

451

Road

Commence at intersection of Co
Road on south side of Clark's Creek
terminating where said road intersects
the right of the Clark's Creek

272 339 346

L. Burroughs
et al

JH P158
Petition presented March 1895
Diary and Journal H Page 171

No

—IN—

Downy — Court

UNION COUNTY

OREGON

Plaintiff

vs

Defendant

Action for

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

26	NAMES	NAMES
27	Chas. B. Bass	W. J. Jemmeligan
28	D. O. Wetmore	J. W. Jemmeligan
29	J. H. Marsh	W. J. Jemmeligan
30	J. W. White	
31	R. C. Mays	
32	Chas. Lockhart	
	W. S. Bean	

Page

SA T 9 000 IA P 18 10 000 AN U 15 00 0000

- W. E. Brownell
- J. Kyle
- W. Fin
- H. L. Buell
- L. Parks
- Henry Bader
- E. B. Morlock
- W. J. Garner
- A. J. Hoffman
- D. B. Hendrick
- Chas. Hallgart
- Henry Parker
- J. W. Lash
- J. M. Rhoads
- A. Spencer
- Frank Johnson
- W. D. Hazelwood
- J. C. Coffey
- E. Shaver
- U. F. Wynn
- D. Lomax
- H. C. Becker
- J. A. Masterson
- W. B. Stair
- Jack Patterson
- J. D. Smith
- Robert Gandy
- A. R. Tuttle
- G. N. Cassin
- C. L. Hays
- W. B. Burt
- J. H. Mendenhall

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MAR 6 1880

J. R. Oliver
COUNTY CLERK

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STATE OF OREGON, } ss.
County of Union.

I, J. S. Adams being first duly sworn, say that I posted ^{one} three several notices, of which the notice hereunto attached is a true and correct copy, in three public places in said County in the vicinity of the proposed road therein described, to-wit: One

~~Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the~~ day of ~~18~~

^{being first duly sworn that} ~~therein mentioned, to-wit:~~ On the 4th day of July 1895, 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 6 day of March 1895.

J. S. Adams
J. R. Oliver
Co. Clerk

FILED

MAR 6 1895

J. R. O.

COUNTY CLERK.

Affidavit of Posting Notices.

STATE OF OREGON,
County of Umatilla, } ss.

I, R. C. Mays

being duly sworn, depose and say that I posted three notices, of which the attached is a true and correct copy, on the line of the within described and proposed County Road in and for Umatilla County, Oregon. Said three notices were posted as follows, to-wit.: One on the West Bank of the Grand Roundy River where said proposed road is to cross, ^{on} where the said proposed road intersects the public road ~~near~~ near Clark's Creek. One at what is known as the grade on said Clark's Creek road

All of said notices were securely posted in plain view of the public, and remained so posted from and including the 4, day of Feb., 1895, until the 5 day of March 1895.

Subscribed and sworn to before me this 5 day of March 1895.

R. C. Mays

J. A. Marsh Clerk.
J. A. Marsh Deputy
By J. A. Marsh Notary Public

FILED

MAR 6 1895

J. R. Oliver

COUNTY CLERK.

Petition for County Road

TO THE HONORABLE COUNTY COURT FOR

Union

COUNTY OREGON

The undersigned householders of

Union

County Oregon residing in the vicinity where the

hereinafter described road is proposed to be respectfully petition your Honorable body to lay out alter and establish a County road

within said County on the following line or route to wit

a continuation of County Road
 Commencing at a Stake on the S Side of Clark's Creek on
 the N W 1/4 NW 1/4 Sec 23, ^{29 1/2} ³⁹ ^{Elson} running thence a little N of W to
 Stake B, on W Bank of Grand Round River
 1700 ft between stakes thence N of W to intersect
 with Terrulligan St Elgin Union County
 Oregon Said Road to be 60 ft wide

Dated this 2nd day of July 1895

And in duty bound your petitioners will ever pray &c

NAMES

NAMES

S. J. Bismarck
P. E. Westman

A. Terrulligan
J. H. Terrulligan

W. Mansfield
J. M. M. M.
J. W. White
R. C. Mays

Chas Lockhart
D. S. Bean
W. E. Brownell

J. M. Kyle
W. Fine
H. L. Bull
L. Parks

Henry D. Allen

SOURCE: https://www.industrydocuments.ucsf.edu/docs/...

V. R. Morlock

W. J. Garner

A. J. Hoffman

~~D. G. Binkley~~
Chas. Hallgarth

Wm. P. ...

J. W. ...

J. W. Rhoades

A. D. Spencer

Wm. ...

W. J. ...

J. C. ...

E. J. ...

U. J. ...

D. ...

H. C. ...

J. J. ...

M. B. ...

Jack ...

J. ...

W. ...

A. R. ...

L. M. ...

C. L. ...

G. W. ...

~~J. ...~~

H. ...

W. H. ...

Wm. ...

J. W. ...

FILED

MAR 6 1880

J. R. Oliver

COUNTY CLERK

Know all Men by these Presents:

That we, J. A. Masterson and R. C. Mays of the County of Union and State of Oregon, are held and firmly bound unto the said County of Union in the sum of Two 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 24th day of March 1895

Now, the condition of the above obligation is such, that, whereas, if the County Road petitioned for by citizens mon. J. R. Rummage & H. Marsh and others, and presented at the March Term, 1895 of the County Court of said Union County, commencing

Commencing at steak "A" at the intersection of the County road on the South side of Clark's Creek on the North-West quarter (1/4) of the North-West quarter (1/4) of section twenty three (23) Township One (1) North of Range thirty nine (39) E. W. M. running thence a little North of West to steak "B" on the West bank of the Grande Ronde river Seventeen hundred feet between steaks, Thence West of North to intersect with Terwilliger street, Elgin Union County Oregon. The said road to be sixty feet wide.

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

J. A. Masterson
R. C. Mays

State of Oregon,
County of Union ss.

I, J. A. Masterson and R. C. Mays each for himself says that I am worth the sum of Two Hundred Hundred Dollars over and above all debts and liabilities and property exempt from execution, and that I am a resident and householder in said County and State.

J. A. Masterson
R. C. Mays

Subscribed and sworn to before me, this 12th day of March A. D. 1895

H. Marsh Clerk
[Signature] Deputy

has

in

has been

Bond of Road Petitioners.

*S. L. Birmingham
et al*

Petitioners

Filed this

A. D. 18

By

F I L L E D

MAR 6 1896

J. R. Oliver
COUNTY CLERK

has

to and all other acts that I am worth the

honored, and all other rights and privileges and property of my

from or against me and my heirs and assigns in said County and State

A. D. 18

and of

submitted and sworn to before me this

Clerk

Deputy

By

C. H. MARSH

Elgin, Or April 1, 1895. 189 .

TO THE Hon. County Court of the County of Union.

Gentlemen I wish to respectfully call your attention to the following facts regarding the new proposed road and bridge at this place. You will see by the enclosed subscription list that we propose to do all we can toward the BHEP building of the road and bridge. We will agree also to have the piles on the ground ready to drive as you will remember Mr. Marsh spoke to your judge about it and said if you would drive the piles we would get them. This is in addition to what is on the subscription list. We are ready and willing to do all that we can to help you out in the matter and will do all we are called on to do in the matter that is right. Or if you so wish this work will be applied on work on a bridge and road where the former bridge was washed out.

Respectfully,
C. H. Marsh

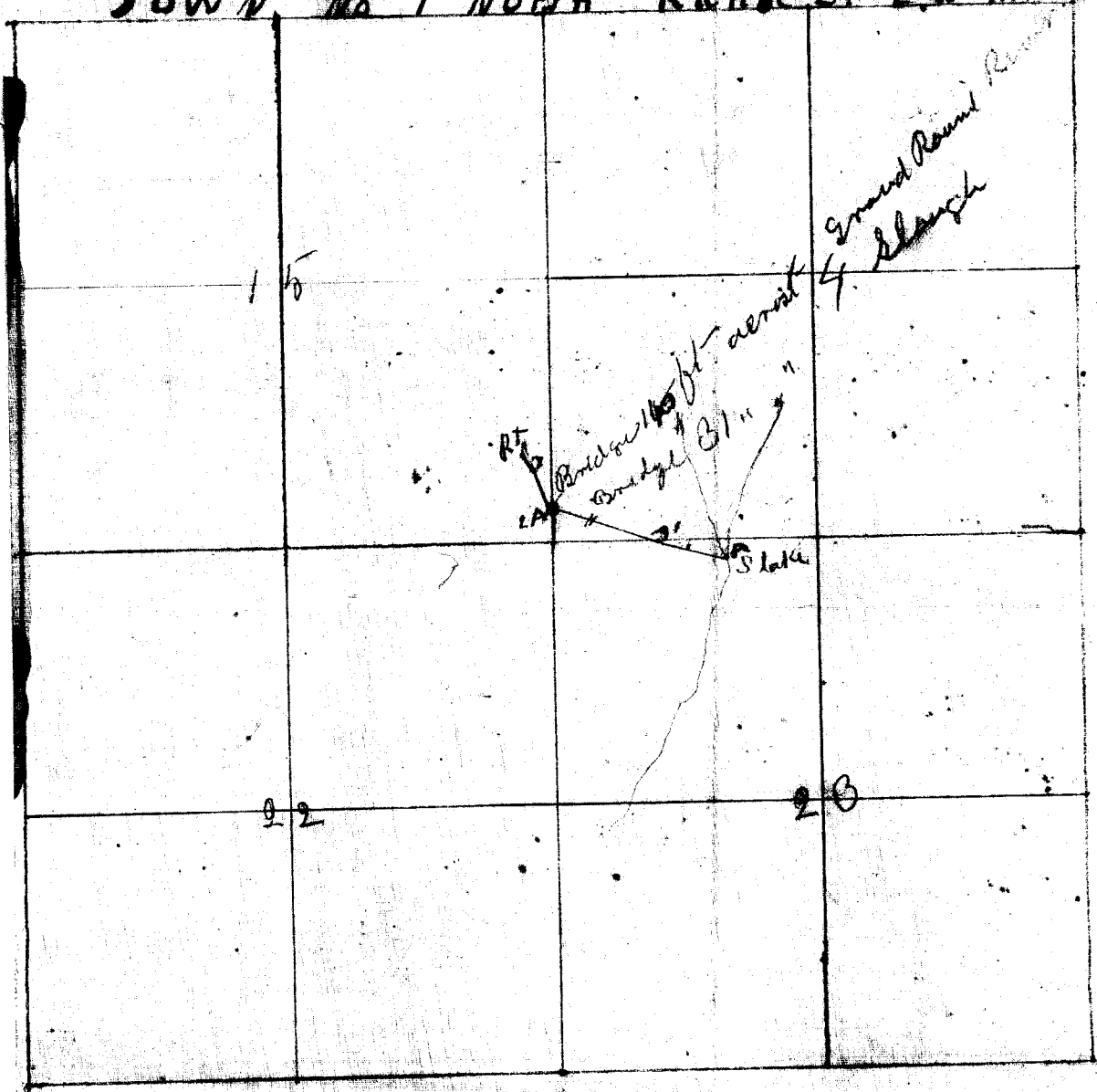
I. N. SANDERS,
COUNTY JUDGE,
UNION COUNTY, OREGON.

Union, Oregon, May 8 1895-

We the undersigned hereby agree;
Should the County Court order a bridge
built across the Grand Round river at Elger
at its next session,
to furnish the filing necessary for
said bridge.

R. C. Mayo & Co.
J. Sommer

Town No 1 North Range 39 E.W.M



REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 4 day of March, 1896, 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 Burnough, et al, beg leave to report that on the 23 day of Mar, 1896, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county.

J. L. Hudson
John Graham
J. H. Norton
VIEWERS.

To the Hon. County Court of Union Co. Or.
Gentlemen

We your viewers on road petitioned
for by Burnough et al would beg to offer
the following explanations and sugges-
tions. First. We believe the proposed route
practicable so far as the construction of
a road is concerned, but think it would
be fully as good, and much cheaper
to maintain the road upon the route
on which the bridge was constructed
in the fall '93. By referring to the
surveyor's plat you will see that it
will require a bridge 140 ft and several
minor crossings amounting in all
to nearly 300 ft. 2nd It is our opinion
that the grade east of the river could be
made the most practicable route
with a much less expenditure of money
than either of the above routes.

J. S. Hindman
John Graham
J. H. Norton

Claremont May 2 1895

J. H. [unclear]

Dear Sir,

The Council of the City of Claremont, at its regular meeting May 1st 1895, instructed me to write to you regarding the Bridge which is now being built by your Honorables the County Court, City of Claremont, over one hundred days as well as filled either in or outside the City. Now what the City want to know is this, whether this bridge will be rebuilt or not in order that they may know how to distribute this work on the roads leading in to this place. It being the intention of the City to do road work, the City Council is a favor if you will give us this information at your earliest convenience.

Yours Truly

J. H. [unclear] Mayor

Elgin, Oregon, March 2nd, 1895.

We the undersigned citizens of Elgin and vicinity, hereby agree to pay the amounts set opposite our names for the purpose of building a bridge across the Grande Ronde river at this point as asked for in the petition accompanying this donation.

Mays and Musterson	\$25.00	In labor and material
D. B. Kendrick	20.00	" " "
W. B. Starr	20.00	" " "
J. C. M. Co	20.00	" " "
A. R. Tuttle	10.00	" " "
L. W. Lindgren	10.00	" " with team
M. E. Brownell	10.00	" "
J. J. Smith	10.00	" " " "
A. Zerwiller	25.00	" Labor <u>25.00</u>
Buell & Procter	10.00	In labor or material
E. Sommer	25.00	" " or do
Wm. Patton	5.00	days with team
E. B. Morlock	6.00	2 days with team
H. Bader Jr	10.00	work
E. W. Worthington	5.00	do
J. W. White	7.00	- in - labor or material
Chas. Lockhart	5.00	" " " "
St. Thos. McNaughton	10.00	" do.
P. & B. Lovell	\$10.00	" " 15.00 "
	<u>\$273.</u>	

C. H. MARSH

Elgin, Or April, 1st. 1895⁸⁹ .

To I. N. Sanders, County Judge.

I enclose you petition and affidavit in the matter of A. Martin, a Pauper. I think from what I have been able to learn in the matter that what he sets out is true and that the affidavit is as the facts are.

Respectfully.

C. H. Marsh



Fig. 1. Mechanical part, view 1.

Fig. 2. Mechanical part, view 2.

Fig. 3. Mechanical part, view 3.

Fig. 4. Mechanical part, view 4.

Fig. 5. Mechanical part, view 5.

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

In the matter of the Road)
petitioned for by S. L.)
Burnaugh, EW W. Wertman & C. H. Marsh)

We, A. Terwilleger and Pauline

Terwilleger hereby waive all damaages to our land by reason of
said road passing through our land providing always that said
rod shall be located where described in said petition.

And we farther agree to give the right of way with out charge to
to the county.

Dated at Elgin Oregon this 2nd, day of Feb. 1895.

J. White
witness
R. C. May

A. Terwilleger
Pauline J. Terwilleger

Third Judicial Day.

Wednesday, Mch 6th 1895.

In the matter of a
 supplement with
 Richard Slater Sup.
 No. of Rd. Dist. No 45.

Came now Richard Slater,
 and presents to the Court his report as Supervisor of
 Road District No 45, for the year ending December
 31st 1894, and it appearing to the Court that the same is re-
 gular it is therefore ordered that said report be
 approved and the bill of \$115⁰⁰ allowed.

In the matter of a
 County Road petitioned
 for by S. Burroughs
 et al.

Came now S. Burroughs,
 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 est-
 ablishment of a County Road, described as follows, to wit:
 Commencing at Stake A, at the intersection of the County
 road on the south side of Clark's creek in the North
 west quarter (14) of the North west quarter (14) of Sec-
 tion Twenty-three (23) Township one (1) North of Range
 thirty-nine (39) E. 10th M., running thence a little North of West
 to Stake B on the west bank of the Grande Rende River
 seven hundred feet between Stake A and Stake B, West of North
 to intersect with Terrill's street, Elgin, Union County,
 Oregon, the said road to be sixty 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 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 on the west bank of the Grande
 Rende River where said proposed road is to cross,
 and where the said road intersects the public road

Third Judicial Day

Wednesday March 6th 1895

are near Clark's creek and at what is known as the grade across Clark's creek road for more than thirty days immediately prior to the presentation of said petition to the Court, notifying all persons concerned that application would be made to this Court at the present session of this Court: and that the notices requested were in due form and duly signed by the petitioner, and that a bond for the cost of this proceeding has been duly given. It is therefore ordered that J. H. Merton, John Graham and J. L. Naudman be appointed Viewers of said roads and that W. B. Baker be appointed Surveyor of said road and that they meet at Elqui, on the 7th day of March, 1895, at the hour of 9 o'clock A.M. and after qualifying, to view, survey and lay out said road according to law.

In the matter of the
Road petitioned for by
George Wilkinson 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 the present term of Court.

In the matter of the
Appointment of a
Road Supervisor for Road
Dist No 14.

It appearing to the Court at this time that at the January Term of this Court George McDonald was appointed Supervisor of Road Dist No 14 and it now appearing to this Court that the said George McDonald is not a resident of said Road District and can not act as such supervisor it is there fore considered and ordered that Jacob Heng be appointed as Supervisor of said Road Dist No 14 for the year ending December 31st 1895.

Third Judicial Day

Wednesday April 3rd 1895

In the Matter of the proposed
County Road petitioned for
by S. L. Burnaugh et al

This matter came on to be heard at this time upon 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 the present term of Court.

In the matter of the application
for County Aid to Amos Martin

This matter came on to be heard upon the affidavit of Jacob Swirest and upon the petition of citizens of Eggin, and it appearing from said affidavit and petition that said Amos Martin is the husband of an aged lady who is sick and that both parties are destitute and in great need. It is therefore sanctioned and ordered that an allowance of \$5⁰⁰ per month be allowed out of the Contingent fund for said Amos Martin until further ordered by this Court.

In the matter of the offering of
a Reward for the capture
of George E Chamberlain

This matter came on to be heard at this time on the petition of citizens of Sparta precinct asking the Court to offer a reward for the capture of George Chamberlain, and upon the report of the Grand Jury recommending that such a reward be offered or offered, and it appearing to the Court that the said George E Chamberlain is accused of the crime of murder and is a fugitive from justice It is therefore ordered that a reward of Two hundred and fifty Dollars for the capture and delivery of the said Geo. E. Chamberlain into the custody of the Sheriff of Union County, ^{or offered} and the Clerk of this Court is hereby instructed to publish a notice to that effect in the official papers of this County.

In the Matter of discontinuing
the allowance heretofore
made to Mrs Sarah Parent

Now at this time it appearing to this Court that Mrs Sarah Parent to whom this Court has

Fourth Judicial Day

Thursday April 4th 1895

Court met pursuant to adjournment

The same officers were present as on yesterday

One proclamation of the opening of Court having been made the Journal of yesterdays proceedings was read approved and is now signed

J. S. Sanders
County Judge

Thereupon the following proceedings were had to wit:

In the matter of the
Road petitioned for by S. L. G.
Burnough et al

This matter came on to be heard at this time on the Report of the Viewers and Surveyor filed hereat for a second reading and the said Report having been read in open Court for the second time and the Court not being now fully advised in the premises It is therefore ordered that this matter be continued for the term

In the matter of the
allowance of Bills

Now at this time it was ordered that the bill of Peter Wilson for \$7.⁰⁰ Witnesses before Grand Jury, be allowed. It is further ordered that the bill of W. S. Hunter for \$5.⁷⁰ Witnesses before Grand Jury, be allowed.

It is further ordered that the bill of L. A. Luchon, for \$14.⁰⁰ Witnesses before Grand Jury, be allowed.

It is further ordered that the bill of E. W. Woods, for \$4.⁰⁰ Witnesses before Grand Jury, be allowed.

It is further ordered that the bill of Walter George, for \$16.⁰⁰ Witnesses before Grand Jury, be allowed.

It is further ordered that the bill of J. N. Jandere, for \$5.⁰⁰ Witnesses before Grand Jury, be allowed.

It is further ordered that the bill of E. Coon, for \$14.⁰⁰ Witnesses before Grand Jury, be allowed.

It is further ordered that the bill of J. W. Bay, for \$2.⁰⁰ Witnesses before Grand Jury, be allowed.

Third Judicial Day

May 8th 1895.

Oregon is Fourteen months and that he has been in Union County about nine months, and that he is a resident of the State of Oregon. It is therefore considered and Ordered that the said William Ogden be and he is allowed the sum of Ten Dollars per month out of the contingent fund of this County until further ordered by this Court.

In the Matter of the application }
of }
W. H. Day for County aid }

This matter coming on to be heard at this time on the affidavit of W. H. Day. And it appearing to the Court from the said affidavit that the said W. H. Day is over and unable to work, that he is destitute and that he has no friends in Oregon who are able or willing to help him, that he has been in the State of Oregon for 8 years and in Union County 8 years. And it appearing to the Court that it would be to the better interest of the County, and to the said W. H. Day, to allow the said W. H. Day a monthly stipend that to admit him to the County home. It is therefore Considered and Ordered that the said W. H. Day, be allowed the sum of Eight Dollars per month from the contingent fund, and the Clerk is hereby authorized to draw a warrant in favor of the said W. H. Day for the said sum on the first of each month, commencing with May 1895 and thereafter until further ordered by this Court.

In the Matter of the }
resignation of }
W. H. Poppy Supervisor }
Grand Dist No 26 }

Now at this time it is ordered that this matter be continued for the term.

In the Matter of the }
Proposed County Road }
petitioned for by }
S. L. Burnough et al }

This matter came on to be heard at this time on the report of the Viewers and Surveyors heretofore appointed herein, and the 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 the present term of Court.

Fourth Judicial Day

Thursday May 4th 1895

Court met pursuant to adjournment.

The same officers were present as of yesterday.

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

County Judge

Thereupon the following proceedings were had, to wit:

In the matter of the
Proposed County Road,
petitioned for by
S. L. Burnaugh et al

This matter came on to be heard at this time upon the report of the viewers and surveyor heretofore appointed by this Court herein, for the second reading as by law provided, and the report of the viewers being as follows, to wit:

Report of Viewers.

To the Honorable County Court for Union County, Oregon
The undersigned viewers heretofore the 4 day of March 1895, appointed to view and lay out and alter the proposed County road, of which the survey hereto attaches is a true and correct description, as petitioned for by the Burnaugh et al, beg leave to report that on the 23 day of Mar. 1895 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 and said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said County.

J. L. Handman.
John Graham.
J. H. Morton.

To the Honorable County Court of Union Co. Or.
Gentlemen,

We your viewers on road petitioned for by Burnaugh et al would beg to offer the following explanations and suggestions. First we believe the proposed road practicable so far as the construction of a road

Fourth Judicial Day

Thursday May 9th 1895.

is concerned, but think it would be fully as good and much cheaper to maintain the road upon the route on which the bridge was constructed in the fall '93. By referring to the surveys plat you will see that it will require a bridge 140 ft and several minor crossings amounting in all to nearly 200 ft. 2^d It is our opinion that the grade east of the river could be made the most practicable route with a much less expenditure of money than either of the above routes.

J. L. Kaudenau.
John Graham.
J. H. Morison.

And the said report of the viewers and the report of the surveyors having read in open Court on the several days of the Court, and the Court not being fully advised in the premises It is ordered that this matter be continued for the term.

In the Matter of Advertising
for plans and bids for
a bridge over Grand River
River on Proctor Road

Now at this time it appearing to the Court that there is great necessity for a bridge over the ^{Near Elgin} Grand River, and the Court being fully advised in the matter It is therefore Ordered that the Clerk publish a notice to receive bids up to Wednesday the 5th day of June for the construction of such a bridge on what is known as the Proctor Road, said bridge to be of one span of about 90 feet resting on piers properly driven, at each end said bridge to have an approach of about 30 feet on the west side and about 10 feet on the east side.

Third Judicial Day

Wednesday June 5th 1895

In the Matter of the
Road petitioned for by
S. L. Burnough et al }

It appearing to the Court at this that the road petitioned for by S. L. Burnough et al is not practicable and that it would be to the best interests of the County to not order said proposed road opened It is therefore considered and ordered that the petition herein be dismissed

In the Matter of Letting
Contract for Bridge over
Grande Ronde River on the
Proctor Road }

This matter came on to be heard at this time on the opening of bids for contract to build a bridge over the Grande Ronde River on what is known as the Proctor Road at or near Elgin which bids were as follows, to wit:

W. B. Gilkison offers to build said bridge in accordance with his plans and specifications submitted for \$926⁵⁰ for the main span of 90 feet over the river and \$2¹⁵ per lineal foot for the necessary approaches

Wm. Friedrickal offers to build said bridge in accordance with his plans and specifications submitted with bid for \$790⁰⁰ in cash or 10% additional in County warrants for the main span of 90 feet and \$48⁰⁰ for the necessary approaches in cash or 10% additional if paid in County warrants and it appearing to the Court that the Plans and Specifications submitted by W. B. Gilkison are the most satisfactory and his bid for constructing a bridge in accordance therewith is reasonable and that it would be to the best interest of the County and the taxpayers to accept the same It is therefore considered and ordered that the said bid of W. B. Gilkison be accepted and the Clerk is instructed to draw up a written contract in accordance with Bid, Plans and specifications filed herein the said W. B. Gilkison having at this time given a good and sufficient undertaking herein in the sum of \$1,000 which has been approved by this Court