

No 237

in
Circuit Court

Thomas Brasher
Plaintiff

vs
Mary W Hannah
Administratrix of the
Estate of said Hannah
deceased Defendant

Action for Change of Deed

Docket A Page 422

D. H Crawford

Attorney for Plaintiff

Attorney for Defendant

RECEIVED
FEBRUARY 11 1885
CLERK OF THE COURT
NEW YORK

1889
July 5th Pet Read - Verdict appd
Jul D p 688

Sept 4th Claim for damages filed and
Appraised Appd Jul D p 625
Sept 7/89 Bills allowed Jul D p 661

She within profession
County from with

be a public highway
of this county and order
open when the

petitioners pay the
damage as per above

Jul D p 731 Dec 7/89
Jul D p 152 Appraised Bills paid

Mar 5/90 Verdict and Appraisal
Reports 1st reading Jul D p 805
Mar 6/90 Order opened
Jul D p 865

Road
petitioned for by J. Brooks et al

Commencing at NE corner of SE 4
Sec 2 T8S R46 E10M thence West
3 miles to L. Hogg road

DIRECTIONS - Place papers on TOP OF RUBBER
Fold ends first then sides. Throw the rubber cords
over the ends and package is complete

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: AS near as practicable commencing at the northeast corner of southeast 1/4 of southeast quarter of Sec. 2, township 8, South range 46, E. W. Meridian, thence west 2-1/4 miles, thence west one half mile on Joel Hewitt Road, thence west 1/4 of a mile to a stake on the Lewis Flora Road all of the Joel Hewitt road excepting aforesaid one half mile to be abandoned.

Names.

J. C. Brooks,
Joel Hewitt,
Henry K. Oliver,
E. Estes,
James Mills,
Edwin Mills,
George Oliver,
C. A. Oliver,
A. P. Greener,
R. J. Johnson,
O. S. Stewart,
F. M. Stewart,
Henry Foster,
J. B. Wood,
Geo. O'Connor,
Henry J. Baker,
T. R. Irwin,
L. H. White,
Henry Clark,

Names.

John Morrison,
C. Steeleman,
Monroe Updike,
J. V. Leep,
I. N. Pancake,
R. Reed,
John H. Irwin,
L. Flora,
R. D. Hinckley,
J. A. Denny,
Joseph, Keiffer,
Mr. Isaac Hewitt,
A. N. Curry,
J. H. Haysen,
E. Leep,
Wm. E. Leep,
Selby Leep,
John Bloom,
J. H. Chandler,

J. A. Denny,
T. Leep,
R. H. Boyles,
Wm. Spencer,
J. Eriksen,
T. N. Proffitt,
K. A. Leep,
J. P. Landrum
J. L. Hoopingarner.

J. Westerdale,
James Lee,
J. L. Lee,
John S. Curry,
A. R. Stalker,
H. H. Grubb,
~~H. D. Landrum,~~

Endorsed:- Filed July 1st, 1889.

A. T. Neill, Clerk,
By Turner Oliver, deputy.

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

I, R. Reed, 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 on a board on Louis Mehlhorn's fence near the beginning, second at the crossing of A. P. Greener's road, third on Pine Tree on Louis Flora Road, terminas, thirty days previous to the presentation of the road petition therein mentioned, to-wit:

On the 29 day of May, 1889, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the _____ day of _____, 1889, 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 Town of Union, in said County and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

R. Reed,

Subscribed and sworn to before me this 28th day of June, 1889.

Wm. McKinnell,

Notary Public for Oregon.

(Notarial Seal)

Endorsed:- Filed July 1st, 1889,

A. T. Neill, Clerk,

BY Turner Oliver, deputy.

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

I, Turner Oliver being first duly sworn, say that on the 31st day of May, 1889, 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 town of Union, in said County and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Turner Oliver.

Subscribed and sworn to before me this 5th day of July, 1889.

A. T. Neill, Clerk,

By O. F. Bell, deputy

(No filing.)

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 3 day of July, 1889, respectfully present to said court a petition praying said Court to lay out, alter and establish a County Road within said Co, on the following line or route, to-wit:

As near as practicable commencing at the northeast corner of southeast 1/4 of ^{S. E.} southeast 1/4 of Sec. 2, Township 8, S. Range 46, E. W. M. thence west 2-1/4 miles thence west 1/2 mile, on Joel Hewitt road, thence west 1/4 mile, to a stake on Louis Flora Road, all of the Joel Hewitt Road except the ^{above} said one half mile to be abandoned.

Names.

J. C. Brooks,
 Joel Hewitt,
 Henry K. Oliver,
 E. Estes,
~~Edwin Mills~~
~~Edwin Mills~~
~~Isaac Hancock~~
~~George Oliver~~
~~R. Beard~~
~~C. A. Oliver~~
~~John H. Irwin~~
~~A. T. Greenough~~
~~Ed. Flora~~
~~R. Johnson~~
~~R. D. Hinchley~~
~~O. S. Stewart~~
~~T. A. Denny~~
~~F. M. Stewart~~
~~Joseph Keiffer~~
~~Henry Foster~~
~~Mrs. Isaac Hewitt~~
~~T. B. Wood~~
~~A. N. Curry~~
~~Geo. O'Connor~~
~~J. H. Haysen~~
~~Henry J. Barber~~
~~E. Leep~~
~~J. R. Irwin~~
 Wm. E. Leep,

Names.

~~John Morrison~~, L. H. White
~~C. Steeleman~~, Henry Clark
~~Monroe Updyke~~, J. A. Denny
~~J. V. Leep~~, J. Leep
~~T. R. Irwin~~, R. H. Boyles
~~Edwin Mills~~, Wm. Spencer
~~George Oliver~~, John Erickson
~~C. A. Oliver~~, J. N. Proffit
~~A. P. Greener~~, H. A. Leep
~~R. G. Johnson~~, H. D. Sandrum
~~O. S. Stewart~~, J. L. Hoopingarner
~~F. M. Stewart~~, John Morrison
~~Henry Foster~~, C. Steelman
~~J. B. Wood~~, Monroe Updyke
~~George O'Connor~~, J. V. Leep
~~Henry J. Baker~~, J. N. Hancock
~~Selby Leep~~, R. Reed
 John H. Irwin

L. H. White, <i>L. Flory</i>	John Bloom,
Henry Clark, <i>P. D. Kinkeley</i>	J. H. Chandler,
J. A. Denny,	J. Westerdale,
T. Leep, <i>Joseph Keiffer</i>	James Lee,
R. H. Boyles, <i>Mr. Isaac Hewitt</i>	J. L. Lee,
Wm. Spencer, <i>A. N. Curry</i>	John S. Curry,
John Erickson, <i>J. N. Hayden</i>	A. R. Stalker,
T. N. Proffitt, <i>E. Leep</i>	H. H. Grubb,
K. A. Leep, <i>Wm. E. Leep</i>	H. D. Landrum,
J. L. Hoopingarner, <i>Seby Leep</i>	

Posted May 31st, -89, T. O.

(No filing.)

KNOW ALL MEN BY THESE PRESENTS, That we, J. C. Brooks and John H. Irwin of the County of Union and State of Oregon, are 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 the 28th day of June, 1889.

Now, the condition of the above obligation is such, that whereas, if the county road petitioned for by J. C. Brooks and others and presented at the July Term, 1889, of the County Court of said Union County, commencing at the northeast corner of southeast quarter of the southeast quarter of Sec. 2, township 8, South range 46, E. W. M. thence west 2-1/4 miles, thence west 1/2 of mile, on Joel Hewitt Road, thence west a quarter of a mile to a stake on the Louis Flora Road all of the Joel Hewitt road excepting the aforesaid one half mile to be abandoned, be located and established then this obligation to be void, otherwise, to remain in full force and virtue in law.

J. C. Brooks,

John H. Irwin.

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

I, John C. Brooks, and I. John H. Irwin, 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, and that I am a resident and householder in said County and State.

J. C. Brooks,

John H. Irwin,

Subscribed and sworn to before me this 28th day of June, A. D. 1889.

Wm. McKinnell,

Notarial Seal.

Notary Public for Oregon,

Endorsed:-

Bond of Road Petitioners.

Filed July 1st, 1889.

A. T. Neill, Clerk,

By Turner Oliver, deputy.

REPORT OF VIEWERS.

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

The undersigned viewers heretofore on the 3rd day of July, 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 J. C. Brooks, et al, beg leave to report that on the 30th day of July, 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 said 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.

L.F. Jennings,

L. L. Holcomb,

W. T. Bennehoff, Viewers.

Endorsed:- Filed Aug. 27th, 1889,

A. T. Neill, Clerk,

By Turner Oliver, deputy.

cd

Field notes of survey of the proposed County Road of J. C. Brooks and others.

I commenced at the N. E. Corner of S.E.1/4 S.E.1/4 Sec. 2, in T. 8, S. R. 46, E. W. M. Planted a stone 8 x 10 x 18 marked "R".
thence west 320 rods a stone 10 x 10 x 16 marked "1 M."
thence west 320 " a Stone 9 x 11 x 17 in, marked "2 M."
thence west 320 " a stone 8 x 10 x 20 in, marked R.T.
and situated at the S. W. Corner N.W.1/4 S.W.1/4 Sec. 4, in T.8, S.R. 46, E. W. M.

J. W. Kimbrell,
Co. Surveyor.

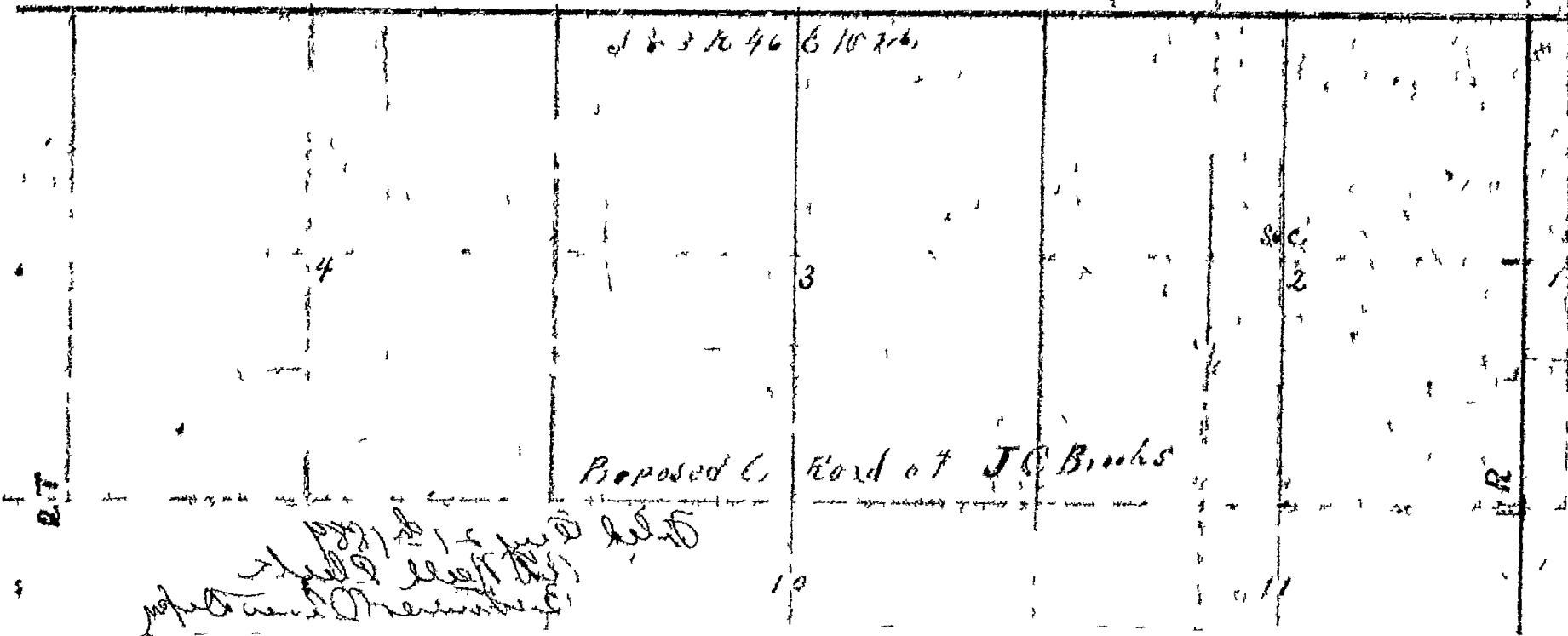
I hereby certify that the within field notes and plat hereto attached is a true description of the proposed County Road of J. C. Brooks and other, as surveyed by me, on the 30th day of July, 1889.

J. W. Kimbrell,
County Surveyor for Union
County, Oregon.

Endorsed:- Filed Aug. 27th, 1889.

A. T. Neill, Clerk,
By Turner Oliver, deputy.

Turner Oliver



1 2 3 10 46 6 10 20

4

3

Proposed C. Road at J.C. Brooks

Proposed C. Road at J.C. Brooks
 (with large arrow pointing right)

10

11

R

RT

REPORT OF VIEWERS.

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

We, the undersigned viewers heretofore on the 4th day of September, appointed to view out and assess the damages claimed by James McNutt, in the matter of the proposed county road petitioned for by J. C. Brooks et al. Beg leave to report that on the 18th day of September, 1889, we, after being duly sworn to discharge our duty faithfully and impartially, proceeded to view said proposed road the whole distance through the premises of James McNutt, complaintant, and to assess and determine how much less valuable said premises of said complaintant would be rendered by the opening of said road, and we find that the premises of said complaintant James McNutt would be rendered \$50.00 less valuable, and that the premises of complaintant James McNutt would be rendered \$50.00 less valuable, and the premises of the complaintant James McNutt would be rendered \$50.00 less valuable by the laying out and establishment of said proposed road as a public highway of said County, and recommend that \$50.00 be paid to said complaintant before laying out and establishing said road as a public highway.

W. W. Kirby,

I. N. Young.

Endorsed:- J. C. Brooks Road.

Report of appraisers on Damages.

Filed Sept. 20th, 1889.

A. T. Neill Clerk,

By Turner Oliver, deputy.

Comp

In the matter of the proposed County
Road Petitioned for by J. C. Brooks
and Others.

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

We, I. N. Young, W. W. Kirby, and Frank P. Lee,
having been appointed by the County Court of Union County, to view
the premises of James McNutt, and assess the damages that would
accrue to him by reason of the establishment of the County Road
petitioned for by J. C. Brooks and others, having been first duly
sworn say that we will faithfully and impartially perform said duty
to the best of our ability and judgment, so help us God.

W. W. Kirby,
I. N. Young,
_____, Appraisers.

Subscribed and sworn to before me this 18th day of September, 1889.

M. A. Scott,
Justice of the Peace,
Pine Valley Precinct, Union
County, Oregon.

Endorsed:- In the matter of the proposed road petitioned for
By J. C. Brooks. *at d*

Oath of Appraisers.

Filed Sept. 20th, 1889.

A. T. Neill, Clerk,
By Turner Oliver, deputy.

to read

Newbridge, Oregon, November 26th, 1889,

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

We, the undersigned, appraisers to appraise the damage on the county road petitioned for by J. C. Brooks and others, and passing through the farm of James McNutt, and we find the damage done to Mr. James McNutt by said road to amount to the sum of Fifty dollars to the best of our judgment.

I. N. Young,

W. W. Kirby.

Subscribed and sworn to before me, the undersigned, notary Public
this 26th day of November, A. D. 1889.

L. F. Jennings, Notary Public
For Oregon,

Notarial Seal.

Endorsed:- Filed Dec. 5, 1889,

A. T. Neill

Clerk.

CJ

Pine Valley, Union Co. Oregon.

Jan. 30, 1890.

Received of J. C. Brooks, Fifty Dollars (\$50.00) in full for damage done by County Road proposed by J. C. Brooks, et al, and so awarded by said county court of Union Co. Oregon, at Union on a day of December, 1889.

James McNutt,

Witnesses.

Edward McNutt,

Albert Curry.

Endorsed:- Filed February 3rd, 1890/

A. T. Neill Clerk,

By Turner Oliver, Deputy.

Comp.

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

In the matter of the County)
Road petitioned for by J. G.)
Brooks, et al.)
-----)

S T A T E O F O R E G O N,)
County of Union.) ss:

I, G. W. Benson,
County Clerk of Union county, Oregon, do hereby certify that
the foregoing is a true and correct transcript of the original
papers in the above entitled road matter transferred to Baker
county, Oregon.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the seal of the county
Court, this 30th day of June, A. D.
1902.

G. W. Benson Clerk.

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

Be the Matter of the
County Road Edition
as for say J. W. Brown,
et al.

Manuscript of Papers
transferred to Bates
County, Oregon.

This June 30, 1902.

W. W. Brown,
Clerk.

Second Judicial Day

Friday July 5th 1889

Court met pursuant to adjournment.

The same officers were present as on yesterday.

Read proclamation of the opening of Court having been made the Journal of Wednesdays proceedings was read, approved and is here now signed.

W. S. Goodall
County Judge.

Thereupon the following proceedings were had, to-wit:

In the matter of the
Proposed County Road
petitioned for by J. B.
Brooks and others

Comes now J. B. Brooks one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit:

Commencing at the N.E. Corner of S.E. Sec 2 T8R46E N.M. thence West $\frac{1}{4}$ miles, thence West $\frac{1}{2}$ mile on the Joel Hewitt road, thence West $\frac{1}{4}$ mile to a Stake on the Louis Oloro road, all of the Joel Hewitt road except the above mentioned one half mile to be abandoned. 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 Union, County of Union State of Oregon, and also in three public places in the vicinity of said proposed road, to-wit: One on Board on Louis Melkhor's place near the point of beginning, one at the crossing of the N.E. Green road and the third on a pine tree on the Louis Oloro road at the terminus, 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.

Second Judicial Day

Friday July 5th 1889

It is therefore ordered that L. J. Jennings, W^m Benschhoff and L. S. Holcomb be appointed Viewers of said road, and that J. M. Kimbrell be appointed Surveyor of said road, and that they meet at the house of Louis Menthorn on the 30th day of July 1889 at the hour of 10 o'clock A.M. and after qualifying, view, survey and lay out said road according to law.

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

Comes now John H. Brown, one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit:-

Commencing at the Cornucopia and Union County Road 430 yards N.W. of the N.W. corner of Sec 35 T7 R45 E. N.M. running thence in a Southerly direction to the N.W. corner of Sec 35, thence East 3 1/2 miles on Township line to S.E. corner of Sec 32 T7 R46 E. N.M. intersecting the L. Hloy road. 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 Union, County of Union, State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit: One on a Pine Tree at place of commencement, one on S. Painter's fence at the M^cKimbell road crossing, and the third at the Terminus on a fence post on the Louis Hloy 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 L. J. Jennings, W^m Benschhoff and L. S. Holcomb be appointed Viewers of said road, and that J. M. Kimbrell be appointed Surveyor of said road, and that they meet at house of Clark Curry on the 30th day of July 1889 at the hour of 10 o'clock A.M. and after qualifying view, survey and lay out said road according to law.

Be it remembered that at a Regular Term of the County Court of the State of Oregon for Union County begun and held at the Court House in the City of Union on Wednesday the 4th day of September 1889, the same being the Wednesday after the first Monday in said Month and the time fixed by law for holding a regular Term of said Court there were present:

The Hon. O. P. Goodall County Judge
 The Hon. John McDonald Commissioner
 The Hon. G. W. Bennehoff Commissioner
 A. J. Neill County Clerk
 and A. N. Hamilton Sheriff.

Due Proclamation of the opening of court having been made the following proceedings were had, to-wit:-

In the matter of the }
 Special order to }
 M. D. Warren Road Sup. } At this time it appearing to the Court that M. D. Warren, Road Supervisor of Road Dist. No. 5, has failed and neglected to carry out a special order of this Court made and entered and Copy furnished him, ordering and directing him to close up certain water ditches running down certain County roads in his district. It is therefore ordered that a Citation issue to said M. D. Warren ordering him to appear before this Court forthwith to show cause, if any he has, why said order has not been complied with.

In the Matter of the }
 Proposed County Road }
 petitioned for by J. H. }
 Erwin et al. } This matter came on to be heard at this time on the Reports of the Viewers and Surveyor heretofore filed herein and said Reports having been read in open Court for the first time and laid over for a second reading on some other day of this term.

In the Matter of the }
 Proposed County Road }
 petitioned for by J. H. }
 Brooks et al. } This matter came on to be heard at this time on the Reports of the Viewers and Surveyor heretofore filed herein and on the Claim of Jas. McNitt for damages, and said report of the viewers having been read in open Court for the first time and it appearing that said Viewers report favorable on said road and

First Judicial Day

Wednesday Sept 4th 1889

recommend that it be declared a public highway, but that one James McNutt across whose lands said proposed road extends has filed a claim for damages by reason of the building of said proposed road across his said lands. It is therefore ordered that J. N. Young, W. W. Kirby and Frank P. Lee be appointed appraisers to meet at Audell's store in Pine Valley on Wednesday Sept 18th 1889 and after being duly sworn to faithfully and impartially perform their duties in this behalf that they proceed to view the premises of said James McNutt the whole distance through which the said proposed road would pass and report to this Court in writing how much less valuable the premises of said James McNutt would be rendered by reason of the construction of the said proposed road than the said premises are worth at the present time.

In the Matter of the Proposed
County Road petitioned for
by W. Robbs and others

This matter came on to be heard at this time on reports of the Viewers and Surveyor heretofore filed herein, and on the Motion of John Fredmore to dismiss the Petition herein, and on the Motion of John Fredmore to strike from the files the report of Viewers herein, and on the Claim for Damages filed herein by John Fredmore. And said Report of Viewers having been read in open Court for the first time and it appearing that said Viewers report favorably on said proposed road and recommend that it be declared a public highway. It is ordered that said Report be laid over for a second reading on some future day of this Court as required by law. And the Court having considered said motions to dismiss petition herein and to strike from the files of the Court said Report of Viewers and being fully advised in said matters It is ordered and adjudged by the Court that both of said motions be overruled and denied. And it appearing to the Court from the said claim for damages filed by said Fredmore aforesaid, that the said claimant John Fredmore is the owner of the NW^{1/4} of SE^{1/4} NE^{1/4} of NW^{1/4} and W^{1/2} of NW^{1/4} Sec 36 and the SE^{1/4} of Sec 35 and the NE^{1/4} of Sec 35 22 & R 37 2nd 1st across which lands this proposed road would extend as claimant alleges a distance of three fourths of a mile after leaving the old County Road by reason of which claimant alleges he would be damaged in the sum of \$750⁰⁰. It is therefore ordered that John A. Childer Archie Little and Jas. P. Walley be appointed appraisers to view the premises of said claimant above set out, and report in writing to this Court how much less valuable said premises would be rendered by reason of the construction of said road.

Fourth Judicial Day

Saturday Sept 7th 1889

In the Matter of the
Proposed County Road
petitioned for by J. B.
Brooks and others

This matter came on to be heard on the report of
J. M. Kimbrell County Surveyor on the expense and bills incurred on
the survey of the Proposed County road petitioned for by J. B. Brooks
and others as follows, to-wit:-

"North Powder Cr Aug. 12, 1889

In the matter of the Proposed Co. Road of J. B. Brooks and others,
Union Co. Oregon Dr.

To L. L. Koldcomb	Viewer	one day 2 ⁰⁰	Milage 2 ⁷⁰	\$ 4.70
To W ^m Bennhoff	Viewer	one day 2 ⁰⁰	Milage 2 ⁸⁰	\$ 4.80
To L. J. Jennings	Viewer	one day 2 ⁰⁰	Milage 2 ⁷⁰	\$ 4.70
To Ed. Mehlhorn	Chairman	one day		\$ 2.00
To C. A. Oliver	"	"	"	\$ 2.00
To J. M. Kimbrell Surveyor	one day	4 ⁰⁰	Milage 5 ⁰⁰ Plat 2 ⁰⁰	\$ 11.00

I hereby certify that the above Bills are correct.

J. M. Kimbrell Co. Surveyor

And it is now hereby ordered that said statement be approved
and said Bills audited and allowed by the Court.

Therefore it was ordered that Court be now adjourned till Monday
morning at ten o'clock

Second Judicial Day

Thursday Nov 7th 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. Goodwill
County Judge

Thereupon the following proceedings were had, to-wit:-

In the matter of the Proposed
County road petitioned for
by O. W. Hamilton et al.

It appearing to the Court that the persons heretofore appointed by this Court to appraise the damages on the County road petitioned for by O. W. Hamilton and others failed to perform that duty, and that Ed Garret, one of said appraisers was and is absent from the State, It is therefore ordered that R. J. Childers be appointed to act with J. N. Riechart and R. M. Oliver in appraising said damages as set out in the former order of this Court, and that they meet at the house of R. M. Oliver on Saturday Nov 16th 1889 or within five days thereafter and proceed to view the said premises and report as set out in said former order of this Court, having first subscribed an oath to faithfully and impartially perform their duties in this behalf.

In the matter of the
proposed County Road
petitioned for by J. C.
Brooks and others

It appearing to the Court that the appraisers heretofore appointed to appraise the damages on the County road petitioned for by J. C. Brooks and others, to-wit: J. N. Young, W. M. Kirby and Frank P. Lee, have failed to report to this Court the result of their labors. It is ordered that this matter be continued until Dec 2nd 1889, and said appraisers be notified to file their report before that time.

Sixth Judicial Day

Wednesday December 4th 1889

road districts in which said road is located be furnished with a copy of the petition herew, 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 J. B. Brooks et al }
 3

This matter came on to be heard at this time upon the report of the appraisers heretofore appointed by this Court to appraise the damages that would accrue to Jas McNutt by reason of the construction of said proposed road, and it appearing to the Court that said appraisers report that they find upon examination that the premises of said James McNutt would be rendered \$50⁰⁰ less valuable by the construction of said proposed road and the Court not deeming said road of sufficient public utility to warrant the Court in ordering said damages paid out of the County treasury It is ordered by the Court that said road be not declared a public highway until the petitioners shall have paid the damages as appraised to said McNutt and filed with this Court the receipt of said McNutt for the same, or if said McNutt refuses to accept said sum of \$50⁰⁰ and give his receipt for the same in full for all damages that might accrue to him by reason of the construction of said proposed road, then and in that event said petitioners may deposit with the clerk of this Court for said James McNutt said sum of \$50⁰⁰ in full for the damages so appraised.

In the matter of a }
 settlement with Nelson }
 Schoonover Supt Poor Farm }
 3

This matter came on to be heard upon the Bill of Nelson Schoonover for \$461⁸³ for supplies used on the County Poor Farm while he was Superintendent thereof, and he files with his said Bill vouchers for the different items of such bill, and it appearing to the Court that said bill is just and correct and that said supplies were bought and paid for by said Schoonover and were used on the County poor farms, It is therefore ordered that said bill be approved and allowed on the Contingent fund.

Sixth Judicial Day

Wednesday Dec 4th 1889

In the matter of the }
 County road petitioned }
 for by G. W. Hamilton et al } This matter came on to be heard at this
 time upon the Bill of R. J. Childers for \$4⁰⁰ and the Bill of R. M.
 Oliver for \$3⁰⁰ for appraising damages on the G. W. Hamilton Road
 and the same appearing correct and just and ordered paid

In the matter of the }
 County road petitioned for }
 by G. Brooks et al } At this time it is ordered that the following
 bills be allowed in the above entitled matter, to-wit:-
 M. N. Kirby \$5⁰⁰ and J. N. Young \$5⁰⁰ for appraising damages and
 L. P. Jennings .75 for swearing appraisers.

In the matter of the }
 County road petitioned }
 for by J. R. Hayes et al } This matter came on to be heard upon the Bill
 of Viewers, Marker & Surveyor on the resurvey of the County road
 petitioned for by J. R. Hayes et al. and it is ordered by the
 Court that said Bills be allowed as follows, to-wit:- C. L.
 Bleeker Marker \$3⁰⁰ Ed Mace Chairman \$3⁰⁰ J. P. McKinley
 Chairman \$3⁰⁰ J. M. Kimbrell Surveyor \$7²⁰

In the matter of the }
 County Road petitioned }
 for by Rudolf Hugel et al } At this time it is ordered by the Court that
 the following bills be allowed in the above entitled matter, to-wit:-
 J. H. Norval Viewers \$2⁰⁰, Wood & Clark \$2⁰⁰, Jerry Tuttle \$2⁰⁰ and
 J. M. Kimbrell \$18²⁰ for surveying the same.

In the matter of the }
 Bridges over Indian Creek }
 of } This matter came on to be heard upon the bill
 of M. N. Park for \$324⁰⁰ for building the bridge over Indian
 Creek at the Cummins Crossing, and in appearing to the Court
 that said Park has completed the said bridge according to Contract
 and that the above road the Contract price in County warrants
 the same is allowed by the Court.

First Judicial Day

Wednesday March 5th 1890

In the matter of Issuing Warrants to cover the appropriation hereofore made on the Road petitioned for by J. J. Turner et al. } This matter came on to be heard at this time and it appearing to the Court that hereofore, to-wit: on October 16th 1889 this Court made an order appropriating the sum of \$300⁰⁰ to be used in opening up the road petitioned for by J. J. Turner et al. around what is known as Lyon Hill, and that Nelson Schoonover was appointed to superintend said work. And it appearing that said Schoonover performed the work as directed until the weather would not permit the completion of said work, and then made settlement with this Court on January 14th 1890 and received for his work the sum of \$75⁰⁰. That at said settlement he accounted to the Court for the full sum of \$300⁰⁰ in County warrants, but that he had not in fact received said warrants, and this Court never having given direct orders to the Clerk to issue said warrants they have not yet been issued, and are now justly due to said Nelson Schoonover. It is therefore now ordered that the Clerk issue warrants for \$300⁰⁰ on the County Fund in favor of said Nelson Schoonover in full of said appropriation.

In the matter of the }
Roads petitioned for by }
A. R. Stalker et al. }

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

In the matter of the }
Road petitioned for }
by J. C. Brooks et al. }

This matter came on to be heard at this time upon reports of the Viewers and Surveyor for a first reading at this term of this Court, and upon the receipt from Jas. M. Hill herein filed for \$50⁰⁰ in full for damages allowed him by the appraisers. And said receipt is ordered filed with the papers and said Reports having been read in open Court for the first time at this term and laid over for a second reading on some other day of this term.

Second Judicial day

Thursday March 6th 1890

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. S. Jewell
County Judge

Thereupon the following proceedings were had, to-wit:-

In the matter of the
Proposed County Road
petitioned for by J. B. Brooks et al

This matter came on to be heard at this time on the reports 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 3rd day of July 1889 appointed to view and lay out and after the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by J. B. Brooks et al. beg leave to report that on the 30th day of July 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 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 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.

L. J. Jennings
L. B. Golcomb
W. J. Jennehoff

And said report of the Viewers and the report of the Surveyors having been now publicly read in open Court on two several days of the present term of the Court, and it appearing

Second Judicial Day

Thursday March 6th 1890

to the Court that said viewers report favorably thereon and recommend that said proposed road be established as a County road and be declared a public highway of Union County, Oregon, and all the proceedings herein having been regular, and according to law, and no remonstrance or claim for damages having been filed herein except the claim of Jas McNeill for damages which has been heretofore disposed of, 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 reports of the viewers and surveyor be approved and adopted by the Court, and that said proposed road be declared a public highway of Union Co., 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 A. P. Greenes Road Supervisor of Road District No 31, the same being the road district in which said road is located be furnished with a copy of the petition herein, and a copy of this decree, and ordered to open up said road and place the same in repair for travel.

In the matter of the Proposed
County Road petitioned for by
A. R. Stalker et al

This matter came on to be heard at this time on the reports 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 viewed heretofore on the 8th day of January 1890, appointed to view and lay out the proposed County road of which the survey hereto attached is a true and correct description, as petitioned for by A. R. Stalker et al No 1, beg leave to report that on the 8th day of February 1890, in pursuance

Scout Job Office, F. M. Slocum, Lessee, Union, Oregon.

Be It Remembered, That at the Regular Term of the County Court of the State of Oregon, for the County of Union, begun and held at the Court House in the City of Union, in said County and State, on Wednesday, the 6th day of November A. D. 1889, the same being the Wednesday after the first Monday in said month, and the time fixed by law for holding a regular term of said Court, when were present:

- The Hon. O. P. Goodall Judge, Presiding;
- The Hon. John McDonald County Commissioner;
- The Hon. G. M. Bennchhoff County Commissioner;
- A. J. Niell Clerk.
- A. N. Hamilton Sheriff.

When, on Wednesday the 4th day of December A. D. 1889, or the Sixth same offices being present as in first Judicial day of said Term, among others,

the following proceedings were had, to-wit:

In the matter of the proposed County Road petitioned for by J. B. Brooks et. al., This matter came to be heard at this time on the reports of the Viewers and Surveyor heretofore appointed, herein for a second reading as provided by law, and the Report of Viewers being in words following, to-wit:

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 3rd day of July 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 J. B. Brooks et. al., beg leave to report that on the 30th day of July 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 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 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.

L. J. Jennings
L. B. Holcomb
G. M. Bennchhoff

Judicial day except G. M. Bennchhoff absent.

And said report of the viewers and the report of the surveyors having been now publicly read in open court, on two several days of the present term of the court, and it appearing to the court that said viewers report favorably thereon, and recommend that said proposed road be established as a County road and be declared a public highway of Union County, Oregon, and all the proceedings herein having been regular, and according to law, and no remonstrance or claim for damages having been filed herein. Except the claim of Jas McNutt for damages which has been duly appraised at \$50⁰⁰ 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 reports of the viewers and surveyor be approved and adopted by the court, and that said proposed road be declared a public highway of Union Co., 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 _____ Road Supervisor of road District, No. _____ 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.

County Judge.

STATE OF OREGON, }
County of Union. } ss

I, _____ Clerk of the County Court of the State of Oregon, for the County of Union, do hereby certify that the foregoing Copy of Journal Entry has been by me compared with the original Entry, made in the above entitled proceedings now remaining of record in my office; that it is a correct transcript therefrom, and the whole of such original.

IN WITNESS WHEREOF, I have here unto set my hand and the seal of the said Court, this _____ day of _____ A. D. 18_____

Clerk.

By _____ Deputy.