

EQUITY }
LAW } No

In Circuit Court,

○ Union County ○

Plaintiff

vs

Defendant

Attorney for Plaintiff

○ **Attorney for Defendant** ○

Presented Nov 8 1897
Ordered specified June 6 1901

Petitioned for by
Gust Bengelsdorf
et al

Commencing on the section
line dividing Secs 28 + 29
T^o 3 S R 37 E N^m and termina-
ting near the SW Cor SE⁴
SW⁴ Sec 6 in said T^o & R

66-23
5-3

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 section line dividing sections 28 and 29 in township 3 south of range 37, E.W.M., in Union county, Oregon, at a point 50 feet south of the corner common to the S.E.1/4 and N.E.1/4 of said section 29 and the S.W.1/4 and N.W.1/4 said section 28, said township and range; thence, on the most practical route, 50 feet north, to said corner; thence, on the most practical route, in a direction bearing a little east of north, to, and terminating at, ~~the corner of the S.E.1/4 of section 6, and the S.W.1/4 of section 6, in said township and range,~~ all of said terminal and intermediate points, and the whole of the line of said proposed and described road lying and being in said Union county, state of Oregon.

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

Dated at LaGrande, Oregon, this 30th day of April, 1900—1900—

NAMES:

NAMES:

Gust Benzendorf
 O. V. Helander
 A. Sundman
 J. Harris
 M. W. Whitlock
 J. M. Bartness
 J. G. Bartness
 F. L. Bartness
 R. E. Hibbs
 Matt Anderson
 B. Sholdstrom
 Frank Sholdstrom
 C. M. Glass
 Geo. Lutz

Wm. Galloway
 The Grange Road Co
 R. Smith
 Emil Meyer
 J. H. Hunter
 Mrs. E. A. Bunker
 J. Meany
 C. J. Carter
 F. M. Bartness
 L. Harrell
 G. W. Robertson
 J. H. Holman

The Price 6.1900
By W. Benson
O. O. O.

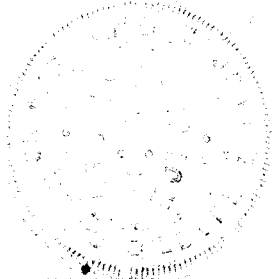
STATE OF OREGON, }
County of Union: } ss.

I, G. W. Benson being first duly sworn, say ^{that} ~~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~~

~~Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the~~ day of ~~_____~~, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 1st day of May 1900, I posted ^{the} ~~a true and correct copy of said notice~~ ^{herewith attached} 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 6th day of June 1900.
G. W. Benson
J. M. O'Connell
Notary Public for Oregon

Filed June 6, 1900
G. W. Bennett
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 6th day of June, A. D. 1900, 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 the section line dividing sections 28 and 29 in township 3 south, of range 37, E.W.M., in Union county, Oregon, at a point 50 feet south of the corner common to the S.E.1/4 and N.E.1/4 of said section 29 and the S.W.1/4 and N.W.1/4 said section 28, said township and range; thence, on the most practical route, 50 feet north to said corner; thence, on the most practical route, in a direction bearing a little west of north to, and terminating at, ~~the corner common to the S.E.1/4 and the S.W.1/4 of section 6, and the N.W.1/4 and the W.1/4 of section 5, in said township and range,~~ ^{in said township and range,} all of said terminal and intermediate points, and the whole of the line of said proposed and described road lying and being in said Union county, state of Oregon-

Dated at LaGrande, Oregon, the 30th day of April, A. D. 1900-

NAMES

Gust Bugeladorff
E. V. Helander
A. Sundman
J. Harris
J. M. Bartmess
J. G. Eastmoss
F. L. Bartmess
M. W. Whittart
R. E. Hibbs
Matt Anderson
B. Sholdstrom
Frank Sholdstrom
E. F. Glass
Gus Islette

NAMES.

M. M. Gulla
The Grande Road Tr Co
R. Smith
G. H. Hunter
Mrs E. A. Bunker
J. Deary
E. D. Bartmess
J. M. Bartmess
W. Harrell
G. W. Robertson
J. A. Holman

Posted
May 1, 1900
J. A. D.

Faint, illegible text, possibly bleed-through from the reverse side of the page.

Miss June 6, 1900.
Geo. Brown
Esq.

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

I, Gus. Bengelsdorff, 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 point of commencement of said road as described in petition; one at the south-east corner of Mrs. Bunker's land, and on the line of said proposed road; one where said road ends as described in said petition on the county road, and each posted in a conspicuous and public place, in plain view of all who wish to read same or either of them. That I posted each of said notices in said described places on the 30th day of April, 1900-

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 30th day of April, 1900, and that hereafter and thirty days previous to the presentation of said road petition, I did not, and I do not intend to, post any other notices in any public place in said county, Oregon, its city or town, or in any highway, 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 1st day of June 1900
Gus Bengelsdorff
[Signature]
Notary Public

After June 6, 1900.

Wm. J. Brown

As. Clerk.



BOND OF ROAD PETITIONERS.

Know all Men by These Presents, That we, *Geat. Buegledoff* and *Frank Scholdstrom* and *J.D. Casey*, 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 *20th* day of *April*, A. D. ~~1899~~ 1900-

Now, the condition of the above obligation is such, That, whereas the above named

and others, have petitioned

the County Court of said County of Union, at the June, 1900, Term, thereof for a County Road, Commencing on the section line dividing sections 28 and 29 in township 3 south, of range 37, E.W.M., in Union county, Oregon, at a point 50 feet south of the corner common to the S.E.1/4 and N.E.1/4 said section 29 and the S.W.1/4 and N.W.1/4 said section 28, said township and range; thence, on the most practical route, 50 feet north, to said corner; thence, on the most practical route, in a direction bearing a little west of north, to, and terminating at, the corner common to the N.E.1/4 and the S.E.1/4 of section 6, and the N.W.1/4 and the S.W.1/4 of section 5, in said township and range, all of said terminal and intermediate points, and the whole of the line of said proposed and described road lying and being in said Union county, state of Oregon-

NOW, if the above named

Geat. Buegledoff and *Frank Scholdstrom*

J.D. Casey 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

Geat. Buegledoff
Frank Scholdstrom (L. S.)
J. Casey (L. S.)

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

I, *Geat. Buegledoff* and *Frank Scholdstrom*

J.D. Casey, 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.

Geat. Buegledoff
Frank Scholdstrom

J. Casey

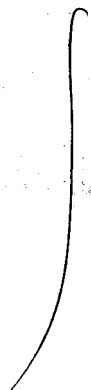
Subscribed and sworn to before me this *20th* day of *April*, 1900-

J. Notary Public for Oregon

Part of

Part. Petitioner

Submaster of
the road pittores
for by Gust Berglund
et al



Miss June G. 1900

Gust Berglund

Co. Clerk



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

::

In the matter of the road petition ;
petitioned for by Guss Benggelsdorff ;
and others to the County Court of ;
Union County, State of Oregon. ;

::

The undersigned would respectively show that your petitioner some months ago signed his name to a petition asking for the laying out and establishing of a county road petitioned for by Guss Benggelsdorff, and others and which road was attempted to be layed out and established by the County Court according to said petition.

That the proceedings in establishing said road were set aside at the last term of the Circuit Court of the State of Oregon, for the County of Union.

That your petitioner signed the said petition in ignorance of the facts and his rights as a petitioner thereunder. That petitioner was ignorant of the law in regard to establishing highways, and was told by parties who circulated the petition that the county desired the road and would be compelled to pay damages to any property through which the road passed.

That at that time it was understood the road would not cross over the premises of petitioner and he relying upon the statements made to him that damages would be paid by the county for all property taken for the purpose of the road, signed the petition in ignorance. That his so signing barred his rights to recover damages incurred on account of the road being located across his land.

That petitioner has little means and the location of the road as made causes great injuries and damages to him. In that it causes petitioner to build over one mile of extra fences and divides his land into two pieces.

WHEREFORE, petitioner asks that his name be stricken from the petition.

George G. Galt
by J. D. Stover
his atty

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

I, George Gettle, being duly sworn say I am the person making the foregoing petition, and that the same is true as I verily believe.

George Gettle

SUBSCRIBED and sworn to before me this 2 day of ^{March} February, A. D. 1901.

J. J. Seal
Notary Public for Oregon.

STATE OF OREGON, }
COUNTY OF UNION, } SS.

I, _____ being first duly sworn,
depose and say that I am the _____
in the above entitled _____; and that the foregoing
is true as I verily believe.

Subscribed and sworn to before me this the _____ day of _____ 190_____

Notary Public for Oregon.



I, _____ do hereby certify that I am
_____ attorney herein; that the foregoing copy of
_____ has been by me carefully compared with the original
thereof; that it is a correct transcript therefrom and of the whole of such original.

La Grande, Oregon, dated the _____ day of _____ 190_____

Attorney for _____



Due service of the within _____ is hereby accepted in
_____ County, Oregon, this _____ day of _____ 190_____
by receiving a copy thereof, duly certified to as such by _____,
attorney for _____

Attorney for _____

No.

IN THE County COURT

OF THE

STATE OF OREGON,

FOR

UNION COUNTY.

Geo. W. Miller, P. O. C.

Corner E. Road

P. O. Box 100

VS.

Geo. Bergstedt

P. O. Box 100

W. O. C.

Filed

Mar. 7.

1901

Wm. Pearson

County Clerk.

By

Deputy.

J. D. SLATER,

Attorney for

Union Printery, Frank M. Stocum, Manager, Union, Oregon.

BE IT REMEMBERED that at a regular term of the Circuit 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 February, A. D. 1901, the same being the First Monday in said month and the time fixed by law for holding a regular term of said Court, when there were present :

The Hon. ROBERT EAKIN, Judge Presiding.

SAMUEL WHITE, District Attorney.

G. W. BENSON, Clerk.

D. Y. K. DEERING, Sheriff.

When on Tuesday, the 5th day of February A. D., 1901, or the Second Judicial Day of said term, among other proceedings the following was had, towit :

Anna Gettle and George
Gettle, Plaintiffs,
vs.
Union County, State of Oregon,
and Gust Bengelsdorff, Defts.

Now at this time this cause came on for decision, the said cause ^{having been} heretofore argued and submitted to the court, plaintiffs appearing by J. D. Slater and defendants by F. S. Ivanhoe, and the court being now fully advised in the premises, it is ordered that the writ of review in this cause be and the same is hereby sustained and the order and decree of the county court of Union county, Oregon, made on the 6th day of July, A. D. 1900, approving the survey and ~~the~~ report of the viewers, appointed to view the road petitioned for by Gust Bengelsdorff, and others, and the order and decree of said court on said date made and entered establishing said road as surveyed and viewed as a public highway, be set aside and annulled for the insufficiency of the survey of said road.. It is further ordered that this cause be and is hereby remanded to the county court of Union county, Oregon, for further proceedings therein, and that plaintiffs have and recover of and from defendant Union county, their costs and disbursements of this action.

(sd) Robert Eakin,

Circuit Judge.

STATE OF OREGON, }
COUNTY OF UNION, } ss.

I, G. W. Benson County Clerk of Union County, Oregon, and
ex-officio Clerk of the Circuit Court of said County and State, do hereby certify that the foregoing
transcript of journal entry has been by me compared with the original entry in said cause, and that
it is a true and correct copy of said original journal entry, and the whole thereof, as the same ap-
pears of record in my office and custody.

WITNESS my Hand and the Seal of said Court this 4th day of March 1901.

G. W. Benson Clerk,
By [Signature] Deputy.

REPORT OF VIEWERS.



To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 5th day of June, 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 by Gust Bengeladoff et. al., beg leave to report that on the 2nd day of June, 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 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.

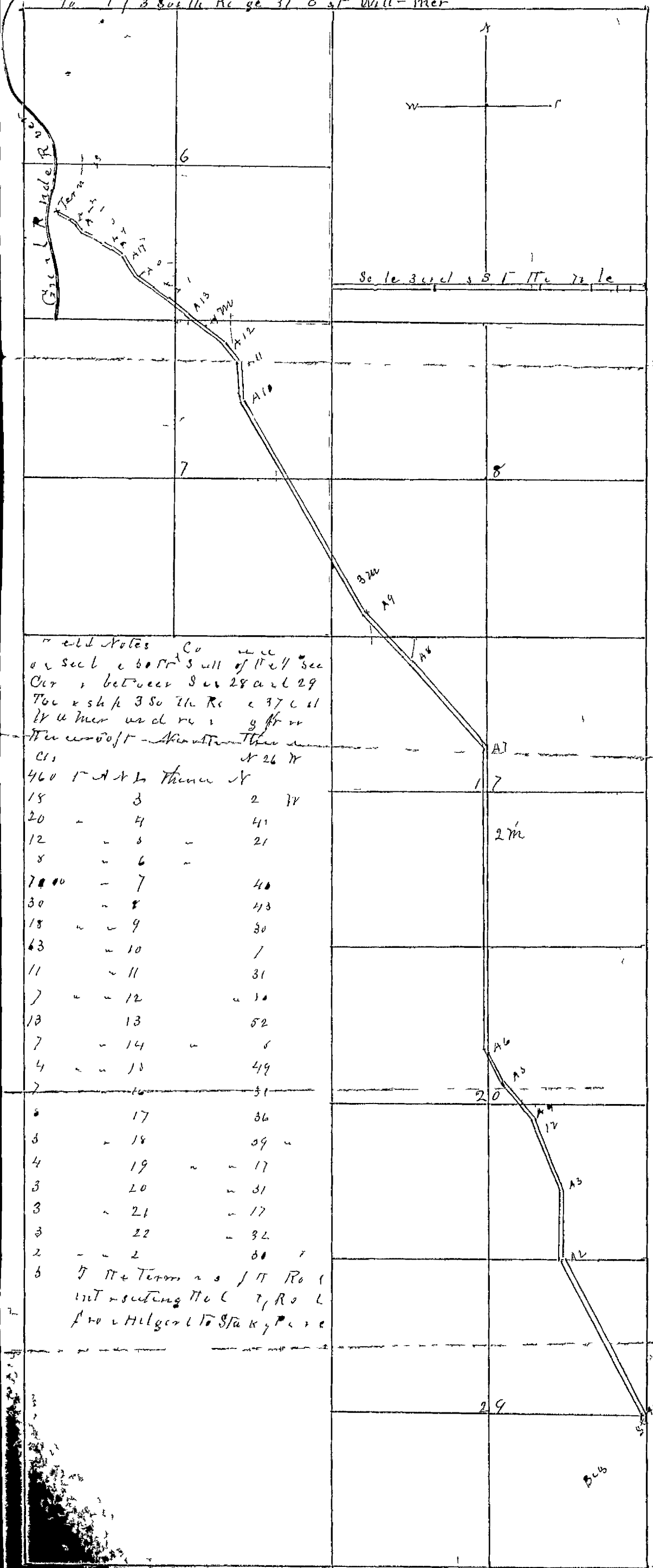
G. C. Condit
Wallace Lane
J. J. Glass

Viewers.

State of Oregon }
County of Union }⁸⁸. I hereby certify that in the matter of the County
Road Petition filed for by Gust-Bengelsoff 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 said duties in that behalf

Arthur Curtis
County Surveyor
By J L Curtis Deputy

W. H. Johnson
County Clerk
FILED
JUN 3 1900



old notes Co. will
 a sect. e. b. of 3 will of the 1/2 sec
 Cor. between Sec 28 and 29
 The shape 350 26 R. e. 37 C. 1
 1/2 W. mer. and re. 1/2 W. mer.
 The width - 1/2 W. mer. then
 C1, N 26 W

460 ft. A. N. L. then N

18	3	2	38
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2	2	50	

of the Town of 1/2 R. 1
 intersecting the 1/2 R. 1
 from Hilger to St. Mary's

B. 1/2

Quint Buechelhoff road

3 1/2
3 1/2
3 1/2
3 1/2
3 1/2

La Grande June 29
1900

Mr Wilson Judge

Your honor

I have been informed of
the County's intention of making
a road through ~~the~~ ^{my} Land
North $\frac{1}{2}$ of the ~~the~~ ^{East} $\frac{1}{4}$ of 20
T3 R37 N ~~the~~ ^{the} South
east $\frac{1}{4}$ of 17 I ~~the~~ ^{your} honor
object to give the Land without
just recompense at the rate
of 5 Dollars per acre for the Land
used by said ~~road~~ and cut of
from the main body there, and
the fence moved on the
Country's expense hoping you
honor will attend my applica-
tion. I remain your Obedient
Neil Johnson

Filed July 5, 1900.

G. W. Benson
Co. 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
Gust Bengledorff et al be leave to report that
on the 25th day of June 1892 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

FIELD NOTES OF ROAD PETITIONED FOR BY GUST, Bengledorff-

Commencing on section line 50 feet south of the one fourth section corner, between sections 28 and 29, township 3, south, of range 37, E.W.M., and designated by a rock containing 1728 cubic inches, marked "R" and set in mound of rock, no bearing trees near; thence north, 50 feet, to the one fourth section corner, and a stake marked "A-1"; thence north, 26 deg. west, 40 chs. to a rock in mound of rock, marked "A-2"; thence, north, 18 chs to a rock marked "A-2" in mound of rock; thence north, 23 deg. west, to a rock containing 1728 cubic inches, marked "1-M", and set in mound of rock, no bearing trees near; thence north 23 deg. west, 4 chs. to a stake marked "A-4" set in a mound of rock; thence north, 40 deg. west, 12 chs. to a rock marked "A-5" set in a mound of rock; thence north, 21 deg. west, 8 chs. to a rock marked "A-6" in mound of rock; thence north, 56 chs. to a rock containing 1728 cubic inches, marked "2-M" set in mound of rock, no bearing trees; thence north, 14 chs. to a rock marked "A-7" in mound of rock; thence north, 40 deg. west, 30 chs. to a pine tree 36 inches in diameter, marked "A-8"; thence north, 42 deg. west, 18 chs. to a pine tree 11 inches in diameter, marked "A-9"; thence 20 deg. west, 18 chs. to a rock containing 1728 cubic inches, set in mound of rock, marked "3-M", no bearing trees; thence north, 30 deg. west, 45 chs. to a stake marked "A-10", set in mound of rock; thence north, 70 deg. west, 11 chs. to a stake marked "A-11" set in mound of rock; thence north, 21 deg. west, to a stake marked "A-12", set in mound of rock; thence north, 50 deg. west, 13 chs. to a stake marked "A-13", set in mound of rock; thence north, 52 deg. west, 4 chs. to a rock containing 1728 inches, marked "4-M"; thence north 52 deg. west, 2 chs. to a stake marked "A-14", set in mound of rock; thence north, 52 deg. west, 4 chs. to a stake marked "A-15" set in mound of rock; thence north, 49 deg. west, 7 chs. to a stake marked "A-16" set in mound of rock; thence north 21 deg. west, 2 chs. to a stake set in mound of rock, stake marked "A-17"; thence north 26 deg. west, 5 chs. to stake marked "A-18" set in mound of rock; thence north 29 deg. west, 4 chs. to a stake marked "A-19" set in mound of rock; thence north 17 deg. west, 2 chs. to a stake marked "A-20" set in mound of rock; thence north 31 deg. west, 2 chs. to a stake marked "A-21" set in mound of rock; thence north 17 deg. west, 3 chs. to a stake marked "A-22" set in mound of rock; thence north 22 deg. west, 2 chs. to a stake marked "A-23" set in mound of rock; thence north 20 deg. west, 2 chs. to ~~the terminus of said road, indicated by a rock containing 1728 cubic inches, set in mound of rock and marked "R-T", from which a pine tree 2 inches in diameter, bears north, 52 deg. east, distant 105 links.~~ the terminus of said road, indicated by a rock containing 1728 cubic inches, set in mound of rock and marked "R-T", from which a pine tree 2 inches in diameter, bears north, 52 deg. east, distant 105 links, the corner of the NE 1/4 of the SW 1/4 of section 6, in township 3 south, of range 37, E.W.M., bears south 47 deg. east, distant 105 links, the entire distance of road being 4 miles, 4 furlongs and 28 rods.

State of Oregon
County of Union) SS I hereby certify that the foregoing Field Notes
made by me in the survey of the County Road Petitioned for
by Gust Bengelsoff et al are true and correct and that
the Plat accompanying the same is a true and correct rep-
resentation of the course of said Road together with
the Angles and Distances

Arthur Curtis

County Surveyor

By J. Curtis

Arthur Curtis

JUN 30 1906

J. T. R. D.

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

George Gettle, Plaintiff,
vs.
Union County, Defendant.

Review of proceedings in laying out County road.

There are three points raised by the writ, viz.- 1. That the petition does not sufficiently describe the terminating point; (2) that the road was not surveyed or viewed out by one authorized-(that is viewers not sworn and surveyor not one named.)(3) the surveyor's reporter is insufficient.

As to the first point I am of the opinion that the plaintiff, Geo. Gettle is precluded from questioning the jurisdiction, because he is a petitioner for the road; and the wife's interest in the H'd entry is only an inchoate right, if that, and not such as gives her standing to contest the road proceedings.

As to the second point, I am of the opinion, that as the law appoints the County surveyor to survey roads, unless absent or unable to do so, and the Court will take judicial knowledge of the County Surveyor, therefore his deputies may do the work in his place, including the administering the oath to the viewers. And as the record is silent on the question, whether J. L. Curtis was actually a deputy, and the matter having passed through the County Court without question, this Court cannot now question it. The matter is regular on its face.

As to the third point, as to the sufficiency of the surveyor's report, Section 4065 of the Code specifically de-

finer what he shall do in surveying and marking the road, and in making his return thereof. Every mile and the termini of the road must be specifically marked, and if one kind of corners cannot be established, then another may be used. The purpose of this is not only that the people travelling the road may see the marks, but that other surveyors may re-establish the angles or line of the road, as provided in section 4071, that there may be a record that will identify the road. And this must be done from the surveyor's return of the survey of the road. Therefore the surveyor in his notes of the survey give a specified designation of the establishment of the beginning and termination, and termini of each mile, as well as the course and distances.

The survey must also show on its face that it complies with the petition. But in this case there is nothing to indicate where the survey terminates with reference to the termination mentioned in the petition.

Therefore, whatever may have been the work done on the ground by the surveyor, his return to the viewers is wholly insufficient under Section 4065 of the Code to identify the road, or authorize its establishment. And to that extent the writ should be sustained, and remanded to the lower Court for further proceedings thereon.

Circuit Judge.

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Book of the
of the

State of Oregon

Union County

George F. Kettle

vs.

Union County

Opinion

Printed Dec. 5, 1901.

W. M. Bennett

Printer

LaGrande, Oreg n June 27th. 1900

State of Oregon

County of Union ss.

I George Gettle being first duly sworn say that I am the owner by Homestead entry of the S 1/2 of the SW 1/4 of Sec. 8 and the N 1/2 of the NW 1/4 of Sec. 17 in Tp. 3 S. R. 37 E., that by reason of the survey made in the matter of the road petitioned for by Gus Benglesder et als, which runs diagonally through said lands for a distance of about 175 rods or more; that if said road be located through said lands it will compel affiant to build at least 350 rods of fencing that he otherwise would not be required to build at all, in the enclosing of said lands for use; that the lands taken up by said road would reasonably be worth \$10. - per acre and there would be required of said lands about 3 1/2 acres; that it would cost affiant about \$140 - to build said fencing.

Wherefore affiant claims damages by reason of the location of the said road through said lands in the sum of \$175.00.

George Gettle

Subscribed and sworn to before me this June 27th. 1900.

B. F. Wilson
County Judge

Walter Mason & Co
Professional Books
Printed for the
New York Academy
of Science

Filed July 5, 1900

By W. B. Benson

Co. Clerk

Third Judicial Day

Wednesday Nov 8th 1899

his resignation as constable of Eagle Valley Justice of the Peace and constable district and recommends that Hovv Chas Crim be appointed to fill said vacancy and it appearing to this Court that the said J.A. Kirby can no longer act as such constable without great inconvenience and it also appearing that Chas Crim is a suitable and proper person to be appointed as constable of said district It is therefore considered and ordered that the said resignation be accepted and it is further ordered that Chas Crim be and he is hereby appointed Constable of Eagle Valley J.P. Constable District to fill the unexpired term of J.A. Kirby resigned

In the matter of the
Road petitioned for by
Guss Bengelsdorff et al

This matter came on to be heard at this time the petition of Guss Bengelsdorff et al for a County road and it appearing that there has been no bond given herein as required by law It is therefore ordered that this matter be continued for the term

In the matter of the application
of
Mrs Maud Sewell for County aid

This matter came on to be heard at this time on the application of Mrs Maud Sewell for County aid from which it appears that the said Mrs Maud Sewell is sick and destitute and unable to earn a living, that she has no relatives or friends in the state of Oregon who are able and willing to help her, that she is a resident of Union County Oregon and has two helpless children dependent upon her for support It is therefore considered and ordered that the action of the County Judge in ordering warrant drawn for \$10 on the 3rd day of Nov in favor of the said Mrs Sewell be and the same is here now ratified and confirmed It is further considered and ordered that any further action on said application be continued until the next regular term of this Court

Third Judicial Day

Wednesday December 6th 1899

and vacate that portion of the present County road between said points 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 beginning of the said road in a conspicuous place plainly to be seen by the traveling public, one at the terminus of the road and one near the middle of the proposed road all in plain view of the traveling public 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 the proceeding has been duly given

It is therefore ordered that E. F. James, W. S. McMullen and T. O. Olan be appointed Viewers of said road and that Arthur Curtis be appointed Surveyor of said road and that they meet at commencement of the road on the 18th day of December 1899 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 Road
petitioned for by Gust Bue-
gelsdorff et. al. }

At this time it is considered and ordered that this matter be continued for further hearing at the next regular term of this Court

In the matter of the
application of Tarter Gallagher
for a liquor license }

This matter came on to be heard at this time on the application of S. Tarter and Frank Gallagher for a license to sell spirituous malt and various liquors in less quantities than one gallon in Commeopia Precinct for a period of three months and it appearing to the Court that due and legal notice of the presentation of said petition to this

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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 Est. Fansing, David Hawes and W. T. Afferty be appointed viewers of said road, and that Arthur Curtis be appointed surveyor of said road, and that they meet at W. S. Fougley's house on the 25 day of January, 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 peti-
tioned for by C. A. Tompkins et al

This matter came on to be heard at this time on the reports of the viewers and surveyor heretofore filed herein for a first reading and the said reports having been read publicly in open court for the first time it is considered and ordered that the said reports 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
Gust Bengelsdorff et al

Comes now Gust Bengelsdorff one of the petitioners for the above proposed County road and asks to be allowed to withdraw from the files of this Court the petition and papers filed herein It is therefore ordered that the Clerk allow said papers to be withdrawn

In the matter of establishing
Boundaries of Road Districts
in Union County, Oregon.

It appearing to the court at this time that it is necessary to change the boundaries of several road districts throughout the county so as not to have any road district in more than one precinct It is therefore considered and ordered

Be it remembered that as a regular term of the County Court of the state of Oregon for the County of Union began and held at the court house in the city of Union in said County and state on Tuesday the 5th day of June A.D. 1900 (Monday having been a non-judicial day) and from day to day thereafter during the continuance of said term when on Wednesday the 6th day of June 1900 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:

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

Due proclamation of the opening of Court having been made the following proceedings were had, to-wit

In the matter of the proposed
 County Road petitioned for
 by Gus Bengeladorff et al.

Comes now Gus Bengeladorff 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 on the section line dividing sections 28 and 29 in township 3 south of range 37 E N M in Union County, Oregon at a point 50 feet south of the corner common to the SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of said section 29 and the SW $\frac{1}{4}$ and NW $\frac{1}{4}$ said section 28 said township and range; thence on the most practical route 50 feet north to said corner, thence on the most practical route in a direction bearing a little west of north to, and terminating at or near the SW corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of section 6 in said township and range intersecting the present county road all of said terminal and intermediate points and the whole of the line of said proposed and described road lying and being in said Union County, state of Oregon.

And it appearing to the Court that said petition is signed by more than twelve householders of this County residing in the vicinity of the 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

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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 commencement of said road as described in petition One at the south east corner of Mrs Bunker's land and on the line of said proposed road, one where said road ends as described in said petition on the County road and each posted in a conspicuous and public place in plain view of all who wish to read same or either of them That I posted each of said notices in said described places on the 30th day of April 1900 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 J.C. Crandall, Wallace Lane and John Glass be appointed Viewers of said road and that Arthur Curtis be appointed surveyor of said road and that they meet at the residence of C.F. Glass on the 25th day of June 1900 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 }
S.L. Burnaugh et al.

Comes now S.L. Burnaugh 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 in the center of the County road at a point about 50 ft north west from the north east corner of the southeast quarter of the north east quarter of the north west quarter of section 23 Tp 12 N R 39 E 4 M thence in a south easterly direction over the most practicable route to a point 130 yards south from the north east corner of the south east quarter of the south west quarter of section 24 Tp 12 N R 39 E 4 M; thence in a south easterly direction to a point about 30 rods east from the north west corner of the north east quarter of the north east quarter of section 25 in said Tp and range thence east along said section line to the north east corner of section 25 in said Tp and range; thence in a south easterly direction a distance of about 230 yards to the center of the County road and there terminate said road

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Thursday, July 5, 1900.

around that said petition be and the same is hereby in all things denied.

In the matter of the application
of Annie J. Frittle to Redeem S^r B^r
S, Quaschauer's ad to Union }

This matter came on for hearing at this time on the application of Annie J. Frittle to redeem the above described property from the sale thereof for delinquent taxes for the year 1895; and it appearing to the court that said Annie J. Frittle is the owner of the said property and that she is desirous of redeeming the same from said sale, and that she has tendered herein the sum of \$13.03, the amount of taxes for said year and costs of sale; -It is therefore considered and ordered that said petition be granted and that said Annie J. Frittle be allowed to redeem said premises from said sale, and that upon payment of said amount, viz: \$13.03 the clerk of this court cancel the said lien upon the tax sales record of this county.

In the matter of the County Road
Petitioned for by Sam O. Moore 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 now been 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 this court.

In the matter of the County Road
Petitioned for by St. Jeldman 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 now been 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 this court.

In the matter of the County Road
Petitioned for by Gust. Buegelschaft 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

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and the said reports having now been publicly read in open court for the first time, It is considered and ordered that said reports be laid over for a second reading on some other day of the present term of court. And it further appearing to the court that George Little has filed a claim herein for damages in the sum of \$175⁰⁰ and that Neil Johnson has also filed a claim for damages herein in the sum of \$, both claimed by reason of the proposed location of said road over their premises, and it further appearing that said George Little is a signer of the petition for said road and that the claim of Neil Johnson is not sufficiently specific, It is therefore ordered that said claims for damages and each of them be and the same are hereby overruled and denied.

In the matter of the County Road }
Petitioned for by S. L. Burroughs 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 herein, and the said report having now been 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 this court.

In the matter of the County Road }
Petitioned for by Ira Brown 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 herein, and the said report having now been 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 this court.

In the matter of approving }
official Bonds }

Come now the duly elected county officials E. W. Benson, S. Y. N. Suring, John M. Giddens, Arthur Curtis, J. C. Shroy and present to the court their official bonds for approval, and it appearing to the court that said bonds are given in the sums of \$10,000, \$10,000, \$3,000, \$5,000, \$3,000 respectively as required by law and it appearing to the court that the omissions thereon is in due form of law, and properly stamped as required by law, and that the omissions thereon have properly justified, It is

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said report of 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 plan 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 J. M. Cole, road supervisor of road district No 40, 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 Proposed }
County Road Petitioned for by }
Eust. Bruggesdorff 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, to-wit:

Property of Viewers.
Do. Honorable County Court for Union County, Oregon

The undersigned viewers heretofore on the 5th day of June, 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 by Eust. Bruggesdorff et al, by law to report that on the 25th day of June, 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 our 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.

F. C. Craudall

Wallace Lane

J. J. Glessa

Viewers

And said report of 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

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Friday, July 6, 1900

herin having been regular and according to law, and no remonstrance or claim for damages having been filed herein, except the claim of Mil. Johnson for damages which was overruled and denied for the reason that the same was not sufficiently specific; and the claim of George Little which was overruled and denied for the reason that said George Little is a signer on the petition for said road, 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 surveyors plat of the proposed road and his field notes of the survey thereof, be placed on record in the books of Plats of County Roads of Union County, Oregon, and that Est Lansing, road supervisor of road district No 15, 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 Proposed }
 County Road Petitioned for by }
 S. L. Burroughs, et. al.

This matter came to be heard at this time on the report of the viewers and surveyor heretofore appointed herein, on 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 5th day of June, 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 by S. L. Burroughs et. al., by leave to report that on the 5th day of June, 1900, in pursuance with said appointments and order, after being duly sworn to faithfully and impartially discharge the duties of said appointments, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions, said proposed road

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Wednesday, June 5, 1901.

In the matter of the Cause }
 Road petitioned for }
 by E. S. Dunsford, et al }

Now at this time this matter coming regularly on to be heard, the petitioners, viewers and surveyor herein appearing by E. S. Dunsford, their attorney, and move that at this time the surveyor be permitted to attach and include ⁱⁿ and as a part of his report the field notes of the survey herein heretofore omitted and that the same be made a part of the report of the surveyor herein; and it appearing to the Court at this time that a writ of review has been prosecuted in the Circuit Court, involving the establishment and location of the road petitioned for herein, and that said Circuit Court in said proceeding decided that the Surveyor's return was not sufficiently complete to authorize the opening of said road and remanded said proceedings back to this Court for further proceedings herein. It is therefore hereby considered ^{and} ordered that the amended report of the surveyor containing the field notes of the survey as actually made be filed and made a part of the record in this case and the order heretofore made by this Court in establishing and laying out said road be and the same is hereby opened up, cancelled and held for naught, thereupon the report on said road and the report and field notes of the surveyor is here now read for the first time and the further consideration of this case is continued until tomorrow.

In the matter of the }
 application of Salomon }
 Eads for County aid }

This matter came on to be heard at this time upon the application of Salomon Eads for aid, from which it appears that said applicant is an old man, destitute, and in need of aid. It is therefore considered and ordered that the Clerk of this Court be and he is hereby instructed to issue a warrant for \$12.00 in favor of Mrs. Mary Albright, Chairman of the Methodist Relief Society, to be expended by her for the benefit of the said Salomon Eads and family.

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

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Thursday, June 6, 1901.

In the matter of the proposed County Road
petitioned for by Gust Bumpeladorff, et al }

The matter came on to be heard at this time on the report of the viewers and surveyors 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 5th day of June, 1900 appointed to view, lay out and alter proposed County Road, of which the survey hereto attached is a true and correct description, as petitioned for by Gust Bumpeladorff, et al., by leave to report that on the 25th day of June, 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 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. C. Crandall }
Wallace Lane } Viewers
J. J. Glass }

And said report of the viewers and the report of the surveyor having been read publicly 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 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 the claims of Neil Johnson and George Little which have been heretofore overruled and denied by the Court 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.

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Thursday June 6, 1901.

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 books of ^{County Roads} plats of Union County, Oregon, and that C. H. Lansing, road supervisor of road district No 15, 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 }
E. Brainerd for County Aid.

This matter came on to be heard at this time on the application of E. Brainerd for County Aid. And it appearing to the Court that E. Brainerd is a resident of Union County, old, infirm and unable to work; that he has no means of support, and that he has no relatives or friends who are able or willing to render him any assistance. And it further appearing to the Court that it would be to the best interests of the County to allow said applicant the sum of \$12.00 per month, and is cheaper than assigning him to the County home. It is therefore ordered that the Clerk of this Court issue to the said E. Brainerd on the first day of each month a warrant for the sum of \$12.00, until the further order of this Court.

Whereupon the Journal of today's proceedings was read, approved, and is here now signed, and it was ordered that this Court do now adjourn for the term.

W. G. Wilson County Judge.
Commissioner.