

No 77 L

ⁱⁿ
Circuit Court Court

Frank Smith

Plaintiff

vs

E Gaskell

Defendant

Action for

Docket

Page

J. L. Slater

Attorney for Plaintiff

Attorney for Defendant

FRANKSMITH & SONS, ENGRAVERS & PRINTERS
100 WALL STREET, NEW YORK

Record of the Case.

Petition filed June 3 1891
Viewers app Jnl EP 459
" Repts " " 36
Platted ordered deposited
10 11 1892 T. W. F. 140

395

WITNESSES.

Petitioned for by
B F Wilson

Commencing at the SE
corner sec 17 T 35 R
40 E and terminating at
the NE corner of sec 24
T 35 R 40 E

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

S. C. MILLER,

DEALER IN

Furniture, Carpets, Bedding, Woven Wire
Mattresses, Cots, Cribs, Etc.

Sash and Doors.
Sales Room one Door North of
Wright & Davis Bros.' Store.

Mirrors, ○ ○ ○
Easels,
○ ○ Baby Carriages,
Wool Mattresses and Wall Pockets.

—○○—

PICTURE FRAMES

Made to Order.

Union, Or., 189

Station	12 & 3	allum	appraised at	\$20	per	acre
"	7 & 8	M B Reese	"	"	30	" "
"	9 10 & 11	M Mitchel	"	"	30	" "
"	13	O Ackersley	"	"	30	" "
"	14	H Linek	"	"	30	" "
"	15	A. J. Harris	"	"	30	" "
"	16 & 17	Kennedy	"	"	25	" "
"	18	J Fassett	"	"	25	" "
"	19	Wilson	"	"	25	" "
"	from Station 19 to Sec line north Wilson \$8 per acre					

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

In the matter of the survey of the County road beginning at the South East Corner of Section 17 Township 3 South Range 40 E. N. M. and extending thence north on the Section lines to the North East corner of Section 29 Township 2 South of Range 40 E. N. M.

Now at this time it appearing to the Court that the true corners of the public road in Union County Oregon beginning at the South East corner of Section 17 Township 3 South of Range 40 E. N. M. and extending thence north on the Section lines to the North ~~East~~^{East} corner of Section 29 Township 2 South of Range 40 E. N. M. have become uncertain by reason of the decay destruction and removal of the monuments by which said road was designated And it further appearing to the Court that said road extends through lands valuable for agricultural purposes which lands are all enclosed

1 and that the interests of the public and
2 the land owners along the line of
3 said road demanded that the true
4 corners the true line and the
5 monuments by which said road
6 is designated should be ascertained
7 located plainly marked and
8 established and it further appear-
9 ing to the Court that said road
10 was originally located upon
11 the section lines between 16 & 17
12 8 & 9 and 4 & 5 T₂ S₃ South of Range
13 40 8th N. M. and on the section
14 line between sections 32
15 & 33 and 28 & 29 T₂ S₂ South of
16 Range 40 8th N. M. and that
17 said line is the true and cor-
18 rect line of said road. It is
19 therefore ordered that the follow-
20 ing named persons disinterested
21 householders of Union County
22 Oregon be and they are hereby
23 appointed Viewers to review
24 said road and J. D. Curtis
25 County Surveyor is hereby
26 appointed Surveyor to survey
27 the same with James Henderson
28 H. B. Geer & W. L. Dougherty
29 and J. D. Curtis County Surveyor
30 is hereby appointed Surveyor to
31 survey the same and the said
32 reviewers are hereby ordered to

1 meet at Saw Bloms house
2 on the 17 day of June A.D. 1891
3 ^{at 10 o'clock a.m.}
4 And after taking the necessary oath
5 as such viewers they are hereby
6 directed to proceed to review said
7 road its entire length and
8 to cause the same to be sur-
9 veyed and permanent monu-
10 ments established on the line
11 thereof on the section lines as
12 of aforesaid And they are hereby
13 directed to cause the same
14 to be plotted and to make
15 return of their said review
16 survey and plot to this
17 Court on or before the third
18 day of the next regular term
19 thereof
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Filed June 3rd 1891
Turner Oliver Clerk
By J. P. Oliver Deputy

REPORT OF VIEWERS.

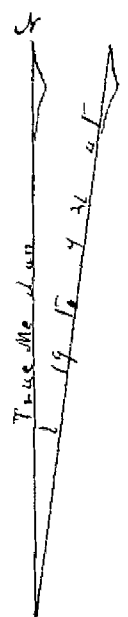
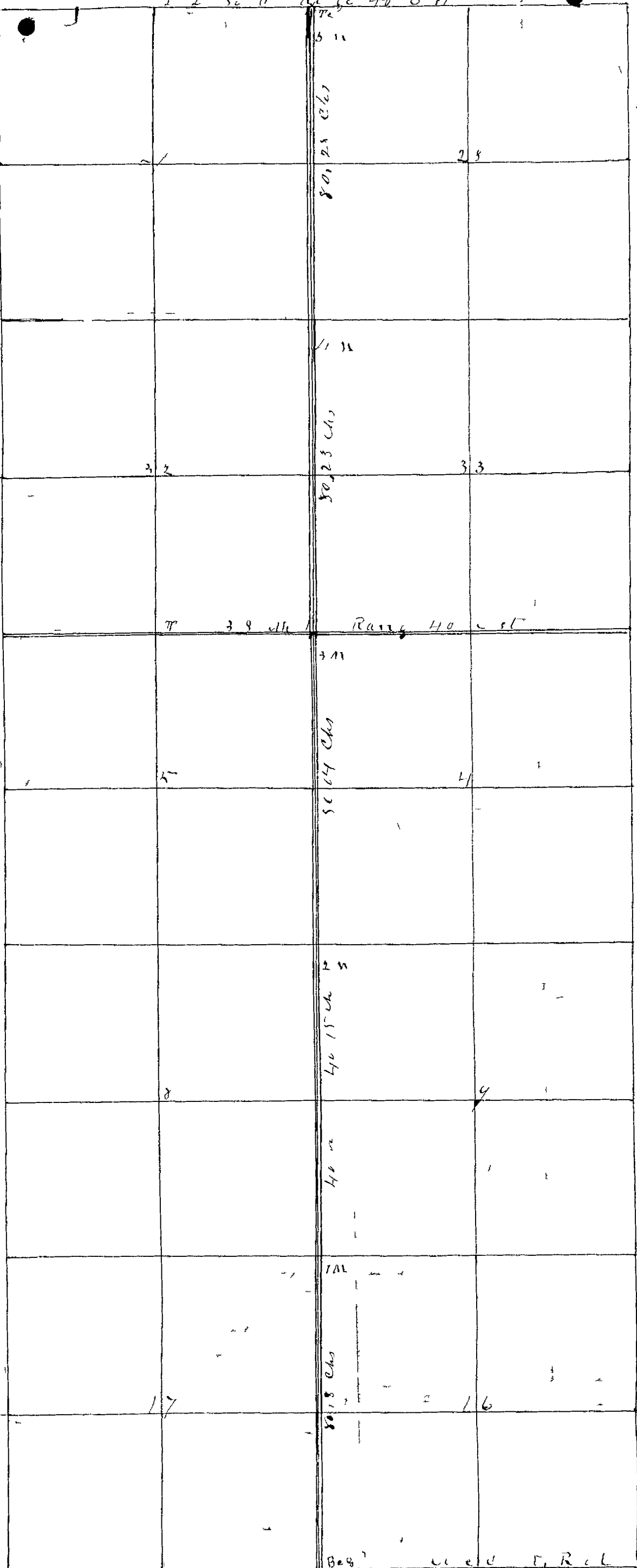
TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 7th day of June, 1891, appointed as ~~assist in relocating the~~ ^{assist in relocating the} to view and ~~lay out and alter the proposed~~ county road, of which the survey hereto attached is a true and correct description, as pe-
titioned for by ~~_____~~, et al, ~~beg leave to report that~~ on the 17th & 18th days of June, 1891, 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 establish the line thereof in accordance with the plan and field notes here-
that in our opinion said proposed road ~~is~~ ^{is} originally laid out and established as a public highway of Union County, Oregon; that the same ~~is~~ ^{is} practicable, and ~~that~~ ^{that} the government lines and ~~aid to the con-~~ ^{aid to the con-}venience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be ~~as~~ ^{as} laid out ~~be~~ ^{be} declared a public highway of said county, and that the Supervisor of Roads be instructed to open up the same and place it in repair for travel.

M. L. Dougherty
A. J. Gear
VIEWERS.

T 2 S 6 N Range 40 E st



Scale 3 1/2" = 1 Mile
 Bess' ... R. L.

Field Notes

Of the survey of County Road as Ordered by the County Court
of Union County Oregon commencing at the S E corner of
Sec 17. T. 3. S. R. 40. East and Terminating at the N E corner
of Sec 29. T. 2. S. R. 40. East Well

This survey was ordered to be done on June 17th 1891
but the Surveyor not being able to meet with the Viewers
The Viewers met and adjourned until the 18th day of June
1891 at which time they again met with
the following persons present

Surveyor
J. L. Curtis

Viewers

W. J. Geer

W. L. Daugherty
Chairman

G. W. Fisher

James W. Sills

Marker

Arthur Curtis

and after being duly sworn proceeded to
survey the Road as follows: To wit,
Commencing at the S E corner of Sec 17
T. 3. S. R. 40. E Thence N 20° E

- 80 18 Chs intersected the corner to Secs 8, 9, 16 and 17
5 lks east of the corner as established by J. W.
Kimble from this point I ran North 20° E
40 Chs and intersected the N E corner 12 links East
of the Government corner & thence N 20° E
40 15 Chs intersected the Government corner between

Secs 4, 5, 8 and 9 Thence N Var 19° 30'

80 04 Chs intersected corner to Secs 4, 5, 8, 3, S. R. 40 East as established by J W Kimball making the distance from starting point to the Township line 3 Miles and 37 links

Thence Thence North Var 19° East

80 23 Chs intersected corner to Secs 28, 29, 32 and 33

T. 2. S. Range 40 East Thence N Var 19° East

80 28 Chas to the N E corner of Sec 29 T. 2. S. Range 40 East the Terminus of the Road making the whole distance 5 Miles and 88 links

I then returned and ran a straight line from the corner between Secs 4, 5, 8, and 9 to the 1/4 Sec corner between Sec 8 and 9 T. 2. S. R. 40 East: thus making this Road located on straight lines between the Government corners and those established by J W Kimball former County Surveyor

J L Curtis

Surveyor

PAID.

JUL 6 1891

James O'Brien
County Clerk.

1 We the undersigned householders
2 of the County of Union State of
3 Oregon and land owners
4 along the line of road herein
5 after set forth do most respectfully
6 fully ask your honorable
7 body to approve the report
8 of the viewers heretofore made
9 and filed recommending that
10 the County road commencing
11 at the South East Corner of sec 17
12 Township 3 South of Range 40 E.
13 N. 7. M. and extending thence
14 north on section line to North
15 East corner of Section 29 T. 4
16 S. South of Range 40 E. N. 7. M.
17 be opened on said section line
18 between said points and in
19 accordance with corners ~~with~~
20 and stakes established and set
21 by County Surveyors under their
22 supervision and we ask the
23 same for the reason
24 1st That said County road is in
25 bad condition in many places and
26 needs to be worked and put in
27 such condition as roads should be
28 in order and without obstruction
29 2^d That there has been so many
30 changes in the permanent line
31 of said road within the past
32 six or eight years as to require

1 it almost useless for Supervisors
2 to undertake to put the road in
3 the desired condition as in many
4 instances work has been entirely
5 lost

6 3^d That as we understand ~~the~~ original
7 survey of said road was
8 made up on the ~~original~~ line
9 but that the same has never
10 been opened in all places upon
11 the line

12 4 That as we verily believe it
13 would be to the best interest of
14 of all concerned and the County
15 to have said road
16 definitely marked out as by
17 survey made and reported at
18 your last session ~~as~~ as
19 said roads may favor and
20 ~~road~~ supervisors may wish
21 ~~to~~ accordingly,

22 For which we will ever

23 ~~be~~ ~~your~~ ~~truly~~

24 names	names
25 Henry Lynch	J. G. Wilson
26 O. Eckert	A. J. Harris
27 J. E. Hancock	H. W. Mitchell
28 W. B. Rus	John Allen
29 Matt. N. Mitchell	
30 Vivian Kennedy	
31	
32	

We have examined the within
petition and heartily coincide
with statements therein made

E. G. Willard
M. C. Dougherty
Road Supervisor

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PAID

AUG 6 1891

James Lewis
County Clerk

On the matter of The County Road Commenced
at or near the SE corner of section 17 of T38R2
40 E running north or near section line to
or near the NE corner of sec. 29 of T25R40E
W.M.

Memorandum of agreement

It is hereby stipulated and agreed
by the undersigned that we each
give and donate for a county and
Public Road a strip of land thirty
feet in width the full length of
said road running along and through
our lands-

That we agree to give the said thirty
feet of land on each side of the
center line of present traveled road as surveyed and
jurisdicted by the surveyors last appointed
by the County Court whose report
was filed on the 4th day of Nov 1891

That where said road occupies and
takes more than 30 feet of land
from one party to this agreement and
less than 30 feet from the party on
the opposite side of said road then
in that case we and each of us
will buy and sell as required for
that purpose to and from each other
the required amount of land for said
road so that each shall give an
equal width of 30 feet on each side
of said the center line of said road
What we order to determine the center

of the damages to be paid or received by or from each party - for said land we each agree to arbitrate. The matter and truly stipulate and agree to submit the same to three disinterested householders two of whom to be appointed by the County Court and the third to be chosen by the two so appointed by the Court.

The arbitrators so appointed are to find determine the amount each party shall pay or receive to or from the other in order that each shall give the same number of feet in width of land for said road ^{and in estimating the said damages} the remaining feet shall be considered

And the amount of land to be dedicated by each of us for said purpose.

And we each agree to carry out and satisfy the findings and decisions of said arbitrators - and that their decisions shall be final ours to convey as herein provided and the mortgages if any to convey by quit claim deed to be deposited with the County Judge of Union County Oregon upon payment of the amounts so found by the arbitrators due each party.

Dated this } day of November 1891

- T. G. Wilson
- J. A. Smith
- J. W. Kennedy
- W. R. Booth
- J. H. Corbin
- L. R. Holmes
- M. B. Rees

appraisers
Alex Jones
N. Schomaker

True Dec 10 "91
James Owen
Clerk

In the ~~County~~ of the State of
Oregon for Union County

In the Matter of the
Cove Road petitioned
for by B. F. Wilson et al } State of Oregon
vs J. A. Jones, Nelson Schoonover and } Union County } ss
M. S. Warren, being first duly sworn
say that we will view and examine
the lands on each side of the above
entitled road and will faithfully
and impartially appraise the same
and report to this Court the value of the
land of each person, ~~which is~~ more
than thirty feet wide, and the amount
and value of the overplus to be paid for
by party adjoining road on other side
~~according to the terms of the stipulations~~
of the interested parties filed herein.

J. A. Jones
N. Schoonover
M. S. Warren

Subscribed and sworn to before me
this December 21st 1891

James Oliver
Clerk

(9)

At section 9 of said road we find that L. R. Holmes owns the land on the East side and Frank Mitchell owns the land on the West side of the road. At the South end of this section the road is 26 feet wide on the East side of the section line and 33 feet on the West side and at the North end 34 feet of road on the East side and 23 feet on the West side of the section line. Now if Mitchell would move his fence back 3 feet at the North end the road at this section would be 59 feet wide at the South end and 60 feet wide at North end and respective parties would give about the same amount of land, so that neither party would have to pay the other anything.

(10)

At section ten of said road Frank Mitchell owns the land on the West side and Matt Mitchell owns the land on the East side. We found ^{at the South end of the road} that the road is 34 feet wide on the East side of the section line and 23 feet wide on the West side and at the North end there is 41 feet of the road on East side of section line and 15 feet on the West side. To make the road 60 feet wide Frank Mitchell would have to ~~move~~ his fence back 3 feet at South end

and 4 feet at North end and would have to pay Matt Mitchell for a strip of land 4 feet wide at South end and 11 feet wide at North end and 1320 feet long or 9900 square feet of land.

(11)

At Section 11 of said road we found that Frank Mitchell owns the land on the West side and Matt Mitchell on the East side. At South end of this section the road is 41 feet wide on the East side and 15 feet wide on West side and at North end the road is 41 feet wide on East side and 11.3 feet wide on West side. And to make the road 60 feet wide Frank Mitchell would have to move his fence back 4 feet at South end and 7.7 feet at North end and would have to pay Matt Mitchell for a strip of land 11 feet wide and 1320 feet long or 14520 square feet of ground which added to the 9900 square feet of ground in previous section would make 24420 square feet of land which we appraised at \$30⁰⁰ per acre amounting to \$16⁸⁰.

(12)

At section 12 of said road W.R. Corrie owns the land on both sides. He should move his fence on the West side back so as to make the road 60 feet wide.

To the County Court of Union County
Oregon

In the matter of the
Road in Cove petitioned
for by D. F. Wilson et al

We the undersigned arbitrators, two of
us, (J. A. Jones & Nelson Thornover) having
been appointed by the Court, and we
having selected M. S. Warren as the third,
having been duly sworn to faithfully
and impartially perform our duties as
arbitrators in the matter of road in
Cove petitioned for by D. F. Wilson
et al, according to the tenor of the
stipulation filed in said matter,
we have to report that pursuant to
said appointment and stipulation we
met at Union Oregon on Dec 21st 1891
and having been first duly sworn, proceeded
to view the premises of the land owners
adjoining said road and appraise
and fix the value thereof, and ascertain
the amount of land certain parties
would give in excess of their respective
shares, and the values thereof to be paid
by the adjoining parties on ^{the} opposite
sides of the road, and that we found

that the County Surveyor had resurveyed the road and fixed the line thereof and established monuments, and had marked a station every 20 chains along the line thereof and had made cross sections and measurements showing the width of the road at every such station. We called the space between every two of these stations a section of road so we could more easily make our calculations, the space from the beginning to station 1 being section one &c. We found that at sections 1 & 2 of said road S. M. Bloom owns the land on the West side and Allen owns the land on the East side of said road. We find that at section one there is 32 feet of road on the East side of the section line and 8 feet on the West side, therefore at this section Bloom would have to move his fence back 20 feet to make the road 60 feet wide as set out in the stipulation, he would then be giving 28 feet of land for road and Allen 32 feet. We would therefore have to pay Allen for a strip of land 2 feet wide and 20 chains or 1320 feet long or 2640 square feet of ground, and at section two of said road, the cross sections show

(11)

(2)

at the South end 32 feet of road on the East side of the Section line and after Brown moves his fence back 20 feet would show 28 feet on the West side of section line at the North end the Cross section shows 46 feet on the East side of the Section line and 14 feet on the West side of section line, The road would then be 60 feet wide the whole length of this section being and Brown would have to pay Allen for a strip of land 1320 feet long and 2 ft wide at South end and 16 feet wide at North end or 11880 sq feet of land which added to the 2640 sq feet in surplus of first section would make 14520 sq feet of land Brown would have to pay Allen for, which we appraised at \$20.00 per acre, amounting to \$667

(3) At Section 3 of said road Frank Mitchell owns the land on the West side, and Allen owns the land on the East side. here we find that Cross section shows 46 ft of road on the East side of section line and 14 ft on the West side at South end, and at North end Cross section shows 34 feet on East side and 11 feet on West side

The road is 60 feet wide at South end and 60 feet wide at North end, 60 feet wide Frank Mitchell would have to move his fence back 15 feet and pay Allen for a strip of land 4 feet wide at North end and 16 feet wide at South end 1320 feet long or 13200 square feet of land appraised at \$20⁰⁰ per acre amounting to \$6⁰⁶

(455)

At sections 4 & 5 of the road Frank Mitchell owns the land on both sides of the road, and at section 6 of

(6)

said road W. Mitchell owns the land on both sides of the road, so that if these parties leave the road 60 feet wide the rights of the public would be maintained and no appraisement would be required.

(708)

At sections 7 & 8 of said road we find that M. B. Rees owns the land on the West side of said road and L. R. Holmes on the East side. Here the road is 59 feet wide and in our opinion is of sufficient width and on good ground. We find that M. B. Rees has given 3 feet wide ~~and~~ 264 feet long more than his share, and that Holmes ought to pay for the same which appraised at \$30⁰⁰ per acre would amount \$546

(13)

At Section 13 of said road W. R. Boothe owns the land on the West side and Otto Eckersly owns the land on East side. At the South end of of this Section the road is 51 feet wide on the East side of the Section line and 4 feet wide on the West side of the Section line and at the North end the road is 32 feet wide on the East side and 11 feet on the West side, And to make the road 60 feet wide Boothe would have to move his fence back 5 feet at South end and 17 feet at North end and must pay Otto Eckersly for a strip of land 2 feet wide at North end and 21 feet wide at South end and 1320 feet long or 15180 square feet of land which we appraised at \$30⁰⁰ per acre amounting to \$10⁴⁵

(14)

At section 14 of said road we found that A. E. Eaton owns the land on the West side and W. H. Lynch owns the land on the East side. At the South end of this Section the road is 32 feet wide on East side of Section line and 11 feet wide on West side and at North end the road is 34 feet wide on East side and 24 feet wide on West side. To make the road 60 feet wide Eaton will have to move his fence back 17 feet at South end and 2 feet at North end and pay Lynch for a strip of land 2 feet wide at South end and 21 feet wide at North end and 1320

feet long or ~~3960~~ 3960 square feet of land which
we appraised at \$30⁰⁰ per acre amounting
to \$2⁷⁰

(15)

At section 15 ^{of said road} we found that A. E. Eaton owns
the land on the West side and A. J. Harris
owns the land on the East side. The road is
34 feet wide on the East side at South end
of this section and 24 feet wide on the West
side, and at the North end the road is 34
feet wide on the East side and 22 feet
on the West side. And to make the
road 60 feet wide Eaton would have
to move his fence back 2 feet at the
South end and 4 feet at the North end
and pay Harris for a strip of land
4 feet wide and 1320 feet long or 5280
square feet of land which we appraised
at \$30⁰⁰ per acre, amounting to \$3.64

(16)

At section 16 of said road we found that
A. E. Eaton owns the land on the West side
and J. Kennedy owns the land on the East side.
At the South end of this section the road is
34 feet wide on the East side of section line
and 22 feet wide on the West side and at
the North end the road is now 44 feet
wide on the East side and 19 feet wide on
the West side. To make the road 60 feet
wide at South end Eaton would have

to move his fence back 4 feet and at the North end the road being open 63 ft wide Kennedy would have the right to move his fence out 3 feet, still leaving the road 60 feet wide, And Eaton would have to pay Kennedy for a strip of land 4 feet wide at South end and 11 feet wide at North end 1320 feet long or 9900 square feet of land which we appraised at \$25⁰⁰ per acre, amounting to \$570

(17)

At section 17 of said road we found that J. H. Corbin owns the land on the West side and V. Kennedy on the East side. At the South end of this section there is 44 feet of road on the East side and 19 feet on the West side, and at the North end of this section there is 51 feet of road on the East side and 6 feet on the West side of the section line, And to make the road 60 feet wide at North end Corbin would have to move his fence back 3 feet, and Kennedy could move his fence out 3 feet at South end and still leave the road 60 feet wide. And Corbin would have to pay Kennedy for a strip of land 21 feet wide at North end and 11 feet wide at South end and 1320 feet long or 21120 square feet of land appraised at \$25⁰⁰ per acre amounting to \$1257

(18) At Section 18 of ~~Parade~~ road J. H. Corbin owns the land on the West side and J. Fassett owns the land on East side of Section line. At the South end of this Section the road is open 51 feet on the East side and 6 feet on the West side. And at the North end the road is open 36 feet on the East side and 7 feet on the West side. To make the road 60 feet wide Corbin would have to move his fence back 3 feet at South end, and it appearing that Fassett is the party encroaching at the North end, he would have to move his fence back 17 feet at North end, and Corbin would have to pay Fassett for a strip of land 21 feet wide at South end and 23 feet wide at North end and 1320 feet long, or 29040 square feet of land which we appraised at \$25.00 per acre amounting to \$1667.

(19) At Section 19 of ~~Said~~ road, J. J. Smith owns the land on the West side of Section line and J. H. Wilson owns the land on the East side of Section line. At the South end of this Section the road is open 36 feet on the East side and 7 feet on West side of Section line, and at North end the whole road is ~~back of~~ the Section line, and one foot of ground East of Section line lies West of the road limits.

(20)

The encroachment on the road at this section has been made on East side. And to make the road 60 feet wide as opened more than ten years ago Wilson would have to move his fence back 17 feet at the South end and 27 feet at the North end. And Smith would have to pay Wilson for a strip of land 23 feet wide at South end and 31 feet wide at North end, and 1320 feet long, or 35640 square feet of land, and

At Section No. of said road, the same parties own the land on the different sides as at last. And at South end the road is all East of section line the section line at this point being one foot West of road limits, and at North end the section line is 5 feet West of the road limits. And to make the road 60 feet wide Wilson would have to move his fence back 24 feet at South end of this section and 26 feet at North end. And Smith would have to pay Wilson for a strip of land 35 feet wide at North end and 31 feet wide at South end and 429 feet long, or 27027 square feet of land, which added to the 35640 square feet in previous section would make 62667 square feet of land which we appraised at \$25 per acre

amounting to \$35⁹⁷

From this point North to the section line running East & West we find that the Surveyor's field notes do not reach as the survey terminated, at the point last above mentioned, but the road is there depicted also, and to settle the dispute we examined the lands and the road for about 60 rods further North & from thence by resurvey to the said section line and find that J. F. Smith owns the land on the West side of the section line running North & South and J. L. Wilson owns the land on the East side. We find that the road at this section of road is sinuous, winding around the hill & upon good ground. We find however that ~~the~~ the road takes about $1\frac{1}{2}$ acres more of land from Wilson than from Smith which land we appraised at \$8⁰⁰ per acre amounting to \$12⁰⁰ which Smith would have to pay Wilson on this section and each party make the lanes on his own land 60 feet wide.

The foregoing is the best we can make with the facts before us, and ask that the same be accepted and approved by the Court & Dated at Union Oregon this January 5th 1892

We find also that it would cost about \$50⁰⁰ to improve every 20 rods of fence.

J. A. Jones
V. Schomura
M. S. Warm

} Heires and
} Arbitrators

FILED.

JAN 5 1892

James Owen
County Clerk

To the Honorable County Court for
Union County, Oregon

The undersigned viewers heretofore
on the 7th day of Oct. 1891 appointed to
view the ~~Road~~ of which the survey here-
to attached is a true and correct de-
scription in pursuance with said
appointment and order after being
duly sworn to faithfully and impar-
tially discharge the duties of said
appointment we proceeded to view
the said road for the whole distance
thereof to-wit: Commencing at or near
the S. E. Corner of Sec. 17, T. 3, S. R. 40. E.
N. M. and running thence Northery on
"the line" as opened to travel in the
year 1868 to or near a point 60rd
south of the North East Corner of Sec.
29, T. 2, S. R. 40 E. N. M. and wholly
disregarded encroachments made
thereon since the year 1884 and have
caused the same to be surveyed by J.
S. Curtis County Surveyor and caused
the termini and intermediate
angles to be marked by a proper stone
planted in the ground at the center
of the present traveled road (disregard-
ing encroachments since 1884) to the

FILLED.

NOV 4 1891

James Davis
County Clerk.

to the best of our knowledge and belief) on the line of said survey properly marked and extending sufficiently above the ground to be readily distinguished giving the width of said road as now used for travel and for the period since 1868 to the year 1884 and disregarding all encroachments since 1884 to the best of our ability. But owing to variations in the information we obtained in regard to the changes that may have been made in the above mentioned road since 1884 - and even between 1868 and 1884 (as we was without authority to procure evidence concerning said changes in said traveled road it is not possible for us to give the exact "line" of the said long traveled road or exact changes. But in our opinion said ^{road} should be established a public highway of Union County Oregon that the same is practicable and adds to the convenience of the householders residing in the vicinity thereof.

J. R. Kellogg
M. A. Harrison
Viewers

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the _____ day of _____, 189____, 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 _____, et al, beg leave to report that on the _____ day of _____, 189____, 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 _____ established as a public highway of Union County, Oregon; that the same _____ practicable and would _____ add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be _____ laid out _____ declared a public highway of said county.

VIEWERS.

In the Hon County Court of the County of Union
State of Oregon and the Viewers appointed in the
Matter of Establishing Monuments
at the Termini and intermediate points
of the County Road:

Beginning at the S E corner of Sec 17
Township 6. S. R. 40 East and terminating
at a point 60 Rods south of the N E corner
of Sec 29 T. 2. S. R. 40 East Will Mer

I beg leave to report that we met at the Court on the
23rd day of Oct 1891 and proceeded to view out and survey
the road in question as follows: To wit:

There being great discrepancy in regard to the information
to be obtained about the Traveled Road since the year
1868, and also changes since the year 1880 and 1884

Therefore I have prepared a Plat of the line of Road
giving as near as possible the Owners of Land along the
line of the Road and the conditions they occupy in regard to
the section lines with &c

The Plat is marked by Stations of 80 Rods each
and monuments have been placed at every point 160 Rods
distance and at the Beginning and Terminus of the Road:

It commenced at the S E corner of sec 17 T. 6. S. R. 40 East
Thence North Var $21^{\circ}15'$

20 00 On the present Traveled Road ^{all encroachments since the year 1884} there is ~~an~~ ^{an} opening on
the east side of the Sec Line 32 ft and on the West
side 8 ft Thence N Var $21^{\circ}15'$

20 00 Intersected the N E corner as established by J W Kimball
Present Open Road is 46 ft on the east side of the

- See line used 14 ft on the West side: at this point I
 Planted a Rock 12x12x12. Marked 'R.' for the center of
 Old Road 14 ft West of the 1/4 sec corner & There at 21° East
 11 ft West of the sec line and 34 ft East; One Chain further
 North of this point the cross section measures 28 ft
 on the West side of the Sec Line and 34 ft on the East side
 Thence N Var 21°
- 20 00 Present Open Road 26 ft on the West side of the Sec line
 and 32 ft on the East side The Old Road was 14 3/4 ft
 on the West side and 15 ft on the East at this
 Point I set a 1/2 mile Rock 14 ft West of the Sec line
 Thence N Var 20° 45'
- 20 00 The cross section measurement shows 33 ft on the West
 side of the sec line and 26 ft on the East side
 Thence N. Var 20° 45'
- 20 00 To Station 6 where the cross section shows 34 ft on the
 West and 25 ft on the East of Sec. Line; Thence N Var 21° E
- 20 00 To Sta 7 cross section shows 33 ft on the West and
 26 ft on the East side of sec line; Thence N Var 21° East
- 20 00 To Sta 8 cross section shows 30 ft on the West side and
 26 ft on the East side of Sec line; Set a 1/2 mile Rock at
 this point in accordance with cross section measurement
 Thence N Var 20° 45'
- 20 00 To Sta 9 cross section shows 28 ft on the West side and 34 ft
 on the East side of sec line; Thence N Var 20° 45'
- 20 00 To Sta 10 cross section shows 15 ft on the West side and 18 ft
 on the East side of Sec line;
 Set Rock Marked 'R.' in center of present Traveled
 Road and cross sec lines for center of Road; Thence N Var 21° E

- 20 00 To Sta 11 Cross section shows 11.3 ft on the west side and 41 ft on the East side of Sec line Thence N Var 20° 45' East
- 20 00 To Station 12 Cross section shows 4 ft on the west side and 57 ft on the east side of Sec line: Planted Rock marked 3 M in the center of present Traveled Road Thence N Var 21° East
- 20 00 To Sta 13 Cross section shows 11 ft on the west side and 32 ft on the East side of Sec line Thence N Var 21° East
- 20 00 To Sta 14 Cross section shows 24 ft on the west side and 34 ft on the East side of Sec line Planted Rock as per instructions in center of present Traveled Road Thence N Var 21° E
- 20 00 To Sta 15 Cross section shows 22 ft on the west side and 34 ft on East side of Sec line Thence N Var 21° East
- 20 00 To Sta 16 Cross section shows 19 ft on the west side and 44 ft on the east side of Sec line: Planted Rock marked 4 Miles in center of present Traveled Road Thence N 21° E
- 20 00 To Sta 17 Cross section shows 6 ft on the west side and 57 ft on the east side of Sec line Thence N Var 21° E
- 20 00 To Sta 18 Cross section shows 7 ft on the west side and 36 ft on the east side of Sec line: Planted Rock marked R in the center of the Road Thence N Var 21° East
- 20 00 To Sta 19 Cross section shows Sec line - 1 ft on the west and 34 ft on the East Thence N Var 21° East
- 66 50 To the Terminus of the R Cross section shows - 5 ft on the west side and 32 ft on the east side Planted Rock marked R.S. in the center of Old traveled Road

Owing to discrepancy in the information to be obtained in regard to changes that may have been made since the year 1884 it is impossible for me to give the exact bearings of the old original

Road with the present graded Road and therefore
I submit the enclosed to the Veterans for their
consideration

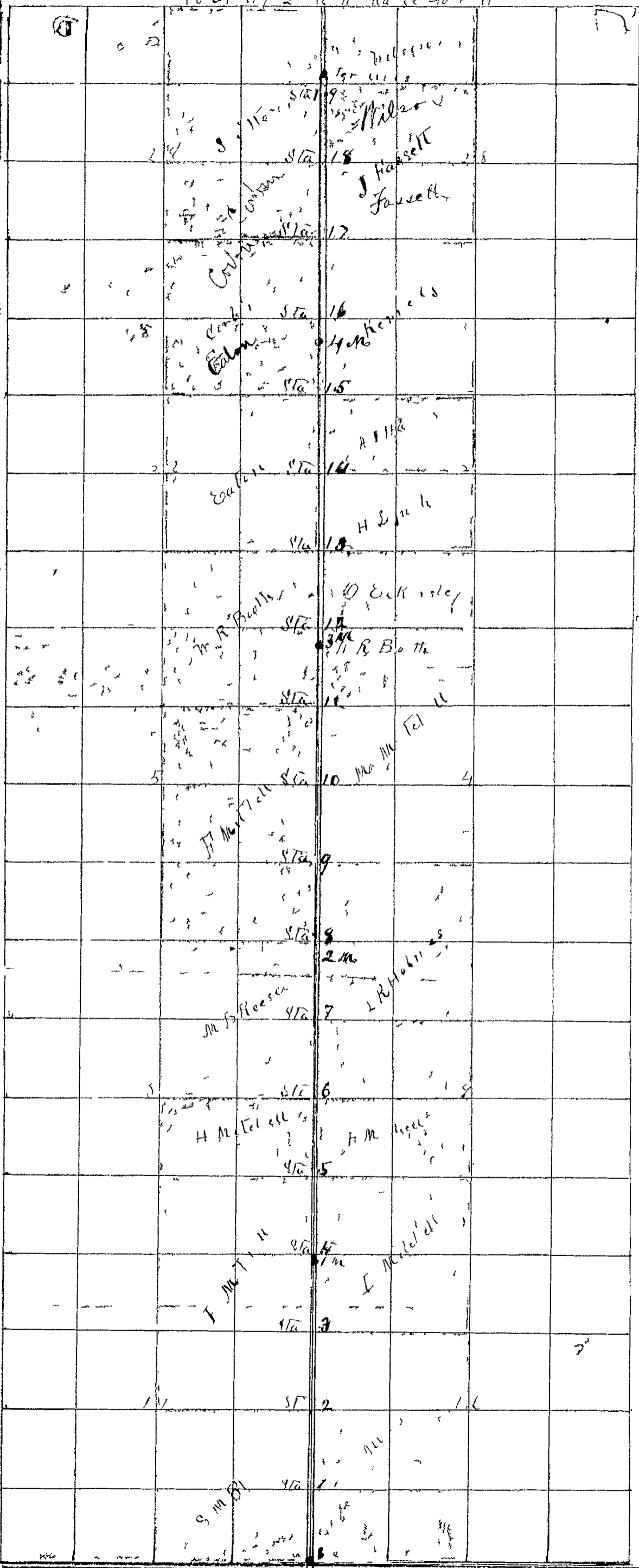
J L Curtis

Surveyor

FILED.

NOV 4 1891

James Davis
County Clerk



T 3 S R 40 F

Collected from this to the Cove

1 2 3 4 5 6 7 8 9 10 11 12

FILLED

12 1891

James Owen

County Clerk

FILLED

12 1891

James Owen

County Clerk

First Judicial Day

Wednesday June 3rd 1891

In the Matter of the petition of
Whilders and Druedall for liquor license }

This Matter came on to be heard upon the petition of Whilders and Druedall presented to the Court at this time for a license to sell spirituous, malt and vinous liquors in less quantities than one gallon in the Precinct of Helgard Oregon for the period of one year and it appearing to the Court that said petition is signed by an actual majority of all the legal voters of said precinct, that due notice of the pendency of this proceeding has been given by publication of said petition as required by law, proof of which has been filed herein, that said petitioners have paid into the County Treasury the sum of \$400 being the price required by law therefor, and have produced and filed with the Clerk his receipt for the same, and has filed a bond as required by law to the approval of this Court and no remonstrance having been filed herein or cause shown why said petition should not be granted. It is therefore considered and ordered that said petition be granted, that license issue to said Whilders and Druedall authorizing them to sell spirituous malt and vinous liquors in less quantities than one gallon in the Precinct of Helgard, Union County Oregon for the period of one year from this date.

In the Matter of the Resurvey of
the County Road beginning at the
South East corner of section 17 Down-
ship 3 South R 40 E.W.M. and extending
thence North on the section lines to the
North East corner of sec 29 Tp. 2 S. R. 40 E.W.M }

Now at this time it appears
ing to the Court that the true corners of the public road in
Union County Oregon beginning at the South East corner of sec-
tion 17 Township 3 South of Range 40 E.W.M. and extending thence

First Judicial Day

Wednesday June 3rd 1891.

North on the section lines to the North East corner of Section 29 Township 2 South of Range 40 E.W.M. have become uncertain by reason of the decay destruction and removal of the monuments by which said road was designated and it further appearing to the Court that said road extends through lands valuable for agricultural purposes which lands are all enclosed and that the interests of the public and the land owners along the line of said road demand that the true corners, the true line and the monuments by which said road is designated should be ascertained, located plainly marked and established and it further appearing to the Court that said road was originally located upon the section lines between 16+17, 8+9, and 4+5 Tp 3 South of Range 40 E.W.M. and on the section line between sections 32+33 and 28+29 Tp 2 South of Range 40 E.W.M. and that said line is the true and correct line of said road It is therefore ordered that the following named persons disinterested householders of Union County Oregon be and they are hereby appointed viewers to review said road, to wit: James Henderson, H.G. Geer and H.L. Dougherty and J.L. Curtis County surveyor is hereby appointed surveyor to survey the same and the said reviewers are hereby ordered to meet at Sam Blooms house on the 17 day of June A.D. 1891 at 10 o'clock A.M. and after taking the necessary oath as such reviewers they are hereby directed to proceed to review said road its entire length and to cause the same to be surveyed and permanent monuments established on the line thereof on the section lines as aforesaid and they are hereby directed to cause the same to be platted and to make return of their said review survey and plat to this Court on or before the third day of the next regular term thereof.

In the Matter of the Road }
 petitioned for by E.E. Taylor et al. }

This matter came on to be heard at

Third Judicial Day

Wednesday Nov 4th 1891

In the Matter of the Road }
 petitioned for by C.A. Thorpe et al }

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

In the Matter of the Road }
 petitioned for by J. T. Glenn, junr }
 his own right }

This Matter came on to be heard at this time on the reports of the viewers and surveyor heretofore appointed herein, and said report having been read in open Court for the first time are laid over for a second reading on some other day of this term of Court.

In the Matter of the Resurvey }
 of Road in the Cove petitioned }
 for by B.F. Wilson et al }

This matter came on to be heard at this time on the reports of the viewers and surveyor heretofore filed herein and it appearing to the Court that this is a proceeding to reestablish the monuments along the line of an old County Road and that some of the parties affected thereby desire to make a settlement with each other It is therefore considered and ordered that this matter be continued for the term.

In the matter of the }
 Road petitioned for by }
 Chas Bechtel et al }

This matter came on to be heard at this time on the report of the appraisers heretofore appointed herein to assess the damages that would accrue to W^m Long and Noah Richards by reason of the location and establishment of the said road and also upon the petition of a number of citizens that said damages be paid out of the County Treasury, and said report being in writing in words and figures following to-wit:

To the County Court of Union County Oregon:

Fourth Judicial Day

Thursday Dec 10th 1891

clared a public highway of Union Co. Oregon, and ordered opened up and placed in repair for travel according to law. It is further ordered that the report of the viewers be placed on record in this Journal, and that the surveyors plat of the proposed road and his field notes of the survey thereof, be placed on record in the book of Plats of County roads of Union County, Oregon, and that W. L. Dougherty Road Supervisor of road District No. 6 the same being 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.

In the Matter of the Road
petitioned for by B. F. Wilson }

This matter came on to be heard at this time upon the stipulation of the parties affected by the above entitled road stipulating and agreeing that all matters involved herein as affecting their rights may be settled by arbitration which stipulation and agreement is in words and figures following to wit:

In the matter of the County Road commencing at or near the SE corner of section 17 T 3 S R 40 E running north on or near section line to or near the NE corner of Sec 29 T 2 S R 40 E 60m.

Memorandum of Agreement

It is hereby stipulated and agreed by the undersigned that we each give and donate for a county and public road a strip of land thirty feet in width the full length of said road running along and through our lands.

That we agree to give the said thirty feet of land on each side of the center line of present traveled road as viewed and surveyed by J. R. Kellogg & M. A. Harrison the viewers last appointed by the County Court whose report was filed on the 4th day of Nov 1891. That where said road occupies and takes more than 30 feet of land from one party to this agreement and less than 30 feet from the party on the opposite side of said road then in that case we and each of us will buy and sell as required for that purpose to and from each other the required amount of land for said road so that each shall give an equal width of 30 feet on each side of the center line of said road that in order to determine the question of the damages to be paid or received by or from each party for said

Fourth Judicial Day

Thursday Dec 10th 1891

land we each agree to arbitrate the matter and hereby stipulate and agree to submit the same to three disinterested householders two of whom to be appointed by the County Court and the third to be chosen by the two so appointed by the Court. The arbitrators so appointed are to find and determine the amount each party shall pay or receive to or from the other in order that each shall give the same number of feet in width of land for said road and in estimating the said damages the removing fences shall be considered and the amount of land to be dedicated by each of us for said purpose.

And we each agree to carry out and satisfy the findings and decisions of said arbitrators and that their decisions shall be final. Owners to convey as herein provided and their mortgagees if any to convey by quit claim deed to be deposited with the County Judge of Union County Oregon upon payment of the amounts so found by the arbitrators due each party.

Dated this day of November 1891

J. J. Smith, J. W. Kennedy, J. H. Wilson, W. R. Booth
J. K. Corbin, L. R. Holmes, M. B. Reese

Therefore it is considered and ordered by the Court that in accordance with the terms of said stipulation that Nelson Schoonover and J. A. Jones be appointed by the Court as arbitrators to select a third man to complete said board of arbitrators and that said board of arbitrators perform their duties herein in accordance with said stipulation and report their findings to this Court at the next regular term hereof and that they meet at the County Clerk's Office at Union Oregon on Monday the 21st day of December 1891 and duly qualify before proceeding with their duties in this behalf.

In the Matter of }
Private Roads }

It appearing to the Court that there has never been any rule established by this Court for the collection and payment of costs of laying out and establishing private roads. It is therefore considered and ordered by the Court that hereafter the bills of Surveyors, viewors &c of Private Roads be rendered to this Court to be audited and paid out of the County Treasury and that the petitioners be required to reimburse the County and that their bondsmen be held as security for the same.

Month Judicial Day

Thursday January 7th 1892

and pursuant to said stipulation the County Court having appointed two arbitrators and they having selected a third as provided in said stipulation and having performed their duty thereunder and returned their report in writing as follows, to wit:

" To the County Court of Union County Oregon:

In the Matter of the
Road in lev. petitioned
for by B. F. Wilson et al

We the undersigned arbitrators, two of us (J. A. Jones and Nelson Schoonover) having been appointed by the Court, and we having selected M. S. Warren as the third, having been duly sworn to faithfully and impartially perform our duties as arbitrators in the Matter of road in lev. petitioned for by B. F. Wilson et al according to the tenor of the stipulation filed in said Matter by leave to report that pursuant to said appointment and stipulation we met at Union Oregon on Dec 21st 1891 and having been first duly sworn proceeded to view the premises of the land owners adjoining said road and appraise and fix the value thereof, and ascertain the amount of land certain parties would give in excess of their respective shares, and the value thereof to be paid by the adjoining parties on the opposite side of the road and that we found that the County Surveyor had resurveyed the road and fixed the line thereof and established monuments and had marked a station every 20 chains along the line thereof and had made cross sections and measurements showing the width of the road at every such station We called the space between every two of these stations a section of road so we could more easily make our calculations the space from the beginning to station 1 being section one &c We found that sections 1 + 2 of said road S. M. Bloom owns the land on the West side and Allen owns the land on the East side of said road. We find that at section one there is 32 feet of road on the East side of the section line and 8 feet on the West side, therefore at this section Bloom would have to move his fence back 20 feet to make the road 60 feet wide as set out in the stipulation, he would then be giving 28 feet of land for road and Allen 32 feet. He would therefore have to pay Allen for a strip of land 2 feet wide and 20 chains or 1320 feet long or 2640 square feet of ground, and at section two of said road, the cross sections show at the South end

Fourth Judicial Day

Thursday January 7th 1892.

32 feet of road on the East side of the section line and after Bloom moves his fence back 20 feet would show 28 feet on the West side of section line at the North end the cross section shows 46 feet on the East side of the section line and 14 feet on the West side of section line. The road would then be 60 feet wide the whole length of this section thereof and Bloom would have to pay Allen for a strip of land 1320 feet long and 2 ft wide at South end and 16 feet wide at South end and 16 feet wide at North end or 11880 sq. feet of land which added to the 2640 sq. feet in surplus of first section would make 14520 sq. feet of land Bloom would have to pay Allen for, which was appraised at \$20 per acre, amounting to \$6.67

(3) At section 3 of said road Frank Mitchell owns the land on the West side and Allen owns the land on the East side, here we find that cross section shows 46 ft of road on the East side of section line and 14 ft on the West side at South and at North end cross section shows 34 feet on East side and 11 feet on West side. The road is 60 feet wide at South end and to make North end 60 feet wide. Frank Mitchell would have to move his fence back 15 feet and pay Allen for a strip of land 4 feet wide at North end and 16 feet wide at South end 1320 feet long or 13200 square feet of land appraised at \$20.00 per acre amounting to \$6.66

4+5 At sections 4+5 of the road Frank Mitchell owns the land on both sides of the road and at section 6 of said road H. Mitchell owns the land on both sides of the road, so that if these parties leave the road 60 feet wide the rights of the public would be maintained and no appraisal would be required.

7-8 At sections 7-8 of said road we find that M. B. Reese owns the land on the West side of said road and L. R. Holmes on the East side. Here the road is 59 feet wide and in our opinion is of sufficient width and on good ground. We find that M. B. Reese has given 3 feet wide and 2640 feet long more than his share and that Holmes ought to pay for the same which appraised at \$30.00 per acre would amount to \$5.46

(9) At section 9 of said road we find that L. R. Holmes owns the land on the East side and Frank Mitchell owns the land on the West side of the road. At the South end of this section the road is 26 feet wide on the East side of the section line and 33 feet on the West side and at the North end 34 feet of road on the East side and 23 feet on the West side of the section line. Here if Mitchell would move his fence back 3 feet at the North end the road at this section would be 59 feet wide at the South end and 60 feet wide at North end and re-

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Thursday January 7. 1892

- pective parties would give about the same amount of land so that neither party would have to pay the other anything
- (10) at section ten of said road Frank Mitchell owns the land on the West side and Matt Mitchell owns the land on the East side. We found at the South end of this section that the road is 34 feet wide on the East side of the section line and 23 feet wide on the West side and at the North end there is 41 feet of the road on East side of section line and 15 feet on the West side. To make the road 60 feet wide Frank Mitchell would have to move his fence back 3 feet at South end and 4 feet at North end and would have to pay Matt Mitchell for a strip of land 4 feet wide at South end and 11 feet wide at North end and 1320 feet long or 9900 square feet of land
- (11) At section 11 of said road we found that Frank Mitchell owns the land on the West side and Matt Mitchell on the East side at South end of this section the road is 41 feet wide on the East side and 15 feet wide on West side and at North end the road is 41 feet wide on East side and 11.3 feet wide on West side. And to make the road 60 feet wide Frank Mitchell would have to move his fence back 4 feet at South end and 7.7 feet at North end and would have to pay Matt Mitchell for a strip of land 11 feet wide and 1320 feet long or 14520 square feet of ground which added to the 9900 square feet of ground in previous section would make 24420 square feet of land which we appraised at \$30⁰⁰ per acre amounting to \$16⁰⁰
- (12) At section 12 of said road W.R. Boothe owns the land on both sides. He should move his fence on the West side back so as to make the road 60 feet wide
- 13 At section 13 of said road W.R. Boothe owns the land on the West side and Atho Eckersley owns the land on East side. At the South end of this section the road is 51 feet wide on the East side of the section line and 4 feet wide on the West side of the section line and at the North end the road is 32 feet wide on the East side and 11 feet on the West side. And to make the road 60 feet wide Boothe would have to move his fence back 5 feet at South end and 17 feet at North end and must pay Atho Eckersley for a strip of land 2 feet wide at North end and 21 feet wide at South end and 1320 feet long or 15180 square feet of land which we appraise at \$30⁰⁰ per acre amounting to \$10⁴⁵
- 14 At section 14 of said road we found that A. E. Eaton owns the land

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Thursday January 7th 1892

- on the West side and H. Lynch owns the land on the East side. At the South end of this section the road is 32 feet wide on East side of section line and 11 feet wide on West side and at North end the road is 34 feet wide on East side and 24 feet wide on West side. To make the road 60 feet wide Eaton will have to move his fence back 17 feet at South end and 2 feet at North end and pay Lynch for a strip of land 2 feet wide at South end and 4 feet wide at North end and 1320 feet long or 3960 square feet of land which we appraised at \$30⁰⁰ per acre amounting to \$2²³.
- 15 At section 15 of said road we found that A. E. Eaton owns the land on the West side and A. J. Harris owns the land on the East side. The road is 34 feet wide on the East side at South end of this section and 24 feet wide on the West side, and at the North end the road is 34 feet wide on the East side and 22 feet on the West side, and to make the road 60 feet wide Eaton would have to move his fence back 2 feet at the South end and 4 feet at the North end and pay Harris for a strip of land 4 feet wide and 1320 feet long or 5280 square feet of land which we appraised at \$30⁰⁰ per acre amounting to \$3⁶⁴.
- 16 At section 16 of said road we found that A. E. Eaton owns the land on the West side and V. Kennedy owns the land on the East side. At the South end of this section the road is 34 feet wide on the East side of section line and 22 feet wide on the West side and at the North end the road is now open 44 feet wide on the East side and 19 feet wide on the West side. To make the road 60 feet wide at South end Eaton would have to move his fence back 4 feet and at the North end the road being open 63 feet wide Kennedy would have the right to move his fence out 3 feet, still leaving the road 60 feet wide. And Eaton would have to pay Kennedy for a strip of land 4 feet wide at South end and 11 feet wide at North end 1320 feet long or 9900 square feet of land which we appraised at \$25⁰⁰ per acre amounting to \$5⁷⁰.
- 17 At section 17 of said road we found that J. H. Corbin owns the land on the West side and V. Kennedy on the East side. At the South end of this section there is 44 feet of road on the East side and 19 feet on the West side and at the North end of this section there is 51 feet of road on the East side and 6 feet on the West side of the section line, and to make the road 60 feet wide at North end Corbin would have to move his fence back 3 feet, and Kennedy could move his fence out 3 feet at South end and still leave the road 60 feet wide.

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and Corbin would have to pay Kennedy for a strip of land 21 feet wide at North end and 11 feet wide at South end and 1320 feet long or 21120 square feet of land appraised at \$25⁰⁰ per acre amounting to \$12,52

18 At section 18 of said road J. H. Corbin owns the land on the West side and J. Fassett owns the land on East side of section line. At the South end of this section the road is open 51 feet on the East side and 6 feet on the West side and at the North end the road is open 36 feet on the East side and 7 feet on the West side. To make the road 60 feet wide Corbin would have to move his fence back 3 feet at South end and it appearing that Fassett is the party encroaching at the North end, he would have to move his fence back 17 feet at North end and Corbin would have to pay Fassett for a strip of land 21 feet wide at South end and 33 feet wide at North end and 1320 feet long or 29040 square feet of land which is appraised at \$25⁰⁰ per acre amounting to \$16⁶⁷

19 At section 19 of said road J. F. Smith owns the land on the West side of section line and T. G. Wilson owns the land on the East side of section line. At the South end of this section the road is open 36 feet on the East side and 7 feet on the West side of section line and at North end the whole road is East of the section line and one foot of ground East of section line lies West of the road limits. The encroachment on the road at this section has been made on East side and to make the road 60 feet wide as opened more than ten years ago Wilson would have to move his fence back 17 feet at the South end and 27 feet at the North end and Smith would have to pay Wilson for a strip of land 23 feet wide at South end and 31 feet wide at North end and 1320 feet long or 35640 square feet of land and

20 At section 20 of said road, the same parties own the land on the different sides as at last, and at South end the road is all East of section line, the section line at this point being one foot West of road limits, and at North end the section line is 5 feet West of the road limits, and to make the road 60 feet wide Wilson would have to move his fence back 24 feet at South end of this section and 26 feet at North end Smith would have to pay Wilson for a strip

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of land 3.5 feet wide at North end and 3.1 feet wide at South end 429 feet long or 27027 square feet of land which added to the 35640 square feet in previous section would make 62667 square feet of land which we appraised at \$25 per acre amounting to \$35.97.

From this point North to the Section line running East and West we find that the Surveyors field notes do not reach as the survey terminated at the point last above mentioned, but the road is there disputed also, and to settle the dispute we examined the lands and the road for about 60 rods further North from terminus of survey to the said section line and find that J. F. Smith owns the land on the West side of the Section line running North & South and D. B. Wilson owns the land on the East side. We find that the road at this section of road is sinuous, winding around the hill to keep on good ground. We find however that the road takes about 1/2 acre more of land from Wilson than from Smith which land we appraised at \$8⁰⁰ per acre amounting to \$12⁰⁰ which Smith would have to pay Wilson on this Section and each party make the lane on his own land 60 feet wide.

The foregoing report is the best we can make with the facts before us and ask that the same be accepted and approved by the Court. We find also that it would cost about \$5⁰⁰ to move every 20 chains of fence.

Dated at Union Oregon this January 5th 1892.

J. A. Jones
 W. Schoonover } Viewers and
 M. S. Karen } Arbitrators "

It is therefore considered and ordered by the Court that said report of Arbitrators be approved and adopted by this Court and that all parties who signed said stipulation be held as bound by the same that the respective parties who signed said stipulation who give less than their share of road shall forthwith pay to the respective parties on the opposite side of the road who signed said stipulation the respective sums of money as found due to them by said arbitrators and file receipts for the same with the Clerk of this Court; that the parties who signed said stipulation who have fences within the limits of the road as found by said report of Viewers and Arbitrators move the same back and render their bills for said work to this Court at the rate found reasonable by said arbitrators, that any and all other parties living along the line of said road who have not signed said stipulation but who desire to avail themselves of the equities provided by said report of Arbitrators shall be permitted to do so, so far as the fencing is

Fourth Judicial Day

Thursday January 7th 1892

concerned and are urged by the Court to settle the land equities between themselves; and it is considered and ordered by the Court that H. L. Dougherty Supervisor of Road Districts No 6 and No 7 bring the Districts in which the said road is located be directed and required to clear said road of all obstructions and open the same on the line that has been traveled for more than ten years last past disregarding all encroachments that have been made thereon since 1884 as found by said viewers and surveyor that the same be opened the full width of 60 feet through the premises of all parties who signed said stipulation and through the premises of all other parties the full width as opened and traveled prior to 1884 or prior to the time when any encroachments were made thereon.

In the Matter of Advertising }
 for Contract to keep Poor Farm }

At this time it is considered and ordered by the Court that the Clerk advertise in the Oregon Scout and Eastern Oregon Republican for bids to be received up to noon February 3rd 1892 for situation as Superintendent of the Poor Farm. Let the bids be on the propositions separately:

- 1st To superintend the poor farm, the County to furnish all supplies for the family of the superintendent.
 - 2nd To superintend poor farm same as above and furnish all labor necessary to care for patients and farm
 - 3rd To superintend poor farm and keep all paupers adjudged such by County Court and sent to the farm, the contractor to have use of farm and garden and furnish all supplies for poor farm, including labor; the Court to have the right to to close the contract whenever it is violated.
 - 4th To furnish everything and have use of the farm and garden how much per month for each pauper.
- None of the above propositions to include medicine and medical care.

Thereupon It was ordered that Court be now adjourned until tomorrow morning at 9 o'clock