

No 107 Law
in

Circuit

Court

J. Guber

Plaintiff

vs

Joseph Spencer

et al

Defendant

Baker & Baker

Attorney for Plaintiff

ney for Defendant

406

Petitioned for by
John Allen et al

Commencing at SE Cor
Sec 17 Tp 3 SR 40 E N M
and terminating at NE
Cor Sec 29 Tp 2 SR 40 E

Petition filed Feb 3 1905
Remonstrance Jnl F p 195
Viewers App, " " 200
damage appraisers report " " p 236
petitioners ordered to pay
damages " " p 250

R.T.

5M

Sec
29

Sec
28

4M

Sec
32

Sec,
33

T2S R 40E W.M.

3M

T3S R 40E W.M.

Sec
5

Sec,
4

Allen and others

2M

Sec
8

Sec
9

of John
Piscataway County Road

1M

Sec
17

Sec
16

R

<p>252 28</p>	<p>292 25</p>
<p>252 33 100 N.W.</p>	<p>252 35 100 N.W.</p>
<p>APR 12 1897 FILLIARD James Oliver 100 N.W.</p>	<p>232 100 N.W.</p>
<p>252 2</p>	<p>252 2</p>
<p>252 10</p>	<p>252 10</p>

Field Notes of

The Proposed County Road of John Allen & others

I commenced at the S E corner of Sec. 17 in T 3 S R 40 E W M. which is a stone 24 x 10 x 8 inches marked R.

Thence N = 7° E between sec 16 & 17 Var 21° 29' E.

8000 Chains set Stone 18 x 9 x 8 inches 30 feet East of sec line Marked 1 M

Thence N = 3 1/2° E Var 20° 50' E.

62 chs the corner to sec 8 = 9 = 16 & 17 N = 3 1/2° E between sec 8 & 9 Var 20° 50' E

8000 chs set Stone 20 x 10 x 6 inches 30 feet east of sec. line Marked 2 M.

Thence N = 3 1/2° W Var 21° 25' E.

120 chs the corner to sec 4 = 5 = 8 & 9 N = 8 1/2° W bet sec 4 & 5 Var 21° 25' E.

8000 chs set Stone 23 x 18 x 12 inches 30 feet east of sec line Marked 3 M.

Thence North

174 chs the corner to sec 4 = 5 = 32 & 33 on the line bet T 2 & 3

S R 40 E W M. North bet sec 32 & 33 Var 20° E

8000 chs set Stone 20 x 12 x 10 inches 30 feet East of sec line Marked 4 M.

Thence North

235 the corner to sec 28 = 29 = 32 & 33 North between sec 28 & 29 Var 20° E

8000 chains set Stone 20 x 12 x 10 inches 30 feet east of sec line Marked 5 M.

Thence North

300 chs the N.E. corner sec 29 in T 2 S R 40 E W M.

a Stone 20 x 10 x 6 inches marked R. J.

Making five miles and three chains distance

Surveyed April the 4th 1892

J. Le Carter County Surveyor

by J. W. Tompkins Deputy

Continued for the Term

which April 21st 1892

32
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FILED

APR 5 1892

James Davis
County Clerk.

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 7th day of March, 1892, 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 John Allen, et al, beg leave to report that on the 4th day of April, 1892, 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 greatly add 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.

S. W. Rudolph
R. M. Oliver

VIEWERS.

FILLED.

APR 10 1892

James Davis

County Clerk.

In the County Court of the State of Oregon

For Union County.

In the Matter of the Road petitioned

for By John Abien et als.

State of Oregon

County of Union ss. I

E. P. McDaniel

being first duly sworn say that I know the publicly traveled road in Cove Union County, extending North from the South East Cor. of Sec. 17 T. 3 S. of R. 40 E. W. M. on or near the section line to or near the North East Cor. of Sec. 29 T. 2 S. of R. 40 E. That said Road as now traveled, has been traveled and used as public Highway since the year or about the year 1870, and has been recognized by the County Court and Road supervisors of said County as a public Highway, and the owners of the lands adjacent thereto. And the said Court and supervisor have continuously worked the same, and constructed grades and bridges thereon, and during all of said time the said lands adjacent thereto have been fenced on each side thereof, and the owners of the said lands have set out trees and fences, orchards and built houses and out buildings, with reference there to as such road and adjacent thereto.

That L. R. Holmes built a dwelling on his lands adjacent thereto, in the year about 1884, at a large expense, about 100 feet from the line of the said road and with reference thereto, and has a grove planted in front of the said dwelling and extending to the line of the said road of ornamental trees, planted about the year 1870, and his fence including his said lands and adjoining the line of the said traveled road, has apparently so enclosed the same since the said year 1870.

Subscribed and sworn to before me this
14th day of Apr. 1892.

E. P. McDaniel

Robert Easton
Notary Public
for Oregon

In the County Court of the State of Oregon for

Union County.

In the matter of the Road petitioned for by John Allen et al, From the S.E. Cor. of Sec. 17. Inf. 3. S. of R. 40 E. running thence north on the sec. line. to the -----.

State of Oregon

County of Union ss. I ~~John~~ Holmes,

I am acquainted with the following being first duly sworn say that ~~I am~~ the owner of the North West quarter, and the N.W. 1/4 of the S.W. 1/4 of Sec. 9 in town: 3.S. of R. 40 E. and that ~~I~~ reside thereon. That the road proposed by the petition herein, and sought to be opened, and that ~~has~~ been in possession there of as the same is now fenced since the Year, 1870

That I am informed and believe that there was an attempt in the year 1868 to locate a County road by petition to the County Court of this County and notice there of in manner provided by law, approximately on the route of the said proposed road viz: from the south ~~Eastxxxxxxx~~ West cor. of sec. 16 in said Township and range, north on the sec. line, to the intersection of the road from Summerville to Frenches mill. A distance of 4 miles and 280 rods. And that the same was surveyed and an order of the Court made establishing the same as a County Road by order of date Aug. 6th. 1868.

That upon making and entering the said order by the said Court The said Road was opened by the of the lands through which the same was so located, to the public travel, viz: in the said year 1868. Said road proceedings being numbered in said County records No. 22.

That there after the same has been used as a public High way until the present time, and has been recognised by the County Court of this County and the public, and the owners of the lands adjacent there to, as a legal county Road. And that the said County Court and the Road supervisors of said County have continuously worked the said road, constructed grades, and bridges thereon, and expended large sums of money thereon, and also labor.

That during all the time since the year 1838, the lands adjacent there to have been fenced on each side thereof, and the owners of such lands have set out trees, fences, orchards, and built houses and out buildings, with reference there to and adjacent to the line thereof.

That the Government monuments of the corners and quarter corners, between sections 8 & 9, and 4 & 5, have been lost and destroyed, and the identity of the said corners cannot be now ascertained, as they originally stood.

That the location of the said proposed road, is only sought by the petitioners herein, for the purpose of re-establishing the said lost corner and the lines between the said sections, and not because the public convenience requires a new road on said alleged line. That the centre of line of the proposed road does not, and will not vary more than about 30 feet at any one place from the centre line of the said road as the same is now traveled, and originally opened.

That ^{Said Dr. Holmes} I have a dwelling house built in the year 1864 of the reasonable value of \$3300, which is situated about 100 feet distant from the said present traveled road, and built with reference thereto.

That I have a grove planted by me in front of the said dwelling, and extending to the said road as now traveled, of ornamental trees, planted about the year, 1870 — That I have owned and occupied the said lands as a home and had the same inclosed to the line of the said present traveled road as there is now inclosed, since the year 18

That damages will not compensate for any encroachments upon the said improvements.

Subscribed and sworn to,
before me this 6th day
of April, 1892.

Fred. J. Robinson

Robert Easton,
Notary Public
for Oregon.

In the County Court of the State of Oregon

Union County.

In the matter of the Road petitioned for by John Allen et al, From the S. E. Cor. of Sec. 17. Twp. 3. S. of R. 40 E. running thence north on the sec. line, to the

State of Oregon

County of Union ss. J. L. R. Holmes,

being first duly sworn, say that I am the owner of the ^{West 1/2 of} North West quarter, and the ^{1/4 Sec. 9} E. N. 1/4 of ⁶ the ⁴ E. N. 1/4 of Sec. 4 in town 3. S. of R. 40 E. and that I reside thereon, and that the road proposed by the petition herein, and sought to be opened, and that I have been in possession thereof, as the same is now fenced since the year 1870

That I am informed and believe that there was an attempt in the year 1868 to locate a County road by petition to the County Court of this County and notice thereof in manner provided by law, approximately on the route of the said proposed road viz from the south ~~quarter~~ West cor. of sec. 16 in said Township and range, north on the sec. line, to the intersection of the road from Summerville to French's mill, a distance of 4 miles and 200 rods, and that the same was surveyed and an order of the Court made establishing the same as a County Road by order of date Aug. 6th. 1868.

That upon making and entering the said order by the said Court, The said Road was opened by the ^{owners} of the lands through which the same was so located, to the public travel, viz: in the said year 1868. Said road proceedings being numbered in said County records No. 22.

That there after the same has been used as a public High way until the present time, and has been recognized by the County Court of this County and the public, and the owners of the lands adjacent thereto, as a legal county road, and that the said Court and the Road supervisors of said County have continuously worked the said road, constructed grades, and bridges thereon, and expended large sums of money thereon, and also labor.

That during all the time since the year 1868, the lands adjacent thereto have been fenced on each side thereof, and the owners of such lands have set out trees, fences, orchards, and built houses and out buildings, with reference thereto and adjacent to the line thereof.

That the Government monuments of the corners and quarter corners, between sections 8 & 9, and 4 & 5 ^{of said Townships & Range}, have been lost and destroyed, and the identity of the said corners cannot be now ascertained, as they originally stood.

That the location of the said proposed road, is only sought by the petitioners herein, for the purpose of re-establishing the said lost corners and the lines between the said sections, and not because the public convenience requires a new road on said alleged line. That the centre of line of the proposed road does not, and will not vary more than about 30 feet at any one place from the centre line of the said road as the same is now traveled, and originally opened.

That I have a dwelling house built in the year 1884 of the reasonable value of \$3300 ⁰⁰ which is situated about 100 feet distant from the said present traveled road, and built with reference thereto.

That I have a grove planted by me in front of the said dwelling, and extending to the said road as now traveled, of ornamental trees, planted about the year 1870. That I have owned and occupied the said lands as a home and had the same inclosed to the line of the said present traveled road as this ^{same} is now inclosed, since the year 1879.

That damages will not compensate me for any encroachment upon the said improvements.

Subscribed and sworn to before me this 6th day of April 1892
L. R. Holmes
Notary Public for Ore.

State of Oregon

County of Union

I John M. Pley

being first duly sworn say that I have
heard the within affidavit read, and

that except as to the matters stated an infor-

mation & belief - and as to last comes

I have personal knowledge of the facts therein
stated as occurring or existing since the year
1874 - And that I believe the same to be true

John M. Pley

THESE THINGS BEING FIRST DULY SWORN TO BY ME AS ABOVE SAID, I HAVE SIGNED THE SAID AFFIDAVIT IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE AT THE CITY OF PORTLAND, OREGON, THIS 15TH DAY OF FEBRUARY, 1874.

County Court
Nevada County,

Read petitions for by
John Cullen et al

Official of
J. P. Spence

FILED.

APR 7 1892

James Davis
County Clerk

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

We, the undersigned viewers heretofore on the 22nd day of April, appointed to view out and assess the damages claimed by L. R. Holmes et al in the matter of the proposed county road, petitioned for by John Allen et al. _____ leg leave to report that on the 2nd

day of May, 1892, 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 J. G. Brooker, J. G. Corbin, and complainant, and to assess and determine how much less valuable said premises of said complainant would be ren-

dered by the opening of said road, and we find that the premises of said complainant J. G. Brooker would be rendered \$ 16.00 less valuable, and that the premises of complainant Corbin & Brasher would be

rendered \$ 180.00 less valuable, and the premises of the complainant L. R. Holmes would be rendered \$ 475.00 less valuable, and the premises of complainant J. G. Eaton would be rendered \$250.00 less valuable, and the premises of complainant J. G. Smith would be rendered \$250.00 less valuable by the laying out and establishment of said proposed road as a public highway of

said county, and recommend that paid amts be paid to said complainants before laying out and establishing said road as a public highway.

N. Schoonover
E. G. Lewis
W. S. Warm

State of Oregon
Union County

Me Nelson Schoonover, M.S.
Warren and E. W. Lewis being duly sworn
each for himself pay we will faithfully and
impartially perform our duties as ap-
praisers of damages claimed by N. R. Boothe
Corbin & Baskin, L. R. Holmes, J. S. Smith and A. B.
Eaton on account of the establishment of the
road petitioned for by John Allen et al. to the
best of our ability, so help us God.

Subscribed and sworn to before me this May 2nd
1892
James Oliver
Clerk

N. Schoonover
M. S. Warren
E. W. Lewis

FILED

MAY 2 1892

James Oliver

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 hereto attached is a true and correct description, in pursuance with said appointment and order after being duly sworn to faithfully and impartially discharge the duties of 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.W.M and running thence Northerly on " the line" as opened to travel in the year 1868 to or near a point 60 rds. South of the North East Corner of Sec. 29, T 2, S.R. 40 E.W.M. and wholly disregarded encroachments made thereon since the year 1884 and have caused the same to be surveyed by J.L. Curtis, County Surveyor and caused the terminal and intermediate angles to be marked by a proper stone planted in the ground at the center of the present traveled road (disregarding encroachments since 1884) 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 encroachments since 1884 to the best of our ability. But owing to the 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.

A.M.Harrison,

Viewers.

(Indorsed)

Filed Nov. 5 1891

Turner Oliver

County Clerk.

To the Honorable 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 3 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 Cove 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 Road and the conditions they occupy in regard to the Section lines width, etc.

The Plat is marked by Stations of 80 rods each and Monuments have been placed at every point 160 rods distant and at the beginning and terminus of the Road

We commenced at the S.E. Corner of Sec. 17 T 3, S. Range 40 East thence North Var $21^{\circ} 15'$

20 oo On the present traveled Road disregarding all encroachments since the year 1884 there is open on the East side of the Sec line 32 feet and on the West side 8 ft, Thence N Var. $21^{\circ} 15'$

20 oo Intersected the 1/4 Sec corner as established by J.W. Kimball Present open Road is 46 ft. of the East side of the Sec. line and 14 ft on the West side: at this point I planted a Rock 12 X 12 X 12 Marked R for the center of Old Road 14 ft West of the

1/4 Sec corner on the West side of the present traveled Road
thence N 21 East

20 00 11 ft West of the Sec line and 34 ft East: One Chain further Ne
North of this point the cross section measures 28 ft on the
West side of the Sec line and 31 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. of the East side. The Old Road was 43 ft on the West side
and 15 ft on the East at this point I set A.1. 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 side of the 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 33 ft on ^{the} West side and 26 ft on
the East side of Sec. Line: Set 2 Mile Rock at this point in ac-
cordance with cross section measurment. Thence N.Var 20° 45'

20 00 To Sta. 9 Gross Secrion shows 23 ft on 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 41 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. 20° 45'

20 00 To S ta. 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 Sta. 12 Cross Section shows 4 ft on the West side and 51 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 Roch as per instructions
 in the 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 the East side of Sec Line. Nthence 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
 the center of present traveled Road;thence N.21° E
 20 00 To Sta.17 Cross Section shows 6 ft on the West side and 51 ft
 on the Eaest 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° E
 20 00 To Sta.19 Cross Section shows Sec,Line- 1ft on the West and
 34 ft on the East. Thence N.Var.21° East
 6 00 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.F.in
 the center of the 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 bearing of the old
 original Road with the present traveled Road and therefore I
 submit the enclosed to the Viewers for their consideration.

J.L.Curtis,

Surveyor.

(Indorsed)

Filed Nov 4 1891

Turner Oliver

County Clerk.

Certificate of Transcript.

STATE OF OREGON,
County of Union. } ss

I, the undersigned, County Clerk in and for Union County, Oregon,
and ex-officio Clerk of the County Court of said County, do hereby certify that the foregoing Transcript
of Report Viewers Survey orhas
been by me compared with the original Reports and that it is a correct Transcript therefrom and the whole of
such original, as the same appears on file in my office and in my custody.

WITNESS my hand and Seal of Office this 7th day of April A. D. 1892

Turner Oliver

County Clerk.

By

Deputy.

PAID.

APR 7 1892

James Owen
County Clerk.

Petition for County Road.

TO THE HONORABLE THE 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

Commencing at the South East corner of Section 17 Township Two South of Range forty (40) East of the Willamette Meridian thence running north on section lines between Sections 17 and 16 8 and 9 and 4 and 5 - said T^p and Range and between Sections 32 and 33 and 28 and 29 Township Two South of Range forty East of Willamette Meridian to the North East corner of Section 29 Township Two South of Range 40 East of Willamette Meridian.

And in duty bound your petitioners will ever pray &c

NAMES

NAMES

John Allan
 Otto Eckersley
 Frank Mitchell
 Mat W Mitchell
 Henry Lynch
 E. C. Stewart
 D. P. McDaniel
 J. C. Hancock
 J. W. Chandler
 E. E. Willard
 G. W. Dunlap
 A. B. Robinson

E. P. McDaniel
 H. J. Foster
 Jasper J. Stevens
 J. W. Jeffrey
 C. H. Olson
 L. B. Stearns
 James Goodeshott
 W. L. Dougherty
 D. C. Fisher
 A. J. Harris
 J. B. Brown
 H. L. Brown
 S. M. Brown
 E. C. Robinson

<p>Thos Jones E. M. Duffey J. M. Wilson J. H. Gibbs Wm. H. Kelley G. B. Jones J. R. Tilly P. M. Johnson C. W. P. Edwards L. R. Haggerty J. H. Felchuk Geo. B. ... D. B. ... J. L. ... J. H. ... G. ... A. P. ... W. ... Andrew Anderson Marion ...</p>	<p>Adam ... J. G. ... John ... L. ... J. ... J. P. ... J. A. ... J. M. ... J. B. ... H. ... Jas. ... James ... H. S. ... B. H. ... J. W. ...</p>
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Notice of Road Petition



To all Persons Concerned You and each and all of you will take notice that the undersigned house holders 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 3rd day of February A D 1892 respectfully present to said Court a petition praying said Court to lay out alter and establish a County Road within said county on the following line or route to wit

Commencing at the South East corner of Section 17 Township three South of Range forty (40) East of the Willamette-Meridian thence running North on section lines between sections 16 8 and 9 and 4 and 5 said 7th and Range and between sections 32 and 33 and 28 and 29 Township two South of Range forty East of Willamette-Meridian to the North East corner of section 29 Township two South of Range 40 East of Willamette-Meridian

NAMES

NAMES

John Allen
 Otho Eckersley
 Frank Mitchell
 Matt Mitchell
 Henry Lynch
 G. B. Stewart
 J. P. McDaniel
 J. C. Hancock
 J. W. Chandler
 E. E. Willard
 J. W. Duple
 E. P. McDaniel
 A. J. Foster
 J. J. Green
 A. R. Robinson

L. B. Stearns
 James Kauderholt
 W. L. Brown
 D. L. Parker
 J. J. Brown
 J. J. Green
 S. M. Brown
 E. C. Robinson
 Adam Crossman
 A. J. Conkley
 John Conkley
 W. C. Cook

	Thos Jones	J. J. Martin
	L. M. Pyle	J. H. Kammert
	J. M. Pyle	J. B. Wagner
	J. H. Pyle	A. M. Belder
	Geo. H. Pyle	J. B. Pyle
	H. L. Pyle	W. L. Hansen
	J. B. Pyle	Geo. L. Burford
	W. J. Pyle	J. W. Sills
	W. P. Pyle	H. D. Powell
	L. B. Pyle	B. J. Koyr
	J. H. Pyle	J. C. Mitchell
	Jacob Conover	
	E. J. Basswell	
	A. L. Linnance	
	C. J. Fuller	
	W. Kennedy	
	W. B. Koyr	
	S. J. Koyr	
	J. H. Stewart	
	A. J. Koyr	
	Andrew Anderson	
	Marrion J. Anderson	

STATE OF OREGON,
County of Union,

} ss.

I, *Frank Mitchell*

being first duly sworn, say that I posted ~~three~~ ^{two} several notices, of which the notice hereunto attached is a true and correct copy, in

~~three~~ ^{two} public places in said County in the vicinity of the proposed road therein described, to-wit: One ^{in the end of}
a rail of the ~~worm~~ fence on the east side of the road at the
beginning ^{of the road}, and the other on the P.O. building at the
Coos, Oregon

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 4 day of
January 18 *92*, and that thereafter and thirty days previous to the presentation of said road petition
therein mentioned, to-wit: On the 4 day of *January* 18 *92*, 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
City of Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said
petition as I verily believe.

Frank Mitchell

Subscribed and sworn to before me this 3 day of *February* 18 *92*.

Turner Oliver Clerk
By *J. R. Oliver Deputy*

FILLED.

FEB 9 1892

James Davis
County Clerk.

STATE OF OREGON,
County of Union, } ss.

I, *Clara Kennedy*

being first duly sworn, say that I posted ~~three several~~ ^{one} notices, of which the notice hereunto attached is a true and correct copy, in ~~three public places~~ ^a in said County in the vicinity of the proposed road therein described, to-wit: ~~On the~~ ^{On the} ~~a~~ board tacked to the fence on the east side of the road near my house.

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 1st day of January 18 97, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: ~~On the~~ day of 18, 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 City of Union, in said County and State, 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 February 18 97
G. Kennedy
Turner Oliver Clerk
By J. R. Oliver Deputy

FILED.

FEB 3 1892

James Owen
County Clerk.

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That we, Frank Mitchell and Henry Lynch of the County of Union and State of Oregon, are held and firmly bound unto 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 this 3rd day of February A. D. 1892

Now, the condition of the above obligation is such That, whereas the above named Mitchell and Henry Lynch, and others, have petitioned the County Court of said County of Union, at the February Term, 1892, thereof for a County Road, commencing described in petition hereto attached,

Now, if the above named Frank Mitchell and Henry Lynch shall well and truly pay, or cause to be paid, all costs and expenses that may be incurred by reason of the view or review of said Road, in case the prayer of said petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

Frank Mitchell

(L. S.)

Henry Lynch

(L. S.)

STATE OF OREGON, }
County of Union, }

I, Frank Mitchell and Henry Lynch, each for himself, says, that I am worth the sum of One Hundred Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder in said County and State.

Subscribed and sworn to before me this 3rd day of February A. D. 1892

Frank Mitchell
Henry Lynch
Turner Oliver
County Clerk.
B. J. R. Oliver Deputy

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

IN THE MATTER OF THE

ROAD.

BOND OF ROAD PETITIONER.

Approved 189.

County Judge.

Filed 189.

County Clerk.

By

Deputy

FILED.

FEB 5 1892

James Davis

County Clerk.

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

In the matter of the Road petitioned
for by John Allen et als.

Now Comes Remonstrators herein J. T. Smith,
L. P. Holmes, W. R. Boster, J. W. Corbin et als
and moves the Court to require the ~~County~~
Surveyor J. W. Kimbrell who surveyed the
said above named road, to make his report
and field notes of the Survey more definite
and certain in the following particulars
viz. 1st He be required to show
whether he found the Section Corners
Sections 8 & 9 & 16 & 17 ^{569 & 324 - and 304 & 32433 =} as established by the
government survey and if so how the
same was was identified?

2nd If the Government monuments of said
Corners were not found - that he give the
notes of his work and the manner of ascertaining
the said Corners?

3rd What evidence he had to justify his
conclusion that the Stone marked "R" at the
S. E. Cor. Sec. 17 was the true Corner of said
Section?

4 By what right he makes an angle
at the mile monuments ^{in each case} thence to the Section
Corner in his survey as shown by his
notes?

5 That he be also required to show by his
field notes - the proximity of the present
travelled Road that lies parallel therewith
at each Section Corner, and the distance
thereof - and direction?
also to note the

1 ^{6th} also that he be required to show
2 in said notes the passing of the Government
3 quarter Congress. if standing and to
4 establish the same if not found and to
5 give his notes of the work and names of
6 so establishing them?

7 R. L. Lakin

8 Atty for Remonstrators

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County Court

Union Co

Recd of John ~~Allen~~

of ab

Proctor to Mrs Le

Report of Surveyor

more definite

PAID

APR 1892

Thomas Davis

County Clerk

W. B. ...

To the Hon County Court of Union County
Oregon:

Gentlemen. In making returns of the survey of
Road Petitioner for by A Terwilliger et al I
have to call your attention to the discrepancy
in the description of the Road:

I discovered it in the Order of the Court
but thought perhaps the Notices might be correct
however when we got on the ground we found that
the Notices were also wrong, but as we were
on the ground we thought it best to make
the survey and trust the Court to make the
Cure for the defect -

I wish the Court would inform
me in time if it is expected that I
shall be present at the survey of the
Road in the Cove on Apr 1st of course
I have the Order but, as we have made
or at least as the Court has undertaken
to get Mrs Kimble to do the work I do
not know whether I am expected to be
present or not

Very Respect

J L Curtis

County Clerk

FILLED

MAR 29 1892

James Davis
County Clerk.

To all to whom these presents shall come Greeting;
Know Ye that Having confidence in
the integrity and ability of J W Kimball
I have this day appointed Him as my Deputy
to survey and locate a certain proposed County
Road commencing at the SE corner of Sec 17 in
T. 3. S. Range 40 East W M and running north on
Sec line between Sections 17, 16, 8, 9, 4 and 5 in said T & R
and Range and between Sections 32, 33, 28 and 29. T.
2. S. Range 40 East W-M to the NE corner of Sec 29
T. 2. S. Range 40 E W-M and there terminate &
Given Under my hand this
1st day of April A D 1892

J L Curtis
County Surveyor
of Union County Oregon

State of Oregon }
County of Union }^{ss}

I J W Kimball being first duly sworn
say that I will support the Constitution of the
United States and the Constitution of the State of
Oregon and that I will perform the Duties
set forth in the above appointment in an
impartial manner and to the best of my
ability So help me God

J. W. Kimball

Subscribed and sworn to before me this 4
day of April A D 1892

Turner Oliver
Clerk

PAYED.

APR 4 1898

Jessie Davis
County Clerk

To the Honorable County Court of
Union County, Oregon.

We the undersigned viewers
appointed by your honorable body
on the 9th day of March, 1892 in the
matter of the road petitioned for by
A. J. Harris et, al, beg leave to report
as follows:

That we met at the Hamilton
School house on March the 24th
1892, and after qualifying, viewed
the premises of A. B. Conley and George
Miller the whole distance through
which the said proposed ^{road} would pass
and find by the laying out and
establishing of said proposed road
that the said A. B. Conley would be
damaged in the sum of \$125⁰⁰ and
that the said George Miller would
be damaged in the sum of \$75⁰⁰

Hiram ^{his} McDonald
Rudolf ^{initials} Long.

FILLED.

APR 4 1892

James Davis
County Clerk.

In the County Court of the State of Oregon,

for Union County.

In the Matter of the Road petitioned for
by John Allen et als.

State of Oregon

County of Union, ss.

I A. E. Eaton being first duly sworn say that I am the owner of the
following described lands viz: $E\frac{1}{2}$ of NE $\frac{1}{4}$ & NE $\frac{1}{4}$ of SE $\frac{1}{4}$
Sec 32. T2S R40E - W. M.

That the Said above named proposed road as now surveyed, crosses
and takes a part of the said land and improvements situated thereon,
greatly to the damage of Affiant, viz: in the sum of \$ 300⁰⁰

Subscribed and sworn to
before me this 7 day of
April 1892

A. E. Eaton.

Robert Easton,
Notary Public
for Oregon.

Ed. Covert
Wm. G.

David A. Allen

Clavin A. Peterson

FITTING

APR 7 1892

James Oliver
County Clerk

Certificate of Transcript.



STATE OF OREGON,
County of Union. } ^{ss}

I, the undersigned, County Clerk in and for Union County, Oregon,
and ex-officio Clerk of the County Court of said County, do hereby certify that the foregoing Transcript
of Journal Entryhas
been by me compared with the original Entry and that it is a correct Transcript therefrom and the whole of
such original, as the same appears of record in my office and in my custody.

WITNESS my hand and Seal of Office this 11th day of April A. D. 1891

Dwight Oliver

County Clerk.

By J R Oliver

Deputy.

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FILED

APR 7 1892

James Owen

County Clerk

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In the County Court of the State of

Oregon for Union County,

In the Matter of the said petition for *John Allen*
and others, on the following route, *viz.* Commencing at the South East cor-
ner of Sec. 17, in Township 3 South of Range 40 East, N. E. and in Union
County Oregon; and running thence North on the Section line, between Se-
Sections 17, and 16, between Sec 8 and 9, and 4 and 5 in said Township and
and range, and between Sec. 20 and 21, and Sec. 22 and 23 to the No
North East Cor. of sec 20 in Township 3 S. E. of Range 40 East, N. E.

Now come the undersigned respondents and represent that they are
residents in Union County, Oregon, and in the vicinity of the said above
described proposed road, and the owners of real estate adjoining the sa-
same. And represent to the Court that there is now a Legal County Road
Road approximately on the line of the said proposed road, for the whole
distance there of, and not varying at any point to exceed 30 feet from
the line of the said proposed road. That the said road as the same now
exists, and is traveled, has been recognized by the County Court of this
County and worked and graded for a period of about 20 Years, and large
sums of money, and labor has been expended thereon by the said County,
and the road District in which the same is situated. That to put the
road in as good condition as the said present traveled road
on the line of the proposed road will necessitate an expenditure of
money, and large expense in damages to adjoining land owners in conse-
quence of a location thereof, and we hereby remonstrate against
the location, or establishment of a road on the line proposed in the said
petition;

Names:

Names:

J. W. Corbin
L. R. Holmes
A. E. Eaton
J. G. H. H. H.
W. R. Jewell
E. W. Miller

Dr. C. W. Henderson
J. F. Smith
W. R. Booth
John M. Fry

B Westfield

L. B. Waggery -

Henry Chambers

J. B. Gallen

Ned White

James M. Keill

Jacob Gearheart

Daniel Gearheart

J. C. Hurst

James McPhoy

George W. Knight

Jack Wright

Thos. Brasher

Co. Road,
Petitions for 1892,
John Allen
et al.

Reimbursement

FILED.

FEB 5 1892

James Owen,
County Clerk.

To the Honorable the County Court of the State of Oregon,

For Union County

Now comes F J Couper one of the Viewers heretofore appointed on the 7th day of March 1892, to view out & locate the road proposed by the petition of John Allen et al. begs leave to report that he met on the 4th day of Apr 1892 at the point of the beginning of the said proposed road in company with G W Ruckman and R M Oliver the other viewers and that I viewed the said line of said proposed road

And I hereby report that I am of the opinion that the said road as proposed by the said petition is not a public necessity for the following reasons, viz

And we find that the line of the proposed road which we have viewed is parallel with and adjacent to and much of the way overlaps a travelled road between the terminus of this proposed road which present travelled road has long been open to public travel and travelled as such that along the line of the said present travelled road the owners of the land adjacent thereto have already built their dwellings, fences, planted trees and orchards and built their dwellings and out buildings with reference thereto and recognizing the same that the center line of the said proposed road, at no place varies more than 10 feet from the center line of the said present travelled road

That if the said present travelled road is a County road or legal highway the road viewed by us is not necessary for public travel, nor will it be of public utility

That the damages to the adjacent lands in many instances will be very great if the proposed road is established by reason of the fact that the said proposed road will encroach upon door yards, ornamental trees and other improvements of a special nature

And that it would be a matter of great expense to the County make new grades and bridges and put the said proposed road in condition for travel and therefore I recommend that the said road be not allowed

Union Oregon Apr 6th, 1892,

F J Couper
Viewer

County Court.
Union County.

Road petitioned for
by John Allen et al.

Report of
E. Cooper,
Viewers

Filed April 6th 1892
Thos. Oliver, Clerk
By J. P. Oliver, Deputy

1 Claim of Corbin & Brasher: for
2 opening Bear Road Petitioned for by
3 John H. Stewart et al

4
5 To The Hon. County Court of Union County
6 Oregon

7 The undersigned hereby claim damages
8 in the sum of Three Hundred and fifty
9 dollars for the opening and laying out
10 the above described proposed County road
11 as follows:

12	To: about two acres of land	\$100.
13	" Remaining fence half mile	\$ 50
14	" Taking garden and yard-	}
15	and putting road to near	
16	drinking house	
17	total	\$200
		\$350.00

18 The above claim is hereby submitted
19 for the consideration of the Court
20 Corbin & Brasher

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22 There will be another claim in
23 for the damage

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FILLED

MAR 7 1892

James Oliver
University of Missouri

IN THE COUNTY COURT OF THE STATE OF OREGON
FOR OREGON COUNTY

In the Matter of,

Now Comes the Remonstrators herein, viz.

And moves the Court to make findings of fact, and conclusions of law, upon the following questions, all having relation to, and bearing upon the Utility of the Said proposed road, and necessarily the basis to some extent, of the final actions of the Court ~~in the premises~~ herein, viz.

- 1st. Is there a road open to ~~public~~ travel between the termini of the Said proposed road; and parallel with, and within a few feet of the said proposed road?
- 2nd. ^{How long} Has Said present traveled road, ~~in fact~~ referred to in last question, been continuously travelled; ^{disregarding} ~~excluding~~ any encroachments thereon since the year 1884 or 1886? :
- 3rd. For what length of time has Said present traveled road, been recognized by the County Court, as a County road, and labor and money expended on it as such, if at all?
- 4th. For what length of time has the lands adjacent there to been fenced by the owners or claimants thereof?
- 5th. Is it not a fact that the Government Monuments, of the following ^{Section} Corners, and Sections are removed, and destroyed, and the identity of the Said Corners lost?
 mileometers between sec's 849-443-435 R402 - 430-33-428-429-425 R402 - ?
- 6th. Is it not a fact that there is great Contention between the owners of the lands adjacent to, and on either side of Said present travelled road? As to the location, of the original Surveyline upon which Said road was originally intended to be located, And the present proposed road is now sought to be located?

7th. Is there any public necessity for the said proposed road, or will it be of public utility, if the present travelled road is a legal County road, or public highway?

Conclusions of Law.

- 1st. Is the said present travelled road beginning at, or near the S. E. Corner Sec. 17. Township 3. S. R. 40. E. and extending North to, or near the North East Corner of Sec. 29. 2. S. R. 40. E. a County road or public Highway, of this County, by prescription or user?
- 2nd. Is a County road as prayed for in the petition herein, necessary to the public travel, viz. will it be of public utility, in view of the existence of the said present traveled road, parallel therewith, and adjacent thereto?

R. E. McKin
atly for Remond
Stratons

PAYED

APR 7 1892

James Owen

County Clerk

In the County Court of the State of Oregon

for Union County.

In the matter of the Road petitioned

for by John Allen, et al.

State of Oregon

County of Union, ss.

I, J. P. Smith, being first duly sworn say that I am the owner of and in the possession of the North half of Sec. 29 in T. 2. S. of R. 40 E. and so much of the land lying ^{East} North of the said East line of said Sec. 29, as lies between the said North half of said Sec. 29 and the present traveled Road, ^{Said Road} lying or being ~~south~~ ^{line} approximately on the North of the said North half of said Sec. 29. That Plaintiff, and his grantors have been continuously in the possession and occupation of the said land including the portion thereof, lying between the said section line, and the said present traveled road since the year 1868, and have had the same inclosed during all of the said, ^{time} claiming to be the owner thereof, and supposing the said present traveled road to ^{be} located and opened on the said ~~East~~ East line of said Sec. 29. That the said proposed road as now surveyed is located on the said land of affiant, and encroaches on his improvements and door yard, to the damage of Affiant in the sum of \$ 500.⁰⁰

Subscribed and sworn to }
before me this 6th day }
of Apr 1892 - Robert Easton }
Notary Public for Ore }

J. P. Smith

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

In the Matter of the Road

Petitioned for by John Allen
& others, from S. E. Cor Sec. 17
Township 3. S. R. 40 East.

Now Comes *J. F. Smith & R. Holmes*
J. H. Corbie - W. R. Boster et al

Remonstrators herein, and moved the Court
to Dismiss the petition herein, and proceedings had thereunder, and that
the same be disallowed for the reason, that the same will not be of public
Utility, there being a County road already open to public travel, parallel
with, and within a few feet of the line of said proposed road, the whole
distance thereof.

And Base this Motion upon the affidavits of *J. F. Smith -*
A. R. Holmes E. P. McDaniel & J. Holmes -
J. M. Pley

herein filed, and upon the Order of this Court, made on the 7th day of
Oct. 1891. in relation to the Said road, as now open to travel,

And the report of the viewers and Surveyors made under said order, and
filed Nov. 4th. 1891

And upon the Petition remonstrance had order, provided in this Case

R. Earle
Attorney for Remonstrators
above named.

County Court,
Union Co-

Road petitioned for by

John Allen et al.

motion to dismiss

this proceeding -

FILED.

APR 7 1892

James Oliver,

County Clerk.

Plankin

City for Remonstrance

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

IN THE MATTER OF THE PROPOSED
COUNTY ROAD PETITIONED FOR BY

John Allen and others

NOW at this time come

the petitioners for the above entitled proposed County road and objects to the following named persons whose names appear on the remonstrance filed herein viz. J. H. Corbin , A. E. Eaton , J. F. Smith, John M. Phy , J. B. Tallent , Neal White, James McNeil, Jacob Gearhart; and Daniel Gearhart for the reason that neither nor any of said remonstrancers are householders residing in the vicinity of said proposed road, and petitioners hereby move the Court that said names be stricken off the said remonstrance.

B. F. Wilson

Atty. for petitioners

IN THE SUPREME COURT OF THE STATE OF OREGON

OF OREGON FOR THE COUNTY OF

In the matter of the proposed

road petitioned for by

John Allen et al

MOTION to strike names of
the respondents

Filed March 9th 1892
James Oliver
Deputy

J. F. WILSON

Atty. for petitioners

State of Oregon.

S S

County of Union.

I

J. L. Smith

being first duly sworn, say each for himself, that I am a resident in Cove, Union Co. Ore. in the vicinity of the road petitioned for by ^{Jahn} Allen et als; from S. E. Cor. Sec. 17 North on Section line to Sec. and that I am a remonstrator against the location thereof. That I own real estate on the line of the Said proposed road and adjacent thereto.

That in the year 1868 there was an attempt to locate a road approximately on the route of the said proposed Road, by petition and notice to the County Court of this County, viz. from the S. W. Cor. Sec. 16 said Township & Range, North on Sec. line to ^{the} intersection ^{of the} into road from Summerville to French's Mill, a distance of 4 miles & 260 rods.

And the same was surveyed, and an order of the Court made establishing the same as a County road, by order of date Aug. 6th. 1868

That upon the making and ~~entering~~ entering of the said order by the Co. Court of the Co. the said road was opened to public travel by the owners of the lands through which the same was located, viz. in the year 1868, said road record being numbered in said County records No. 22

That thereafter the same road has been used as a public Highway, until the present time, and has been recognized by the County Court, and the public, and the owners of the lands adjacent thereto, as a legal County road, and that the County Court and Road Supervisors of said County, have continuously worked the said road, constructed grades, and bridges thereon, and expended large amounts thereon in money and labor.

That during all of said time since the said year 1868 the lands adjacent thereto have been fenced on each side thereof, and the owners of such lands ^{orchards, and} have set out trees, fences, ~~erected~~ built, houses and barns, with reference thereto, and adjacent to the line thereof.

between
That the Government monuments of the Corners of Sections 8 & 9 - 4 & 5 -
T.P.S.R. 40 E. 8 32 & 33 = 2 & 29 = of T. 2 S, R. 40 E -

have been lost and destroyed, and the identity of such Section Corners, cannot now be ascertained, as they originally existed; And that the only way that the said proposed road can be located on the line prayed for ~~it~~ is, by a reestablishment of the said lost Corners, by the Method laid down by the Commissioner of the Gen. Gov. Land Office, that the location of the said proposed road is only sought by the petitioners herein for the purpose of reestablishing the Said lost Corners, and the lines between the Said Sections, and not because the public convenience requires any new road, on said alleged line, that the center line of the said proposed road will not vary more than about 30 feet at any place, from the center line of the said present traveled road.

And much of the distance, it will not vary more than a few feet.

Subscribed and sworn to
before me this 5 day
~~month~~ Apr. 1892.

J. A. Smith

Robert A. Carlson,
Notary Public for Ore.

County Court.
Kearney County,

Road petitioned for
by John Allen et al.

Affiant of
J. F. Smith,

FILLED.

APR 7 1892

James Oliver
County Clerk.

1 Justice County Court of the State of Oregon
2 for Union County.

3 In the Matter of the Road
4 petitioned for by John Allen
5 et al.

6 now Comes J. J. Bunt, SR
7 Holmes, W. R. Bostie & J. H. Corbin,
8 Respondents herein and move the
9 Court to strike out the report of the Survey
10 or herein for the reason that the same
11 was not done by the surveyor appointed
12 by the Court for that purpose -

13 R. Gaskin
14 Atty for Respondents

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County Court

Wm. C.

John Allen et al,

vs

Markin & Stone

and report of surveyors

F I L E D

APR 9 1892

James Davis

County Clerk.

P. B. Barber

Atty Gen. Room

To the Hon. County Court of the State of

Oregon for Marion County.

In the matter of the County Road petitioned for by John Lien et al.

Now comes E. W. R. Booth and represents to the Court that he is the owner of the following described lands, viz:

S 1/2 of S E Sec 32 25 40 E -
N 1/2 of N E Sec 5 & NW 1/4 NW Sec 4 T 35 R 40 E -

That the line of the above named proposed road crosses the said lands a distance of *160 rods* and that he will be damaged by the location of said proposed road as the same is now surveyed, in the sum of \$500.00

And prays the Court to appoint Viewers to assess the damage there to in manner appointed by law.

E. W. R. Booth

IN THE COURT OF THE STATE OF

NEW YORK

IN SENATE CHAMBER OF THE SENATE

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FILED
APR 7 1892
James Owen
County Clerk

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

In the matter of the County road
petitioned for by John Allen et al.
running from the S. E. cor. of Sec.
17 T. 3. S. of R. 40. E. ^{and} running
thence North five miles to the N. E.
cor. of Sec. 29. of T. 2. S. R. 40. E.

State of Oregon.

County of Union S.S. We
J. H. Corbin ^{and} Thomas Brasher being
first duly sworn, say that we are
the owners of the South $\frac{1}{2}$ of Sec. 29
of T. 2. S. R. 40. E. That the line
of the proposed ^{County} road herein petitioned
for, crosses ^{and} encroaches upon
the said land, for the distance of
160 rods, ^{and} that we will be dam-
aged by the location of the said
proposed road as the same is now
surveyed, in the sum of \$350.

^{and} ask that the same be apprais-
ed in manner appointed by law.

Subscribed ^{and} sworn to
before me this 21st day of } J. H. Corbin
April. 1892.

James Oliver
Clerk

PILLIARD.

APR 21 1892

James Clovis

County Clerk.

In the County Court of the State of Oregon for and against

County

In the matter of the application of petitioners

for by John Allen et al; running from the

S.E. Cor. of sec. 17. T. 3 S. of R. 40. E.

and running thence North to, -.

State of Oregon

County of Marion ss.

I L. R. Holmes being first duly sworn say that

I am the owner of the ^{West 1/2 of the} North West Quarter of sec. 9 and the ^{South} North West 1/4

of the ^{North} South West 1/4 of Sec. 3, 4 and T 3 S of Range 40 E - W 4,

that the line of the proposed County Road herein petitioned for, crosses and encroaches upon the said lands, for the distance of 240 rods.

And that I will be damaged by the location of the said proposed road as the same is now surveyed, in the sum of \$1000⁰⁰

And ask that the same may be appraised in manner appointed by law.

Subscribed and sworn to before me this

7th day of April, 1888.

L. R. Holmes

Robert Easton
Notary Public
for Oregon

Notary Public for Oregon

In the County Court of the State of Texas for and in the County of Tarrant

County

In the matter of the estate of the late J. M. ...
and the undersigned ...
of the County of Tarrant, State of Texas.

and the undersigned ...

and the undersigned ...

and the undersigned ...

and the undersigned ...

and the undersigned ...

and the undersigned ...

and the undersigned ...

and the undersigned ...

and the undersigned ...

and the undersigned ...

FILED

APR 10 1892

James Cleary
County Clerk

James Cleary
County Clerk

County Court
Tarrant

Notary Public for Texas

Fourth Judicial Day

Thursday February 4th 1892

S. J. Ulm Superintending Co. Poor as per 4th advertisement 3^{cs} per week or $\$2^{\text{cs}}$ per month for each person

And it appearing from said bids that it would be to the best interests of the County to accept the bid of S. J. Ulm under the 4th condition set out in the advertisement. It is therefore considered and ordered that the same be accepted and that the contract be let to said S. J. Ulm to keep all paupers that may be adjudged such by the County Court and sent to the County Home at the rate of 3^{cs} per week for each of said paupers where the pauper stays less than one month and at $\$2^{\text{cs}}$ per month where the pauper stays one month or longer. That said contractor shall furnish all supplies and perform all work necessary on said poor farm and that he have the use of the Poor Farm and all building and furniture thereon for the period of one year from March 1st 1892, that he shall take good and sufficient care of all paupers the County Court reserving the right to close the contract whenever its terms are violated.

In the Matter of }
procuring Field Notes }
for County Surveyor }

This matter came on for consideration at this time and it appearing to the Court that it is necessary to have the field notes of about 20 Townships of land in this county. It is considered and ordered by the Court that the County Judge be ordered to procure the same at the best terms he can get.

In the Matter of the }
Road petitioned for by }
John Allen et al }

This matter came on to be heard at this time on the petition of John Allen et al and it is considered and ordered that the said petition be continued for the term.

Whereupon it was ordered that Court be now adjourned until tomorrow morning at 9 o'clock.

Third Judicial Day

Wednesday March 7th 1892

In the matter of the
proposed road petitioned for
by John Allen et al }

This matter came on to be heard at this time on the remonstrance of J. D. Corban et al, heretofore filed herein and it appearing to the Court that said remonstrance is signed by 23 names and apart of these are not legal householders residing in the vicinity of said road and that the petition is signed by 62 names who are legal householders residing in the vicinity of the said road It is therefore considered and ordered that said remonstrance be overruled and denied

In the Matter of settlement
with J. D. Hunter Supervisor
of Road Dist No 32 }

Comes now J. D. Hunter and presents to the Court his report as Supervisor of Road Dist No 32 for the year ending Dec 31st 1891 and the same being regular It is considered and ordered that said report be approved and his bill for \$79⁰⁰ allowed

In the Matter of the proposed
Road petitioned for by Samuel Morris et al }

This matter came on to be heard at this time on the petition of Samuel Morris et al and on the Remonstrance of Joseph Oliver et al. And it appearing to the Court that the remonstrance against the laying out and establishing of the said proposed road is signed by a larger number of residents and legal householders living in the vicinity of the proposed road It is considered and ordered that said petition be overruled and dismissed.

In the Matter of proposed
road petitioned for by A.
Derwilliger et al }

Comes now A. Derwilliger 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 the SE corner of T4th of SE⁴ Sec 31 Twp 2 N R 40

Fourth Judicial Day

Thursday March 10th 1892

the residence of E J Roberts and after qualifying, to view and lay out said road according to law and render their report to this Court at the next regular meeting thereof.

In the Matter of proposed
County Road petitioned for by
John Allen et al }

Comes now John Allen, 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 SE corner of Sec 17 Twp 3 S R 40 E N M; then running North on Sec line between Sections 17, 16, 8, 9, 4 & 5 in said Twp and range and between Sections 32, 33, 28 and 29 Twp 2 S R 40 E N M to the NE corner of Sec 29 Twp 2 S R 40 E N M and it appearing to the Court that said petition is signed by more than twelve householders of this County residing in 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 the Court House door in the town of Union, County of Union State of Oregon and also in three public places in the vicinity of said proposed road, to wit:

One at the end of a rail of the worm fence on the east side of the road at the beginning, one on the P. O. building at the Cove Oregon and one on a board tacked to the fence on the east side of the road near the house of V Kennedy 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 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. That the remonstrance heretofore filed herein has been overruled and denied. It is therefore ordered that E J Couper, Geo W Ruckman and R M Oliver be appointed Viewers of said road, and that L J Curtis be appointed Surveyor of said road, and that they meet at the Cove Oregon on the 1st day of April 1892 at the hour of 10 o'clock A.M., and after qualifying, to view, survey

Fourth Judicial Day

Thursday March 10th 1892

and lay out said road according to law

In the matter of change }
in Voting place and bound- }
aries of Elk Flat Precinct }

This matter came on to be heard at this time on the petition of citizens and voters of Elgin and Elk Flat Precincts asking that the boundaries of said precincts be so changed that the polling places for both of said precincts may be in the City of Elgin. The petitioners appearing by J. Nat. Henderson of counsel and after argument of counsel and the Court being of the opinion that it has no power to change the boundaries of any precinct under the law, after the January term and that if such a change were made it might invalidate the election. It is therefore considered and ordered by the Court that said petition be overruled and denied.

In the Matter of changing }
Boundaries of Road Dist #9 }

This matter came on to be heard at this time on the petition of Road Supervisor, J. J. Grinnett, for a change in the boundaries of Road District No. 9 and it appearing to the Court from said petition that it would be to the best interests of the public that said road District No. 9 be changed. It is considered and ordered that said Dist. No. 9 be changed so as to read as follows, to-wit:

Beginning at the N.E. corner of Section 4 @ 2 S. R. 38 E. W. M.; thence running West 3 miles to N.W. corner of Sec. 6 @ 2 S. R. 38 E.; thence South 5 miles to the S.W. corner of Section 30 @ 2 S. R. 38 E.; thence East on Section line three miles to S.E. corner of Section 28 @ 2 S. R. 38 E.; thence North on Section line 5 miles to the Township line at N.E. corner Section 4 the place of beginning.

In the Matter of change }
in Boundaries of Road Dist #3 }

It appearing to the Court at this time that in changing the boundaries of District No. 9 petitioned for by J. J. Grinnett it was necessary to change the boundaries of Road District No. 3. It is therefore considered and ordered that the boundaries of Road District No. 3 be as follows, to-wit:

Be it remembered that at a regular term of the County Court of Union County, State of Oregon, begun and held at the Court House in the City of Union in said County and State on Monday the 4th day of April 1892 and from day to day thereafter during the continuance of said term when on Wednesday the 6th day of April 1892 or the third judicial day of said term the said County Court opened for the transaction of County Business with the following officers present, to-wit:

The Hon. _____ County Judge
 " John McDonald Commissioner
 " W. D. Arnold "
 Sumner Oliver Clerk
 J. D. Bolles Sheriff

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

In the matter of the Road }
 petitioned for by A. J. HARRIS et al }

This matter came on to be heard at this time on the Report of the Appraisers heretofore appointed herein to assess the damage that would accrue to A. B. Conley and George Miller by reason of the location and establishment of said proposed road, and the Court not being fully advised in the matter it is considered and ordered that said report be continued until April 21st 1892

In the Matter of the Road }
 petitioned for by John Allen et al }

This matter came on to be heard at this time on the Report of Viewers and surveyor heretofore appointed herein, and upon the affidavits of F. L. R. Holmes & J. F. Smith and upon the motion to dismiss this proceeding, and the Court not being fully advised in the premises It is considered and ordered that this matter be continued until the 21st day of April 1892

In the Matter of the Road }
 petitioned for by A. J. Williger et al }

This matter came on to be heard at this time

Fifth Judicial Day

Thursday April 21st 1892

Court met pursuant to adjournment with the following officers present to-wit:

Hon J. N. Sanders County Judge
 " John McDonald Commissioner
 " " "
 Turner Oliver Clerk
 J. J. Bolles Sheriff

Due proclamation of the opening of Court having been made the following proceedings were had to-wit:

In the Matter of the applica- }
 tion of Ralph Cooper, a pauper }

This matter came on to be heard at this time on the affidavit of Ralph Cooper heretofore filed herein on the 11th day of April 1892 from which it appears that the said Ralph Cooper is destitute and unable to earn a living; that he is sick and can not work and has no relatives or friends living in the State of Oregon who are able or willing to help him; that he has resided in the state of Oregon only three days and in Union County about three days; that he is a resident and inhabitant of the State of Idaho and has lived in Ada County Idaho about three months. It is therefore considered and ordered by the Court that the said Ralph Cooper be admitted to the County Home and that he have such care and medical assistance as he may need until such time as he may be able to work and provide for himself.

In the Matter of the Road }
 petitioned for by John Allen et al }

This matter came on to be heard at this time upon the motion to dismiss the proceedings herein the petitioners appearing by C. F. Finn of counsel and the Remonstrators appearing by R. Eskin of Counsel and after argument of counsel and the Court being fully advised in the premises it was considered and ordered that said motion be overruled and denied.

Fifth Judicial Day

Thursday April 21st 1892

In the Matter of the Road }
petitioned for by John Allen et al }

This matter came on to be heard at this time on the motion to strike out the report of the Surveyor heretofore filed herein the petitioners appearing by C. H. Finn of counsel and the Remonstrators appearing by R. Eakin of counsel and after argument of counsel and the Court being fully advised in the premises It was considered and ordered that said motion be overruled and denied

In the Matter of the Road }
petitioned for by John Allen et al }

This matter came on to be heard at this time on the motion to make the Report of Surveyor more definite and certain the petitioners appearing by C. H. Finn of counsel and the Remonstrators appearing by R. Eakin of counsel and after argument of counsel and the Court being fully advised in the premises It is considered and ordered that said motion be overruled and denied.

In the Matter of the appli- }
cation of Mrs Mary Martin a pauper }

This matter came on to be heard at this time on the affidavit of Mary Martin filed herein from which it appears that the said Mary Martin is destitute and unable to earn a living; that she is sick and unable to work and that she has no relatives or friends living in the State of Oregon who are able or willing to help her; that she has resided in the State of Oregon for seven years and have been in Union County for seven years and it appearing to the Court that the said affiant is able to earn a partial support and that it would be cheaper for the County to give her an allowance than to keep her at the County Home It is therefore considered and ordered that she be allowed \$8⁰⁰ per month and the Clerk is ordered to draw a warrant on the contingent fund at the beginning of each month for the said amount \$8⁰⁰ and send to her

Sixth Judicial Day

Friday April 22nd 1892

Court met pursuant to adjournment

The same officers were present as on yesterday

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

W. Sanders

County Judge

Thereupon the following proceedings were had to wit:

In the Matter of the Road petitioned for by John Allen et al.

This matter came on to be heard at this time on the claim for damages filed herein by W. R. Boothe, J. B. Corbin, L. R. Holmes, J. F. Smith and A. E. Eaton, and it appearing to the Court that W. R. Boothe claims that the road would cross his lands a distance of 160 rods to his damage in the sum of \$500.⁰⁰; that J. B. Corbin and Thos. Brasher claim that the proposed road would cross and encroach upon their lands the distance of 160 rods to their damage in the sum of \$350; that L. R. Holmes claims that the proposed road would cross and encroach upon his lands the distance of 240 rods to his damage in the sum of \$1000.⁰⁰; that A. E. Eaton claims that the proposed road would cross and take a part of his lands in his damage in the sum of \$300.⁰⁰; that J. F. Smith claims that the proposed road would cross and encroach upon his lands to his damage in the sum of \$500.⁰⁰ and said matter having been considered by the Court it is considered and ordered by the Court that E. B. Lewis, M. S. Warren and Nelson Schoonover be appointed Viewers and appraisers to view and examine the premises of each of said claimants the whole distance along the said proposed road and report to this Court how much less valuable the premises of each of said claimants would be rendered by reason of the establishment and location and opening up of said proposed road. And that they meet at Union on Monday May 2nd 1892 at 8 o'clock in the forenoon and after being duly sworn to faithfully and impartially discharge

Sixth Judicial Day.

Friday April 22nd 1892

their duties in this behalf proceed with said appraisment as aforesaid

In the Matter of the road peti-
tions for by A. J. Harris et al }

This matter came on to be heard at this time on the motion of petitioners to set aside the report of the appraisers heretofore filed herein and for the appointment of new appraisers, the petitioners appearing by C. H. Finn of Counsel and it appearing to the Court that on Feby 17 Geo Miller filed a claim for \$543¹⁸ damages on account of said proposed road and on Mar. 2nd A. B. Conley filed a claim for \$125⁰⁰ damages on account of said proposed road and that the appraisers heretofore appointed by this Court have rendered their report showing that A. B. Conley would be damaged in the sum of \$125 by said proposed road and that Geo Miller would be damaged \$250⁰⁰ by said proposed road and after argument of counsel and it appearing to the Court from the representations made that said report heretofore filed herein is unreasonable and that it does not comply with the requirements of the Statute in this, that it does not show how much less valuable the premises of said claimants would be rendered by the construction of said road It is therefore considered and ordered by the Court that said motion be allowed and that said former report be set aside and that E. H. Lewis, M. S. Warren and Nelson Schoonover be appointed viewers and appraisers to examine the premises of A. B. Conley and Geo Miller the whole distance through which the proposed road would pass and report to this Court how much less valuable the premises of each of said claimants would be rendered by reason of the establishment of said road and that they meet at Union on Monday the 2nd day of May 1892 at 8 o'clock in the fore noon and having been first duly sworn to faithfully and impartially discharge their duties on this behalf that they proceed to examine the premises and appraise the damages as aforesaid

In the Matter of the Taxes }
collected on the basis of }
State Board of Equalization }

It appearing to the Court at this time that pursuant to the law passed at the last Legislature of the State of Oregon, this Court heretofore entered an order directing that the taxes should be extended on the basis made by the State Board of Equalization

Fourth Judicial Day

Thursday May 5th 1892

In the Matter of the applica-
tion of Thos Cory a pauper }

This matter came on to be heard at this time on the affidavit of Thomas Cory heretofore on the 28th day of April 1892 filed herein from which it appears that the said Thomas Cory is sick and destitute and unable to earn a living for himself; that he has no relatives or friends in the State of Oregon who are willing and able to help him; that he has only been in the State of Oregon one day and has been in Union County about one day; that he is a resident and inhabitant of the State of Montana and lived in Butte County about six months. It is therefore considered and ordered by the Court that the said Thos Cory be admitted to the County Home and that he have such care and medical aid as he may need until such time as he may be able to care for himself.

In the Matter of Appoint-
ment of Road Supervisor for
Road District No 45 }

It appearing to the Court at this time that George R Green is the duly elected and qualified Street Commissioner for the City of Union and that Road District No 45 is the City of Union and has no Road Supervisor It is considered and ordered that Geo R Green be appointed Supervisor of said Road District No 45

In the Matter of the Road
petitioned for by John Allen et al }

This matter came on to be heard at this time on the Report of the Appraisers heretofore appointed to appraise the damages that would accrue to W. R. Boothe, J. H. Corbin, Thomas Brasher, L. R. Holmes, A. E. Eaton and J. F. Smith by the establishment of the proposed road petitioned for by John Allen et al. which report is in words and figures following, to wit:

Report of Viewers
To the honorable County Court for Union County Oregon:

Fourth Judicial Day

Thursday May 5th 1892

We, the undersigned viewers heretofore on the 22nd day of April appointed to view out and assess the damages claimed by L. R. Holmes et al. in the matter of the proposed County road petitioned for by John Allen et al. beg leave to report that on the 2nd day of May 1892, 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 W. R. Boothe, J. H. Corbin and Thomas Brasher, L. R. Holmes, A. E. Eaton and J. J. Smith complainants, and to assess and determine how much less valuable said premises of said complainants would be rendered by the opening of said road, and we find that the premises of said complainant W. R. Boothe would be rendered \$160⁰⁰ less valuable, and that the premises of complainants Corbin & Brasher would be rendered \$180⁰⁰ less valuable, and the premises of the complainant L. R. Holmes would be rendered \$475⁰⁰ less valuable and that the premises of complainant A. E. Eaton would be rendered \$0.- less valuable and the premises of complainant J. J. Smith would be rendered \$250⁰⁰ less valuable by the laying out and establishment of said proposed road as a public highway of said County, and recommend that said amounts be paid to said complainants before laying out and establishing said road as a public highway

N. S. Schoonover

E. H. Lewis

M. S. Warren

And it appearing to the Court that said road is of great utility to the Petitioners but of not sufficient general public utility to warrant the Court in paying the said damages out of the County Treasury, and no motion having been filed to set aside said Report or cause shown why the same should not be approved, It is therefore considered and ordered by the Court that said Report be approved and adopted by this Court, and that the road will be declared a public highway and opened according to law when the Petitioners shall have paid the damages and filed with the Clerk of this Court the receipts of the Claimants therefor; It is further considered and ordered by the Court that the petitioners have six months within which to pay said damages as aforesaid and place the new road in good repair for travel