

No

IN

Circuit

Court

S L Conklin

Plaintiff

vs

J. Q. Richardson
et al

Defendant

Action for

Docket

Page

Geo W Hagen

Attorney for Plaintiff

Attorney for Defendant

MEMORANDA

WITNESSES

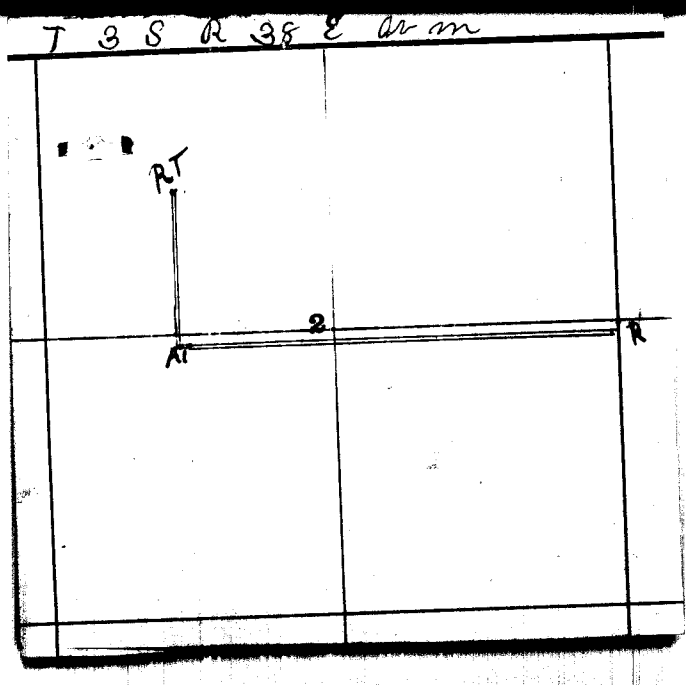
Petition
 Ordered open Jul No 445
 " " " " 529

No 471
 Said petition for
 N. G. Beach et al

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REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the second day of June, 1894, 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 W B Peach, et al, beg leave to report that on the 20 day of June, 1894, 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.

W L Chapman
D A McWhiter
Geo Zebler
VIEWERS.

COUNTY CLERK

FILED
JUL 27 1886

1886

1886

1886

FILED

JUL 7 1896

J. R. Olin
COUNTY CLERK.

Petition for County Road
To the honorable County Court of Union County Oregon
the undersigned house holders 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 on the County road at the
NE corner SE⁴ Sec 2 T 3 S R 38 E W M
Thence running west 3/4 Mile to the
SE corner SW⁴ NW⁴ Thence North 1/4
mile to the County road at the NE
corner SW⁴ NW⁴ Sec 2 T 3 S R 38 E W M

All of this proposed road that
runs west to be entirely south
and all that runs north to be
entirely west of the said lines
The above described road is in
Union County Oregon
And in duty bound your petitioners
will ever pray &c

Names	Names
Wm G Peach	B E Golden
James Peach	Henry Fithers
George H Peach	James Fithers
E M Oliver	Q Fuller
J W Lytle	Errett Fuller
J P DeLong	Loren Snyder
J J Bentley	J H Hobmen
S S Booth	J W Black
E J Parker	W S Gekler
M Andrews	M A Harrison
W Chesnut	Chas Goodenough
E R Holmes	G W Geller
Albert R Miller	E H Chatter
H A Thomas	F A McArthur
W D Davis	Geo J Quimby
F D Mearns	John McCall
J M Brown	James A Clarity
E E Bragg	James Muro
J H Charters	C H Bivell
Emery Jones	Emery Bausquit
J F Johnson	J W G... ..
E P Smith	Chas W E Lye
J Weather	A E Huff
R S Chelers	J B James
Ben Moore	M R Reynolds
Gurg Ball	V Kirkpatrick
F Kelpaker	A B Corley
	E P Staples

FILED

July - 1898

J. R. Oliver
COUNTY CLERK

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

I, W. G. Perch

being first duly sworn, say that I posted three several notices of which the notice hereunto attached is a true and correct copy e in three public places in said County in the vicinity of the proposed road therein described, to-wit:

One at the beginning of said proposed road on a board nailed to the fence One at Island City on the Post Office, and one at the terminus on a board nailed to the fence, all in conspicuous places

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: on the 12th day of May 1896 and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit:

on the 0 12th day of May 1896 I posted a true and correct copy of said notice at the place of holding Court for Union Union County, Oregon, ^{the bulletin board at} on the Court ~~front of the Court~~ House door, in the City of Union, in said County and State, and that said notice remained posted thirty days previous to the presentation of said petition as I verily believe.

W. G. Perch

Subscribed and sworn to before me this 3rd day of June 1896.

J. R. Oliver
Notary Public

Notice of Road Petition.

To all persons concerned, you, and each and all of you, will take notice that the undersigned, householders of 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 Third day of June 1896 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 on the County road at the NE Corner SE⁴ Sec 2 T3S R38 E10M
Thence running west $\frac{3}{4}$ mile to the SE Corner SW⁴ NW⁴ Thence running north $\frac{1}{4}$ mile to the County road at the NE Corner SW⁴ NW⁴ Sec 2 T3S R38 E10M

All of this proposed road, that runs west to be entirely south and all that runs north to be entirely west of the said lines

The above described road is in Union County Oregon
and in duty bound your petitioners will ever pray &c

and in any volume your petitioners
will ever pray &c

Names	Names
Wm G. Peach	O E Golden
James Peach	Henry French
George W Peach	James French
E M Oliver	O Fuller
J W Lytle	Errett Fuller
J. P. DeLong	Lewis Inyels
J J Conley	J. H. Holmen
S S Booker	J M Deuel
E G Parker	W. H. Gekeler
M Andrews	M. A. Harrison
W. Chenault	Chas Goodenough
E R Holmes	Cowbills
Abner W. Hunter	E H Chatter
H A Thomas	F. H. McAlister
O. E. Ball	Genl. Darnley
J. E. Peachant	John McBall
J. M. Brown	James A. Gandy
E. C. B. Bagg	Josias Mead
J. H. Chatter	Chas. J. Mead
Emerg. Jones	Emerg. Bourgeois
J. H. Brown	J. L. Brown
W. E. Smith	Chas. M. Sage
J. W. Wootches	W. E. Smith
R. S. Chilton	J. B. Gannet
Ben Proton	M. Reynolds
George Ball	W. S. G. Patrick
A. H. Patrick	A. B. Casley
	E. P. Staples

May 14 96
W. H. Peach

W. P. Alexander
D. A. McAllister
Wm. Ketcher

FILED
JUL 10 1880

J. R. Oliver
COUNTY CLERK

BOND OF ROAD PETITIONERS.

KNOW ALL MEN BY THESE PRESENTS, That we, Wm G. Peach and James S. Peach, of the County of Union and State of Oregon, are held and firmly bound unto said County 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 3rd day of June A.D. 1896.

NOW, the condition of the above obligation is such, That, whereas, the above named Wm G. Peach and James S. Peach and others, have petitioned the County Court of Union, at the June term, 1896, thereof, for a County road, described in the notice hereto attached.

Now, if the above named Wm G. Peach and James S. Peach, 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 than that this obligation shall be void, otherwise to remain in full force and virtue.

Wm G Peach (L.S.)

_____ (L.S.)

State of Oregon,

ss.

County of Union.

I, Wm G. Peach, say that I am worth the sum of One 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.

Subscribed and sworn to before me this 3rd day of June 1896.

Wm G Peach
J. R. Oliver Co. Clk.
By J. W. Beuson & Co

Suche County
Court of the State of
Oregon for Union County

Subscribers of
the Road petition for
by Wm. G. Beckett

Board of Assess
Petitioners

McKroves June 3 1916

County Judge

Will June 3 1916

J. P. Moore, Clerk

By G. W. Thomson Esq

Second Judicial Day

Wednesday June 3rd 1896.

tely 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 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 James Macleason, J W Rhodes, and Sib. Houghack be appointed viewers, of said road, and that W B Rhodes be appointed Surveyor of said road, and that they meet at Elgin on June 22nd 1896 at the hour of 10 O'clock A.M. and after qualifying, to view, survey and lay out said road according to law.

In the Matter of the proposed
County Road petition for lay
W. G. Beach et al.

Come now W G Beach, 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 on the County Road at the N^e corner S^e 4th Sec 2 T 3 S R 38 E N^m. then running west 3/4 mile to the N^e corner S^w 4th N^m, thence North 1/4 mile to the County Road at the N^e corner S^w 4th N^m Sec 2 T 3 S R 38 E N^m. And it appearing to the Court that said petition is signed by more than twelve house-holders of this County, residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to wit: at the Court-house, in the town of Union, County of Union, State of Oregon, and, also in three public places in the vicinity of said proposed road, to wit: One at the beginning of said proposed road on a board nailed to the fence, One at Island City on the Post Office and one at the terminus on a board nailed to the fence, all in conspicuous places, for more than thirty days 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 had been duly given. It is therefore Ordered that H. L. Alexander, D A M Aldister, and George Schuler be appointed viewers of said road, and that W. B. Rhodes be appointed Surveyor of said road, and that they meet at Island City on the 20th day of June 1896, at the hour of 10 O'clock A.M. and after qualifying, to view, survey and lay out said road according to law.

Third Judicial Day Wednesday, July 5th 1896.

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 bonds for the cost of this proceeding has been duly given.

It is therefore Ordered that E. E. Willson, G. G. Gray and C. D. Quinell be appointed viewers of said road, and that Arthur Lewis be appointed Surveyor of said road, and that they meet at Seaside on the 25th day of July 1896 at the hour of 10 O'clock A.M. and after qualifying, to view survey and lay out said road according to law.

In the Matter of monies
aid to Mrs Mary Hartman }

This matter came on to be heard at this time upon the affidavit and application of Mrs Mary Hartman, for a monthly allowance, and it appearing from said affidavit that the said Mrs Mary Hartman is sick and unable to earn a living, that she is destitute and has no friends or relatives in the State of Oregon who are able or willing to assist her, that her husband is in the Oregon penitentiary, and that she has been a resident of Union County for more than two years, and the court being fully advised in the premises It is Ordered that an allowance of \$3⁰⁰ per month for two months be granted to the said Mrs Mary Hartman, and the Clerk is hereby authorized to draw warrants upon the contingent fund for said allowance.

In the Matter of the proposed
County Road petitioned for
by Chas. Kalgant et al }

This matter came on to be heard at this time upon the report of the Viewers heretofore appointed therein, for a first reading of said report and the said report having been at this time read in open Court for the first time as by law required, It is ordered that the same be laid over for a second reading on some subsequent day of the present term of this Court.

In the Matter of the proposed
County Road petitioned for
by W. E. Beach et al }

This matter came on to be heard at

Third Judicial Day *Wednesday July 8th 1896.*

this time upon the report of the Viewers heretofore appointed herein for a first reading, and the said report having been read in open court for the first time, ^{as by law required} it is ordered that the same be laid over for a second reading at some subsequent day of the present term of this court.

In the matter of the cancellation of
County Warrants Nos. 894 & 895
of Class C & C.

Now at this time comes the clerk and presents to the court County Warrants Nos. 894 & 895 of Class C & C drawn in favor of E. R. Lang for \$37 ⁵⁰ each, and it appearing to the court that both of said warrants were erroneously drawn, and that neither of them have been put into circulation, It is therefore considered and ordered that the said warrants be and they are hereby cancelled and held as void and of no force.

In the matter of the cancellation of
County Warrants

Now at this time comes into open court the County Treasurer, and presents to the court 15 County Warrants of the aggregate value of \$332.06 upon which has accumulated interest to the amount of \$108.36, and 4 Contingent Warrants of the aggregate face value of \$1488.84 ^{upon which interest has accumulated to the amount of \$36.02}. And it appearing to the court that said warrants have been properly issued and regularly paid out of funds applicable therefor, It is therefore considered and ordered that the said warrants be and they are hereby cancelled, and it is further ordered that the Treasurer have credit on his account for the amounts thereof.

In the matter of credits
to the County Treasurer

Now at this time comes the County Treasurer into open court and presents to the court certain School Vouchers and Receipts for School District funds and it appearing to the court that said vouchers and receipts have been taken for monies properly paid out of funds applicable therefor, It is ordered that the Treasurer have credit on his account for the amounts of said vouchers as follows, to wit:

School Vouchers	10	
School District No 13 -	1	receipt
" " " 22	1	"
" " " 27	1	"
" " " 41	1	"
" " " 52	2	"

\$332.80
170.00
7.36
1000.00
175.90
66.10

Fourth Judicial Day Thursday July 9th 1896.

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.

J. V. Sanders
County Judge.

Thereupon the following proceedings were had, to wit:

In the Matter of the proposed
County Road petitioned for
by Chas. Walcott et al

Now at this time this matter came on to be heard upon the report of the Viewers heretofore appointed therein, for a second reading and the said Viewers report having at this time been read in open court for a second time as by law required, and it appearing to the Court that there has been filed herein a remonstrance against the allowance of said road, and a bill for damages, It is therefore Ordered that this matter be continued for the term.

In the Matter of the proposed
County Road petitioned for
by W. G. Beach et al

This matter came on to be heard at this time for a second reading of the report of the Viewers heretofore appointed herein, and the said report having been read in open court for a second time as by law required, and it appearing that there has been filed herein a bill for damages against said road It is therefore ordered that this matter be continued for the term.

In the Matter of the allowance
of bills and the issuance of
Warrants thereon

Now at this time the Court having under consideration the miscellaneous bills against the County, and the Court having taken action each separate bill as endorsed thereon, It is Ordered that said bills be allowed and that warrants be drawn to cover the same and all bills ordered paid by the Circuit Court.

This Judicial Day.

Tuesday, Aug 5th 1896.

In the matter of the road petitioned for by H. S. Martin, et al.

At this time it is considered and ordered that this matter be continued for the term, on former order.

In the matter of the petition to vacate certain streets in Leto in Stephenson's addition to Elgin.

Now at this time it is ordered that this matter be continued for the term.

In the matter of the road petitioned for by Chas. Hallgarth, et al.

At this time it is considered and ordered that this matter be continued for the term, on former order.

In the matter of the road petitioned for by W. S. Peck, et al.

Now at this time it is considered and ordered that this matter be continued for the term, on former order.

In the matter of repairs on bridge over Little Eastrd Goose Creek.

At this time it is considered and ordered that this matter be continued for the term, on former order of this Court.

In the matter of constructing a bridge over Cushman Creek at the Robbins Mill.

At this time it is considered and ordered that this matter be continued for the term, on the former order of this Court.

Third Judicial Day

Wednesday Sept 9th 1896

In the matter of the
Road petitioned for by
W.B. Beach et al }

At this time it is ordered that this matter
be continued for the term pending settlement of damages

In the matter of the
Repairs on Eagle Creek
Horse Creek Bridges }

This matter came on to be heard at this
time on the Report of R.T. Langrell heretofore appointed
to superintend the repairs on said bridges It is therefore
considered and ordered that the said report be approved
and the bills for the work allowed

In the matter of the
Report of J.N. Sanders on
Bridge at Robbins Mill }

This matter came on to be heard at this
time on the Report of J.N. Sanders heretofore appointed
to superintend the construction of bridge over Catherine
Creek at the Robbins mill and it appearing to the Court
that the said bridge has been completed and received
by J.N. Sanders as instructed It is therefore ordered
that the said report be approved and bills allowed

In the matter of the
Road petitioned for by H.F.
Allen et al }

This matter came on to be heard at this
time on the petition of H.F. Allen et al for a County
Road and it appearing to the Court that the
said petition does not definitely and accurately describe
the beginning and terminal points sufficient to give
the Court jurisdiction. It is therefore ordered that
the petition herein be dismissed

In the matter of
the Road petitioned
for by J.E. Reynolds }

This matter came on to be heard at this
time on the Report of the Viewers and Surveyors herein for

And Judicial Day.

Wednesday, Oct. 7th 1896.

In the matter of
the petition of
Fred Hill for Li-
quor License.

This matter came on to be heard at this time on the petition of Fred Hill for license to sell, spirituous, malt and vinous liquors in less quantities than one gallon in Comstock Precinct. And it appearing to the Court that said petition is signed by an actual taxpayer of all the legal voters of said Precinct. That notice has been published for four consecutive weeks as by law required, proof of which has been filed herein. That the said petitioner has paid into the County Treasurer \$500.⁰⁰ as required by law and filed his receipt for the same with the Clerk of this Court. That a good and sufficient undertaking in the sum of \$1,000.⁰⁰ has been given and approved by the Judges of this Court. That there has been no remonstrance filed herein or cause shown why the said petition should not be granted. It is therefore considered and ordered by the Court that the said petition be granted and that a license issue to the said Fred Hill to sell, spirituous, malt and vinous liquors in less quantities than one gallon in Comstock Precinct for the period of six months from Oct. 9th 1896.

In the matter of the
read petition for
by W. C. Church, et al.

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

In the matter of the
vacation of certain streets
and Lots in Presumers
addition to La Grande.

At this time the Court yet being fully advised with the premises. It is ordered that this matter be continued for the same.

Third Judicial Day

Wednesday, Oct 7th 1896

In the matter of bids
of damages in the
road petition for
by W. S. Cook, et al.

This matter came on to be heard at this time
in the case of damages filed herein and it appears to the court
that if the road is properly opened up that certain pro-
perty holders along the line thereof will be damaged
in the sum of \$107.25. It is therefore considered and ordered
that a warrant be drawn on the contingent fund in favor
of W. S. Cook, Superintendant, to cover the amount of said dam-
ages.

In the matter of
letting the contract
to saw Court House
Wood.

It appearing to the court at this time
that this is the time to let the contract
to saw Court House wood, the bids having been open-
ed, were as follows, to wit: - J. M. Kureck, 49 cts per cord.
E. C. Hoffmeyer, 45 cts per cord. A. J. Jones 50 cts in warrants and
40 in cash. J. W. Minnick 40 cts in warrants. And it
appearing to the court that the bid of A. J. Jones at 40 cents
per cord, in cash, is the lowest and best bid, it is there-
fore considered and ordered that the contract for
sawing said wood, be let to him for 40 cents per cord
in cash.

In the matter
of purchasing Vault
Hardware for Clerk's
office.

This matter came on to be heard
at this time on the proposition of Geo. A. Barnard & Co. and
of the Office Specialty Co. to furnish a case of metal rollers
and files for the Clerk's office in accordance with
the plans and specifications filed herein, and it appear-
ing to the court that, it is in the best interest of the
County to accept the proposition of the Office Specialty Co.
It is therefore considered and ordered that the said pro-
position be accepted and the Clerk is authorized and in-

Fourth Judicial Day.

Thursday, Oct. 8, 1896.

In the matter of the cancellation of County warrants Nos. 1241 and 1497.
 Class C & C.

Now at this time comes the County Clerk and presents to the Court County Warrants Nos. 1241 and 1497, Class C & C. and represents to the Court that said warrants were erroneously drawn, and it appearing to the full satisfaction of the Court that said warrants were erroneously issued and proper warrants were issued in their stead. It is therefore considered and ordered that said warrants be and they are hereby cancelled forever and held as void.

In the matter of the proposed County Road petitioned for by W. S. Pack, et al.

This matter came on to be heard at this time on the report of the Viewers and Surveyor heretofore appointed, herein for a second reading as provided by law, and the report of Viewers being as follows, to wit:-

Report of Viewers.

County of Marion, Oregon.

The undersigned viewers heretofore on the 7th day of June 1896, 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 W. S. Pack, et al. beg leave to report that on the 20th day of June 1896, 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 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 Marion 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.

E. J. Alexander, S. A. McAllister,
 Geo. C. Baker Viewers.

And said report of the viewers and surveyor having been read publicly read in open Court, on two several days of the present

Fourth Judicial Day

Thursday, Oct 8, 1896.

term of the court, and it appearing to the court that said numerous reports 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 what has been heretofore disposed of, and there having been no cause shown why the 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 commissioners that such road will be of public utility, the court therefore considered and ordered by the court that said report of the commissioners and surveyor be approved and adopted by the court, and that said proposed road be declared a public highway of Union County, Oregon, and ordered opened, and placed in repair for travel according to law. It is further ordered that the report of the commissioners be placed on record in this court, and that the surveyor's plat of the proposed road and his field notes of the survey thereof be placed on record in the books of State of County roads in Union County, Oregon, and that E. J. Parker, Road Supervisor of road district No. 3, because 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.

Thereupon the Journal of today's proceedings was read, approved and then recessed. And it is ordered that court be now adjourned for the term.

D. V. Sanders
County Judge.