

No

—IN—

Court

vs

Plaintiff

Defendant

Action for

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

THE IRWIN HOBSON CO. MANUFACTURING STATIONERS  
PORTLAND OREGON

No 189

497

Petitioned for  
By

M B Mitchell

Commencing at SW Corner Sec 32  
T<sup>15</sup>R<sup>39</sup>E<sup>1</sup>N<sup>1</sup>M and  
Terminating at SE Corner of  
D<sup>1</sup>W<sup>4</sup> Sec 32 T<sup>15</sup>R<sup>39</sup>E<sup>1</sup>N<sup>1</sup>M

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Ordered

opened

Journal 2 Page 238

June 9, 1898

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

Commencing at the South West corner of Section 32 Township One South Range 39 East of Willamette Meridian ~~of~~ Running East  $\frac{1}{2}$  mile to the South East corner of the South West  $\frac{1}{4}$  of Section 32 Township 15. R 39 E. 1st W.

This Proposed Road also Commences in the South East of Alicea Co. Road ~~and~~ Terminates in the Summerville ~~of~~ Union Road

This Described Road crosses Rail Road a Bout Twenty Rods East of commencing corner

This Described Road is to be 40 Ft. Wide

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

Dated at Alicea Union, Co. this 24 day of March 1898

NAMES:

NAMES:

M. B. Mitchell  
 E. D. Gaskill  
 William Stoop  
 Henry Stoop  
 Saml Cochran  
 Chas Pyle  
 Fred C. Howell  
 Wm Hull  
 H. M. Goldwick  
 Thomas Clarke  
 F. B. Tharp  
 C. F. Johnson

J. N. Rinehart  
 W. E. Ruckman  
 E. A. Imbler

27 33

( ) Notice of Road Petition. ( )

To all Persons Concerned: You, and each and all of you, will take notice that the undersigned, householders for ~~Union~~ 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 ~~21st~~ 21st day of May A. D. 1898 respectfully present to said Court a petition praying said Court to lay out, alter and establish a County road within said County on the following line or route, to-wit:

Commencing at the South West corner of Section 32 Township one South, Range 19 East of Willamette Meridian and running East 1/2 mile to the South East corner of the South West 1/4 of Section 32 Township 1 S. R. 19 E. W. M.

This proposed road also commences in the middle of what is called the road by the name of the Sumnerville road upon which this described road crosses Rail Road at about Twenty Rods East of commencing corner. This described Road is to be 40 ft wide.

Dated at ~~Union~~ Union, Oregon, the ~~21st~~ 21st day of ~~May~~ May A. D. 1898

NAMES:

NAMES:

~~M. A. [unclear]~~  
 E. D. Gaskill  
 William Stoop  
 Henry Stoop  
 Sammie Cochran  
 Chas. Play  
 Mrs. Howell  
 H. Mc. Gubrick  
 Thomas [unclear]  
 F. B. Tharp  
 C. F. Johnson

J. A. Ruckman  
 W. E. Ruckman  
 Fred C. Howell  
 E. A. Imbler

STATE OF OREGON,  
County of Union. } ss.

I, M. B. Mitchell 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 at commencement of said Proposed Road and one at Terminus one at Aliceel, and one on Court House door all in Union, Co., Oregon

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 24<sup>th</sup> day of March 1898, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 24 day of March 1898, 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 4 day of May 1898  
M. B. Mitchell  
J. R. Oliver  
Clerk

### Bond of Road Petitioners.

**Know All Men By These Presents,** That we, M. B. Mitchell  
 and ..... 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 4 day of May A. D., 1898

Now, the condition of the above obligation is such, that, ~~Whereas~~, the above-named  
M. B. Mitchell and ..... and others  
 have petitioned the County Court of Union County, at the May term, 1898,  
 thereof, for a County road, described in the notice hereto attached.

Now, if the above-named M. B. Mitchell and .....  
 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.

M. B. Mitchell ..... (Seal.)  
 ..... (Seal.)

STATE OF OREGON, }  
 County of Union. } ss.

I, M. B. Mitchell, 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

M. B. Mitchell  
 Subscribed and sworn to before me this 4 day of May 1898  
J. R. Ollers County Clerk.  
 By ..... Deputy.

**Bond of Road Petitioners.**

Road Petitioned for by

*M. B. Mitchell* et al.

Approved

County Judge

Filed *May 14* 1898

County Clerk

By *J. L. Dyer* Deputy

*Jesse Gaskell* ✓  
*L. S. McKeen* ✓  
*A. W. Richardson*  
*Henry Doughter* ✓  
*J. L. Dyer*

REPORT OF VIEWERS.

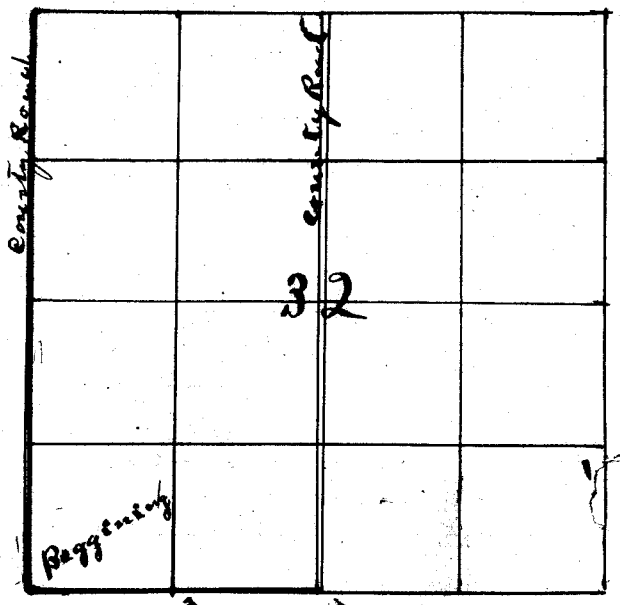
TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 4th day of May, 1898, 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 M B Mitchell, et al, beg leave to report that on the 28th day of May, 1898, 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 and 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.

J. A. Gaskill  
L. L. McKernan  
J. H. Hughes  
VIEWERS.



Township 1 South Range 38 East



County Road

County Road

32

Boggs

1

72

Terminus

REPORT OF SURVEYOR - Union County, Oregon - Form No. 144

## Report of Surveyor.

To the Hon. County Court of Union County, Oregon:

I, the undersigned, County Surveyor, appointed to survey the county road proposed by M. B. Mitchell et al., beg leave to report that on the 28 day of May 1898, in pursuance of said appointment and order, I Surveyed said proposed road for the whole distance thereof, the following being the field notes of said survey:

Commencing at the Southwest corner of Section 32, Township One South Range 39 East Willamette meridian. Thence East 40 Chains to Southeast Corner of the Southwest  $\frac{1}{4}$  Section 32 T. 1 S. R. 39 E. W. M. the R. T.; all points are marked with stone

Arthur Curtis  
County Surveyor.

LbH  
497

Third Judicial Day

May Term, May 4, 1898.

said precinct, that notice has been published herein for four consecutive weeks as by law required, proof of which has been filed herein; that said Charles Keller has paid into the county treasury of Union county, Oregon, the sum of one hundred dollars and has filed his receipt therefor with the clerk of this court, that he has given a good and sufficient bond in the sum of one thousand dollars which said bond has been approved by the judge of this court, that there has been no remonstrance filed herein or cause shown why said license should not issue; - It is therefore considered and ordered that said petition be granted and that license issue to said Charles Keller to sell spirituous, malt and vinous liquors in less quantities than one gallon in Donnicopia precinct for a period of three months from the 10<sup>th</sup> day of May 1898, to wit; until August 10<sup>th</sup>, 1898.

In the matter of the County Road (petitioned)  
for by M. B. Mitchell, et al

Comes now M. B. Mitchell, 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 southwest corner of section thirty-two, township one north range 29 east of Willamette meridian and running east  $\frac{1}{2}$  mile to the southeast corner of the southwest quarter of section 32, township 1 S. R. 29 E. W. M. This proposed road also commences in the Dubler and Alief county road and terminates in the Summerville and Union road. This described route crosses railroad about 20 rods east of commencing corner. This described road is to be 40 feet wide. And it appearing to the court that this 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 commencement of said road proposed road, one at the terminus, and one at Alief 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 the court at the present session of this court; and that the notices so

Third Judicial Day

Wednesday, May 4, 1898

specified were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been <sup>made</sup> given, it is therefore ordered that Jesse Saakke, T. T. McKinnon and Henry Hughes be appointed viewers and Arthur Curtis be appointed surveyor of said road, and that they meet at Alief, Oregon on the 28<sup>th</sup> day of May, 1898, at the hour of 9 o'clock a.m. and after qualifying to view, survey and lay out said road according to law.

In the matter of the road Petitioned for by }  
E. L. Rydick, et al }

This matter came on to be heard at this time upon the report of the viewers and surveyor heretofore appointed for a first reading and said report having been read in open court as by law required, it was ordered that the case be laid over for a second reading on some other day of this term.

In the matter of the Road Petitioned for by }  
H. J. Parks, et al }

This matter came on to be heard at this time upon the report of the viewers and surveyor heretofore appointed herein and also on the remonstrance of J. F. Easley et al, the petitioners appearing by T. H. Crawford, of counsel, and the remonstrators by L. H. Marsh, their attorney, and the Court after hearing testimony of witnesses in open court and the argument of counsel, it is considered and ordered that the motion to dismiss the remonstrance herein is hereby granted, and it further appearing to the Court that J. F. Easley has filed a claim for damages herein, from which it appears he will be damaged in the sum of \$200.07 by reason of the location and establishment of the proposed road; it is therefore considered and ordered that J. H. Weston, John Graham and S. L. Burnough be appointed appraisers herein; that they meet at Alief, Oregon, on the 28<sup>th</sup> day of May, 1898, and after qualifying, to proceed to the lands of J. F. Easley, over which the said road will pass; that they examine and view the said premises the entire distance across the said lands and report to this court at its next regular term thereof how much less valuable the aforesaid lands of J. F. Easley will be rendered by reason of the location and establishment of said proposed road.

Second Judicial Day

Wednesday, June 8, 1898.

and instructed to draw a warrant on the general fund in favor of R.G. Langwell for the sum of \$204<sup>25</sup> to be used in opening up the aforesaid road. And it is further ordered that R.G. Langwell of this court be appointed to superintend the expenditure of the aforesaid money and render an account of his doings to this court accordingly. x

In the matter of the Road Petitioned for by W.S. Moore et al.

This matter came on to be heard upon the petition of W.S. Moore et al for a county road and it appearing to the court from the said petition that it is defective and is insufficient to warrant the court in appointing viewers. It is therefore ordered that said petition be dismissed. x

In the matter of the Road Petitioned for by M.B. Mitchell et al.

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

In the matter of the Resignation of Dr. D.Y. K. During, County Physician

Comes now Dr. D.Y.K. During and presents to the court his resignation as county physician the same to take effect at July term of this court and it appearing to the court that the said Dr. During has been elected as sheriff of this county and cannot attend to duties of county physician after July. It is therefore considered and ordered that his resignation be accepted. And it further appearing to this court that Dr. D.N. Cromwell is willing to accept the appointment as county physician to fill the unexpired term of Dr. During, resigned, at the same compensation, to-wit: \$31<sup>25</sup> per month. It is therefore considered and ordered that the said Dr. D.N. Cromwell be appointed county physician to fill the unexpired term of Dr. D.Y.K. During, resigned. x And it is further ordered that the clerk be authorized and instructed

Third Judicial Day.

Thursday, June 9, 1898.

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 said road will be of public utility, it is therefore considered and ordered by the court that said report of viewers 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 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 E. Johnson, road supervisor of road district No 46, 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 M.B. Mitchell et al }

This matter came 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 in words following, to-wit: "Report of Viewers. To the Honorable County Court for Union county, Oregon: The undersigned viewers heretofore on the 4<sup>th</sup> day of May, 1898, 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 M.B. Mitchell et al. by have to report that on the 28<sup>th</sup> day of May, 1898, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially perform 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 to the convenience of its householders residing in the vicinity thereof. we therefore recommend that said proposed road be laid out and declared a public highway of said county. J. A. Gaskie, L. T. McKennon, J. S. Hughes, Viewers. And said report of the viewers and the report of the surveyor having now been publicly read in open court, on two several days of the present term of the

Third Judicial Day

Thursday June 9 1898.

court, and it appearing to the court that said review 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 proposed maps 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 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 report of viewers 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 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 filed notice of the survey thereof be placed on record in the Book of Plats of county roads of Union county, Oregon, and that Hawk McCreed, road supervisor of road district No 10, the same being the road district in which the 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 Cancellation of }  
 County and Contingent Warrants and }  
 of Credits of County Treasurer

Now at this time comes Jas Stotts, County Treasurer, and presents to the court certain county and contingent warrants, school vouchers and other vouchers, and receipts for money paid out, and the court having duly examined the same, and it appearing that all of said warrants have been duly and regularly issued and paid and that the money for which said vouchers were taken was properly paid out of the funds applicable thereto; It is ordered that said warrants be and they are hereby cancelled; and it is further ordered that the treasurer have credit upon his account for the aggregate amount of said warrants and vouchers as hereinafter set forth, to-wit:

County warrants	308	\$ 9698.94
Interest on same		1169.39
Contingent Warrants	42	796.13