* 1889

James Oliver

J. A. Hayes Clerk
J. O. Hill Deputy

Filed July 3rd 1859
Attest Clerk
Benjamin Oliver DeJoy

Notice of Road Petition

To Whom it may Concern

Each and all of you will please take notice, that the undersigned householders in the County of Union and State of Oregon and residents in the vicinity of the proposed County Road, hereinafter described, will present to the Hon County Court of the State of Oregon for Union County, at the next regular session of said Court to wit the July Term 1889 at the Court House in the City of Union in said County, and State a petition praying said County Court to cause, to be surveyed laid out and established according to law a County Road in the County of Union and State of Oregon and described as follows: Beginning at a point in the middle of the west line of section nineteen Township One North, Range 39 E W M, thence running East one mile and a half to a point in the middle of section (20) twenty Township One N Range 39 E W M as near as practicable, all of said points being in Union County Oregon dated Summerville May 20 1889

Names	Names
J. W. Pentecost	Charly Harker
J. A. Bailey	
J. W. Bailey	
J. W. Lathrel	
W. Shephey	
J. A. Wallinger	
Henry Herg	
A. T. Hug	
John Harg	
John M. B. Bland	
John Neiser	
John Niederer	
Robert Blumenstein	
Conrad Niederer	
Geo Mc Donald	
W. J. Johnston	
James W. Wright	
H. Mc donal	

Filed May 29/89
J. J.

Notice of Road by
John A. Bailey
and Mary Muf

Permanently.

Filed July 3rd 1889
at the Clerk
Register (David) Muf

Know all Men by these Presents:

THAT WE, Henry Hug, and John A. Bailey and
house holders of the County of Union
 and State of Oregon, are held and firmly bound unto the said County of Union in
 the sum of 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 27th day of May A.D. 1889

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by
said Henry Hug, J. A. Bailey and others, and presented at the July
 Term, 1889 of the County Court of said Union County, commencing at a point
in the middle of the west line of section
nineteen Township one north, Range
39 E. W. M., thence running east
one mile and a half to a point
in the middle of section (20) twenty
Town. one N. Range 39 E. W. M.
as near as practicable ally
scout points are in Union Co
Oreg

be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

Henry Hug
J. A. Bailey *Real*

STATE OF OREGON,

County of Union } ss.

I Henry Hug and J. A. Bailey each for himself says that I am worth the sum of
one hundred Hundred 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.

Henry Hug
J. A. Bailey

Subscribed and sworn to before me, this 27 day of May A. D. 1889

A. Meachen Clerk,

By Notary Public for Deputy.

Oregon

Bond of Road Petitioners.

John A. Bailey

Henry King

Petitioners.

Filed

May 29

188*9*

A. D. Nail

County Clerk.

James Oliver

Deputy.

Proposed Road Sec of 1/4 W Part cost

R

19

sec
RT
20

J1 N R 39 E W 1/4 Sec 19 T 10 N R 10 E
This land is owned by the State of Texas
and is being offered for sale by the
Department of Transportation

Department of Transportation

20
+ 55

Proposed Board of W. Port cont

11

55

Filed Dec 27th 1889
Attest Clerk W. S. B. W. L.
By James Oliver Secy

REPORT OF VIEWERS.

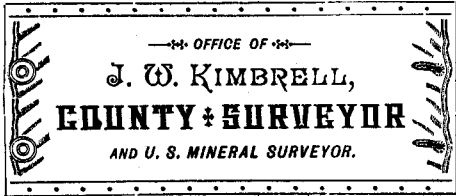
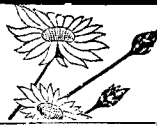


TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 3rd day of July, 1889, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by J. W. Pentecost, et al, beg leave to report that on the 18 day of July, 1889, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should _____ be laid out _____ and established as a public highway of UNION COUNTY, OREGON. That the same is _____ practicable and would add _____ Much _____ to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be _____ laid out _____ and _____ declared a public highway of said county.

J. A. Marvitz
David Long Brewer

Filed Aug 27th 1889
A. Neill Clerk
By James Oliver Deput



Field Notes of The Proposed
County Road of J. W. Pentecost and others

I commenced at the N. W. Corner of the S. W. 1/4 Sec 19
in T. 1, N. R. 39, E. W. M., Or., 188.....

a Pine Tree 20 in dia marked R.

Thence East 320 Rods a Fir 14 inches Diameter Marked I. M.

" East 160 " a Pine Tree 12 in dia, Marked R. T.

in the Center Sec 20 in T. 1, N. R. 39, E. W. M.

J. W. Kimbrell County Surveyor

325

Filed Aug 27th 1889

A. J. Neill Clerk

By James Oliver Deputy

I hereby certify that the foregoing field notes and plat hereto ~~is~~ is a correct description of the Jackson County road of J. W. Bentions and others as surveyed by me on the 18th day of July 1889
J. W. Bentions & Surveyor
for Union Co. Or

First Judicial Day

Wednesday July 3rd 1889In the Matter of the }
Poor Farm

At this time it appearing to the Court that A. E. Eaton has accepted the offer heretofore made by this Court for a certain piece of land adjoining the County poor farm and has made to the County of Union a good and sufficient deed of warranty therefor, and that \$50⁰⁰ was the price agreed therefor. It is therefore ordered by the Court that the Clerk issue a warrant on the Contingent fund in favor of said A. E. Eaton for said sum of Fifty Dollars in payment for said lands.

In the Matter of the }
Appointment of a }
Stock Inspector

At this time it is ordered by the Court that Wm Proebstel be and he is hereby appointed Stock Inspector for the year ending July 1st 1890 and that he file his oath of office and an undertaking in the sum of One Thousand Dollars.

In the Matter of the }
Proposed County Road }
petitioned for by J. M. }
Pentecost et al.

Comes now J. M. Pentecost one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit: Beginning at a point in the middle of the West line of Section Nineteen Township one North Range 39 E. N. M. thence running East one mile and a half to a point in the middle of Section Twenty Township one North Range 39 E. N. M. And it appearing to the Court that said petition is signed by more than twelve Householders of this County residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to-wit: at Union, County of Union, State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit: One notice at or near each terminus of the said road and one about the middle thereof, for more than thirty days immediately prior to the presentation of

First Judicial Day

Wednesday July 3rd 1889

said petition to this Court, notifying all persons concerned that application would be made to this Court at the present session of this Court: and that the notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been duly given. It is therefore ordered that David Bug, Rudolph Bug and J. A. Marvon be appointed Viewers of said road, and that J. M. Kimbrell be appointed Surveyor of said road, and that they meet at the beginning of said proposed road on the 18th day of July 1889 at the hour of 10 o'clock A. M. and after qualifying to view, survey and lay out said road according to law.

In the Matter of the proposed }
County Road petitioned for by }
H. B. Anley and others } Comes now John Erwin, one of the petitioners
for the above named proposed County road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit: Beginning on the County Road as now traveled on Lower Powder river from Lean Bridge on the North side of Powder River to the Thurman Bridge at a point on said County road at the North East end of the Thomas Heating lane on the North West quarter of North East quarter of Section 17 T8 S R 42 E N. M. Thence running S. N. on the grade as now traveled to the center of Powder River, terminating on the Houghton Bridge in the North East quarter of South West quarter of Section 17 T8 S R 42 E N. M. And it appearing to the Court that said petition is signed by more than twelve householders of this County residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and places of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the places of holding County Court, to-wit: at Union, County of Union State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit: One on the Heating Post Office, one on the Houghton bridge, and one in the Erwin lane on the gate by the public road, for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned that application would be made to this Court at the present session of this Court; and that the notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been duly given. It is therefore ordered that William Constable, George

First Judicial Day

Wednesday Sept 4th 1889

by the Court that R. M. Oliver, Ed. Game and Jap. Rielhart be and they are hereby appointed appraisers to meet at the house of R. M. Oliver on Saturday Sept 21st 1889 having first subscribed an oath to faithfully and impartially perform their duties in this behalf, and that they then proceed to view the premises of said J. D. A. Richardson the whole distance through which the said proposed road would pass and determine how much less valuable the said premises of claimant would be rendered by reason of the construction of said proposed road and report the same to this Court in writing, and the further consideration of this matter is continued for the term

In the Matter of the
Road petitioned for by
J. M. Pentecost et al.

This matter came on to be heard at this time on the Reports of the Viewers and surveyors heretofore filed herein, and said reports having been read in open Court for the first time and laid over for a second reading on some other day of this term.

In the Matter of the
Road petitioned for
by W. L. Aubrey et al.

This matter came on to be heard upon the Reports of the Viewers and surveyors heretofore appointed herein and on the claims of Thos Keating and Mrs E. A. Pierce for damages, and said Report of Viewers having been read in open Court for the first time and it appearing favorable the same is laid over for a second reading on some other day of this term, and it appearing from said claim for damages filed by Thos Keating that claimant is the owner of the 7th of SE⁴ SE⁴ of Nth 1st Wth of Rth 17 78 S R 40 E N. M. across which said proposed road would extend and claimant alleges would damage him in the sum of \$500⁰⁰, and it appearing from the claim for damages filed herein by Mrs E. A. Pierce, that she is the owner of the 7th of Mth Sec 17 78 S R 42 E N. M. across which claimant alleges that the proposed road would extend to her damage in the sum of \$300⁰⁰, Thereupon it was considered and ordered by the Court that P. H. Miles, Justice Wright and Isaac Spears be appointed appraisers to meet at the house of Thos Keating on Saturday Sept 21st 1889 at 10 o'clock A. M. and having first subscribed an oath to faithfully and impartially perform their duty in this behalf, that they then view the premises of claimants the whole distance through which the said proposed road would

Second Judicial Day

Thursday Sept. 5th 1889

In the matter of the
Rood petitioned for
by J. M. Pentecost et al.

This matter came on to be heard at this time on the reports of the Viewers and Surveyors heretofore filed herein, and the Report of Viewers being in words following to-wit:-

Report of Viewers.

To the Honorable County Court for Union County, Oregon:-

The undersigned viewers heretofore on the 3rd day of July 1889, appointed survey and lay out and alter the proposed County Road, of which the survey hereto attached is a true and correct description, as petitioned for by J. M. Pentecost et al, beg leave to report that on the 18 day of July 1889, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out and established as a public highway of Union County Oregon. That the same is practicable and would add much to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be laid out and declared a public highway of said County

J. A. Marwin, Viewers
David King, Viewers

And said reports of Viewers, ^{and Surveyors} having been now read in open Court on two several days of this term, and it appearing to the Court that said Viewers report favorably thereon and recommend that said proposed road be declared a public highway and ordered opened; and all the proceedings herein having been regular and according to law and no remonstrance having been filed herein or cause shown why said road should not be established. It is therefore considered and ordered by the Court that said reports of the Viewers and Surveyors be approved, and that said proposed road be declared a public highway of Union County Oregon, and that the same be ordered opened according to law. It is further ordered that the Surveyors Plat of the proposed road, and his field notes of the survey be placed on record in the County Road Plat Book, and that the Supervisor of Roads of the Road District in which said road is located be furnished with a copy of the Petition herein and a copy of this Decree and ordered to open up said road and place the same in repair for travel

Fourth Judicial Day

Saturday Sept 7th 1889

Lee Orsley Marker one day	2 ⁰⁰	Milage 1 ⁰⁰	\$ 3.00
To Bob Adams Chairman one day			2 ⁰⁰
" H. Robbs " one day			2 ⁰⁰
" J. M. Kimbrell Surveyor 2 days	8 ⁰⁰	Plat 4 ⁰⁰ Milage 3 ⁰⁰	15 ⁰⁰

I hereby certify that the above Bills are correct

J. M. Kimbrell County Surveyor

Whereupon it was ordered that said report and statement be approved and said Bills allowed by the Court.

In the Matter of the Road petitioned for by J. M. Pentecost et al

Comes now J. M. Kimbrell County Surveyor and presents to the Court the report of expenses and bills of Viewers etc on the survey of the proposed County road petitioned for by J. M. Pentecost et al as follows:-

North Powder Or July 18, 1889

In the matter of the Proposed County Road of J. M. Pentecost

Union County Oregon Dr

To David King Viewer one day	\$ 2 ⁰⁰	Milage 1 ⁰⁰	\$ 3 ⁰⁰
To J. A. Marvin " One Day	\$ 2 ⁰⁰	Milage .70	\$ 2.70
To J. E. Bailey Chairman one Day	\$ 2 ⁰⁰	Milage .20	\$ 2.20
To Geo. A. Cole " one Day	\$ 2 ⁰⁰	Milage .70	\$ 2.70
To John King Marker one Day			\$ 2 ⁰⁰
To J. M. Kimbrell Surveyor one day	4 ⁰⁰	Plat 2 ⁰⁰ Milage 4 ⁸⁰	\$ 10.80

I hereby certify that the above Bills are correct

J. M. Kimbrell County Surveyor

Whereupon it was ordered by the Court that said Bills be approved and allowed.

In the Matter of the Road petitioned for by C. W. Hamilton et al

Comes now J. M. Kimbrell County Surveyor and presents to the Court the report of expenses and bills of Viewers etc on the survey of the proposed County road petitioned for by C. W. Hamilton et al as follows:-

North Powder Or July 22, 1889

In the Matter of the Proposed County Road of C. W. Hamilton

Union Co. Oregon Dr

To R. J. Childers Viewer 2 days	4 ⁰⁰	Milage 3 ⁰⁰	\$ 7.00
" James M. Kenzi " 2 days	4 ⁰⁰	Milage 2 ⁹⁰	6.90
" Wm. E. Woodell Viewer 2 days	4 ⁰⁰	Milage 3 ¹⁰ Team & wagon 3 ⁰⁰	10.10
" C. W. Hamilton Chairman 2 days	4 ⁰⁰	Milage 1 ⁰⁰	5.10