

No

IN

Court

Plaintiff

vs

Defendant

Action for

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

MEMORANDA

Viewers appointment No 415

check opened May 7 '46
Serial No page 457 -

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Country Road
D E Bannard

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WITNESSES

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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:

Beginning as follows, (16) rods in a northwesterly direction from the S.E. Corner of S.W. Quarter of section 20, in Township 8, S. of R. (45) E. W. M. in Oregon, thence running east (30) rods thence in a southeasterly direction following along above certain irrigating ditch known as the A. J. Brown & Co. Irrigating Ditch, and terminating where the said ditch or line of said proposed road intersects the present Co. Road leading from Goose Creek to Sparta and for which your petitioners will ever pray.

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

Names.

D. E. Baird,
Frank Hulick,
Wm. H. Wellington,
E. Hulick,
T. B. Perkins,
W. S. Love,
A. J. Ritter,

Names:-

G. W. Hewitt,
F. A. Hulick,
E. P. Cranston,
H. B. Cranston,
F. A. Bennett,
A. S. Love,

Endorsed:- Filed Apr. 8, 1896.

J. R. Oliver, County Clerk.

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

I, D. E. Baird, being first duly sworn, say that I posted three several notices, of which the notice 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 the place where the survey leaves the old road; one about half way; and one where the survey intersects the old road, thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 8 day of April, 1896. And that said notices remained posted thirty days previous to the presentation of said petition, as I verily believe.

D. E. Baird.

Subscribed and sworn to before me this 6 day of April, 1896.

W. W. Crews,

Justice of the Peace.

Endorsed: Filed Apr. 6, 1896.

J. R. Oliver, County Clerk.

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

I, G. W. Benson, being first duly sworn, say that on the 25 day of February, 1896, I posted the hereto attached notice at the place of holding Court for Union County, Oregon, to-wit: On a bulletin Board at 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. Benson,

Subscribed and sworn to before me this 8th day of April, 1896.

J. R. Oliver, Co. Clk,

By F. S. Slater, Deputy.

Endorsed:- Filed Apr. 8, 1896.

J. R. Oliver, County Clerk.

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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, 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 8 day of April, A.D. 1896, 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:

Beginning as follows:- (16) rods in a northwesterly direction from the S.E. Corner of S.W. quarter of Section 20, in Township 8, S. of Range (43) E. W. M. in Oregon. Thence running east (30) rods, thence in a southeasterly direction following along abound a certain irrigating ditch, known as the A. J. Brown & Co. Irrigating Ditch and terminating where the said ditch or line of said proposed road intersects the present Co. Road leading from Geese Creek to Sparta and for which your petitioners will ever pray.

Names:-

D. E. Baird,
Frank Hulick,
Wm. H. Wellington,
E. Hulick,
T. B. Perkins,
W. S. Love,
A. J. Ritter,

Names:-

E. W. Hulick,
M. A. Hulick,
E. P. Cranston,
H. B. Cranston,
F. A. Bennett,
A. S. Love,

Posted February 25, 1896. G.W.H.

Endorsed:- Filed Apr. 8, 1896.

J. R. Oliver, County Clerk.

BOND OF ROAD PETITIONERS.

KNOW ALL MEN BY THESE PRESENTS, That we, A. J. Brown, and A. S. Love D. E. Baird, 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 13 day of March, A.D. 1896.

Now, the condition of the above obligation is such, that, whereas the above named A. J. Brown, and A. S. Love, D. E. Baird, and others, have petitioned the County Court of said County of Union, at the April Term, 1896, thereof, for a County Road, beginning as follows:- 16 rd in a westerly direction from the S.E. Corner of S.W. Q. of Sec. 20, in Township 8, South of R. 43, E. W. M. in Oregon. Thence running east 30 rods thence in a southeasterly direction following above a certain irrigating ditch known as the A. J. Brown & Company Irrigating Ditch, and terminating where the said ditch or line of said proposed road intersects the present Co. Road leading from Goose Creek to Sparta, and for which your petitioners will ever pray.

Now, if the above named A. J. Brown, and A. S. Love D.E. Baird, 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 if allowed that this obligation shall be void, otherwise to remain in full force and virtue.

A. J. Brown, (Seal)

A. S. Love, (Seal)

D.E. Baird,

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

I, A. J. Brown, and A. S. Love , each for

himself says, that I am worth the sum of 100.00 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.

A. J. Brown,

A. S. Love,

D. E. Baird.

Subscribed and sworn to before me this 13 March, A.D. 1896.

W. W. Crews, J.P.

~~Subscribed:-~~ In the County Court of the State of Oregon,
Union County.

In the matter of the D.E. Baird, et al Road.

Bond of road petitioners.

Approved March 18, 1896.

I. N. Sanders, County Judge.

Filed March 18, 1896,

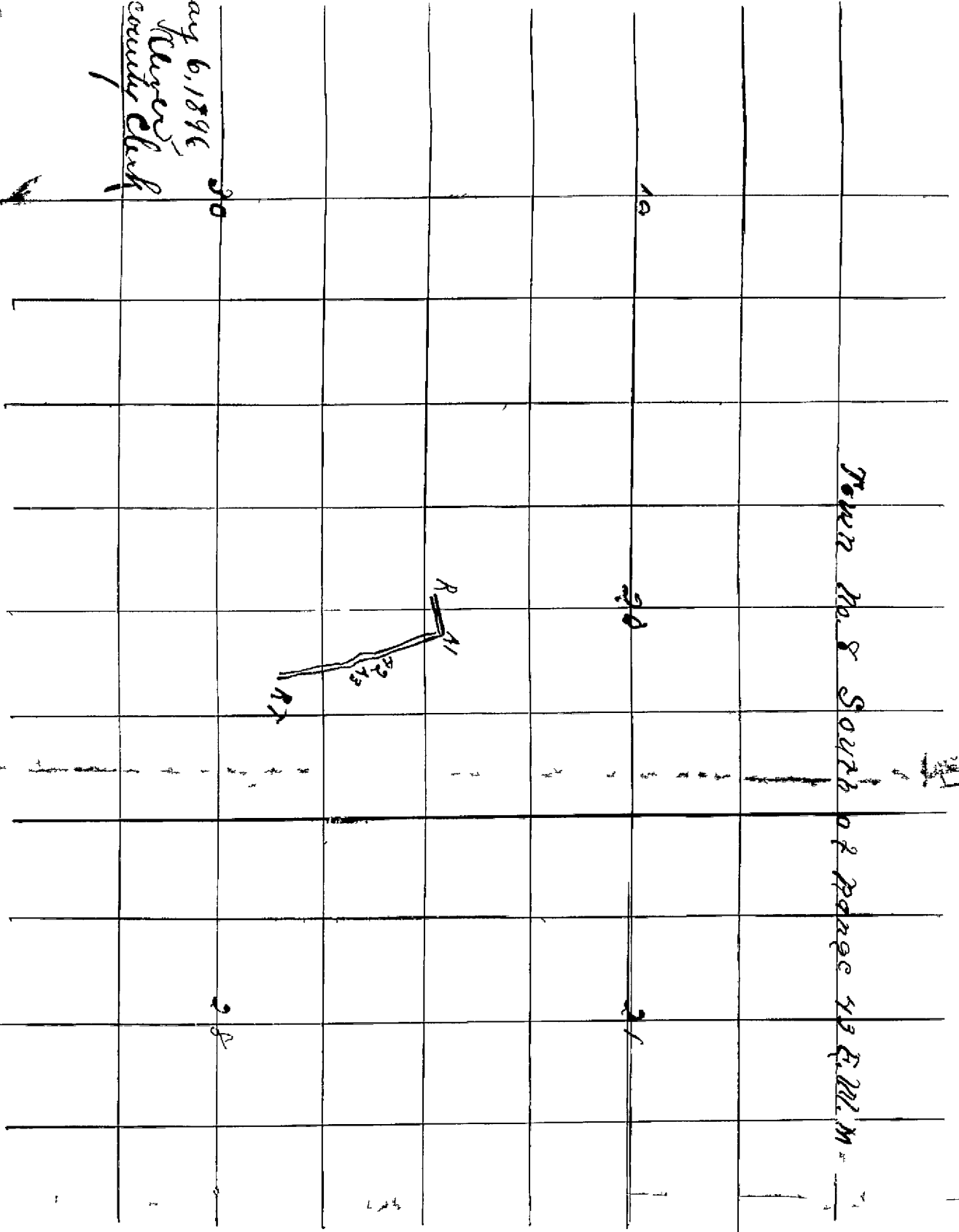
J. R. Oliver, County Clerk,

By G. W. Benson, Deputy,

Filed Apr. 8, 1896,

J. R. Oliver, County Clerk.

Town No. 8 South of Range 13 E. 111. M.



Filed May 6, 1896
J. W. Wagner
County Clerk

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REPORT OF VIEWERS.

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

The undersigned viewers heretofore on the 6 day of Apr. 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 D. E. Baird, et al, beg leave to report that on the 20 day of Apr. 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.

A. J. Brown,

Leander Furgason,

Frank Hulick,

Viewers

REPORT OF SURVEYOR.

To the Hon. County Court, of Union County, Oregon:-

I, the undersigned, County Surveyor, appointed to survey the County road proposed by D. E. Baird, et al, beg leave to report that on the 20 day of Apr. 1896, 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; Beginning at a rock marked "R" which is 4 chains 27° North of west from the S.E. Corner of the S.W. 1/4 of Sec. 20, T. 8, S.R. 43, E.

W.M. Chains,	Links,	Thence
7	50	" East 10° North
13		" South 20° East
3	50	" " 13° "
16		" " 10° "

W. B. Blakeslee,

County Surveyor.

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 town of Union, in said County, on the 6th day of April, A.D. 1896, and from day to day thereafter during the continuance of said term, when on Wednesday the 8th day of April, or the third judicial day of said term, the said Court opened for the transaction of business with the following officers, present, to-wit:-

- Hon. I. N. Sanders, County Judge,
- Hon. W. D. Arnold, Commissioner,
- Hon. P. J. Brown, Commissioner,
- J. R. Oliver, Clerk,
- J. F. Rhy, Sheriff,

When on Wednesday the 8th day of April, 1896, or the third judicial day of said term, among other proceeding the following was had, to-wit:

In the matter of the proposed County Road,
 petitioned for by D. E. Baird, et al.
 - - - - -

Comes now D. E. Baird, 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 16 rods northwesterly from the southeast corner of S.W.4 of Sec. 20, in Tp. 8, S.R. 43, E. running thence east 30 rods thence southeasterly following along and above a certain irrigating ditch, known as the A. J. Brown & Co. Irrigating Ditch, and terminating where the said ditch or line of said proposed road intersects the County Road leading from Geese Creek to Sparta; 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

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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 the place where the survey leaves the old road, one about half way, and one where the survey intersects the old road, 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. J. Brown, Leander Furgason and Tuna Heulick, be appointed viewers of said road, and that W.B. Blakeslee be appointed surveyor of said road, and that they meet at A. J. Brown's on the 20th day of April, 1896, 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. H. Sanders, County Judge.

The foregoing order is entered in Comr's Jnl. H. Page 415 thereof.

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 the City of Union, in said County and State on Monday the 4th day of May, A.D. 1896, and from day to day thereafter during the continuance of said term, when on Wednesday the 6th day of May, 1896, or the 3rd 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,
- " R. J. Brown, Commissioner,
- J. R. Oliver, Clerk,
- J. F. Phy, Sheriff,

When on Wednesday the 6th day of May, A.D. 1896, or the third 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 D. E. Baird, et al. }
-----)

Now at this time this matter came on to be heard for a first reading of the petition as by law required and the same having been at this time read for the first time in open Court, it is ordered that the same be laid over for a second reading on some other day of the present term of this Court.

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

The foregoing order is entered in Comr's Jnl. H. at page 432 thereof.

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 the City of Union in said County and State, on Monday the 4th day of May, A.D. 1896, and from day to day thereafter during the continuance of said term, when on Wednesday the 6th day of May, 1896, or the 3rd Judicial 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,
- " P. J. Brown, Commissioner,
- J. R. Oliver, Clerk,
- J. F. Phy, Sheriff,

When on Thursday the 7th day of May, A.D. 1896, at 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 D. E. Baird, et al.)
-----)

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

REPORT OF VIEWERS.

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

The undersigned viewers heretofore on the 6th day of April, 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 D. E. Baird, et al, beg leave to report that on the 20th day of April, A. D. 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 opinions 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.

A. J. Brown,

Leander Furgason,

Tunis Hulick,

And add report of the viewers and the report of the surveyors having been publicly read in open Court on two several days of the present term of 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 therehaving been no cause shown why this proposed road should not be declared a public highway and ordered 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 adopted by the Court, and that said proposed road be declared a public highway of Union County, Oregon, and ordered opened up and placed in repair for travel, according to law. It is further ordered that the report of 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 P. J. Ritter, Road Supervisor of Road District No. 27, 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. H. Sanders County Judge, Comrs. Jul. H. Page 437.

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

.....
In the matter of the County
and petitioned for by
.....
S. E. Baird et al
.....

STATE OF OREGON.
County of Union.

} ss.

I, J. H. Minnough, County Clerk
of Union County, Oregon, do hereby certify that the foregoing are the
original papers on file in my office in the above entitled matter
and that the orders of the Court hereto attached are true and correct
copies of all of the orders of the Court in said matter of record
in my office and in my care and custody.

IN WITNESS WHEREOF, I have hereunto set my hand and the
seal of the Court, this 11th, day of March, A. D. 1903.

J. H. Minnough
..... Clerk.

Third Judicial Day,

Wednesday, April 8th 1896.

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 post office at Double One at each end of the proposed road 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 petitioner, and that a bond for the cost of this proceeding has been duly given. It is Therefore Ordered that C. L. Copple, James McCall, and Jas. Valley be appointed Viewers of said road, and that W. B. Blakeslee be appointed Surveyor of said road, and that they meet at Double One on the 18th day of April 1896, 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 D. E. Baird et al

Comes now D. E. Baird, 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 16 rods Northwesterly from the Southeast corner of SW^{1/4} of Sec 20 in T¹ S. R. # 36; Running thence east 30 rods, thence southeasterly, following along and above a certain irrigating ditch known as the A. J. Brown & Co irrigating ditch and terminating where the said ditch or line of said proposed road intersects the present County Road leading from Goose Creek to Spring. 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

Third Judicial Day Wednesday April 8th 1896.

three public places in the vicinity of said proposed road to wit: One at the place where the survey leaves the old road, one about halfway and one where the survey intersects the old road, 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 petitioner, and that a bond for the cost of this proceeding has been duly given. It is Therefore Ordered that A. J. Brown, Leander Ferguson and June Kenrick be appointed Viewers of said road, and that W. B. Blodgett be appointed Surveyor of said road, and that they meet at A. J. Brown's on the 20th day of April 1896. 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 application
of Sarah Lee for County
aid

Now at this time it is ordered that this matter be and the same is hereby dismissed and the petition disallowed.

In the matter of the
Resignation of J. H.
Morton as Supervisor of
Road Dist. nos. 16 & 37

Now at this time is presented to the Court the resignation of J. H. Morton as Supervisor of Road District Nos. 16 & 37, and it appearing to the Court that the said J. H. Morton can no longer serve as said supervisor with convenience to himself and it appearing to the Court that the interests of the County will not be impeded nor by said resignation at this time. It is therefore considered and ordered that said resignation be accepted.

Third Judicial Day Wednesday May 6th 1896.

filed herein, that said Elisha Estes has paid into the County Treasury the sum of One hundred Dollars and filed a receipt therefor with the Clerk of this Court, and that he has filed herein a good and sufficient bond in the sum of One Thousand Dollars, which has been approved by the Judge of this Court and all the proceedings herein having been regular and according to law. It is therefore considered and ordered that the said petition be and the same is hereby allowed and granted and that license issue to the said Elisha Estes to sell spirituous malt and vinous liquors in less quantities than one gallon in the precinct of Comstock for the period of three months.

In the matter of the proposed
County Road petitioned for
by William Howe et al

Now at this time this matter came on to be heard upon the first reading as by law required and it to the Court that the petition herein filed does is not sufficient to give this Court jurisdiction of the subject matter. It is therefore considered and ordered that said petition be and the same is hereby dismissed.

In the matter of the proposed
County Road petitioned for
by D. C. Baird et al

Now at this time this matter came on to be heard for a first reading of the petition as by law required and the same having been at this time read for the first time in open Court it is ordered that the same be laid over for a second reading on some other day of the present term of this Court.

Fourth Judicial Day.

Thursday May 7th 1896.

Court met pursuant to adjournment.

The same officers were present as on yesterday.

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

J. V. Sanders
County Judge

Then upon the following proceedings were had, to-wit:

In the matter of the
proposed County Road
petitioned for by A. C.
David et al.

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

Report of Viewers.

To the Honorable County Court for Wasco County, Oregon.

The undersigned viewers heretofore on the 6th day of April 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 A. C. David, et al, beg leave to report that on the 20th day of April, 1896, in pursuance with said appointment and order of the Court duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view 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 Wasco County, Oregon that the same is practicable and would add to the convenience of the householding residing in the vicinity thereof, we therefore recommend that said proposed road be laid out and declared a public highway of said County.

A. J. Brown
Theodor Jungerson
Louis Kulick

And said report of the viewers and the report of the surveyors having been most publicly read in open Court on two several days of the present term of the Court, and it appearing to the Court that

Fourth Judicial Day.

Thursday May 7/1896.

said viewers report favorably thereon, and recommend that said proposed road be established as a County road and be de-
 clared a public highway of Union County, Oregon, and all the
 proceedings herein having been regular and according to law
 and no objection 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 ordered open
 according to law, and the Court being satisfied from the re-
 port 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 adopted by the
 Court, and that said proposed road be declared a public high-
 way of Union County, 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 be placed on record in the Book of
 Platrols County, made of Union County, Oregon, and that P. J.
 Peters Road Supervisor of road district No 27, the same be-
 ing the road district in which said road is located be furnis-
 ed 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
 allowing bills and
 receiving warrants
 on the same.

This matter came on to be heard Saturday
 morning for the allowance of miscellaneous bills against the
 County, and the bills having been submitted to the Court, and
 the Court having taken action on the same as ordered on
 the respective bills It is therefore considered and ordered by the
 Court that said bills be allowed and that warrants be received
 on the County Treasurer for the same, as follows to-wit:

Chg No.	For whom issued.	For what.	Amount with Cts
66. 494	N. C. N. Lead	Salary Dist Atty. Station Charge	10 00
" 495	N. C. N. Lead.	do do Postman	5 00
" 496	E. A. Long	Salary Co. Physician	33 34
" 497	J. H. Sanders	Salary Co. Justice	100 00
" 498	William Young	Salary Co. Treasurer	58 32
" 499	J. A. O'Brien	Salary Co. Clerk	150 00
			356 57