

Circuit Court of
the State of Oregon
for Marion County

A. C. Huntington
vs
George Miller ^{and}
A. B. Stanley

Baker & Baker
Attys for Plaintiff

RECEIVED
MAY 14 1891
1471 536
DEN ENYER PE
1 P P N Y H C MP
1

320
320

Road

In Re changes in Petitions
for by L B Rinehart

May 10/89 Petition for changes in Coll
Reed. Reviewer app'd

Jul D p 560

July 3/89 2nd Reading Rep Jul D p 585-

July 5/89 Ordered opened Jul D p 592

320

In the County Court of the the State of
Oregon for Union County

In the matter of the
application of L. B.
Riechart for permission
to turn the county road
known as the Union and
Cornucopia road through
another part of his lands
on Catherine Creek near
the old Shingle Mill.

Now at this time
comes L. B. Riechart and shows to
the court that he is the owner of the
following described lands viz
The NE 1/4 of NE 1/4 of Sec 45 T18N R41E W1/4, The NW 1/4 of SE 1/4 and NE 1/4 of SE 1/4
of Sec 17 T55N R41E W1/4, and S 2 of SE 1/4 of Sec 17 T55
N R 41 E W 1/4 in Union County Oregon

That the public highway leading from
Union to Cornucopia in Union
County Oregon runs through said
lands of petitioner

That petitioner is desirous of turning
said road to another part of his
said lands and hereby applies
to the court for leave and per
mission of the court to turn such
road through another part of

his said lands
 that the changes desired will place
 the road upon as good ground
 as it now occupies through
 his said lands and will not
 materially increase the distance
 to the injury of the Public
 Wherefore your petitioner prays
 for leave and a permit from
 this Court to make such change
 in accordance with law
 J. B. Kitchart
 Petitioner

The within petition granted
 May 13th 1889
 and in stated
 Gillispy and J.
 Dandabauer are
 appointed Viewers and
 J. H. Kirtland Surveyor
 to meet at Shingle mill
 May 23rd 1889 at 10 o'clock
 A. M.
 Filed May 13th 1889
 At Justice Court
 J. J. Webb Deputy

M. Stoker
 Gillispy's
 Underwriter

Know all Men by these Presents:

THAT ~~we~~ *J. C. Rinehart* ~~and~~

of the County of *Union* and State of Oregon, ~~are~~ ^{am} held and firmly bound unto the 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* 188*9*

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by *L. B. Rinehart*

on his own land ~~and others~~, and presented at the *March* Term, 188*9* of the County Court of said *Union* County, ~~commencing~~ ^{held by adjournment May 13th 1889} said change being in the County road leading from Union to Cornucopia his said lands being described as follows *SW^{1/4} of NW^{1/4} - SE^{1/4} of NW^{1/4} - NW^{1/4} of SE^{1/4} and SE^{1/4} of SE^{1/4} Sec 17 T. 5 S. R. 41 E. 11 W. and SE^{1/4} of SE^{1/4} Sec 17 T. 5 S. R. 41 E. 11 W. in Union County Oregon*

be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

J. C. Rinehart

STATE OF OREGON,

County of _____

I _____ and

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, and that I am a resident and householder in said County and State.

Subscribed and sworn to before me, this _____ day of _____ A. D. 18____

Clerk,

By _____ Deputy.

Bond of Road Petitioners.

Petitioners.

Filed *May 13th* 188*9*

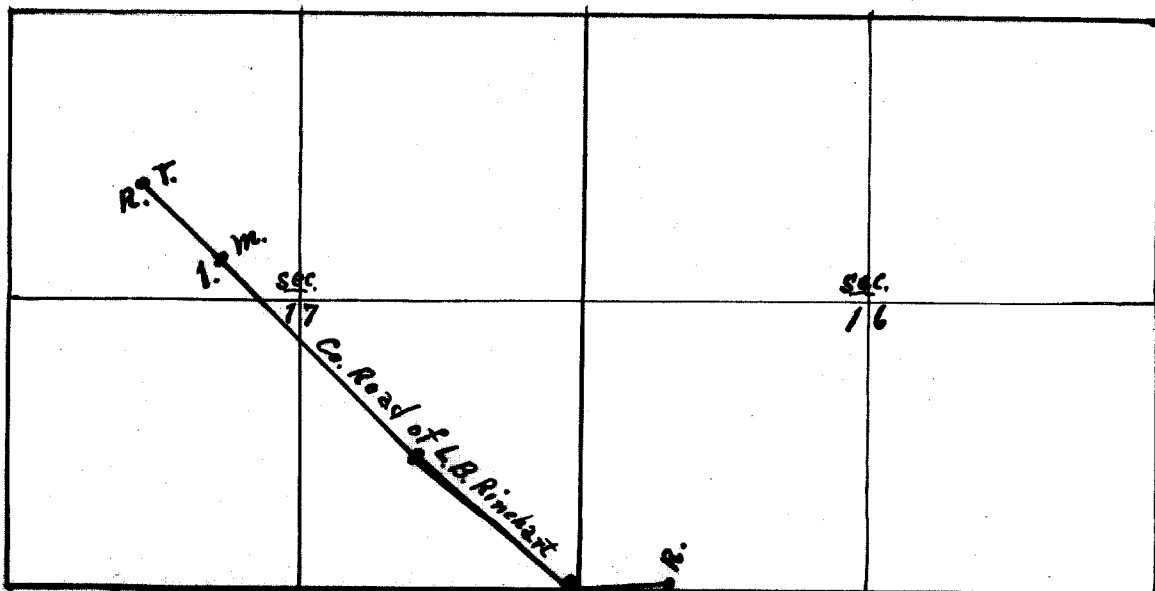
W. H. Hesse

County Clerk.

By *A. J. Bell*

Deputy.

J. S. R. 41 E. W. M.



I hereby certify that the above is a correct plat of the Survey of the County Road
of L.B. Reinhart - in Sec. 16 & 17 J.S.R. 41 E. W. M.
J.W. Kimbrell Co. Surveyors

REPORT OF VIEWERS.



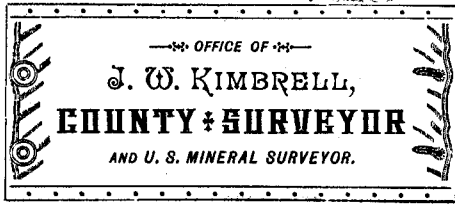
TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 15th day of May, 1889, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by L. B. Rehinchart, et al, beg leave to report that on the 17th day of May, 1889, 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 Much 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.

as soon as made in good possible
condition

Gasper Gillaspay

Wm. C. Stoker



Field Notes of County Road
of L. B. Pinehart

North Powder Cr., May 17 1889

I commenced at a Point on the County Road in ~~S.W. 1/4~~ S.W. 1/4
Sec 16 in T. 5. S. R. 41, E. W. M. N 89° E 53 Rods distant from
the S.W. corner of Sec 16 a Pine 30 inches diameter marked R.

Thence I run S 89° W 63 Rods A 1

" N 48° 45' W 104 " A 2

" N 45° 30' W 152 " A 3

a Granite Stone 10 x 12 x 20 inches marked I. M.

Thence N 47° 30' W R. T. a Pine 11 inches diameter marked R. T.
from which a Pine 12 in dia. Bears S 40° W 23 links dist.
marked R. T. B. T.

a Pine 12 inches dia. Bears N 38° E, 43 links dist.
marked R. T. B. T. and situated on the County
Road near A. 63 on said Road in the N. W. 1/4 Sec. 17
T. 5. S. R. 41, E. W. M.

J. W. Kimbrell County Surveyor

Note

The proposed change in this Road as to distance is as follows
Old Road 379 Rods } difference 6 Rods. J. W. Kimbrell Co. Surveyor
New Road 385 " }

File 2 May 25th 1889
Asst. Post Office Clerk
By James Dennis
Steph

Tenth Judicial Day

Wednesday May 10th 1889

Court met pursuant to adjournment.

The same officers were present as on yesterday

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

O. P. Goodall
County Judge

Thereupon the following proceedings were had, to wit:-

In the Matter of the Appropriation
for the Improvement of Road
in Eagle Valley petitioned for
by J. W. Palladay et al No 1

Whereas on the 4th day of May 1889, during the vacation of this Court it became necessary to change the Superintendent of the Improvement and expenditure of the appropriation above named, owing to the failure of Fred Simonis Sr. to qualify. And whereas the Hon. O. P. Goodall County Judge and Hon. G. W. Bennehoff County Commissioners acting conjointly did on said day cause to be made and entered of record in the Journal of this Court an order recinding the appointment of said Fred Simonis Sr. as such Superintendent and appointing Mark P. Lee in the room and place of said Simonis and directing the County Clerk to issue warrants in favor of said Lee for the amount of such appropriation, to wit \$2000.⁰⁰ And it now appearing to the Court that such action was wise and proper in the premises, Now therefore it is ordered by the Court that the action of said County Judge and Commissioners and the order made by them as aforesaid be and the same is hereby in all things approved, ratified and confirmed.

In the Matter of the Application
of L. B. Reichart for permission to
turn the County Road known as
the Union and Cornucopia Road
through another part of his own
Land.

This matter came on to be heard at this time on the petition of L. B. Reichart from which it appears that petitioner is the owner of the S^W 1/4 of N^W 4, the S^E 1/4 of N^W 4, the N^W 1/4 of

Tenth Judicial Day

Wednesday May 15th 1889

SE⁴ and NE⁴ of NW⁴ Sec 17 T5 SR 41 E N. M. and S² of SE⁴ Sec 17 T5 SR 41 E N. M.
 That the public highway leading from Union to Cornucopia in Union County Oregon runs through said lands of petitioner.
 That petitioner is desirous of turning said road to another part of his said lands and applies to the Court for leave and permission of the Court to turn such road through another part of his said lands and that the change desired will place the road upon as good ground as it now occupies through his said lands and will not materially increase the distance to the injury of the public, and it appearing to the Court that petitioner has filed a good and sufficient undertaking herein. It is therefore considered and ordered that W^m Stokes Gillispey and A Vandevanter be appointed viewers and J. W. Kimbrell surveyor to view and survey said proposed change and report to the Court according to law and that they meet at the Shingles Mill on said road on May 25th 1889 at 10 o'clock A. M. and duly qualify before they proceed with their duties on this behalf.

In the matter of }
 Water Right }

It appearing to the Court that it would be greatly to the advantage of the County poor farms to have the use of running water for irrigation and other purposes. and that the ditch and water right conveying water across the lands of the Poor Farms, belong to or are said to belong to L. B. Rinehart, W. D. Beidleman, Charles Miller, W. H. Ostrander and N. D. Johnson. It is therefore considered and ordered by the Court that if an undivided one eighth interest in and to said water ditch, water right, and right of way for same can be purchased for not to exceed one hundred dollars (\$100.00) and a good title obtained for same that it be purchased.

In the matter of Issuing }
 Warrants for the Salary }
 of County Judge and }
 County Treasurer }

It appearing to the Court that the Salaries of County Judge and County Treasurer are fixed by the law. It is therefore ordered by the Court that the County Clerk draw warrants on the Treasurer on the last day of each month for the amount of their respective salaries.

First Judicial Day

Wednesday July 3rd 1889

yard, and that sealed bids be received by the Clerk of this Court up to July 20th 1889. at noon on said day.

In the Matter of the
proposed County Road
petitioned for by John
Stoddard and others.

At this time it appearing to the Court that the Road petitioned for by John Stoddard and others was heretofore viewed, surveyed, laid out according to law. That John O'Bryant and Henry Bauer presented to the Court claims for damages, that appraisers were regularly appointed to assess the damages that would accrue to said claimants by reason of said road, that said appraisers reported in writing, and the Court having duly considered the matter and the reports of the viewers and surveyor having been read on two different days of this Court and the Court not deeming the road of sufficient public utility to the people of the County to warrant the Court in paying said damages out of the County Treasury, ordered that the said proposed road be declared a public highway and opened according to law whenever the petitioners pay the damages awarded by said appraisers. And it now appearing to the Court that said petitioners have paid the said damages in full, It is therefore considered and ordered by the Court that said proposed road be declared a public highway and that the Supervisor of the Road District wherein said road is, to wit J. P. Gorch, Supervisor of Road Dist. No 25, be ordered to open up said road according to law. And the Clerk of this Court is hereby ordered to place the Surveyors plat and field notes on record.

In the Matter of a
Change in the County
Road petitioned for
by L. B. Rinehart

This matter came on to be heard upon the Report of the Viewers and Surveyor heretofore appointed herein and said reports having been read in open Court for the first time are laid over for a second reading on some other day of this term of this Court.

Second Judicial Day

Friday July 0^d 1889

in the vicinity thereof, we therefore recommend that said proposed road be laid out and declared a public highway of said county.

N. B. Bowman

Wm Ashby

N. S. Blaine

In the matter of the proposed }
County Road petitioned for }
by L. B. Rinehart }

This matter came on to be heard on the Reports of the Viewers and Surveyor for a second reading as provided by law. And said reports having now been read on two different days of this term of this Court and no remonstrance having been filed or cause shown why said road be not declared a public highway, and it further appearing that said Viewers report favorably thereon and recommend that said road be established as a public highway of Union County, ^{as soon as made a good passable highway by petitioners} and all the proceedings herein having been regular and according to law. It is therefore ordered that said reports be approved and said Viewers Report be spread on this Journal and the Plat and Field Notes of Surveyor be placed in the County Road Plat Book and said road declared a Public Highway of Union County and ordered opened according to law.

Report of Viewers

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

The undersigned viewers heretofore on the 16 day of May 1889, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by L. B. Rinehart et al. beg leave to report that on the 17 day of May 1889, 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 much 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 as soon as made in good passable condition.

Jasper Gillaspay
Wm M. Stokes

In the matter of the }
purchase of a Water }
Right & ditch for the }
County Poor Farm }

It appearing to the Court that heretofore, to wit on May 1st 1889 an order of this Court was made for the purchase of an