

EQUITY } No  
LAW }

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In Circuit Court,

Union County

vs Plaintiff

Defendant

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Attorney for Plaintiff

for Defendant

527

Retained for by  
John Mederer  
eral

Comm at SW Cor Sec 24  
T<sub>1</sub> 17 R 38 E 4 M and  
terminating at SW Cor Sec 24  
Sec 23 T<sub>1</sub> 17 R 38 E 4 M

J. 128 1144 133

Presented April 7, 1900

Ordered Opened May 10 1900

# 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:

In Change the following described County Road - No land out and running from the SW corner of Sec 24 T1N R38E Wm. running thence N. West to the NE corner of the W 1/2 of SE 1/4 Sec 23 T1N R38E Wm. thence W. to the NW corner of W 1/2 of SE 1/4 of Sec 23 T1N R38E Wm. - thence South to SW corner of SE 1/4 of Sec 23 T1N R38E Wm  
 It run straight through west from the SW corner of Sec 24 T1N R38E Wm on section line to the SW corner of SE 1/4 of Sec 23 T1N R38E Wm

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

Dated at Summerville this 22 day of February 1890

NAMES:

John Niederer  
 Wm Lion  
 J. Garheard  
 E. E. Hill  
 J. M. Leslie  
 F. Slack  
 E. Fisher  
 G. J. Bolt  
 Henry Gressman  
 J. T. Co  
 L. M. Kinnis  
 J. M. Slack  
 P. W. Oliver

NAMES:

Alvin H. <sup>W. D. Jones</sup> ~~Thorne~~  
 Benjamin Hug  
 John G. Gray  
 S. L. Wain  
 Peter Pflaum  
 H. H. Hug  
 Charles Down  
 Hiram McDonald  
 Chas F. Oswald  
 J. W. Pentecost

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

I, John Niederer 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 at the commencement and  
one at the Terminus of said Road  
and one on the ~~summit~~ Walla Walla  
Wagon Road some distance from said road

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 24 day of February 1902, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 25 day of February 1902, 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 31 day of March 1902.

John Niederer  
H. M. Dorwin  
Notary Public for Oregon

Filed April 2, 1900  
G. W. Johnson  
Co. 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 4 day of April A. D. 1902 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:

*To change the following described County Road, now laid out and running from the SW corner of Sec 24 E 12 R 38 E Wm running thence NW to the NE corner of the W 1/2 of the SE 1/4 of Sec 23 E 12 R 38 E Wm. Thence west to the NW corner of W 1/2 of SE 1/4 of Sec 23 E 12 R 38 E Wm. Thence south to the SW corner of the SE 1/4 of Sec 23 E 12 R 38 E Wm.*

*To run straight through due west on Sec line from the SW corner of Sec 24 E 12 R 38 E Wm to the SW corner of the SE 1/4 of Sec 23 E 12 R 38 E Wm.*

Dated at Union, Oregon, the 26 day of February, A. D. 1902

NAMES

- John Anderson
- Mr Lion
- E E Hule
- J Gearhart
- J H Leslie
- J Slack
- E Fisher
- A J Golt
- Henry Bressman
- J H Cold
- G L McKinnis
- J M Slack

NAMES.

- H. W. Oliver*
- W. Oliver*
  - George Brown*
  - Benjamin Bug
  - John Bug
  - S L Chris
  - Peter Plamm
  - H. H. Hug
  - Charles Dower
  - Hiram W. Donald
  - Chas F. Donald
  - J. W. Fentecost

Filed April 21, 1900.  
F. W. Burton  
Co. Secy

BOND OF ROAD PETITIONERS.

Know all Men by These Presents, That we, John Neiderer and Mr Sion, of the County of Union and State of Oregon, are held and firmly bound unto said County of Union in the sum of Fifty 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 22 day of February A. D. 1900

Now, the condition of the above obligation is such, That, whereas the above named John Neiderer and Mr Sion, and others, have petitioned the County Court of said County of Union, at the April Term, 1900 thereof for a County Road, To change the following described County Road - Now laid out and running from the SW corner of Sec 24 T14N R38E Wm - running thence N W to the NE corner of W 1/2 of SE 1/4 of Sec 23 T14N R38E Wm, thence west to the NW corner of W 1/2 of SE 1/4 of Sec 23 T14N R38E Wm thence south to the SW corner of SE 1/4 of Sec 23 T14N R38E Wm. To run straight through due west on Sec line from SW corner of Sec 24 T14N R38E Wm to the SW corner of SE 1/4 of Sec 23 T14N R38E Wm.

NOW, if the above named John Neiderer and Mr Sion 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.

John Neiderer (L. S.)  
Mr Sion (L. S.)

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

I, John Neiderer and Mr Sion, each for himself, says, that I am worth the sum of ..... 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.

John Neiderer  
Mr Sion

Subscribed and sworn to before me this 22 day of February A. D. 1900

L. M. Dowell  
Notary Public for Oregon  
County Clerk



In the matter of  
County Road petitions  
for by John Hiden  
et al.

Board

Filed April 3<sup>rd</sup> 1900

E. W. Benson Clerk

Ray J. P. Oliver  
Ray J. P. Oliver  
Ray J. P. Oliver

Joe M. M. M.  
H. O. Smith

Book kept

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 at the commencement and one at the terminus of said road and one on the Summerville & Walla Walla wagon road some distance from said 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

Joe Woodell, J. O. Smith

and

Dick Zweifel

be appointed Viewers of said road, and that

Arthur Curtis

be appointed

Surveyor of said road, and that they meet at

the residence of John Wolderer

on the 10<sup>th</sup> day of April, 1900, 1890, at the hour of 9 o'clock A. M., and after qualifying,

to view, survey and lay out said road according to law.

(sd) R. P. Wilson

County Judge

NOTE.—The three Viewers must meet.

Attest:

\_\_\_\_\_  
Clark.

Be It Remembered, That at a term of the Honorable 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 28<sup>th</sup> day of April, 1900, A. D., and from day to day thereafter during the continuence of said term.

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

The following, among other proceedings, was had, to-wit:

In the Matter of the proposed  
County  
Road petitioned for by John Neiderer,  
et al.

Comes now John Neiderer, 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:

To change the following described county road. Now laid out and running from the SW corner of Sec. 24 T. 1 N. R. 38 E. W. M., running thence N. west to the NE corner of the W 1/2 of SE 1/4 sec 28, T. 1 N. R. 38 E. W. M., thence w to the NW corner of W 1/2 of SE 1/4 of sec. 28 T. 1 N. R. 38 E. W. M., thence south to SW corner of SE 1/4 of sec. 28 T. 1 N. R. 38 E. W. M. To run straight through west from the SW corner of sec 24 T. 1 N. R. 38 E. W. M., on section line to the SW corner of SE 1/4 of sec 28. T. 1 N. R. 38 E. W. M.

# REPORT OF VIEWERS.



To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 2<sup>nd</sup> day of April 1900,  
 appointed to view, lay out and alter the proposed county road, of which the survey hereto at-  
 tached is a true and correct description, as petitioned for by John Neiderer,  
 et. al., beg leave to report that on the 19<sup>th</sup> day of April, 1900, 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 pub-  
 lic 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 of sec 24  
 declared a public highway of said county. and the road created from the corner of

E. W. Me.

and the road created from the corner of sec 24 of the 3<sup>rd</sup> 1/4 of sec 23 T. 1 N. R. 38

J. W. Woodell  
J. O. Smith  
J. R. D. Zweifel

Viewers.

State of Oregon }  
County of Union } SS

I hereby certify that in the matter of the County  
Road Petitioned for by John Neiderer et al 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  
duties in that behalf

Arthur Curtis  
County Surveyor  
by J. L. Curtis  
Notary

W. W. Johnson  
County Clerk

**FILED**  
MAY 9 1900

REPORT OF SURVEYOR, Oregon Survey Form, Union County Form No. 101.

## 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 John Nielsen et al., beg leave to report that on the 19<sup>th</sup> day of April 1900, 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 the S.W. corner of Sec 24 Township 1 North Range 38 East T. 3m and running from thence west on a line 40 Chs to the 1/4 Sec corner between Sec<sup>s</sup> 23 & 26 T. 1. N. R. 38 E. W. 3m and intersecting County Road No. --- at this point indicated by a Post marked R.T. placed on the East Margin of County Road No. ---

Arthur Curtis  
County Surveyor.

by J. L. Curtis Deputy

State of Oregon } ss  
County of Union }

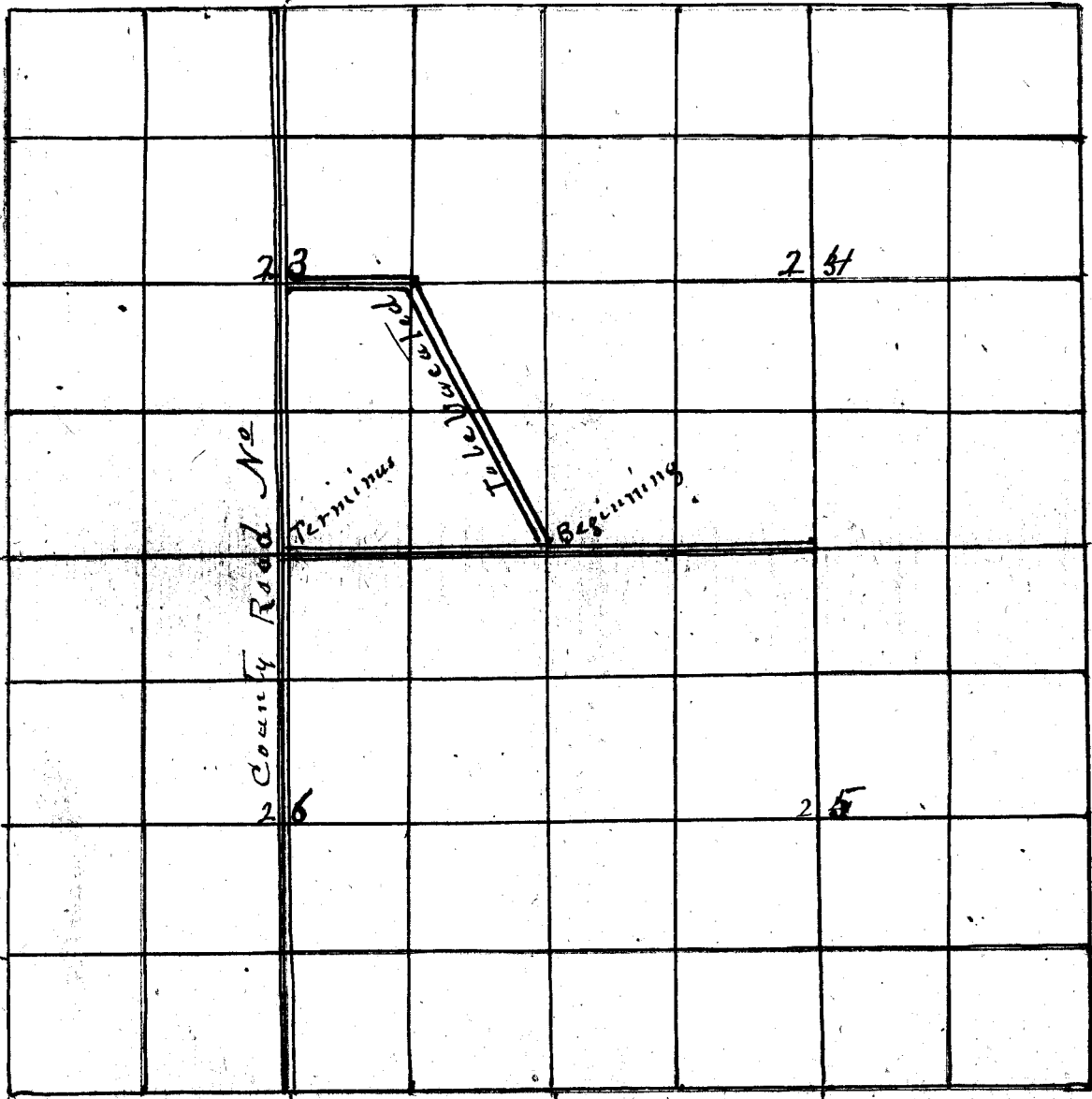
I hereby certify that the foregoing field notes made by me in the survey of the County Road Petitioned for by John Heiderer et al are true and correct and that the Plat accompanying the same is a true and correct representation of the course of said Road together with the angles and distances

Arthur Curtis  
County Surveyor  
by J L Curtis 10/17

*W. H. Johnson*  
County Clerk

**FILED**  
MAY 9 1900

Township 1 North Range 38 East Mill Mer



Scale 3 inches to 1 mile



*John Medley  
Prest*

**FILED**

MAY 9 1900

*W. H. Benson*

County Clerk

Sixth Judicial Day

Saturday April 7th 1900

the premises of said claimant would be rendered by the location and establishment of said road and that they meet at Elgin, Oregon, on Saturday April 21, 1900 at 10 o'clock A.M. and after qualifying proceed to view and assess the damages that would accrue to said claimant by reason of the location and establishment of said road and render their report to this Court at the May term 1900

In the matter of the proposed  
County Road petitioned for by  
John Neiderer et al

Comes now John Neiderer 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: To change the following described County road now laid out and running from the SW corner of sec 24 T<sup>1</sup> N R 38 E W<sup>1</sup> M running thence N. west to the NE corner of the N<sup>1</sup>/<sub>2</sub> of SE<sup>1</sup>/<sub>4</sub> of sec 23 T<sup>1</sup> N R 38 E W<sup>1</sup> M thence W to the NW corner of N<sup>1</sup>/<sub>2</sub> of SE<sup>1</sup>/<sub>4</sub> of sec 23 T<sup>1</sup> N R 38 E W<sup>1</sup> M thence south to SW corner of SE<sup>1</sup>/<sub>4</sub> of sec 23 T<sup>1</sup> N R 38 E W<sup>1</sup> M to run straight through west from the SW corner of sec 24 T<sup>1</sup> N R 38 E W<sup>1</sup> M on section line to the SW corner of SE<sup>1</sup>/<sub>4</sub> of sec 23 T<sup>1</sup> N R 38 E W<sup>1</sup> M

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 at the commencement and one at the terminus of said road and one on the Summerville & Walla Walla wagon road some distance from said 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 Jos. Woodell J. O. Smith and Dick Gurifel be appointed Viewers of said road and that

Sixth Judicial Day

Saturday April 7th 1900

Arthur Curtis be appointed surveyor of said road and that they meet at the residence of John Niederer on the 19th day of April 1900 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 proposed  
County road petitioned for by  
E. O. Brandall et al.

Comes now E. O. Brandall 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: For a County road sixty feet wide beginning at a point about 31 rods north of the northern corner of the north east quarter of section 17 township three south of range thirty eight east of the W.M. when the present traveled road leaves the County road as a place of beginning, running thence south along the center of section seventeen as near as practicable to or near the north west corner of the south west quarter of the south east quarter of said section seventeen, thence following the present traveled road in a southeasterly direction to or near the center of the north west quarter of section twenty eight in said township and range; thence in a south westerly direction along the present traveled road to what is known as "Big Spring" near the south west corner of section twenty eight in said township and range; thence in a southerly direction along the present traveled road about one mile to and terminating at the townships line between townships three and four south of range thirty eight east of the Willamette meridian.

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 at the point of beginning of said road and one at the southerly end of said



Third Judicial Day

Wednesday May 9th 1900

In the matter of the petition  
of C. C. Steele for a liquor  
license

This matter came on to be heard at this time on the petition of C. C. Steele for a license to sell spirituous malt and vinous in less quantities than one gallon in Iron Dyke precinct for a period of twelve months, and it appearing to the Court that said petition is signed by an actual majority of all the legal voters residing in said precinct, that due and legal notice hereof has been given proof of which has been filed herein that the petitioner has paid to the County Treasurer the sum of \$100 and filed his receipt therefor with the Clerk of this Court, that he has given a good and sufficient bond herein in the sum of \$1000 and there having been no remonstrance filed herein or cause shown why said petition should not be granted It is therefore considered and ordered that said petition be granted and that license issue to the said C. C. Steele for the sale of spirituous malt and vinous liquors in less quantities than one gallon in Iron Dyke precinct for a period of three months

In the matter of the  
Road petitioned for by  
John Neiderer 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 the said report having been now publicly 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 the present term of Court

In the matter of the  
petition of Chas Keller for  
Liquor License

This matter came on to be heard at this time on the petition of Chas Keller for a license to sell spirituous malt and vinous liquors in less quantities than one gallon in Cornucopia precinct for a period of three months and it appearing to the Court that said petition is signed by an actual majority of all the legal voters residing in said precinct, that due and legal notice hereof has been given

Fourth Judicial Day

Thursday May 10<sup>th</sup> 1900

same is hereby vacated. It is further ordered that the report of the viewers be placed on record in this journal and that the surveyors plan of the proposed road and his field notes of the survey thereof be placed on the record in the book of Plats of County Roads of Union County, Oregon and that A. J. Ritter road supervisor of road district no 34 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.

In the matter of the application  
of B. F. Bell for County aid for Clara  
Bell

This matter came on to be heard at this time on the application of B. F. Bell for County aid for Clara Bell an inmate of the Oregon School for the Blind at Salem Or. and it appearing to the Court that the said B. F. Bell has not filed any affidavit as required by law, and that the said Clara Bell will want to come home before the next session of this Court. It is therefore considered and ordered that when the said B. F. Bell files his affidavit that he has not the means to pay the traveling expenses of the said Clara Bell from Salem to her home in Union County, that the Clerk be authorized to issue a warrant on the General Fund for \$10.00 in favor of the said B. F. Bell to cover the said traveling expenses.

In the matter of the proposed  
County road petitions for by  
John Niederer et al.

This matter came 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:

#### Report of Viewers

To the Honorable County Court for Union County Oregon

The undersigned viewers heretofore on the 2 day of April 1900 appointed to view lay out and alter the proposed County road of which the survey hereto attached is a true and correct description as petitioned for



Fourth Judicial Day

Thursday May 10<sup>th</sup> 1900

by John Niederer ex. et. by leave to report that on the 19<sup>th</sup> day of April 1900 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 and the road vacated from SW corner of Sec 24 to the NW corner of N<sup>1</sup>/<sub>2</sub> of SE<sup>1</sup>/<sub>4</sub> of Sec 23 Tp 17 N R 38 E N m

J. T. Woodell }  
 J. O. Smith } viewers  
 R. D. Quirel }

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 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 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 John Niederer road supervisor of road district No

Fourth Judicial Day

Thursday May 10th 1900

8 the same bring 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

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