

No

in

Court

Plaintiff

vs

Defendant

Action for

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

Record of the Case.

- 423 -
- 0 -

Petitioned for by
J N Lane et al

Beginning at the NE corner
of E⁴ of Sec 5 T⁸ S at the
Brooks Road and terminating at
the NE corner of NW⁴ of NW⁴ of
Sec 5 T⁸ S R¹⁶ E⁴ W¹

WITNESSES.

Witness appointed July 5 '85 69
Report 590
Ordered open 597

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

PETITION FOR COUNTY ROAD.

To the Honorable County Court for Union County, Oregon:

The undersigned, householders for Union County, Oregon, residing in the vicinity where there 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 N. E. Corner of S. E. 1/4 of S. E. 1/4 of Sec. 5, Tp. 8, S. at the Brooks Road, and running west 1/2 mile thence north about 130 rods to west bank of Clear Creek, thence N.W. along Clear Creek to south line of N.E. 1/4 of N.W. 1/4 of Sec. 5, thence west to S.E. Corner of N.W. 1/4 of N.W. 1/4 of Sec. 5, thence north to N.E. Corner of N.W. 1/4 of N.W. 1/4 of Sec. 5, all in Township 8, S.R. 46, E. W. M. said road from the S.E. Corner of N.W. 1/4 x N.W. 1/4 of Sec. 5, to N.E. Corner of said N.W. 1/4 x N.W. 1/4 of Sec. 5, to be on I. N. Pancakes Land or on N.W. 1/4 x N.W. 1/4 of Sec. 5, the said road to be forty feet wide.

And in duty bound your petitioners will ever pray, etc.

Names.

I. N. Pancake,
I. R. Scott,
W. D. Robinson,
John H. Thayson.
Henry Foster.
C. H. Oliver.
B. Pancake.
J. C. Brooks.

Names.

A. P. Greener,
J. E. W. McFadden,
M. Updike,
Geo. G. Gray.
Byron Craig.
G. H. Oliver.
Louis Mehlhorn.
Joel Hewitt.

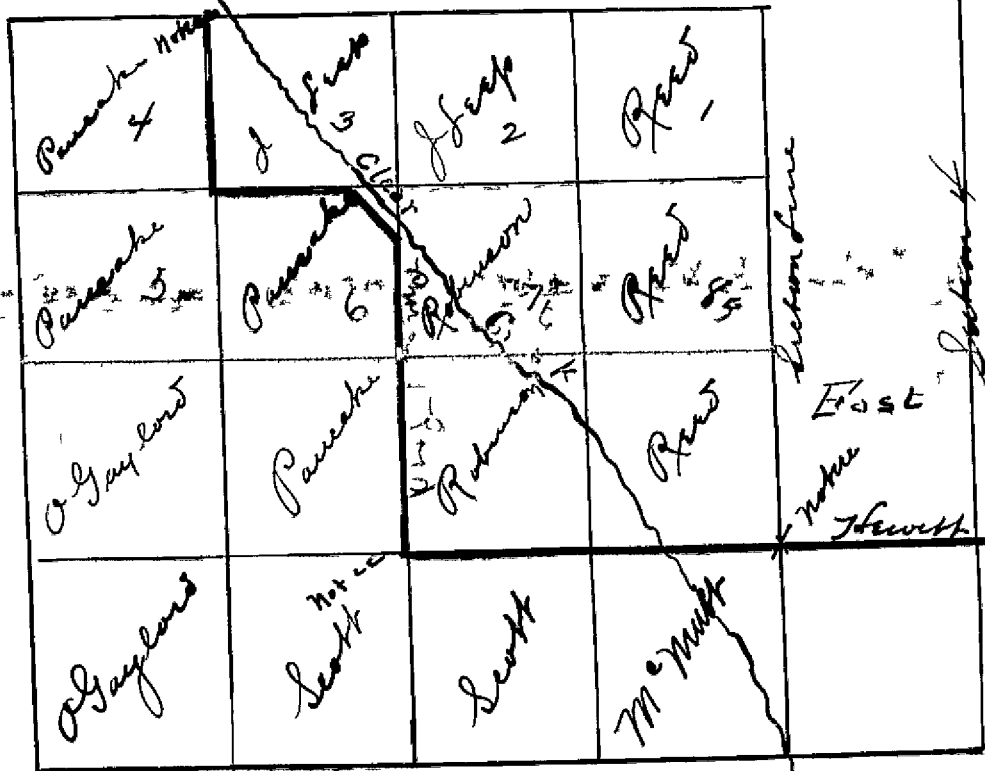
Filed--- May 7 1893.

Turner Oliver,
County Clerk.

Comp.

North

Sec 5 T8S R46E W1M



West

East

Hewitt Road

South

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

I, I? N? Pancake, being first duly sworn say, that I posted three several notices, of which the one hereto attached is a true and correct copy, in three public places in said County, in the vicinity of the proposed road therein described, to-wit: One at S.E. Corner of N.E.1/4 of S.E.1/4 of Sec. 5, Commencement of proposed road, one at N.W. Corner of S.W.1/4 of S.E.1/4 of Sec. 5, and one the terminus of proposed road & all being in Sec. 5, Tp. 8, S. R. 46, E. W. M. thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 5th day of April, 1893, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit; On the 4th day of March, 1893, 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.

I. N. Pancake,

Subscribed and sworn to before me this 4th day of March, 1893,

Chas. B. Orai,

Notary Public for Oregon.

Notarial Seal.

(No filing)

NOTICE OF ROAD PETITION.

To all persons concerned: You, and each and all of you, will take notice that the undersigned householders, for Union County, Oregon, residing in the vicinity where the hereinafter ^{proposed} described road is to be, will at the next session of the County Court, for Union County, Oregon, w to-wit: On Wednesday, the fifth day of April, A. D. 1893, ^{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 N. E. Corner of S.E.1/4 of S.E.1/4 of Sec. 5, Tp. 8, at the Brooks Road, and running west 1/2 mile, thence north about 130 rods, to west Bank of Clear Creek, thence N.W. Along Clear Creek to south line of N. E.1/4 of N.W.1/4 of Sec. 5, thence west to S.E. Corner of N.W.1/4 of N.W.1/4 of Sec. 5, Thence north to N.E. corner of N.W.1/4 of N.W.1/4 of Sec. 5, all in Township 8, S.R. 46, E. W. M. Said road from the S.E. corner of N.W.1/4 of N.W.1/4 of Sec. 5, to N.E. Corner of said N.W.1/4 of N.W.1/4 of Sec. 5, to be on I. N. Pancake's land, or ⁱⁿ N.W.1/4 of N.W.1/4 of Sec. 5, the said road to be forty feet wide.

Names.

I. N. Pancake,
I. R. Scott,
W. D. Robinson,
John H. Thaysen,
Henry Foster,
C. N. ^a Oliver,
B. Pancake,
J. C. Brooks,

Names.

A. P. Greener,
J. W. McFadden,
M. Updike,
George G. Gray,
Byron Craig,
G. H. Oliver,
Louis Melhorn,
Joel Hewitt,

(No filing.)

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

I, J. R. Oliver, being first duly sworn, say
On the 7th day of March, 1893, I posted the hereunto attached notice
at the place of holding Court for Union County, Oregon, to-wit: O
the front of the Court House Door in the City of Union, in said
County and State, and that said notice remained posted thirty days
previous to the presentation of said petition as I verily believe.

J. R. Oliver,

Subscribed and sworn to before me this 6th day of April, 1893,

Turner Oliver, Clerk.

(No filing.)

BOND OF ROAD PETITIONERS.

Know all men by these presents: That we, I. N. Pancake and W. D. Robinson, 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 fourth day of March, A. D. 1893.

Now the condition of the above obligation is such, that whereas the above named I. N. Pancake and W. D. Robinson, and others, have petitioned the County Court of the said County of Union, at the April Term, ¹⁸⁹³ thereof, 1893, for a county road, commencing at the N.E. Corner of S.E. 1/4 of S.E. 1/4 of Sec. 5, Tp. 8, at the Brooks Road, and running west 1/2 mile, thence north about 130 rods to west bank of Clear Creek, thence N.W. along Clear Creek to south line of N.E. 1/4 of N.W. 1/4 Sec. 5, thence west to S.E. Corner of N.W. 1/4 of N.W. 1/4 of Sec. 5, thence north to N.E. Corner of N.W. 1/4 of N.W. 1/4 of Sec. 5, all in township 8, S.R. 46, E. W. M.

Said road from the S.E. Corner of N.W. 1/4 of N.W. 1/4 of Sec. 5 to N.E. Corner of said N.W. 1/4, N.W. 1/4 of Sec. 5, to be on I. N. Pancake's land or on N.W. 1/4 of N.W. 1/4 of Sec. 5, the said road to be forty feet wide.

Now, if the above named I. N. Pancake and W. D. Robinson, shall well and truly pay or cause to be paid, all cost 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 ~~null and void~~, otherwise to remain in full force and virtue.

I. N. Pancake, (Seal)

W. D. Robinson, (Seal)

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

I, I. N. Pancake, and W. D. Robinson, 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.

I. N. Pancake, (Seal)

W. D. Robinson, (Seal)

Subscribed and sworn to before me this fourth day of March, A. D. 1893.

Chas. B. Orai,

Notary Public, for Oreg.

Notarial Seal.

Endorsed:-

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

In the matter of the I. N. Pancake
Road.

Filed Mar. 7, 1893.

Turner Oliver,
County Clerk.

Journal Entry
I. N. Pancake Road

BE IT REMEMBERED That at a regular Term of the County Court of the State of Oregon for the County of Union, begun and held at the Court House in said County and State on Monday the 3rd day of April, A. D. 1893, and from day to day thereafter during the continuance of said term, when on Wednesday the 5th day of April, A. D. 1893, or the third judicial day of said term the said County Court opened for the transaction of business with the following officers present, to-wit:-

The Hon. I. N. Sanders, County Judge,
" " W. D. Arnold, Commissioner,
Turner Oliver, Clerk,
J. T. Bolles, Sheriff.

When on Thursady the 6th day of April, A. D. 1893, or the fourth judicial day of said term, among other proceedings the following was had, to-wit:-

In the matter of the proposed County road,)
petitioned for by I. N. Pancake, et al.)
-----)

Comesnow I. N. Pancake, one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others praying for the location and establishment of a County Road described as follows, to-wit:

Commencing at the N.E. Corner of S.E. 1/4 of S.E. 1/4 of Sec. 5, Tp. 3, at the ~~Brooks~~ road and running west 1/2 mile; thence north about 130 rods, to west Bank of Clear Creek; thence N.W. along clear Creek to south line of N.E. 1/4 of N.W. 1/4 of Sec. 5; thence west to S.E. Corner of N.W. 1/4 of N.W. 1/4 of Sec. 5,; thence north to N.E. corner of N.W. 1/4 of N.W. 1/4 of Sec. 5, a 1/2 in Township 8, S.R. 46, E. W. M. said road from the S.E. Corner of N.W. 1/4 N.W. 1/4 of Sec. 5, to N.E. corner of said N.W. 1/4 N.W. 1/4 of Sec. 5, to be on I. N. Pancake's land or on N.W. 1/4 N.W. 1/4 of Sec. 5, the said road to be forty feet wide.

And it appearing to the Court that said petition is signed by more than twelve householders of this County, residing in the vicinity

CD

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 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 S.E. Corner of N.W.1/4 of S.E.1/4 Sec. 5, Commencement of proposed road, one at N.W. Corner of S.W.1/4 of S.E.1/4 of Sec. 5, and one at N.E. Corner of N.W.1/4 of N.W.1/4 of sec. 5, the terminus of proposed road, and all being in Sec. 5, Tp. 8, S.R. 46, E. W. M. for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned that application would be made to this Court at the present session of this Court and that the notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been duly given.

It is therefore ordered that A. R. Stalker, Dan. E. Moore, and Leonard Lang, be appointed viewers of said road, and that J. L. Curtis be appointed surveyor of said road, and that they meet at the house of I. N. Pancake on the 22nd day of April, 1893, at the hour of 10 O'clock, A. M. and after qualifying to view, survey and lay out said road according to law.

(Signed) I. N. Sanders,
County Judge.

The foregoing order is entered in Comr's Jul.

'F' at page 569 thereof.

REPORT OF VIEWERS.

To the Honorable County Court for Union County, Oregon:

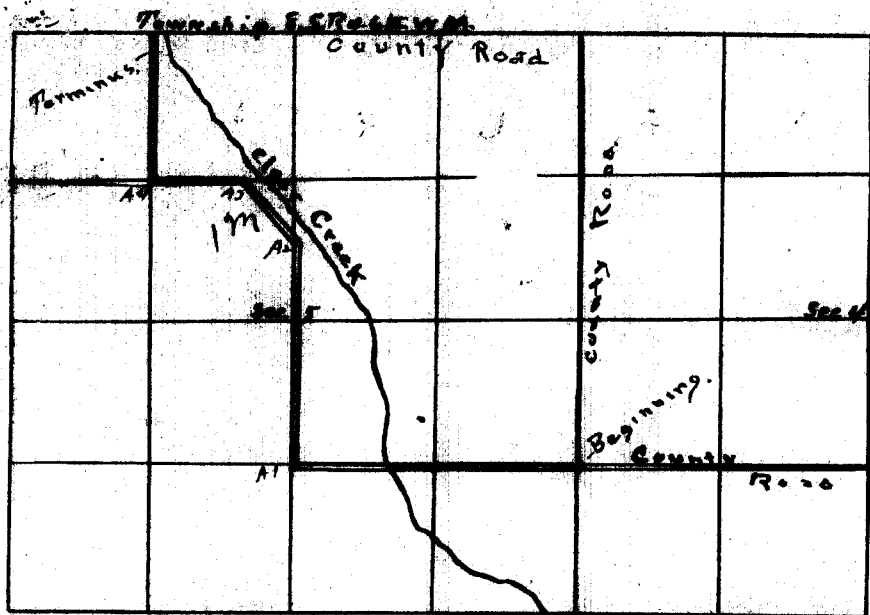
The undersigned, viewers heretofore on the 5th day of April, 1893, appointed to view and lay out and alter the proposed County Road, of which the survey hereto attached is a true and correct description, as petitioned for by I. N. Pancake, et al, beg leave to report that on the 22nd day of April, 1893, in pursuance with said ~~order~~ ^{and order} appointment, 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 road should be laid out and established as a public highway of Union County, Oregon, that the same is practicable and would materially 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.

A. R. Stalker,

L. Lang,

Dan F. Moore, Viewers.

(No filing.)



Scale 1 inch = 1 mile

South

To the Hon. County Court and viewers in the matter of a proposed County Road as petitioned for by I. N. Pancake, et al. The following Field notes and plat of the survey of said road is resptly. submitted. Done Apr. 22nd, 1893,

Commenced at the N. E. Corner of the S.E.4 of S.E.4 Sec.5, T. 8, S.R. 46, East W. M. and run from thence W. Var.19° 30' Chs.

39.50	To	A. No. 1,	Thence N.
30.17	"	" " 2,	" N. 42° 30' W.
10.23	"	1 Mile Sta-	" " " " "
2.75	"	A. No. 3,	" W.
10.84	"	" " 4,	" N.
15.00	"	" " 5,	" N. 23° W.

3.75 to ^{the} Terminus at the intersection of the County Road a pine Tree 30 in. in diameter, Marked R.T. all points on the road are marked in the center of the road and the part between angle No. 4, and the terminus is located entirely on I. N. Pancake's land
Whole distance 1 mile three furlongs and 9+ rods

J. L. Curtis,
County Surveyor.

Endorsed:-

Filed May 2, 1893,

Turner Oliver, County Clerk.

BE IT REMEMBERED That at a regular Term of the County Court of the State of Oregon, for Union County, begun and held at the Court House in the said County and State on Monday the 1st day of May, A. D. 1893, and from day to day thereafter during the continuance of said term, when on Wednesday the 3rd day of May, A. D. 1893, or the third judicial day of said term the said County Court opened for the transaction of business with the following officers present, to-wit:

The Hon. I. N. Sanders, County Judge,
Hon. P. J. Brown, Commissioner,
Turner Oliver, Clerk,
J. T. Bolles, Sheriff,

When on Wednesday the 3rd day of May, A. D. 1893, or the third judicial day of said term, among other proceedings the following was had, to-wit:-

In the matter of the road petitioned for by I. N. Pancake, et al.)
-----)

This matter came on to be heard at this time on the report of the viewers and surveyor heretofore appointed herein for a first reading, and said report having been read in open Court for the first time it is ordered that the same be laid over for a second reading on some other day of this term of Court as by law required.

(Signed) I. N. Sanders,
County Judge.

The foregoing order is entered in Comr's Jul.
'F' at page 590 thereof.

BE IT REMEMBERED that at a regular term of the County Court of the State of Oregon, for Union County, begun and held at the Court House in said County and State on Monday the 1st day of May, A. D. 1893, and from day to day thereafter during the continuance of said term, when on Wednesday the 3rd day of May, A. D. 1893, or the third judicial day of said term, the said County Court opened for the transaction of business with the following officers present, to-wit:

The Hon. I. N. Sanders, County Judge,
Hon. P. J. Brown, Commissioner,
Turner Oliver, Clerk,
J. T. Bolles, Sheriff.

When on Thursday the 4th day of May, A. D. 1893, or the fourth judicial day of said term, among other proceedings the following was had, to-wit:-

In the matter of the proposed County Road)
petitioned for by I. N. Pancake, et al.)
- - - - -)

This matter came on to be heard at this time on the report of the viewers and surveyor heretofore appointed herein for a second reading as provided by law and the report of viewers being in words following, to-wit:

REPORT OF VIEWERS.

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

The undersigned viewers heretofore on the 5th day of April, 1893, 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 I. N. Pancake et al. beg leave to report that on the 22nd day of April, 1893, 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 opinions said proposed road should be laid out and established as a public highway of Union County, Oregon. That the same is practic-

able and would add materially 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.

A. R. Stalker,

L. Lang,

Dan. F. Moore,

And said report of the viewers and the report of the surveyor having been now publicly read in open Court on two several days of the present term of the Court and it appearing to the Court that said viewers report favorably thereon and recommend that said proposed road be established as a County road and be declared a public highway of Union County, Oregon, and all the proceedings herein having been regular and according to law and no remonstrance or claim for damages having been filed herein and there having been no cause ^{shown} shown why this proposed road should not be declared a public highway and ordered opened according to law and the Court being satisfied from the report of the viewers that such road will be of public utility. It is therefore considered and ordered by the Court that said reports of the viewers and surveyor be approved and adopted by the Court and that said proposed road be declared 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 surveyor's 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 H. J. Baker, Road Supervisor of road District No. 31, 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.

(Signed) I. N. Sanders,

County Judge.

The foregoing order is entered in Comr's Jul. 'F' at page 597 thereof.

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

In the matter of the *road*)
petitioned for by)
J. N. Paucake et al.)
.....)
.....)
.....)

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

I, G. W. Benson, County Clerk of Union
County, Oregon, do hereby certify that the foregoing is a true and
correct transcript of the original papers in the above entitled
matter, transferred to Baker County, Oregon, including a copy of
the orders of the Court in said matter.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed
the seal of the County Court, this 5th day of July, A. D. 1902.

G. W. Benson Clerk.

Baker
County Ark
Main Court.

Oregon

Baker master of
~~the~~ pit
for by D.M. Parker
et al

Transcript of
papers transferred
to Baker County.

Oregon

This July 5, 1902
Geo. Benson
Clerk

Tenth Judicial Day

Thursday, April 6th 1893.

in said precinct; that the same was published as provided by law, proof of which has been filed herein; that a good and sufficient bond has been filed herein, which has been approved by the Judge of this Court; that all proceedings herein have been and are regular and according to law; that said petitioner has paid to the County Treasurer the sum of \$100.00 and filed the receipt of said Treasurer for the same with the Clerk of this Court; It is therefore considered and ordered by the Court that said petition be granted and that license issue to the said Henry Brown, to sell spirituous, malt and vinous liquors in less quantities than one gallon in Union Precinct No. 1, Union County, Oregon for the period of three months from the date hereof, to-wit: April 6th 1893.

In the matter of the application
of Dudley Richards for
County aid

This matter came on to be heard at this time on the application of Dudley Richards for County aid from which it appears that the said Dudley Richards is destitute and unable to earn a living; that he 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 about during of all which time he has resided in Union County, Oregon and that there was a Bill attached for medical attendance on the said Richards amounting to \$37.50. It is therefore considered and ordered by the Court that the said Dudley Richards be admitted as a County charge and that said Bill be allowed.

In the matter of the proposed
County Road petitioned for by
J. N. Pancake et al

Comes now J. N. Pancake, one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road, described as follows, to-wit: Commencing at the N.W. corner

Fourth Judicial Day

Thursday April 6th 1893,

of $\frac{1}{4}$ of $\frac{1}{4}$ of sec 5 Tps 8 at the Brooks road and running west $\frac{1}{2}$ mile; thence north about 12 rods to west bank of Clear Creek; thence NW along Clear Creek to south line of $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec 5; thence west to SE corner of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec 5; thence north to NW corner of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec 5, all in Township 8 S. R. 46 E. N. M. Said road from the SE corner of NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec 5 to NW corner of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec 5 to be on I. N. Paucke's land or on NW $\frac{1}{4}$ NW $\frac{1}{4}$ of sec 5. This said road to forty feet wide.

And it appearing to the Court that said petition resigned by more than twelve householders of this County, residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to-wit: At the Court House 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 SE corner of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ sec 5 - commencement of proposed road, One at NW corner of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ sec 5 and one at NW corner of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec 5 the terminus of proposed road, and all being in Sec 5 Tps 8 R. 46 E. N. M. for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned that application would be made to this Court at the present session of this Court, and that the notices so posted were in due form and duly signed by the petitioners, and that bond for the cost of this proceeding has been duly given. It is therefore ordered that A. R. Stalker, Dan F. Moore and Leonard Lang be appointed Viewers of said road and that J. L. Curtis be appointed Surveyor of said road, and that they meet at the house of I. N. Paucke on the 22nd day of April 1893 at the hour of 10 o'clock a.m. and after qualifying, to view, survey and lay out said road according to law.

In the matter of the proposed
County Road, petitioned for
by Isaac Curry et al

Cross now Isaac Curry