

No

IN

Court

Plaintiff

vs

Defendant

Action for

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

MEMORANDUM FOR THE RECORD
DATE: 1893
BY: [illegible]

Presented Nov 6 1893 of No 290
Motion to dismiss Petition Overruled

461

Petitioned for by
E L Ryder
et al.

Beginning at stake 1 on
S side of Clark's Creek
about 10 rods South of
the corner of the NE 1/4 of NW 1/4
Sec 23 T1 NR 39 E and
terminating at the terminus
of County Road No 12 T1 P
1 TR 40

WITNESSES

MEMORANDA

G. G. Saylor
D. D. Weston
L. H. Moore
Wm. Young
S. Starnes
W. H. Taylor
S. S. Burroughs
W. H. Patton
Chas. Patton
Y. Y. Cross
J. W. Waller
Thomas Beames
G. W. Velt
Walter B. Gena
William Proctor
Henry H. King
E. A. Harris
H. A. Roberts
Walter B. Gena
W. H. Scott
W. H. Gena
Andrew Hammer
J. S. Baker
Albert Thomas
W. H. Gena
F. D. Scott
Andrew C. Gena
D. W. Gena
Ad. W. Gena
G. H. Gena

W. Terwilliger
J. W. Chalmers
C. P. Young
J. Graceland
B. F. Perry
Wm. H. Miller

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Dec 20th 1945
The Brewer Co
Box 210
Brewer, Maine

SOURCE

Confidential

STATE OF OREGON, } ss.
County of Union.

E. L. Ryder

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 on a post at the beginning of the proposed road, one at the foot of Clark's Creek hill on a post on the line of the proposed road and where it intersects the established County road. And one at the terminus of the proposed road on a tree at the terminus of County Road No 20. ^{Each notice} ~~Each notice~~ substantially nailed to a board and the board nailed to the front ^{and} ~~of~~ tree.

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the ~~4th~~ ^{14th} day of ~~October~~ ^{November} 1895, and that thereafter ~~and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the~~ ~~day of~~ ~~18~~ 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.

E. L. Ryder

Subscribed and sworn to before me this 6th day of November 1895.

J. R. Oliver Clerk
By ~~W. H. Oliver~~ Deputy

FILED

NOV 9 1895

J. R. Oliver
COUNTY CLERK

STATE OF OREGON, } ss.
County of Union.

I, G. W. Pearson being first duly sworn, say that ~~I posted three several notices, of which the notice herunto 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~~, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 7th day of October 1895, I posted a true and correct copy ~~of said notice~~ ^{as hereto attached} at the place of holding Court for Union County, Oregon, to-wit: ^{bulletin board at} On 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.

G. W. Pearson

Subscribed and sworn to before me this 6th day of Nov 1895

J. R. Oliver Co. Clerk
By [Signature] Deputy

FILED

NOV 6 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 of 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 5th day of November A D 1876 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

Corner city of State A on south side of Clark creek about 10 rods out of sec or cor of the N. E. 1/4 of Sec 23 T4 N R 31 & W 31 thence east to state B then a cross creek to state C thence east on the most practicable line to state D thence south east to state E then across creek to state F thence east to state G at foot of grade on private road thence follow grade to state H thence east to state I thence east on north side of creek on the line between Berrinough and John Collett to state J at Berrinough & corner the sec south east to state K on County road at the foot of the hill thence follow county road about one hundred rods or more to state L about thirty rods north of creek thence turn east on north side of creek thence follow creek on the most practicable route to state M on north branch thence cross north branch thence follow east side of main creek to state N on all branch thence cross middle branch thence follow east side of main creek to state O thence follow creek on the side of the hill to state P thence east on the most practicable route to state Q on the side of sec 12 T4 N R 31 thence follow near creek to state R a private road thence follow private road to state S being the terminus of said road state S stands at the terminus of County Road 20120

Said road to be 60 feet wide

NAMES

E. L. Ryder
 O. O. Ryder
 M. A. Larrick
 R. D. Keys
 James May
 R. W. Garrett
 John M. Yarrish
 Charles Garrett
 J. Garrett
 Dezell
 John R. Stakebit

NAMES

1	E. C. Taylor	J. W. Terrill
2	D. D. Washburn	J. W. C. Bradley
3	Chas. H. ...	E. W. ...
4	Abner ...	...
5	S. ...	...
6	Wm. ...	...
7	Wm. ...	...
8	Wm. ...	...
9	Wm. ...	...
10	Chas. ...	...
11	J. G. ...	...
12	J. W. ...	...
13	Thomas ...	...
14	Wm. ...	...
15	Wm. ...	...
16	Wm. ...	...
17	Henry ...	...
18	E. ...	...
19	J. W. ...	...
20	Walter ...	...
21	Joseph ...	...
22	D. ...	...
23	Andrew ...	...
24	J. P. ...	...
25	Albert ...	...
26	M. ...	...
27	F. D. ...	...
28	Andrew ...	...
29	P. ...	...
30	Adeline ...	...
31	E. ...	...
32	B. F. ...	...

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

In the matter of the County
road petitioned for by _____

E. L. Ryder et als.

Now at this time come George Lingreen, and John Elliott householder and citizens of Union County Oregon residing in the vicinity of the above entitled proposed County road sought to be laid out and opened, and remonstrate against the Court entertaining said petition or appointing viewers thereon, and move the court to dismiss said petition upon the following grounds;

1st-: That the petition for said road does not state facts sufficient to constitute a road petition or to give the court jurisdiction to entertain the same or appoint viewers thereon.

2nd-: That no notice of said petition and application has --- been given, served, published or posted as required by law in such cases. That the pretended notice therein does not state facts sufficient to constitute a road notice, that the same is not dated and that the same was not posted in three public places ~~therein~~ in vicinity of said proposed road as required by law.

3rd-: That the Court is without jurisdiction to entertain the said road petition, or to appoint viewers thereon, or to take any action thereon other than to dismiss the same.

J. H. Crawford & C. St. Mark
Attorneys for Remonstrators.

Wash County Court
of the

State of Oregon

for
Wash County

in the matter of the

County Road Petition of Jerry

E. S. Appler et al

in order to show

petition

filed Nov 6 1895

J. H. Oliver Clerk

By G. M. Brown Atty

T. H. CRAWFORD,

ATTORNEY,

UNION, OREGON.

Third Judicial Day,

Tuesday Nov 6th 1895,

lengthened to the detriment of the public by said change, would be on just as good ground for a road as the road sought to be vacated. It is therefore considered and ordered the R. B. Crego, M. F. Helbrock, and C. P. Davis appointed surveyors and W. B. Blakeslee, Surveyor of said road and that they meet at Carsonville 9th day of November 1895, at the house of 10 o'clock a.m. and after qualifying to survey, survey and lay out said road according to law.

In the matter of the
road petitioned for by
E. H. Rider, et al.

This matter came on to be heard at this time with the petition of E. H. Rider et al, praying for the location and establishment of a County road running from near Egui up Park's Creek and also with the motion of George Hindsman vs John Elliott to dismiss the petition. And after hearing the argument of the Counsel in support of said motion and the Court being fully advised in the premises, It is therefore considered and ordered by the Court that said petition be overruled and denied.

In the matter of the
road petitioned for
by C. W. Neesly, et al.

This matter came on to be heard at this time with the petition of C. W. Neesly, et al praying for the location and establishment of a County road beginning at a point eight rods north of the N.W. corner of the S.W. 1/4 of the S.E. 1/4 of Section 37, Twp 7, R. 38. E.W. 77. and terminating at a point 1/2 7/100 chains North of the said N.E. corner of the said Section 37, and also with the remonstrance filed herein against said petition. And it appearing to the Court that said petition is insufficient to give the Court jurisdiction in the matter. It is therefore considered and ordered by the Court that the remonstrance be and hereby is sustained and the petition is hereby overruled and denied.