

No 237

in
Circuit Court

Thomas Brasher
Plaintiff

vs
Mary W Hannah
Administratrix of the
Estate of said Hannah
deceased Defendant

Action for Change of Deed

Docket A Page 422

J. H Crawford

Attorney for Plaintiff

Attorney for Defendant

RECEIVED IN THE CLERK'S OFFICE OF THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA

1889
July 5th Pet. Read. - Verdict appd
Jul D p 688

Sept 4th Claim for damages filed and
Appraised Appd Jul D p 625
Sept 7/89 Bills allowed Jul D p 661

She within profession
County from within

be a public highway
of this county and is to be
open when the

petitioners pay the
damage as per above

Jul D p 731 Dec 7/89
Jul D p 152 Appraised Bills paid

Mar 5/90 Verdict and Appraisal
Reports 1st reading Jul D p 805
Mar 6/90 Order opened
Jul D p 865

Road
petitioned for by J. Brooks et al

Commencing at NE corner of SE 4
Sec 2 T8S R46 E 11M thence West
3 miles to L. Hogg road.

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

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 lay out, alter and establish a County Road within said County on the following line or route, to-wit: AS near as practicable commencing at the northeast corner of southeast 1/4 of southeast quarter of Sec. 2, township 8, South range 46, E. W. Meridian, thence west 2-1/4 miles, thence west one half mile on Joel Hewitt Road, thence west 1/4 of a mile to a stake on the Lewis Flora Road all of the Joel Hewitt road excepting aforesaid one half mile to be abandoned.

Names.

J. C. Brooks,
Joel Hewitt,
Henry K. Oliver,
E. Estes,
James Mills,
Edwin Mills,
George Oliver,
C. A. Oliver,
A. P. Greener,
R. J. Johnson,
O. S. Stewart,
F. M. Stewart,
Henry Foster,
J. B. Wood,
Geo. O'Connor,
Henry J. Baker,
T. R. Irwin,
L. H. White,
Henry Clark,

Names.

John Morrison,
C. Steeleman,
Monroe Updike,
J. V. Leep,
I. N. Pancake,
R. Reed,
John H. Irwin,
L. Flora,
R. D. Hinckley,
J. A. Denny,
Joseph, Keiffer,
Mr. Isaac Hewitt,
A. N. Curry,
J. H. Haysen,
E. Leep,
Wm. E. Leep,
Selby Leep,
John Bloom,
J. H. Chandler,

J. A. Denny,
T. Leep,
R. H. Boyles,
Wm. Spencer,
J. Eriksen,
T. N. Proffitt,
K. A. Leep,
J. P. Landrum
J. L. Hoopingarner.

J. Westerdale,
James Lee,
J. L. Lee,
John S. Curry,
A. R. Stalker,
H. H. Grubb,
~~H. D. Landrum,~~

Endorsed:- Filed July 1st, 1889.

A. T. Neill, Clerk,
By Turner Oliver, deputy.

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

I, R. Reed, being first duly sworn, say that I posted three several notices, of which the notice 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 on a board on Louis Mehlhorn's fence near the beginning, second at the crossing of A. P. Greener's road, third on Pine Tree on Louis Flora Road, terminas, thirty days previous to the presentation of the road petition therein mentioned, to-wit:

On the 29 day of May, 1889, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the _____ day of _____, 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.

R. Reed,

Subscribed and sworn to before me this 28th day of June, 1889.

Wm. McKinnell,

Notary Public for Oregon.

(Notarial Seal)

Endorsed:- Filed July 1st, 1889,

A. T. Neill, Clerk,

BY Turner Oliver, deputy.

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

I, Turner Oliver being first duly sworn, say that on the 31st 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.

Turner Oliver.

Subscribed and sworn to before me this 5th day of July, 1889.

A. T. Neill, Clerk,

By O. F. Bell, deputy

(No filing.)

NOTICE OF ROAD PETITION.

To all persons concerned:- You and each and all of you will take notice that the undersigned, householders for Union County, Oregon, residing in the vicinity ^{where} the hereinafter described road is proposed to be, will at the next session of the county Court for Union County, Oregon, to-wit: On Wednesday the 3 day of July, 1889, respectfully present to said court a petition praying said Court to lay out, alter and establish a County Road within said Co, on the following line or route, to-wit:

As near as practicable commencing at the northeast corner of southeast 1/4 of ^{S. E.} southeast 1/4 of Sec. 2, Township 8, S. Range 46, E. W. M. thence west 2-1/4 miles thence west 1/2 mile, on Joel Hewitt road, thence west 1/4 mile, to a stake on Louis Flora Road, all of the Joel Hewitt Road except the ^{above} said one half mile to be abandoned.

Names.

J. C. Brooks,
 Joel Hewitt,
 Henry K. Oliver,
 E. Estes,
~~Edwin Mills~~
~~Edwin Mills~~
~~Isaac Hancock~~
~~George Oliver~~
~~R. Beard~~
~~C. A. Oliver~~
~~John H. Irwin~~
~~A. T. Greenough~~
~~H. Flora~~
~~R. Johnson~~
~~R. D. Hinchley~~
~~J. Stewart~~
~~T. A. Denny~~
~~F. M. Stewart~~
~~Joseph Keiffer~~
~~Henry Foster~~
~~Mrs. Isaac Hewitt~~
~~T. B. Wood~~
~~A. N. Curry~~
~~Geo. O'Connor~~
~~J. H. Haysen~~
~~Henry J. Barber~~
~~E. Leep~~
~~J. R. Irwin~~
 Wm. E. Leep,

Names.

~~John Morrison~~, L. H. White
~~C. Steeleman~~, Henry Clark
~~Monroe Updyke~~, J. A. Denny
~~J. V. Leep~~, J. Leep
~~T. R. Irwin~~, R. H. Boyles
~~Edwin Mills~~, Wm. Spencer
~~George Oliver~~, John Erickson
~~C. A. Oliver~~, J. N. Proppit
~~A. P. Greener~~, H. A. Leep
~~R. G. Johnson~~, H. D. Sandrum
~~O. S. Stewart~~, J. L. Hoopingarner
~~F. M. Stewart~~, John Morrison
~~Henry Foster~~, C. Steelman
~~J. B. Wood~~, Monroe Updyke
~~George O'Connor~~, J. V. Leep
~~Henry J. Baker~~, J. N. Hancock
~~Selby Leep~~, R. Reed
 John H. Irwin

L. H. White, <i>L. Flory</i>	John Bloom,
Henry Clark, <i>P. D. Kinkley</i>	J. H. Chandler,
J. A. Denny,	J. Westerdale,
T. Leep, <i>Joseph Keiffer</i>	James Lee,
R. H. Boyles, <i>Mr. Isaac Hewitt</i>	J. L. Lee,
Wm. Spencer, <i>A. N. Curry</i>	John S. Curry,
John Erickson, <i>J. N. Hayden</i>	A. R. Stalker,
T. N. Proffitt, <i>E. Leep</i>	H. H. Grubb,
K. A. Leep, <i>Wm. E. Leep</i>	H. D. Landrum,
J. L. Hoopingarner, <i>Seby Leep</i>	

Posted May 31st, -89, T. O.

(No filing.)

KNOW ALL MEN BY THESE PRESENTS, That we, J. C. Brooks and John H. Irwin 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 Dollars, the payment of which well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed the 28th day of June, 1889.

Now, the condition of the above obligation is such, that whereas, if the county road petitioned for by J. C. Brooks and others and presented at the July Term, 1889, of the County Court of said Union County, commencing at the northeast corner of southeast quarter of the southeast quarter of Sec. 2, township 8, South range 46, E. W. M. thence west 2-1/4 miles, thence west 1/2 of mile, on Joel Hewitt Road, thence west a quarter of a mile to a stake on the Louis Flora Road all of the Joel Hewitt road excepting the aforesaid one half mile to be abandoned, be located and established then this obligation to be void, otherwise, to remain in full force and virtue in law.

J. C. Brooks,

John H. Irwin.

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

I, John C. Brooks, and I. John H. Irwin, each for himself says that I am worth the sum of Two 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.

J. C. Brooks,

John H. Irwin,

Subscribed and sworn to before me this 28th day of June, A. D. 1889.

Wm. McKinnell,

Notarial Seal.

Notary Public for Oregon,

Endorsed:-

Bond of Road Petitioners.

Filed July 1st, 1889.

A. T. Neill, Clerk,

By Turner Oliver, deputy.

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. C. Brooks, et al, beg leave to report that on the 30th 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 said 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.

L.F. Jennings,

L. L. Holcomb,

W. T. Bennehoff, Viewers.

Endorsed:- Filed Aug. 27th, 1889,

A. T. Neill, Clerk,

By Turner Oliver, deputy.

cd

Field notes of survey of the proposed County Road of J. C. Brooks and others.

I commenced at the N. E. Corner of S.E.1/4 S.E.1/4 Sec. 2, in T. 8, S. R. 46, E. W. M. Planted a stone 8 x 10 x 18 marked "R".
thence west 320 rods a stone 10 x 10 x 16 marked "1 M."
thence west 320 " a Stone 9 x 11 x 17 in, marked "2 M."
thence west 320 " a stone 8 x 10 x 20 in, marked R.T.
and situated at the S. W. Corner N.W.1/4 S.W.1/4 Sec. 4, in T.8, S.R. 46, E. W. M.

J. W. Kimbrell,
Co. Surveyor.

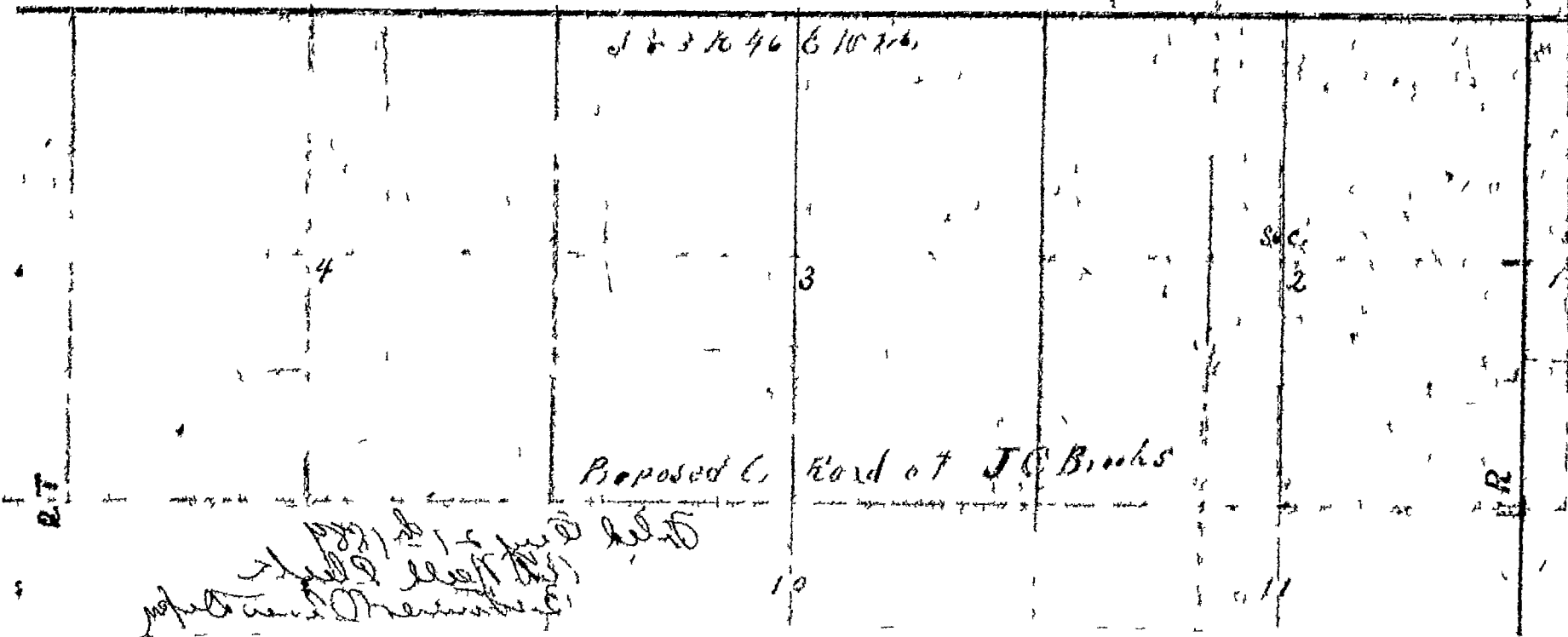
I hereby certify that the within field notes and plat hereto attached is a true description of the proposed County Road of J. C. Brooks and other, as surveyed by me, on the 30th day of July, 1889.

J. W. Kimbrell,
County Surveyor for Union
County, Oregon.

Endorsed:- Filed Aug. 27th, 1889.

A. T. Neill, Clerk,
By Turner Oliver, deputy.

Turner Oliver



REPORT OF VIEWERS.

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

We, the undersigned viewers heretofore on the 4th day of September, appointed to view out and assess the damages claimed by James McNutt, in the matter of the proposed county road petitioned for by J. C. Brooks et al. Beg leave to report that on the 18th day of September, 1889, we, after being duly sworn to discharge our duty faithfully and impartially, proceeded to view said proposed road the whole distance through the premises of James McNutt, complaintant, and to assess and determine how much less valuable said premises of said complaintant would be rendered by the opening of said road, and we find that the premises of said complaintant James McNutt would be rendered \$50.00 less valuable, and that the premises of complaintant James McNutt would be rendered \$50.00 less valuable, and the premises of the complaintant James McNutt would be rendered \$50.00 less valuable by the laying out and establishment of said proposed road as a public highway of said County, and recommend that \$50.00 be paid to said complaintant before laying out and establishing said road as a public highway.

W. W. Kirby,

I. N. Young.

Endorsed:- J. C. Brooks Road.

Report of appraisers on Damages.

Filed Sept. 20th, 1889.

A. T. Neill Clerk,

By Turner Oliver, deputy.

Comp

In the matter of the proposed County
Road Petitioned for by J. C. Brooks
and Others.

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

We, I. N. Young, W. W. Kirby, and Frank P. Lee,
having been appointed by the County Court of Union County, to view
the premises of James McNutt, and assess the damages that would
accrue to him by reason of the establishment of the County Road
petitioned for by J. C. Brooks and others, having been first duly
sworn say that we will faithfully and impartially perform said duty
to the best of our ability and judgment, so help us God.

W. W. Kirby,
I. N. Young,
_____, Appraisers.

Subscribed and sworn to before me this 18th day of September, 1889.

M. A. Scott,
Justice of the Peace,
Pine Valley Precinct, Union
County, Oregon.

Endorsed:- In the matter of the proposed road petitioned for
By J. C. Brooks. *at cl*

Oath of Appraisers.

Filed Sept. 20th, 1889.

A. T. Neill, Clerk,
By Turner Oliver, deputy.

to read

Newbridge, Oregon, November 26th, 1889,

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

We, the undersigned, appraisers to appraise the damage on the county road petitioned for by J. C. Brooks and others, and passing through the farm of James McNutt, and we find the damage done to Mr. James McNutt by said road to amount to the sum of Fifty dollars to the best of our judgment.

I. N. Young,

W. W. Kirby.

Subscribed and sworn to before me, the undersigned, notary Public
this 26th day of November, A. D. 1889.

L. F. Jennings, Notary Public
For Oregon,

Notarial Seal.

Endorsed:- Filed Dec. 5, 1889,

A. T. Neill

Clerk.

CJ

Pine Valley, Union Co. Oregon.

Jan. 30, 1890.

Received of J. C. Brooks, Fifty Dollars (\$50.00) in full for damage done by County Road proposed by J. C. Brooks, et al, and so awarded by said county court of Union Co. Oregon, at Union on a day of December, 1889.

James McNutt,

Witnesses.

Edward McNutt,

Albert Curry.

Endorsed:- Filed February 3rd, 1890/

A. T. Neill Clerk,

By Turner Oliver, Deputy.

Comp.

IN THE COUNTY COURT OF THE STATE OF OREGON, FOR THE
COUNTY OF UNION.

In the matter of the County)
Road petitioned for by J. G.)
Brooks, et al.)
-----)

S T A T E O F O R E G O N,)
County of Union.) ss:

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 in the above entitled road matter transferred to Baker
county, Oregon.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the seal of the county
Court, this 30th day of June, A. D.
1902.

G. W. Benson Clerk.

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

Be the Matter of the
County Road Edition
as for say J. W. Brown,
et al.

Manuscript of Papers
transferred to Bates
County, Oregon.

This June 30, 1902.

W. W. Brown,
Clerk.

Second Judicial Day

Friday July 5th 1889

Court met pursuant to adjournment.

The same officers were present as on yesterday.

New proclamation of the opening of Court having been made the Journal of Wednesdays proceedings was read, approved and is here now signed.

W. S. Goodall
County Judge.

Thereupon the following proceedings were had, to-wit:

In the matter of the
Proposed County Road
petitioned for by J. B.
Brooks and others

Comes now J. B. Brooks 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:

Commencing at the N.E. Corner of S.E. Sec 2 T8R46E N.M. thence West $\frac{1}{4}$ miles, thence West $\frac{1}{2}$ mile on the Joel Hewitt road, thence West $\frac{1}{4}$ mile to a Stake on the Louis Oloro road, all of the Joel Hewitt road except the above mentioned one half mile to be abandoned. 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 on Board on Louis Melkhor's place near the point of beginning, one at the crossing of the N.E. Green road and the third on a pine tree on the Louis Oloro road at the terminus, 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.

Second Judicial Day

Friday July 5th 1889

It is therefore ordered that L. J. Jennings, W^m Benschhoff and L. S. Holcomb be appointed Viewers of said road, and that J. M. Kimbrell be appointed Surveyor of said road, and that they meet at the house of Louis Meithorn on the 30th day of July 1889 at the hour of 10 o'clock A.M. and after qualifying, view, survey and lay out said road according to law.

In the Matter of the proposed
County Road petitioned for
by John H. Brown and others

Comes now John H. Brown, 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:-

Commencing at the Cornucopia and Union County Road 430 yards N.W. of the N.W. corner of Sec 35 T7 R45 E. N.M. running thence in a Southerly direction to the N.W. corner of Sec 35, thence East 3 1/2 miles on Township line to S.E. corner of Sec 32 T7 R46 E. N.M. intersecting the L. Hloy road. 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 on a Pine Tree at place of commencement, one on S. Painter's fence at the M^cKimbell road crossing, and the third at the Terminus on a fence post on the Louis Hloy 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 L. J. Jennings, W^m Benschhoff and L. S. Holcomb be appointed Viewers of said road, and that J. M. Kimbrell be appointed Surveyor of said road, and that they meet at house of Clark Curry on the 30th day of July 1889 at the hour of 10 o'clock A.M. and after qualifying view, survey and lay out said road according to law.

Be it remembered that at a Regular Term of the County Court of the State of Oregon for Union County begun and held at the Court House in the City of Union on Wednesday the 4th day of September 1889, the same being the Wednesday after the first Monday in said Month and the time fixed by law for holding a regular Term of said Court there were present:

The Hon. O. P. Goodall County Judge
 The Hon. John McDonald Commissioner
 The Hon. G. W. Bennehoff Commissioner
 A. J. Neill County Clerk
 and A. N. Hamilton Sheriff.

Due Proclamation of the opening of court having been made the following proceedings were had, to wit:—

In the matter of the }
 Special order to }
 M. D. Warren Road Sup. } At this time it appearing to the Court that M. D. Warren, Road Supervisor of Road Dist. No. 5, has failed and neglected to carry out a special order of this Court made and entered and Copy furnished him, ordering and directing him to close up certain water ditches running down certain County roads in his district. It is therefore ordered that a Citation issue to said M. D. Warren ordering him to appear before this Court forthwith to show cause, if any he has, why said order has not been complied with.

In the Matter of the }
 Proposed County Road }
 petitioned for by J. H. }
 Erwin et al. } This matter came on to be heard at this time on the Reports of the Viewers and Surveyor 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 }
 Proposed County Road }
 petitioned for by J. C. }
 Brooks et al. } This matter came on to be heard at this time on the Reports of the Viewers and Surveyor heretofore filed herein and on the Claim of Jas. McNitt for damages, and said report of the viewers having been read in open Court for the first time and it appearing that said Viewers report favorable on said road and