

No *Law*

—IN—

County Court
UNION COUNTY,
OREGON

William Lewis

Plaintiff

vs

Chas M. Cary et al

Defendant

Action for

Doc et

Page

J. D. Slater & H. W. Knowlton

Attorney for Plaintiff

R. Baker & B. Baker
Attorney for Defendant

-453-

Ja Walker et al

From at about 80 ds to NW of NE Cor of Pt of the 86th Sec 33 Tp 2
N R 34 to Wth thence in a Southwesterly direction
to the old Larcher Road thence along said Rd to NE Corner of the
Widow Suckers place, thence South 36 ds East 80 ds
South 80 ds thence on $\frac{1}{2}$ Sec line to terminus

Numbers apply'd page 168 Journal A
Ordered opened page 218 " "

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:

Commencing at a point on the County Road ^{80 rods} N.W. of the N.E. corner of S 1/2 of the S.E. 1/4 Sec 33 Sp 2 N. Range 39 E. W. 11. Then in ~~South~~ westerly direction to the N.W. corner of S 1/2 of S.W. 1/4 Sec 33. Thence south on Sec line one mile. Then to follow the old Lincoln Road as near as practicable to where a stake is set up at the N.E. corner of the Widow Harper's place. Thence south 38 rods. Thence East 80 rods. Thence South 40 rods. Then ^{East} on 1/2 Sec line to the S.W. corner of N. W. 1/4 Sec 15 Sp 1 N. Range 39 E. W. 11. Said road to be 40 feet wide

And in duty bound your petitioners will ever pray, &c.

NAMES:

- J. A. Walker
- Thomas Fleming
- Albert Ohms
- S. B. Burroughs
- ~~Ed Shellen~~
- Chas Lockhart
- Chas Boyd
- Mary Baden
- E. E. Jones
- J. J. Orr
- E. B. Morlock
- H. Patten

NAMES:

- ~~J. G. GEMON~~
- ~~W. D. Penney~~
- ~~M. H. Vauhousser~~
- ~~J. C. Hartman~~
- ~~O. B. Alexander~~
- ~~J. M. Garr~~
- ~~A. J. Patten~~
- ~~J. M. Higginbotham~~
- ~~J. B. ...~~
- ~~...~~

FILED

MAY 8 1886

J. R. Oliver

COUNTY CLERK.

Handwritten notes, possibly including a date like 'MAY 14 1886' and other illegible scribbles.

Petition

Notice of Road Petition.



To all Persons Concerned: You, and each and all of you, will take notice that the undersigned, householders for Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, will at the next session of the County Court for Union County, Oregon, to-wit: on Wednesday, the 8th day of May

A. D. 1895, 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 a point on the County road, N.W. of the N.E. corner of $8\frac{1}{2}$ of the S.E. $\frac{1}{4}$ Sec 33 T. 1 N. Range 39 W.M. Thence in a South westerly direction to the N.W. corner of $8\frac{1}{2}$ of S.W. $\frac{1}{4}$ Sec 33. Thence south on Sec line One Mile Thence to follow the old Lincoln Road as near as practicable to where a stake is set up at the N.E. corner of the Widow Harp's place. Thence south 38 rods Thence East 80 rods Thence South 40 rods Thence ^{East} on $\frac{1}{2}$ Sec line to the S.W. corner of the N.W. $\frac{1}{4}$ Sec 15 T. 1 N. Range 39 E. W.M. Said road to be 40 feet wide

NAMES:

NAMES:

J. A. Walker
Thomas Fleming
Albert Ohms
S. B. Burroughs
O. S. Shelton
Chas. Lockhart
Thos Boyd
Henry Waden
E. E. Jones
J. J. Gorr
E. B. Morlock
H. Patten

S. L. Gemron
H. J. Penner
W. F. Vautouse
J. C. Karman
O. B. Alexander
J. M. Garr
A. G. Patten
J. M. Higginbotham
J. C. Higginbotham
Wm. Shelton

FILED

MAY 3 1896

J. R. Oliver
COUNTY CLERK.

FILED

APR 1, 1895

J. R. Oliver
COUNTY CLERK.

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

I, J. S. Slater

being first duly sworn, say that I posted 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

[Large blank area with horizontal dashed lines, intended for a description of the road and its vicinity.]

~~Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the _____ day, of _____ 18____, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 1 day of April 1895, I posted a true and correct copy of ^{hereto attached} ~~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 8 day of May 1895

[Signature]
J. R. Oliver
Clerk

FILED

MAY 3 1895

J. R. Oliver
COUNTY CLERK.

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

I, E. E. Jones being first duly sworn, say that I posted 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 near the beginning of the Road on a tree in front of the Burrows Shingle Mill. one on a post in front of Geo. Higginbotham's Dwelling house, on the line of the Road, and one at the terminous of the proposed Road on a stump

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 30th day of March 1895, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 30th day of March 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.

E. E. Jones

Subscribed and sworn to before me this 5th day of April 1895

J. W. White
Justice of the peace

FILED

MAY 3 1895

J. R. Oliver
COUNTY CLERK.

Notice of Road Petition.



To all Persons Concerned: You, and each and all of you, will take notice that the undersigned, householders for Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, will at the next session of the County Court for Union County, Oregon, to-wit: on Wednesday, the 8th day of May

A. D. 1895, 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 a point on the County Road N. W. of the N. E. corner of $8\frac{1}{2}$ of the S. E. $\frac{1}{4}$ Sec 33 T. 2 N. Range 39 E. W. M. Thence in a south westerly direction to the N. W. corner of $8\frac{1}{2}$ of S. W. $\frac{1}{4}$ Sec 33, Thence south on Sec line One Mile. Thence to follow the old Lincoln road as near as practicable to where a stake is set up at the N. E. corner of the Widow Harpur's place. Thence south 38 rods, Thence East 80 rods, Thence south 40 rods, Thence ^{east} on $\frac{1}{2}$ Sec line to the S. W. corner of the N. W. $\frac{1}{4}$ of Sec 15 T. 1 N. Range 39 E. W. M. Said road to be 40 feet wide.

NAMES:

NAMES:

- J. A. Walker
- Thomas Fleming
- Albert Ohm
- S. B. Burroughs
- A. Shelton
- Chas Leachman
- Chas Boyd
- Henry Bader
- E. E. Jones
- J. S. Dorr
- E. B. Morlock
- A. Patten

- O. J. Gemon
- A. J. Penev
- M. F. Sandhansen
- J. C. Karsman
- E. B. Alexander
- J. M. Darr
- A. J. Patten
- J. M. Higginbotham
- J. C. Higginbotham
- W. Shelton

FILED

MAY 8 1895

J. R. Oliver
COUNTY CLERK.

Copy

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That we, Thomas Higginbotham and E. E. Jones, 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 30th day of March A. D. 1895

Now, the condition of the above obligation is such, That, whereas the above named Thomas Higginbotham and E. E. Jones, and others, have petitioned the County Court of said County of Union, at the May Term, 1895, thereof for a

County Road, commencing at a point on the county road N.W. of the N.E. corner of S. 1/2 of the S. E. 1/4 Sec 33 T. 1 N. Range 39 E. W. 1/4 thence in a south westerly direction to the N.W. corner of S. 1/2 of S. W. 1/4 Sec 33. Thence South on Sec line One mile thence to follow the old Lincoln road as near as practicable to where a stake is set up at the N.E. corner of the Widow Harper's place thence south 38 rods. Thence East 80 rods. Thence south 40 rods. Thence ^{East} on 1/2 sec line to the S.W. corner of the N. W. 1/4 Sec 15 T. 1 N. Range 39 E. W. 1/4. Said road to be 40 feet wide.

Now, if the above named Thomas Higginbotham and E. E. Jones 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.

T. M. Higginbotham (L. S.)
E. E. Jones (L. S.)

STATE OF OREGON, }
County of Union. }

I, Thomas Higginbotham and E. E. Jones, each for himself, says, that I am worth the sum of Two Hundred Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder in said County and State.

T. M. Higginbotham
E. E. Jones

Subscribed and sworn to before me this 30th day of March A. D. 1895

J. W. White
Justice of the Peace County Clerk

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

IN THE MATTER OF THE

W. H. Walker
ROAD.

BOND OF ROAD PETITIONERS.

Approved 189

County Judge.

Filed May 8 1895

County Clerk.

By *J. J. Quinn*

Deputy.

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the _____ day of June, 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 J A Walker, et al, beg leave to report that on the 22 day of June, 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 out said proposed road for the whole distance thereof, and that in our opinion said proposed road should _____ be laid out _____ established as a public highway of Union County, Oregon; that the same 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. H. Morton
James Woods
J. R. Hindman
VIEWERS.

Report of Surveyor.

To the Hon. County Court of Union County, Oregon: June 25 1895

I, the undersigned, County Surveyor, appointed to survey the county road proposed by J A Walker et al., beg leave to report that on the 22 day of June 1895, in pursuance of said appointment and order, I Surveyed said proposed road for the whole distance thereof, the following being the field notes of said survey:

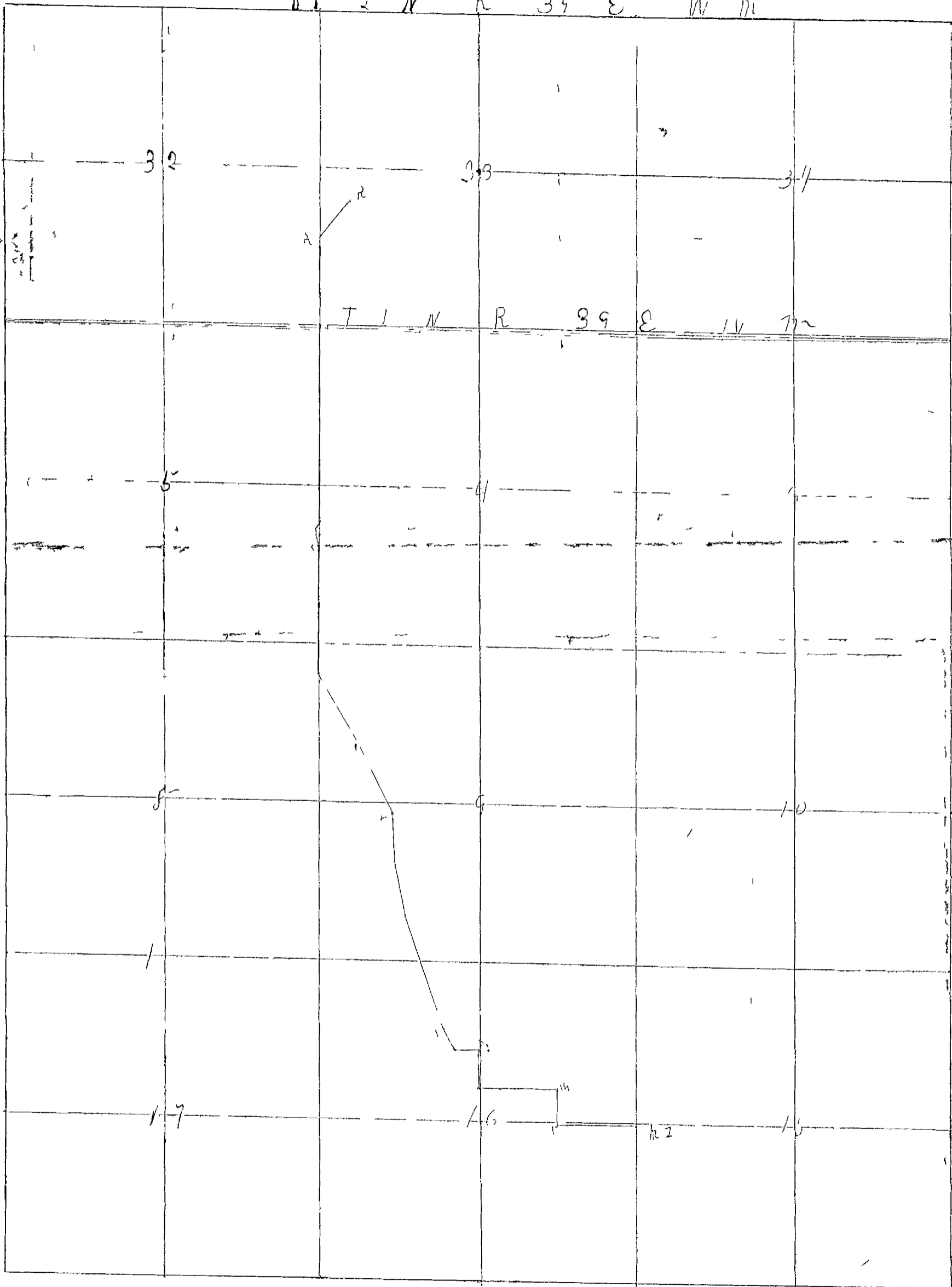
Commencing at a Post Marked R - 80 Rods North & 46 Rods N 40° E thence

| Chains | Dir | Remarks | Chains | Dir | Remarks |
|--------|-----|-----------------------|--------|-----|----------------------|
| 11 | 50 | thence South 40° West | 13 | 50 | thence South 5° East |
| 22 | " | " " | 20 | " | " " |
| 51 | 50 | " " | 30 | " | To stump marked R T |
| 1 | 50 | " 30° East | 6 | 50 | " 30° " |
| 3 | " | " 5° " | 4 | 50 | " East |
| 32 | 50 | " " | 9 | 50 | " South |
| 19 | 50 | " 30° " | 20 | " | " East |
| 19 | 50 | " 25° " | | | |

W B Blakeslee
County Surveyor.

cr

TP 2 N R 39 E 1/4 1/2



E

S

7

Third Judicial Day

Wednesday May 8th 1895

the center of sections 32, 31, 34 & R 41. thence West one mile through section 36 T45 R 40 E. to Southwest corner of Northern quarter of said sec. 36 thence North 1/2 mile, thence West 2 miles through the center of sections 26 & 27. T45 R 40 E, thence North 1/2 mile to the Northeast corner of Sec. 28 T45 R 40 E the point of beginning.

In the matter of the }
Connecopia Road }

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

In the matter of the }
allowance of }
Mrs A Ingram }

This matter came on to be heard at this time on the petition of the residents of Pine Valley and it appearing to the Court that the allowance heretofore made by this Court to the said Mrs A Ingram, of \$5- per month is inadequate to her needs and that the said Mrs A Ingram is greatly in need of assistance It is therefore considered and Ordered that the allowance heretofore made to Mrs A Ingram by this Court be and the same is hereby increased to the sum of \$10⁰⁰ per month and the Clerk is instructed to draw warrants monthly on the Contingent fund in her favor for said sum until further ordered by this Court.

In the matter of the }
Proposed County Road }
petitioned for by }
J A Walker et al }

This matter came on to be heard upon the petition of J A Walker et al and the Court not being fully advised in the premises the same is hereby continued for the term.

Thereupon it was ordered that Court be now adjourned until tomorrow morning at 9 O'clock AM.

Be it remembered that at a regular Term of the County Court of the State of Oregon for Union County, begun and held at the Court House in the City of Union, in said County and State on Monday the 3rd day of June, 1895, and from day to day thereafter during the continuance of said Term when on Wednesday the 5th day of June 1895, or Third Judicial day of said Term, the said County Court opened for the transaction of business with the following officers present, to wit:

| | |
|--------------------|------------------|
| Hon. J. N. Sanders | County Judge. |
| Hon. W. O. Russell | County Assessor. |
| Hon. J. J. Brown | Commissioner. |
| J. H. Pugh | Sheriff. |
| J. R. Olson | Clerk. |

One Proclamation of the opening of said Term has been made the following proceedings were had, to wit:

In the matter of the
County Road petitioned
for by J. A. Walker, et al.

Then came J. A. Walker, one of the petitioners for the above named proposed County Road, and presented 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 a point on the County road 80 rods NW of the NE corner of S¹/₂ of the SE¹/₄ Sec 33, T¹/₂ N. Range 39 E. W. M. thence in southerly direction to the NW corner of S¹/₂ of SW¹/₄ of Sec 33, thence South on Section line thence to follow the old Lewis & Clark Road as near as practicable to which a stake is set up at the NE corner of the Wild on Harper's Place, thence South 38 rods thence East 80 rods thence South 40 rods thence East on ¹/₂ Section line, to the SW corner of NW¹/₄ Sec 15, T¹/₂ N. Range 39 E. W. M. said road to be 40 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 specified 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.

Third Judicial Day.

Wednesday June 5 1895.

of Oregon, and, also in three public places in the vicinity of said proposed road, to wit: One near the beginning of the Road and two in front of the Borough, Shingler Mill; one on a post in front of E. H. Higginbotham's dwelling house on the line of the road and one at the terminus of the proposed road on a stump, fern 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 notice required 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. Merten, J. L. Friedman and W. W. Wade be appointed viewers of said road, and that W. B. Blakeslee be appointed Surveyor of said road, and that they meet at the beginning of the Road on the 27 day of June 1895. at the hour of 9 o'clock A.M., and after qualifying to view, survey and layout said road according to law.

In the matter of the
resignation of W. H. Poppy,
Supervisor of Road Dist.
No. 26.

This matter came on to be heard at this time on the Resignation of W. H. Poppy supervisor of Road District No 26 from which it appears that the said W. H. Poppy has left the county temporarily and will not return in time to do the necessary work on the County Roads in his said district. It is therefore considered and ordered that the said resignation be and is hereby accepted.

In the matter of the
appointment of a Road
Supervisor for Road Dist No 26

This matter came on to be heard at this time on the petition of the taxpayers of Road Dist No 26 praying for the appointment of George W. Wright as supervisor of said road District and it also appearing to this Court that the said office of supervisor has been rendered vacant by the Resignation of W. H. Poppy and that now is the proper time for the appointment of some suitable person

Third Judicial Day.

Wednesday July 3rd 1895.

In the Matter of the proposed
County Road petitioned for
by J. A. Walker et al

This matter coming on to be heard upon the report of the viewers and surveyor heretofore appointed herein by this Court, for the first reading, and the said report having been read in open Court for the first time. It is Ordered that said report be laid over for a second reading on some other day of this term of Court.

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

Now at this time comes John Graham one of the petitioners herein and presents to the Court the petition of himself and others praying for the location ^{and establishment} of a County Road to be described as follows to wit: Beginning at a County Road at the SW corner of Sec 5 Tp 17N R 40E. and terminating at NW corner of NE 4 of said section 5. And it appearing to the Court that said petition is signed by more than twelve householders residing in Union County in the vicinity of the proposed road, and that said petition properly specifies the beginning the intermediate ^{points} and the 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, also in three public places in the vicinity of the proposed road, to wit: one in the forks of the County road at Keltowers place, one at the cemetery on the line of the proposed road and across the County road at J. H. Madona's place, for more than thirty days immediately prior to the presentation of this petition, notifying all persons concerned that application would be made to this Court at the present term and that the notices so posted were in due form and duly signed by the petitioners herein, and that a bond for the cost of this proceeding has been given, It is therefore Ordered that Thomas Higgenbotham, Peter McShain and Charles Beckett be and they are hereby appointed viewers of said road, and W. B. Beardslee is hereby appointed Surveyor of said road, and that the said viewers and Surveyor meet at the beginning of said proposed road on July 27th 1895 at 9 O'clock A.M. and after qualifying to view and lay out and survey said road according to law.

In the Matter of the Resignation
of H. S. Powell. Supervisor of
Road Dist No. 24

Now at this time comes H. S. Powell and presents to the Court his resignation as Supervisor of Road Dist. No 24 and it appearing to the Court that the said supervisor is about to remove from said district and will not be able to attend to the duties of said supervisor, It is therefore Ordered that said resignation be and the same is hereby accepted, and it is further

Fourth Judicial Day

Friday July 5th 1895.

Court met pursuant to adjournment: the same officers being 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 here now signed.

D. V. Sanders

County Judge.

Thereupon the following proceedings were had, to wit:

In the Matter of the proposed
County Road petitioned for
by J. A. Walder 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 second reading as provided by law, and the report of the 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 day of June 1895, appointed to view and lay out and alter the proposed County Road, of which the survey hereto attached is a true and correct description, as petitioned for by J. A. Walder, et al, beg leave to report that on the 22 day of June 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 out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out established as a public highway of Union County, Oregon; that the same 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. H. Merton.

W. W. Woods

J. L. Hindman.

And said report of the Viewers and the report of the Surveyor having been now publically 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

Fourth Judicial Day

Tuesday July 5th 1895

the proceedings herein having been regular and according to law, and no monuments or claim for damages having been filed herein, and there having been no cause shown why this proposed road should not be declared a public highway and opened open 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 report of the viewers and surveyor be approved and accepted by the Court and that said proposed road be declared a public highway of Union County Oregon, and opened opened up and placed in repair for travel according to law. And it is further ordered that the report of the viewers be placed on record in this Journal and that the surveyors plat of the proposed road and his field notes of survey thereof be placed on record in the Books of this of County Roads of Union County Oregon and that A. W. Main Supervisor of Road Dist No 46, and J. M. Harrell, Supervisor of Road Dist No 51 and E. E. Jones Supervisor of Road Dist No 15, the same being the road districts in which said road is located, be furnished with a copy of the petition herein and a copy of this decree and ordered to open up said road and place the same in repair for travel.

In the Matter of the }
Cancellation of a }
certain County Warrant.

Now at this time comes into open Court the Clerk and presents to the Court Union County Warrant No 623 of Class D & D drawn for \$3⁰⁰ in the name of J. T. Jones, and it appearing to the Court that said warrant was erroneously drawn upon the general fund and that the bill for which said warrant was drawn was allowed by the Court upon the contingent fund and not upon the general fund, It is therefore ordered that said Warrant No 623 be cancelled and the Clerk is hereby instructed to draw in place thereof a warrant for said bill upon the County's contingent fund.

In the Matter of the }
Cancellation of Contingent }
Warrants

Now at this time comes William Young County Treasurer into open Court and presents to the Court twenty-eight Contingent Warrants of the aggregate value of \$674.27 and it appearing to the Court that said warrants have been regularly issued and paid It is therefore Ordered that they be and are hereby cancelled, and it is further ordered that the Treasurer have credit on his account for the said sum of \$674.27.