

Law
No 25

Frank Bros Imp Co

vs

D J Schandler

Petition filed March 9th 1892
Viewers appointed Jul Fth 195
" Report read 1 time 213
Ordered open Jul Fth 220

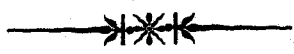
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407

○ Petitioned for by ○
A Derwilliger et al

Beginning at S E Corner
of SW⁴ SE⁴ Sec 31 T² N⁴⁰
and terminating at the
County Road at the SW Cor
of NE⁴ NW⁴ Sec 11 S¹ N³⁹ E

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 9th day of March

A. D. 1892, 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: Beginning at the S.E. corner of the S.W. 4 of

The S.E. 4 of Sec. 31 Twp Two north R. 41 East and running thence North $\frac{1}{4}$ mi. to the N.E. cor. of said S.W. 4 of the S.E. 4 of Sec. 29. Thence West about 290 rods to a stake mark "A" thence in a Southwesterly direction about 90 rods to a stake mark "B" thence N. $\frac{1}{4}$ mi. to the N.W. cor. of the S.E. 4 of Sec. 1 Twp One north R. 39 East. Thence South $\frac{1}{4}$ mi. to the N.E. cor. of the S.E. 4 of the N.W. 4 of said sec. 1 thence West $\frac{1}{4}$ mi. to the S.W. cor. of said S.E. 4 of the N.W. 4 of said Sec. 1 thence South one mi. intersecting the present county road at the S.W. cor. of the S.E. 4 of the N.W. 4 of Sec. 12 East. Twp One N. R. 39 East. all of the above points and places being in Union Co. Or. The above road to be forty feet wide

NAMES:

NAMES:

a Terwilliger
 J W Terwilliger
 J H. Morton
 J J Wickers
 John R. Boly
 James Boly
 Frank Bramant
 S Boly
 Bishop Johns
 James Patterson
 J A. Kirright
 S. B. Thompson

J W Bloodworth
 Julius Bondsbailler
 Dennis Hadden
 James H Wickers
 W R Breshers
 C h Cunningham
 W R Moore
 Eric Cowen
 James Green
 Emil Israf.
 L J Handcard
 H. J. Plumble

10
 voted Feb 3rd 92
 by J
 Leo J. [unclear]

STATE OF OREGON,
County of Union, } ss.

I, Geo W. Benson

being first duly sworn, say that I posted three several notices, of which the notice herunto 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
~~18~~, and that thereafter and thirty days previous to the presentation of said road petition
therein mentioned, to-wit: On the - 3rd - day of February 18 92, I posted a true and correct
copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door, in the
City of Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said
petition as I verily believe.

Subscribed and sworn to before me this

9th

day of

Geo W. Benson
March 18 92
James Oliver
Clerk

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: Beginning at the S.E. corner of the S.W. 1/4 of

the S.E. 1/4 of Sec. 31 Twp. Two N. R. 40 E. 1/4 and running thence north 1/4 mi. to the N.E. cor. of said S.W. 1/4 of S.E. 1/4 of Sec. 31 thence West about 290 rods to a stake marked "A" thence in a south-westerly direction about 90 rods to a stake marked "B" thence West 1/4 mi. to the N.W. cor. of the N.E. 1/4 of Sec. one Twp. one N. R. 29 E. 1/4 thence south ^{about} 1/4 mi. to the N.E. cor. of the S.E. 1/4 of the N.W. 1/4 of said Sec. one thence West ^{about} 1/4 mi. to ^{a point 20 ft north of the} N.W. cor. of said S.E. 1/4 of N.W. 1/4 of said Sec. one thence South one mile intersecting the present County road at the S.W. corner of the N.E. 1/4 of the N.W. 1/4 of Sec. twelve Twp. one N. R. 29 E. 1/4 all of the above points and places being Union Co. Or. The above road to be forty feet wide

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

NAMES:

NAMES:

A Terwilliger
 J. W. Terwilliger
 J. H. Morrison
 J. F. Wickens
 John, Boly
 James Boly
 Frank Brament
 Boly
 Bishop, John
 James Watters on
 J. A. Knight
 S. L. Thompson

J. W. Bloodworth
 Julius Bendshadler
 Dennis Mackler
 James H. Wickens
 W. R. Beshears
 C. H. Cunningham
 W. R. Orville
 Eric Cowan
 James Green
 Emil Graf
 L. Blanchard
 J. J. Plumlee

FILLED.

FEB 6 1892

James Oliver
County Clerk

STATE OF OREGON,
County of Union, } ss.

I, John Nickens

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 along the present county road and at the southern terminus of the proposed road and one ~~but~~ near the residence of J. W. Bloodworth at the terminus of the proposed road being also on the county road and one at the School House, known as Highland School House

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 1st day of Feb. 1892, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the _____ day of _____ 18____, I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door, in the City of Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

John Nickens

Subscribed and sworn to before me this 4th day of March 1892

J. L. Hindman
Notary Public

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That we, John Wickens and Simon Boly of the County of Union and State of Oregon, are held and firmly bound unto said County of Union in the sum of Two 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 4th day of March A. D. 1892

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

and Simon Boly, and others, have

petitioned the County Court of said County of Union, at the March Term, 1892, thereof for a

County Road, commencing at the S. E. cor. of the S. W. 1/4 of the S. E. 1/4 of Sec. 21, Twp. 20 N., R. 40 E. 1/4 mi. thence south 1/4 mi. to the S. E. cor. of said S. W. 1/4 of S. E. 1/4 of Sec. 21 thence West about 290 rods to a stake marked A thence in a southwesterly direction about 90 rods to a stake marked B thence West 1/4 mi. to the N. W. cor. of the N. E. 1/4 of Sec. one Twp. 20 North R. 39 E. 1/4 mi. thence south about 1/4 mi. to a point 20 ft. of the N. E. cor. of the S. E. 1/4 of the North W. 1/4 of said Sec. one thence W. about 1/4 mi. to point 20 ft. north of N. W. cor. of said S. E. 1/4 of N. W. 1/4 of said Sec. one thence south one mi. intersecting the present county road at the S. W. cor. of the S. E. 1/4 of N. W. 1/4 of Sec. 12 Twp. one N. R. 39 E. 1/4 mi. all of which points and places in Union Co., Or. said road to be forty feet wide.

Now, if the above named John Wickens and Simon

Boly shall well and truly pay, or cause to be paid, all costs and expenses that

may be incurred by reason of the view or review of said Road, in case the prayer of said petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

John Wickens

Simon Boly

STATE OF OREGON, } County of Union. }

I, John Wickens and Simon Boly, each for himself, says, that I am worth the sum of Five Hundred Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder in said County and State.

John Wickens

Simon Boly

Subscribed and sworn to before me this 4th day of March A. D. 1892

J. L. Hindman County Clerk Arday Dubee

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

IN THE MATTER OF THE

A. J. Sewell

ROAD.

BOND OF ROAD PETITIONERS.

Approved: *A. J. Sewell* 1892

County Judge.

Filed: *March 9th* 1892
Samuel Oliver
County Clerk.

By _____
Deputy.

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 9th day of March, 1892, 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 A Jernwillagen, et al, beg leave to report that on the 25th day of March, 1892, in pursuance with said appointment and order, after being duly sworn to, faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county.

Chas Hallgarth
C. R. Patton
J. A. Cowan
VIEWERS.

In the Matter of Survey of County Road as Petitioned for by A. Fenwick et al.

To the Hon County Court of Union County Oregon Pursuant to Order We met at Elgin on the 25th day of March 1892 and proceeded to View Out and survey the proposed Road as follows

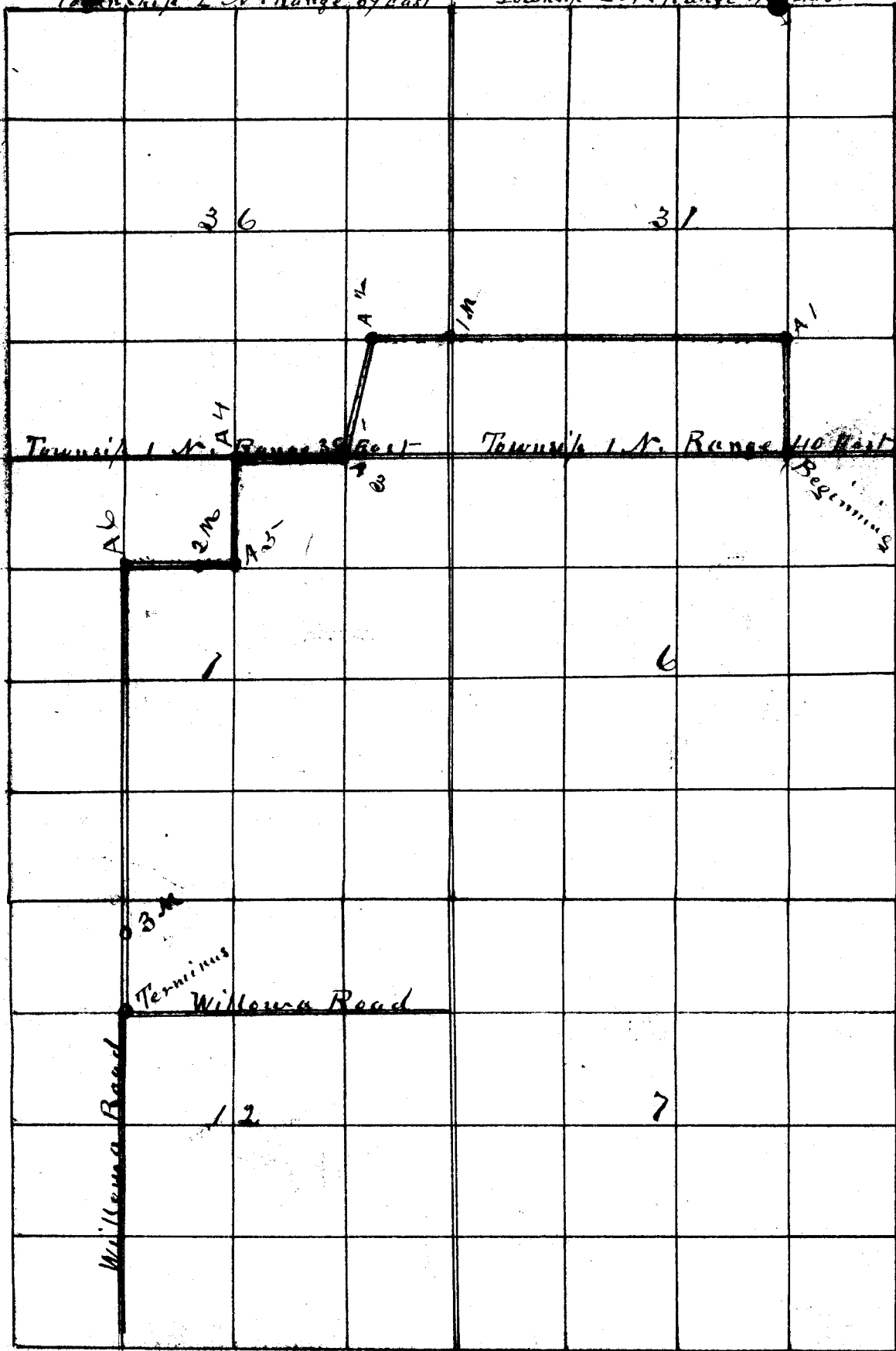
Beginning at the SE corner of the SW⁴ of the SE⁴ of Sec 31. T. 2. N. Range 40 East W. M. and running thence North Nor 20° East

Chs			
20	To	Angle 1	" W
60	"	1 Mile Station	Thence W
13	"	Angle 2	" S 17° West
22	"	" 3	" W
20	"	" 4	" S
20	"	" 5	" W
5	"	2 Mile Station	" "
15	"	Angle 6	" S
65	"	3 Mile Station	" "
17 50	"	Terminus of the proposed Road at the intersection of the Willuna Road at the SW corner of the NE ⁴ of the NW ⁴ of Sec 12 in Township 1. N. Range 39 East W. M. making the whole distance 3 miles and 70 Rods	

J L Curtis
County Surveyor

Township 2 N. Range 39 East

Township 2 N. Range 40 East



Scale 3 in To The Mile

True Meridian 90° E

FITZGERALD.

MAR 20 1892

James O'Brien

County Clerk.

Third Judicial Day

Wednesday March 7th 1892

In the matter of the
proposed road petitioned for
by John Allen et al }

This matter came on to be heard at this time on the remonstrance of J. D. Corban et al, heretofore filed herein and it appearing to the Court that said remonstrance is signed by 23 names and apart of these are not legal householders residing in the vicinity of said road and that the petition is signed by 62 names who are legal householders residing in the vicinity of the said road It is therefore considered and ordered that said remonstrance be overruled and denied

In the Matter of settlement
with J. D. Hunter Supervisor
of Road Dist No 32 }

Comes now J. D. Hunter and presents to the Court his report as Supervisor of Road Dist No 32 for the year ending Dec 31st 1891 and the same being regular It is considered and ordered that said report be approved and his bill for \$79⁰⁰ allowed

In the Matter of the proposed
Road petitioned for by Samuel Morris et al }

This matter came on to be heard at this time on the petition of Samuel Morris et al and on the Remonstrance of Joseph Oliver et al. And it appearing to the Court that the remonstrance against the laying out and establishing of the said proposed road is signed by a larger number of residents and legal householders living in the vicinity of the proposed road It is considered and ordered that said petition be overruled and dismissed.

In the Matter of proposed
road petitioned for by A.
Derwilliger et al }

Comes now A. Derwilliger 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 at the SE corner of T4th of SE⁴ Sec 31 Twp 2 N R 40

Third Judicial Day

Wednesday March 9, 1892

E. W. M. and running thence North $\frac{1}{4}$ mile to NE Cor. of said SW⁴ of SE⁴ Sec 31; thence West about 290 rods to a stake marked "A"; thence in a SW direction about 90 rods to a stake marked "B"; thence N $\frac{1}{4}$ mile to the NW Cor. of the NE⁴ of Sec 2. Sp. 1 N. R. 39. E. W. M.; thence S about $\frac{1}{4}$ mile to a point 20 ft N of the NE Cor. of the SE⁴ of NW⁴ of said Sec 2; thence W about $\frac{1}{4}$ mile to a point 20 ft N of the NW Cor. of said SE⁴ of the NW⁴ of said section 2; thence S 1 mile, intersecting the present County road at the SW Cor. of NE⁴ of NW⁴ Sec 11. Sp. 1 N. R. 39. E. W. M. all the above points and places being in Union County Ore. The above road to be forty feet wide.

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 front of 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 along the present County road and at the southern terminus of the proposed road, one near the residence of J. W. Bloodworth at the terminus of the road, being also on the County road, and one at the School House known as Highland school house, 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 Chas. Hallgarth, Chas. Patten and J. H. Cowan be appointed Viewers of said road, and that J. L. Curtis be appointed Surveyor of said road, and that they meet at Elgin Oregon on the 25th day of March 1892, at the hour of 10 o'clock a.m. and after qualifying to view, survey and lay out said road according to law.

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 the City of Union in said County and State on Monday the 4th day of April 1892 and from day to day thereafter during the continuance of said term when on Wednesday the 6th day of April 1892 or the third judicial day of said term the said County Court opened for the transaction of County Business with the following officers, present, to-wit:

The Hon. _____ County Judge
 " John McDonald Commissioner
 " W. D. Arnold "
 Sumner Oliver Clerk
 J. D. Bolles Sheriff

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

In the matter of the Road }
 petitioned for by A. J. HARRIS et al }

This matter came on to be heard at this time on the Report of the Appraisers heretofore appointed herein to assess the damage that would accrue to A. B. Conley and George Miller by reason of the location and establishment of said proposed road, and the Court not being fully advised in the matter it is considered and ordered that said report be continued until April 21st 1892

In the Matter of the Road }
 petitioned for by John Allen et al }

This matter came on to be heard at this time on the Report of Viewers and surveyor heretofore appointed herein, and upon the affidavits of F. L. R. Holmes & J. F. Smith and upon the motion to dismiss this proceeding, and the Court not being fully advised in the premises It is considered and ordered that this matter be continued until the 21st day of April 1892

In the Matter of the Road }
 petitioned for by A. J. Williger et al }

This matter came on to be heard at this time

Third Judicial Day

Wednesday April 6 "1892

on the Report of Viewers and Surveyor heretofore appointed herein for first reading and said report having been read in open Court for the first time is now laid over for further reading on some other day of this term of Court

In the Matter of Change in Road petitioned for by E. J. Roberts }

This matter came on to be heard at this time on the Report of Viewers heretofore appointed herein for a first reading, and said report having been read in open Court. It is ordered that said report be laid over for second reading on some other day of this term

In the Matter of the Road petitioned for by J. A. Ducker et al. }

Comes now J. A. Ducker, 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 SE corner of SW⁴ of SW⁴ Sec. 6 T8S R 42 E.W.M. on County Road, running thence in an Easterly and South Easterly direction through Sec 7. To the NW corner of SE⁴ of NE⁴ of Sec 7, thence East 1/4 mile, thence in a South Easterly direction through Secs 8 and 17 in Tp 8 S R 42 E.W.M. and terminating on County Road at the mouth of the lane near Keating's Bridge and Keating School House on the NE⁴ of NE⁴ Sec. 17 Tp 8 S R 42 E.W.M. and to discontinue the old road from a point at SE corner of SW⁴ of SW⁴ Sec. 6 to a point where the proposed changed road will terminate on the NE⁴ of NE⁴ Sec 17 Tp 8 S R 42 E.W.M.

And it appearing to the Court that said petition is signed by more than twelve householders of this County, residing in the vicinity of said proposed road and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the court that notice has been given by advertisement posted at the place of holding County Court, to-wit: at the Court House, in the town of Union, County of Union, State of Oregon and also in three public places in the vicinity of said proposed road, to-wit: One at the place of beginning,

Fourth Judicial Day

Thursday April 7th 1892

In the matter of the proposed
County Road petitioned for by
A Derwilliger et al }

This matter came on to be heard at this time on
the the report of the Viewers and surveyor heretofore appointed herein
for a second reading as provided by law, and the report of View-
ers being in words following, to-wit:

Report of Viewers

To the Honorable County Court for Union County, Oregon
The undersigned viewers heretofore on the 9th day of March 1892
appointed to view, lay out and alter the proposed County road, of
which the survey hereto attached is a true and correct de-
scription, as petitioned for by A Derwilliger et al beg leave
to report that on the 20th day of March 1892 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 pro-
posed 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 resi-
ding in the vicinity thereof, we therefore recommend that
said proposed road be laid out and declared a public
highway of said county

Charles Hallgarth
C. R. Patten
J. A. Cowan

And said report of the viewers and the report of the sur-
veyor having been now publicly read in open Court, on two
several days of the present term of the Court, and it ap-
pearing to the Court that said viewers report favorably
thereon and recommend that said proposed road be
established as a County road and be declared a public
highway of Union County, Oregon, and all the proceedings
herein having been regular, and according to law, and no
remonstrance or claim for damages having been filed
herein and there having been no cause shown why this
proposed road should not be declared a public highway
and ordered opened according to law, and the court being

Fourth Judicial Day

Thursday April 7th 1892

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 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 surveyors 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 J. H. Morton Road Supervisor of road District, No 16 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 Davs Beer
edge for Liquor License }

This matter came on to be heard at this time on the petition of Davs Beer edge for license to sell spirituous, malt and vinous liquors in less quantities than one gallon in the Precinct of North Powder for the period of one year, and it appearing to the Court that said petition is signed by an actual majority of all the legal voters of in said precinct; that the same was published as provided by law proof of which has been duly filed herein; that a good and sufficient undertaking has been filed herein which has been approved by this Court that all the proceedings have been regular herein and according to law; That said applicant has paid the County Treasurer \$400⁰⁰ and filed his receipt for the same with the County Clerk as required by law. It is therefore considered and ordered that said petition be granted and that license issue to him to sell spirituous, malt and vinous liquors in less quantities than one gallon in North Powder Precinct for the period of one year from this date.