

EQUITY } No
LAW }

In Circuit Court,

Union County

R W Deal

Plaintiff

vs
Dy A Durung

Defendant

B F Wilson

Attorney for Plaintiff

C H Funi

Attorney for Defendant

No. 178
In Re Proposed road
petitioned for by
A. P. Russell et al

Platted

3-10-15 - 2-24-32
J. T. R. B. L.

Baker County

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 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 on the Township line one fourth mile east of the southwest corner of Sec. 32, township 7 range 46, E. W. M. and running north one and five eights miles thence in an easterly direction to the mouth of East Pine ~~Creek~~ Canyon, and thence up East Pine Creek on the most practicable route to the north boundary line of Sec. 3, Tp. 7, Range 46, E. W. M. Said road to be forty feet wide.

Names,
A. F. Russell,
W. D. Dobinson,
I[†] N. Pancake,
F. E. Painter,
I. Taylor,
J. V. Leep,
J. H. Irwin,
John M. Roberts,
Elza Leep,
Ir a Irwin,
T. R. Irwin,
P. Reed,
Arch Boyles,
S. D. Phay,
W. A. Moore,

Names.
Frank Huff,
Nelse Murray,
Samuel Irwin,
Bruce Pancake,
H. W. B. Robinson,
Rice Foreman,
Elmer Hays,
Jos. P. Ritter,
R. B. Crego,
G. ^RB. Crego,
Thos. Turner,
G. T. Acers,
J. E. Steele,
A. R. Stalker,
Edward Melhelm,

NOTICE OF ROAD PETITION.

To all persons concerned: You and each 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 June, A. D. 1898, 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 on township line one fourth mile east of the southwest corner of Sec/ 32, town.7, range 46, E. W. M. and running north one and five eighths mile, thence in an easterly direction to the mouth of East Pine Creek Canyon and thence up East Pine Creek on the most practicable route to the north boundary line of Sec. 3, township 7, range 46, E. W. M. Said road to be forty feet wide.

Names.

A. F. Russell,
W. D. Robinson,
I. N. Pancake,
F. E. Painter,
I. Taylor,
J. V. Leep,
J. H. Irwin,
John M. Roberts,
Elza Leep,
Ira Irwin,
T. R. Irwin,
R. Reed,
Arch Boyles,
S. D. Phay,
W. A. Moore,

Names.

Frank Huff,
Nelse Murray,
Samuel Perin *Perin*
Bruce Pancake,
H. W. B. Robinson,
Rice Foreman,
Elmer Hays,
John P. Ritter,
R. B. Crego,
G. R. Crgge,
Thos. Turner,
S. J. Acers,
J. E. Steele,
A. R. Stalker,
Edward Melholm,

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

I C. W. Oliver, being first duly sworn, say that on the 29 day of April, 1898, I posted the foregoing notice at the place of holding Court for Union County, to-wit: On the front door of the Court House, 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.

C. W. Oliver,

Subscribed and sworn to before me this 8 day of June, 1898.

J. R. Oliver, Clerk.

(No filing)

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

I, W. D. Robinson, 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 herein described, to-wit: One at one fourth mile east of Section thirty-two (32) Township seven, (7) Range forty-six (46) E. W. M. & one one mile north of first notice, and one at Terminus on East Pine Creek, west side all of the said notices are in Pine Valley, Union County, State of Oregon. Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 25th day of April, 1898, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the ____ day of _____, 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.

W. D. Robinson,

Subscribed and sworn to before me this 26th day of May, 1898.

A. W. Compton,

Justice of the Peace.

(No filing.)

Bond of Road Petitioners.

Know all men by these presents. That we, W. D. Robinson, and J. V. Leep, 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 26th day of April, A. D. 1898.

Now the condition of the above obligation is such, that, whereas, the above named W. D. Robinson and J. V. Leep, and others, have petitioned the County Court of said County of Union, at the June Term, 1898, thereof, for a county road, commencing on the township line 1/4 mile east of the southwest corner of section 22, township 7, R. Range 46, E. W. M. and running north one and five eighths miles, thence in an easterly direction to the mouth of East Pine Creek Canyon, and thence up east Pine Creek on the most practicable route, to the north boundary line of Section 3, Township 7, range 46, E. W. M. said road to be forty feet wide.

Now, if the above named W. D. Robinson and James V. Leep, 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 this obligation shall be void, otherwise to remain in full force and virtue.

W. D. Robinson, (Seal)

J. V. Leep, (Seal)

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

I, W. D. Robinson and J. V. Leep, each for himself, says that I am worth the sum of one hundred 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.

W. D. Robinson,

J. V. Leep,

Subscribed and sworn to before me this 26th day of April, A.D. 1898.

A. W. Compton,

Justice of the peace.

Endorsed:-

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

In the matter of the A. F. Russell, Road.

BOND OF ROAD PETITIONERS.

Filed June 8, 1898.

J. R. Oliver,

County Clerk.

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, on Tuesday the 7th day of June, 1898, Monday having been a non judicial day and from day to day thereafter during the continuance of said term, when on Wednesday the 8th day of June, 1898, or the second judicial day of said term the said County Court opened for the transaction of County business with the following officers present:-

- Hon. I. N. Sanders, County Judge,
- Hon. W. D. Arnold, Commissioner,
- Hon. R. T. Langrell, Commissioner,
- J. R. Oliver, Clerk,
- J. F. Phy, Sheriff,

When on Wednesday the 8th day of June, A. D. 1898, or the Second 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 A. F. Russell, et al.)
-----)

Comes now A. F. Russell, 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 township line 1/4 mile east of the S.W. Corner of Sec. 32, Tp. 7, S.R. 46, E. W. M. and running north one and 5/8 miles thence in an easterly direction to the mouth of East Pine Canyon, thence up East Pine Creek, on the most practicable route to the north boundary line of sec. 3, Tp. 7, S.R. 46, E. 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 specifies the place of beginning, intermediate points and place of termination of said road and it satisfactorily appearing to the Court that notice

Crossed

has been given by advertisement posted at the place of holding County Court, to-wit: At the Court House ^{at} 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 1/4 mile E. of Sec. 32, Tp. 7, S.R. 46, E. W. M. One, 1 mile north of first notice and one at terminus on East Pine Creek, west side, 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 E. Leep/ J. C. Brooks and Ed. McNutt, be appointed viewers of said road and that Arthur Curtis be appointed surveyor of said road and that they meet at I. N. Pancake's on the 28th day of June, 1898, at the hour of 9 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.

'I' at page 231 thereof.

REPORT OF VIEWERS.

To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 9 day of June, 1898, 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. F. Russell et al, beg leave to report that on the 28 day of June, 1898, 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 greatly 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.

El. Leep,

Ed. McNutt,

J. C. Brooks,

Viewers.

Endorsed:- Filed July 6, 1898, G. W. Benson, County Clerk.

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 A. F. Russell, et al, beg leave to report that on the 28 day of June, 1898, 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, attached.

Arthur Curtis,
County Surveyor,

Endorsed:

Filed Jul. 6, 1898.

G. W. Benson, County Clerk.

To the Hon. County Judge and County Commissioners for Union County,
& State of Oregon:

We the undersigned Citizens and Tax payers residing in Pine Valley, Union County, Oregon, remonstrate against the allowing of a proposed County Road petitioned for on the following route, viz:

Commencing at the southeast corner of the southwest quarter of the southwest quarter of section 32, Tp. 7, S.R. 46, E. W. M. on County road and running thence north on said quarter section line one & 5/8 miles, thence east to the mouth of East Pine Creek Canyon, thence up East Pine Creek on the most practical route to the township line.

We remonstrate for the following reasons: viz:

That the proposed road on said route is not beneficial to the greater number of citizens & tax payers living in the vicinity of the proposed route.

That said road if allowed will be detrimental to A. C. Lytle whose property it will pass through, he would be obliged to move his house, cellar, wood-shed and other out buildings. That the said Lytle is at present absent from the State and authorizes C. Hulse to fight said proposed road. That said proposed road is on a quarter section line and not one mile from a parallel County Road.

And your petitioners will ever pray.

Walter F. Allen,
G. S. Chandler,
S. A. Hulse,
W. Chandler,
Ira W. Sackrider,
A. W. Mottley,
Nelson Murray,
Jas. McCormack,
John W. Mitchell,
T. R. Irwin,
Geo. Mitchell.

A. C. Lytle,
Chas. Hulse,
I Hewitt,
M. H. Bloom,
Chas. Bloom,
Robert S. Mills,
I. P. L[&]am,
Willis Mitchell,
J. W. Barger,
Ira Irwin,

Comp.

BE IT REMEMBERED That at a regular Term of the County Court of the State of Oregon, begun and held at the Court House in the City of Union, in said County and State on Tuesday the 5th day of July, 1898, Monday having been a nonjudicial day, and from day to day during the continuance of said term, when on Wednesday the 6th day of July, 1898, or the second judicial day of said term the said County Court opened for the transaction of business with the following officers present, to-wit:

Hon. B. F. Wilson, County Judge,
R. T. Langrell, Commissioner,
Henry Hug, Commissioner,
G. W. Benson, Clerk,
D.Y.K. Deering, Sheriff.

When on Thursday the 7th day of July, AD, 1898, 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 A. F. Rusell, et al.)
-----)

This matter came on to be heard at this time on the remonstrance of W. T. Allen, et al, against the laying out and establishing of the aforesaid proposed County road and it appearing to the Court that the remonstrance herein is signed by only 21 remonstrators, that the petition is signed by more than that number of petitioners it is therefore considered and ordered that the remonstrance herein be and the same is hereby dismissed, for the reason that the same is insufficient.

(Signed) B. F. Wilson, County
Judge.

The foregoing order is entered in Comr's Jul.

'I' at page 258 thereof.

Field Notes of the Road Petitioned for By A. F. Russell,

et al.

Commencing at a point 18.45 chs. east of the S.W. Cor. S
Sec. 32, T. 7, S. Range 46, E. W. M. Thence north 12° East, var
21° E.

Chains,

Chains,	To	Angle	1	Thence	North	35°	East,
6.00			1				
18.75	"	"	2,	"	"		
72.25	"	1 mile rock		"	"		
49.00	"	angle	3,	"	"	84°	"
10.25	"	"	4,	"	"	11°	West,
12.00	"	"	5,	"	"	12°	East,
8.75	"	2 mile tree		"	"	Same course,	
5.35	"	Angle	6,	"	North	8°	East,
8.00	"	"	7,	"	"	64°	"
3.80	"	"	8,	"	"	25°	"
16.50	"	"	9,	"	"	34°	"
18.00	"	"	10,	"	"	40°	"
14.00	"	"	11,	"	"	23°	"
10.75	"	"	12,	"	"	13°	West,
2.40	"	"	13,	"	"	72°	East,
1.25	"	3 mile tree		"		same course,	
4.25	"	Angle	14,	"	North	45°	East,
12.00	"	"	15	"	"	69°	"
43.40	"	"	16	"	"	89°	"
13.60	"	"	17,	"	"	59°	"
6.75	"	4 mile tree		"		Same course.	

Endorsed: Filed Jul. 6, 1898.

G. W. Benson, County Clerk.

Chains.

Chains.	To	Angle	thence	North	East,
5.00	To	Angle 18,	thence	North 52°	East,
10.50	"	" 19,	"	" 47°	"
21.50	"	" 20	"	" 17°	"
8.75	"	" 21,	"	" 20°	"
9.00	"	" 22,	"	" 23°	"
25.25	"	" 23,	and 5 mile tree, thence north 28°	"	"
31.30	"	" 24,	"	" 12°	"
21.00	"	" 25	"	" 25°	"
6.00	"	" 26,	"	" 19,	"
10.30	"	" 27 ²⁴	"	" 23° ²⁴	"
6.40	"	" 28	"	" 8°	"
5.00	"	6 mile tree,	"	" 8°	"
2.50	"	Angle 29,	"	" 21°	"
12.00	"	" 30	"	" 43°	"
6.50	"	" 31,	"	" 37°	"
2.75	"	" 32 ³²	"	" 30°	"
6.00	"	" 33,	"	" 7°	"
6.40	"	" 34	"	" 25°	"
3.60	"	" 35	"	" 9°	"
3.75	"	" 36	"	" 40°	"
4.50	"	" 37	"	# 28°	"
3.25	"	" 38	"	" 24°	"
14.00	"	" 39	"	" 4°	"
14.75	"	7 mile tree, same course,			
22.00	"	Road Terminus on the Township line, all points are marked according to law.			

Endorsed:- Filed Jul. 6, 1898,

G. W. Benson, County Clerk.

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

I hereby certify that the foregoing fieldnotes made by me in the survey of the County road petitioned for by A. F. Russell and others, are true and correct and that the plat accompanying the same is a true and correct representation of the course of said road together with the angles and distances.

Arthur Curtis,

County Surveyor.

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

I hereby certify that in the matter of the County Road petitioned for by A. F. Russell and others, that the viewers and each of them heretofore appointed by the Court to view and lay out said road, were duly sworn by me to faithfully and impartially perform the duties pertaining to the viewing, laying out and establishing of said road, before entering upon the discharge of their said duties in that behalf.

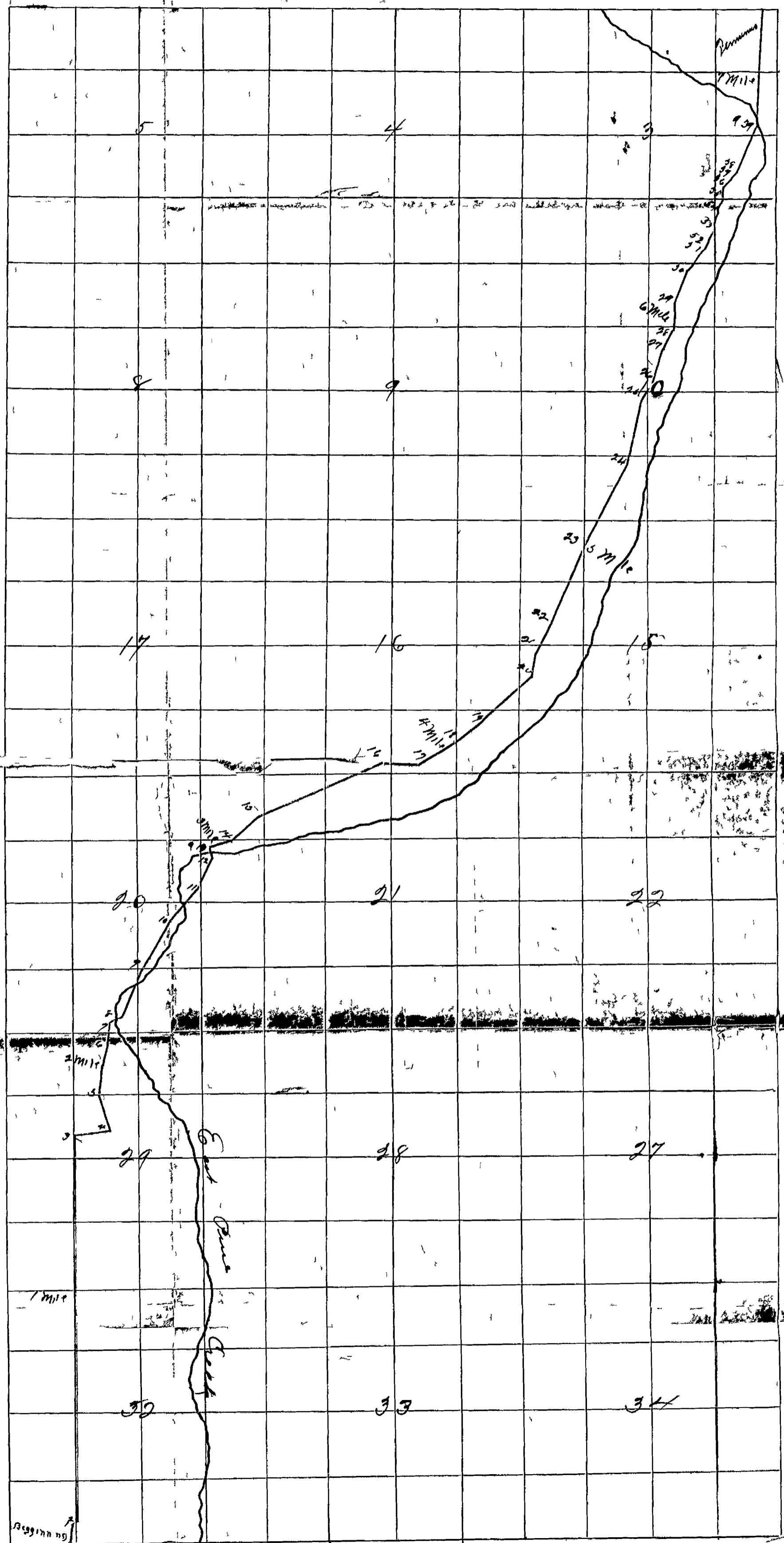
Arthur Curtis,

County Surveyor.

Endorsed:- Filed Jul 6, 1898.

G. W. Bensch, County Clerk.

1891 # of Bu. 14
1892 # of Bu. 15
1893 # of Bu. 16
1894 # of Bu. 17
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1896 # of Bu. 19
1897 # of Bu. 20
1898 # of Bu. 21
1899 # of Bu. 22
1900 # of Bu. 23
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1908 # of Bu. 31
1909 # of Bu. 32
1910 # of Bu. 33
1911 # of Bu. 34
1912 # of Bu. 35
1913 # of Bu. 36
1914 # of Bu. 37
1915 # of Bu. 38
1916 # of Bu. 39
1917 # of Bu. 40
1918 # of Bu. 41
1919 # of Bu. 42
1920 # of Bu. 43
1921 # of Bu. 44
1922 # of Bu. 45
1923 # of Bu. 46
1924 # of Bu. 47
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1953 # of Bu. 76
1954 # of Bu. 77
1955 # of Bu. 78
1956 # of Bu. 79
1957 # of Bu. 80
1958 # of Bu. 81
1959 # of Bu. 82
1960 # of Bu. 83
1961 # of Bu. 84
1962 # of Bu. 85
1963 # of Bu. 86
1964 # of Bu. 87
1965 # of Bu. 88
1966 # of Bu. 89
1967 # of Bu. 90
1968 # of Bu. 91
1969 # of Bu. 92
1970 # of Bu. 93
1971 # of Bu. 94
1972 # of Bu. 95
1973 # of Bu. 96
1974 # of Bu. 97
1975 # of Bu. 98
1976 # of Bu. 99
1977 # of Bu. 100



Arthur Curtis
County Surveyor

Beginning
1940 Ch

Indorsed

Filed July 6th 1898

G W Benson, Co Clerk

BE IT REMEMBERED That at a regular Term of the County Court of the State of Oregon, begun and held at the Court House in the City of Union, in said County and state on Tuesday the 5th day of July, 1898, Monday having been a non judicial day and from day to day during the continuance of said term, when on Wednesday the 6th day of July, 1898, or the second judicial day of said term, the said County Court opened for the transaction of business with the following officers present:- To-wit:-

Hon. B. F. Wilson, County Judge,
R. T. Langrell, Commissioner,
Henry Hug, Commissioner,
G. W. Benson, Clerk,
D.Y.K. Deering, Sheriff.

When on Wednesday the 6th day of July, A. D. 1898, or the second judicial day of said term, among other proceedings the following was had, to-wit:

In the matter of the road petitioned for)
by A. F. Russell, et al.)
-----)

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

(Signed) B.F. Wilson,
County Judge,

The foregoing order is entered in Comr's Jul.

'I' at page 257 thereof.

BE IT REMEMBERED That at a regular Term of the County Court of the State of Oregon, begun and held at the Court House in the City of Union, in said County and State on Tuesday the 5th day of July, 1898, Monday having been a nonjudicial day, and from day to day during the continuance of said term, when on Wednesday the 6th day of July, 1898, or the second judicial day of said term, the said County Court opened for the transaction of business with the following officers present, to-wit :-

Hon. B. F. Wilson, County Judge,
R. T. Langrell, Commissioner,
Henry Hug, Commissioner,
G. W. Benson, Clerk,
D.Y.K. Deering, Sheriff.

When on Thursday the 7th day of July, A. D. 1898, 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 A. F. Russell, 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 9 day of June, 1898, 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. F. Russell, et al. Beg leave to report that on the 28 day of June 1898, 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 greatly 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.

El. Leep,

Ed. McNutt,

J. C. Brooks, Viewers.

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 except what has heretofore been disposed of, and there having been no cause 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 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 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 W. W. Lloyd, 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) B. F. Wilson, County Judge.
The foregoing order is entered in Comr's Jul. '11 at page 258 thereof.

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

In the matter of the road
petitioned for by
.....
A. P. Russell
.....
et al.

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

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 the
seal of the County Court, this 24th day of July, A. D. 1902.

G. W. Benson Clerk.

Book
County Court of the
State of Oregon for
Winn County

Book
of the road petitions
filed by A. F. Russell,
et al.

Transcript of papers
transferred to
Winn County

Filed July 5, 1908
J. W. Deven
Clerk