

EQUITY
LAW

No 18

In Circuit Court,



Union County



James Patterson

Plaintiff

*John P. Seady
et al*

Defendant

C. H. Evans

Attorney for Plaintiff



Attorney for Defendant



250,251's (with 1/2)

539 ✓

In re- Road petition
for by N B Roland et al

Commencing at a point where present
road crosses Square Gulch bet N² Sec
25 T¹ P 9 S 45 E and the S² Sec 24 T¹ P 9
S 45 E Union County Or thence
making a half circle bearing north
a distance of 275 ft the thence

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 proposed to be, respectfully petition your honorable body to lay out, alter and establish a County road within said County, on the following line or route, to-wit:

Commencing at a point where the present road starts to cross Squaw Gulch, between the N.E. quarter of Section 25, Township 9, S. R. 45, E. W. M. and the S.E. quarter of Section 24, Township 9, S.R. 45, E. W. M. in Union County, Oregon: From thence making a half circle bearing north a distance of 275 feet, for the purpose of improving the grade across said Squaw Gulch, which at this time is almost impassable,

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

Dated at Richland, this 19th day of June, 1900.

Names:-

- N. S. Blank,
- Tom Chandler,
- John Fraser,
- R. B. Gihson,
- H. W. Gover,
- James H. Graham,
- Freston Beyer,
- Albert Beyer,
- Jahn W. Barnes,
- W. M. Beyer,
- Ira Hartley,
- H. H. Parker,
- R. B. James,
- G. T. Perry,
- Edw. Augustus,
- A. F. Murray,

Names:-

- A. Wright,
- J. A. Kirby,
- C. E. Sass,
- A. J. Smith,
- David Clark,
- A. K. Graham,
- Joseph Hartly,
- George W. Evans,
- E. Sullivan,
- Louis Hartley,
- Jehn Blue,
- Chas. Harvill,
- W. G. Saunders,
- E. A. Masterson,
- Joseph McCabe,
- Sam Gover,

Entered:- Filed Aug. 8, 1900.

G. W. Benson, County Clerk.

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

I, N. S. Blank being first duly sworn, say that I posted three several notices, of which the notice hereto attached is a true and correct copy, in three public places in said county in the vicinity of the proposed road therein described, to-wit: One in front of Pat. office in Town of Richland, one on Blacksmith Shop of R. B. Gibson that being the beginning of said road, one at the crossing of Squaw Gulch, all points above mentioned, being in the vicinity of said proposed road, and in the County of Union, State of Oregon thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 19 day of June, 1900, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 21st day of June, 1900, I ^{caused to be} 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,

N. S. Blank,

Subscribed and sworn to before me this 31 day of July, 1900.

 William R. Usher,

Notary Public for Oregon.

(Notarial seal)

Endorsed:- Filed Aug. 8, 1900.

G. W. Benson, County 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 8th day of August, 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 at a point where the present road starts to cross Squaw Gulch between the N.E. Quarter of Section 25, in Township 9, S. R. 45, E. W. M. and the S.E. 1/4 of Sec. 24, Tp. 9, S.R. 45, E. W. M. in Union County, Oregon, from thence making a half circle bearing north a distance of 275 feet, for the purpose of improving the grade across said Squaw Gulch, which at the present time is almost impassable.

Dated at -----, Oregon, the ---- day of ----- A.D. 1--

Names:-

H. S. Blank,
Tom Chandler,
John Fraser,
R. B. Gibson,
H. W. Gover,
James K. Graham,
Joseph Hartley,
W. M. Boyer,
John W. Barnes,
Louis Hartley,
John Blue,
Chas. Harvill,
W. G. Saunders,
R. A. Masterson,

Names:-

A. Wright,
J. A. Kirby,
C. E. Bass,
A. J. Smith,
David Clark,
Preston Boyer,
Albert Boyer,
George W. Evans,
E. Sullivan,
Ira Hartley,
E. N. Parker,
R. B. James,
G. T. Perry,
R. M. Dimmond,

Edw. Augustus,

A. F. Murray,

Posted June 22, 1900. G.W.B.

Endorsed:- Filed Aug. 8, 1900.

Joseph McCabe,

San Geronimo,

G. W. Henson, County Clerk.

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

I, G. W. Benson, being first duly sworn, say that on the 22d day of June, 1900, I posted the hereto attached 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.

G. W. Benson,

Subscribed and sworn to before me this 8th day of August, 1900.

Frank G. Slocum,

Notary Public, Oregon,

(Notarial seal)

Endorsed:- Filed Aug. 8, 1900,

G. W. Benson, County Clerk.

BOOND OF ROAD PETITIONERS.

Know all men by these presents, That we, Joseph Hartley and Wm. Chandler, 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 31 day of July, A.D.1900.

Now, the condition of the above obligation is such, that, whereas, the above named Joseph Hartley and Wm. Chandler, and others, have petitioned the County Court of said County of Union, at the August Term, 1900, thereof, for a county road, commencing at a point where the present road starts to cross Squaw Gulch, between the N.E. quarter of Section 25, in Township 9, S.R. 45, N.W.M. and the S.E. quarter of Section 24, in Township 9, S.R. 45, E. W. M. in Union County, Oregon; from thence making a half circle bearing north a distance of 275 feet, for the purpose of improving the grade across said Squaw Gulch, which at this time is almost impassable.

Now, if the above named Joseph Hartley and Wm. Chandler, 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.

Joseph Hartley, (Seal)

Wm. Chandler, (Seal)

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

I, Joseph Hartley, and Wm. Chandler, 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.

Joseph Bartley,

Wm. Chandler,

Subscribed and sworn to before me this 31st day of July, A.D.1900.

William R. Usher,

Notary Public for Oregon.

(Notarial seal)

Endorsed:- In re. Road petitioned for by H. S. Blank, et al.

Filed Aug. 8, 1900.

G. W. Benson,

County Clerk.

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

Your petitioners, residents and householders of Eagle Valley Precinct, most respectfully remonstrate against your honorable body granting the petition of N. S. Blank and others, asking that a change be made in the grade crossing Squaw Gulch between the N. E. Quarter of Section 25, and the S.E. quarter of section 24, in Township 9, S.R. 45, N. W. M. in Union County, Oregon, and your petitioners will ever pray.

Names:-

Clarence E. Helcomb,
W. E. Clements,
H. P. Mann,
F. P. Knaublauch,
Dr. M. B. Morris,
Joseph Evans,
W. S. Woodcock,
J. B. Evans,
E. A. Bennehoff,
W. O. Wilson,
John Blue,
W. W. Kirby,
W. W. West,
J. W. Barber,
W. F. Cropp,
Chas. Zeigler,
Mart Smaley,
L. P. Jennings,
Frank Thompson,
G. G. Pratt,
Oscar J. Smith,

Names:-

L. L. Helcomb,
A. W. Parker,
P. H. Dixon,
G. S. Binheimer,
T. L. Morris,
W. T. Bennehoff,
Wm. P. Evans,
W. A. Helcomb,
Jos. R. Wilson,
W. F. Thompson,
W. E. Barber,
F. M. Saunders,
Fred Simonis,
G. W. Moody,
Ianthia Chandler,
Maggie Bennehoff,
G. O. White,
J. N. Helcomb,
G. T. Helcomb,
C. J. Duffey,

(Endorsed:- Filed October 3d, 1900.

G. W. Benson, Clerk.

By E.P. Schew, Deputy.

BE IT REMEMBERED, That at a regular term of the County Court of Union County, State of Oregon, begun and held at the Court House in Union, in said County and State, on Monday the 6th day of August, A. D. 1900, and from day to day thereafter during the continuance of said term, when on Wednesday the 8th day of August, A.D/ 1900 or the Third Judicial day of said Term, said County Court opened for the transaction of County business with the following officers present, to-wit:-

Hen. B. F. Wilson, County Judge,
Hen. Henry Hug, Commissioner,
Hen. Geo. W. Brown, Commissioner,
H. W. Benson, Clerk.
D. Y. K. Deering, Sheriff,

When on Wednesday the 8th day of August, A.D/ 1900, or the third Judicial day of said term, among other proceedings the following was had, to-wit:-

In the matter of the the proposed
County Road petitioned for by
H. S. Blank, et al.
.....

At this time it is ordered by the Court that this matter be and the same is hereby continued for the term, in order that an adjudge ment may be made with the parties through whose premises said propos ed road will pass without the necessity of a survey.

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

The foregoing order is entered in Commial ener's Jnl. J. at page 250.

BE IT REMEMBERED, That at a regular Term of the County Court of Union County, State of Oregon, begun and held at the Court House in Union, in said County and State on Monday the 1st day of October, 1900, and from day to day thereafter during the continuance of said term, when on Wednesday the 3rd day of October, A.D. 1900, or the 3rd Judicial day of said term, said County Court opened for the transaction of County business with the following officers present, to-wit:

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

When on Wednesday the 3rd day of October, A.D. 1900, 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 N. S. Blank, et al. }

-----)
This matter came on to be heard at this time on the remonstrance of Candace E. Helcomb, et al, against the petition herein, and it appearing to the Court that there are more remonstrators than there are petitioners it is therefore considered and ordered by the Court that the said remonstrance be and the same is hereby sustained and the petition dismissed.

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

The foregoing order is entered in Commissioner Jnl. J. at page 251.

(1582)

Third Judicial Day

Wednesday, August 8, 1900.

In the Matter of the Proposed }
County Road Petitioned for by }
A. G. Wadley et al }

This matter came on for hearing at this time upon the petition and other papers filed herein and it appearing to the court that the proof of posting notices in the vicinity of said proposed road is sufficient it is ordered that this matter be continued for the term for an amended proof of posting herein.

In the Matter of the Proposed }
County Road Petitioned for by }
N. S. Blank et al }

at this time it is ordered by the court that this matter be and the same is hereby continued for the term in order that an adjustment may be made with the parties through whose premises said proposed road will pass without the necessity of a survey.

In the Matter of a Road of }
Public Encumbrance Petitioned for }
by L. A. Hudson }

Now at this time this cause came on for hearing before the court upon the report of the viewers heretofore at the last term of this court appointed to view and lay out a county road petitioned for by L. A. Hudson from her residence situated upon the northeast quarter of the southeast quarter, the east half of the northeast quarter and the northwest quarter of the northeast quarter of section 32, Tp. 4 S. R. 40 E. 20 M. in Union County, Oregon, beginning at the southwest corner of the northeast quarter of the southeast quarter of said section 32, Tp. 4 S. R. 40 E. 20 M. and extending thence south a distance of about 14 rods to the county road petitioned for by Joe Wilkinson et al and to assess the damages that would accrue to R. M. Blackler and W. S. Blackler by the laying out and establishing of said road; and it appearing to the court that said viewers, namely Robert M. Smith and N. S. Swain before proceeding to view and lay out said road and assess the damages arising therefrom were each duly sworn to faithfully and impartially discharge their duties as such viewers; that after being so duly sworn they met at the residence of petitioner upon her said premises on the 21st day of July, 1900, at the hour of 10 o'clock a.m. and proceeded to and did view and lay out said proposed county road, beginning at a point on the premises of petitioner

Second Judicial Day

Wednesday Sept 5-1900

In the matter of the proposed
County Road, petitioned for by
Alf. Macleay, et al }

This matter came on for a hearing at this time upon the petition and other papers filed thereon and it appearing to the Court that the proof of posting of notices in the vicinity of said proposed road is defective

It is ordered that this matter be continued for the term for an amended proof of posting of notices

In the matter of the proposed
road petitioned for by. N.S.
Plank, et al }

At this time it is ordered by the Court that this matter be and the same is hereby continued for the term in order that an adjournment may be made with the parties through whose premises said proposed road will pass without the necessity of a survey

In the matter of the road petitioned
for by J. J. Chue, et al }

At this time it is ordered by the Court that this matter be and the same is hereby continued for the term in order that ^{proof} of posting of notices may be had, and furnishing of bond

In the matter of procuring
wood for County purposes
for the ensuing year }

In the matter of procuring wood for the use of various offices for the ensuing year, pursuant to instructions to instructions issued to the Clerk at last session of this Court, ordering that he advertise for bids to furnish the various offices of the County, sixty cords of good yellow pine, ^{wood} four feet long, and it appearing to the Court that no bids have been filed, but that Bogard offers to furnish thirty cords of good yellow pine wood 16' in length properly piled in the Court House yard for the sum of three ⁰⁰/₁₀₀ dollars per cord, cash, and it appearing to the Court that said price is reasonable and that it would be to the best interests of the County to accept said offer

Be it Remembered, That at a regular term of the County Court of Union County, State of Oregon, begun and held at the Court house in Union, in said County and State, on Monday, the 1st day of October, 1900, and from day to day thereafter during the continuance of said term, when on Wednesday, the 3rd day of October, AD 1900, or the 3rd Judicial day of said term, said County Court opened for the transaction of County business with the following officers present, to wit:

- Hon. P. L. Wilson, County Judge
- Hon. Henry Hug, Commissioner
- Hon. Geo. W. Brown, Commissioner
- E. W. Benson, Clerk.
- A. M. H. Dearing, Sheriff.

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

In the matter of the
cancellation of County warrant
No. 1862, Class D & for \$15⁰⁰

Came now E. W. Benson, County Clerk, and presents to the Court for cancellation County warrant No. 1862, Class D & for \$15⁰⁰ and it appearing to the Court that the said warrant was issued to S. P. Hawthorn, at the July term, 1900, of this Court and that thereafter and at the September term following, the ^{said} S. P. Hawthorn presented to this Court a bill covering the same items charged in the bill in payment of which said County warrant No. 1862 was issued, and that said bill was, through some inadvertence allowed by this Court and a warrant, issued in payment thereof. It is therefore considered and ordered by the Court that said County Warrant No. 1862, be and the same is hereby cancelled.

In the matter of the
proposed County road
petitioned for by N. E.
Blenk, et al

This matter came on to be heard at this time on the remonstrance of Candace C. Holcomb, et al, against the petition herein. And it appearing to the Court that there are more remonstrators than there are petitioners. It is therefore considered and ordered by the Court that the said remonstrance, be and the same is hereby sustained and the petition dismissed.