

EQUITY }
LAW } No

In Circuit Court

Union County

Plaintiff

VS

Defendant

Attorney for Plaintiff



Attorney for Defendant

I- 554+519-587-

Presented Aug 9 1899
Ordered Opened Sept 7 1899

517

Road of Public Easement
Petitioned for by
C W Noyes

Commencing at a point on
the north side of Grande Ronde
River on the bank thereof
where the said river cuts the
township line on the east
side of said section 36
T^o 2 S^o R 36 E W^o M and ter-
minating where the said
road intersects the present
travelled County road leading
from Helgard, Oregon to
Starkey Oregon -

To the Honorable County Court
of Union County, State of Oregon.

The under signed petitioner^{to}
Charles W. Hayes shows by this petition^{to} as follows: that he is the
owner of Section 36 in Township 2 South of Range 36 E. W. M. ;
that his residence situated upon said lands is not reached by any
sovereign public road heretofore provided for by law and that
it is necessary th^{to} the public and your petitioner shall have in
access to and egress from his residence as aforesaid.

Wherefore your petitioner prays that a road of public easement
shall be laid out as follows: commencing at a point on the north
side of the Frenchman river and on the bank thereof where the
said river cuts the Township line on the east side of said section
36 Township 2 South of Range 36 E. W. M. and thence along the said
river on the north side thereof on the most practical route, in
westerly direction, to intersect the present traveled county road
leading from Hilgard, Oregon to Starkey, Oregon.

Charles W. Hayes
Petitioner.

State of Oregon
County of Union, ss.

I/ Charles W. Hayes being first duly
sworn say that I am the petitioner above named and that
the facts set forth in the foregoing petition are true.

B. F. Wilson
Notary Public for Oregon.

The undersigned petitioner

Charles W. Hoyes shows by this petition as follows: that he is the

owner of Section 36 in Township 3 South of Range 36 E. W. M. ;

that my residence situated upon said lands is not reached by any

or five feet public road heretofore provided for by law and that

it is necessary for the public and for petitioner that I have in

order to reach my residence as aforesaid.

"The petition prays that a road of public use be

laid out as follows: commencing at a point on the north

side of the Grand Ronde river and on the bank thereof where the

said river cuts the Township line on the east side of said section

the Township 3 South of Range 36 E. W. M. and thence along the said

river on the north side thereof on the most practical route, in

generally direction, to intersect the present traveled county road

leading from Hillsboro, Oregon to Starbuck, Oregon.

Petitioner.

at the State of Oregon

County of Union, ss.

I, Charles W. Hoyes, do hereby certify that

the facts set forth in the foregoing petition are true.

Notary Public for Oregon.

Frank County Court

Wm. Condit

John W. ...

George ...

James ...

John ...

John ...

John ...

John ...

John ...

John ...

John ...

BE IT REMEMBERED, That at a term of the Honorable county court of Union county, state of Oregon, begun and held at the court house, in the town of Union in said county, on the 9th day of August, A. D. 1899, and from day to day thereafter during the continuance of said term.

Present, Hon. B. F. Wilson, County Judge.
Hon. R. T. Langrell, Commissioner.
Hon. Henry Hug, Commissioner.
G. W. Benson, Clerk,
B. Y. K. Deering, sheriff.

The following, among other proceedings, was had, to-wit:-

In the matter of the petition of Charles W. Noyes, for a road of public easement.

any

This matter came on to be heard at this time on the petition of Charles W. Noyes for a road of public easement described as follows, - Commencing at a point on the north side of the Grande Ronde River and on the bank thereof where the said river cuts the township line on the east side of section 36, township 2, south of range 36 E. W. M; thence along said river on the north side thereof on the most practical route in an easterly direction to intersect the present traveled county road leading from Hilgard, Oregon, to Starkey, Oregon, and it appearing to the court from said petition that petitioner's residence is situated upon section 36 township 2 south, range 36 E. W. M; that petitioner is the owner of said section 36, Tp 2, S. R. 36 E. W. M; that his residence is not reached by any convenient public road heretofore provided for by law, and that it is necessary that the petitioner and the public shall have ingress to and egress from the residence of petitioner.

It is therefore considered and ordered by the court that D. Hawes, G. Lafferty and A. Thompson be appointed viewers of said road, and that Arthur Curtis be appointed surveyor of said road, and that they meet at the commencement of said road on the 31st day of August, 1899, at the hour of 10 o'clock A. M., and after qualifying, to view, survey and lay out said road according to law, and assess and appraise the damages that will accrue to any person by reason of the establishment of said public easement. (Sd) B. F. Wilson, County Judge.

State of Oregon.
ss.
County of Union.

I, G. W. Benson, County Clerk of Union County, Oregon, and ex-officio clerk of the county court of said county and state, do hereby certify that the foregoing transcript of journal entry has been by me compared with the original entry in said matter, and that it is a true and correct copy of said original journal entry, and the whole thereof, as the same appears of record in my office and custody.

WITNESS my hand and the seal of said court, this 12th day of August, 1899.

G. W. Benson Clerk.

BE IT REMEMBERED, That at a term of the Honorable county court of Union county, state of Oregon, begun and held at the court house, in the town of Union in said county, on the 9th day of August, A. D. 1899, and from day to day thereafter during the continuance of said term.

Present, Hon. B. F. Wilson, County Judge.
Hon. R. T. Langrell, Commissioner.
Hon. Henry Hug, Commissioner.
G. W. Benson, Clerk,
D. Y. K. Deering, sheriff.

The following, among other proceedings, was had, to-wit:-

In the matter of the petition
of Charles W. Noyes, for a road)
of public easement.)

- - - - -

This matter came on to be heard at this time on the petition of Charles W. Noyes for a road of public easement described as follows,- Commencing at a point on the north side of the Grande Ronde river and on the bank thereof where the said river cuts the township e line on the east side of section 36, township 2, south of range 36 E. W. M; thence along said river on the north side thereof on the most practical route in an easterly direction to intersect the present traveled county road leading from Hilgard, Oregon, to Starkey, Oregon, and it appearing to the court from said petition that petitioner's residence is situated upon section 36 township 2 south, range 36 E. W. M; that petitioner is the owner of said section 36, Tp 2, S. R. 36 E. W. M; that his residence is not reached by any convenient public road heretofore provided for by law, and that it is necessary that the petitioner and the public shall have ingress to and egress from the residence of petitioner.

It is therefore considered and ordered by the court that D. Hawes, G. Lafferty and A. Thompson be appointed viewers of said road, and that Arthur Curtis be appointed surveyor of said road, and that they meet at the commencement of said road on the 21st day of August, 1899, at the hour of 10 o'clock A. M., and after qualifying, to view, survey and lay out said road according to law, and assess and appraise the damages that will accrue to any person by reason of the establishment of said public easement. (Sd) B. F. Wilson, County Judge.

State of Oregon.
County of Union.

I, G. W. Benson, County Clerk of Union County, Oregon, and ex-officio clerk of the county court of said county and state, do hereby certify that the foregoing transcript of journal entry has been by me compared with the original entry in said matter, and that it is a true and correct copy of said original journal entry, and the whole thereof, as the same appears of record in my office and custody.

13
WITNESS my hand and the seal of said court, this
day of August, 1899
G. W. Benson Clerk.

[Handwritten notes and signatures at the bottom of the page]

County Court

Winn County, Oregon

Indemnator of the

petition of Char W. Moyes for a Road of

public easement

Acceptance of

service of order

This Aug. 23. 1899.

W. W. Benson

Clerk

Amelia Kellogg
May 8. 1899

W. W. Benson
Clerk

The undersigned has at last of
the Moyes deceased which when
found in the within described road
having a credit balance of under
order thereon after which she
12 Aug 1899

State of Oregon,

County of Union ss.

I hereby certify that in the matter of the county road petitioned for by Charles H. Noyes and others, that the viewers and each of them heretofore appointed by the court to view and lay out said road, were duly sworn by me to faithfully and impartially perform the duties pertaining to the viewing and laying out and establishing of said road before entering upon the discharge of their said duties in that behalf.

Arthur Curtis

County Surveyor.

FILED

SEP 6 1899

W. H. Brown
County Clerk

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 9 day of August, 1899 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 C. W. Hayes, et al, beg leave to report that on the 21 day of August, 1899 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 greatly 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. and we assess the damages of Mrs. Hayes at \$10.00

Geo W Lafferty
D H Carter

VIEWERS.

W. B. Johnson
County Clerk

FILED
SEP 6 1899

State of Oregon,

County of Union ss.

I hereby certify that the foregoing field notes made by me in the survey of the county road petitioned for by Charles W. Noyes and others, are true and correct and that the plat accompanying the same is a true and correct representation of the course of said road together with the angles and distances.

Arthur C. Curtis

County Surveyor.

FILED

SEP 6 1899

W. H. Brown
County Clerk

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
Charles W. Hayes et al., beg leave to report that
on the 21 day of Aug. 1897, 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:

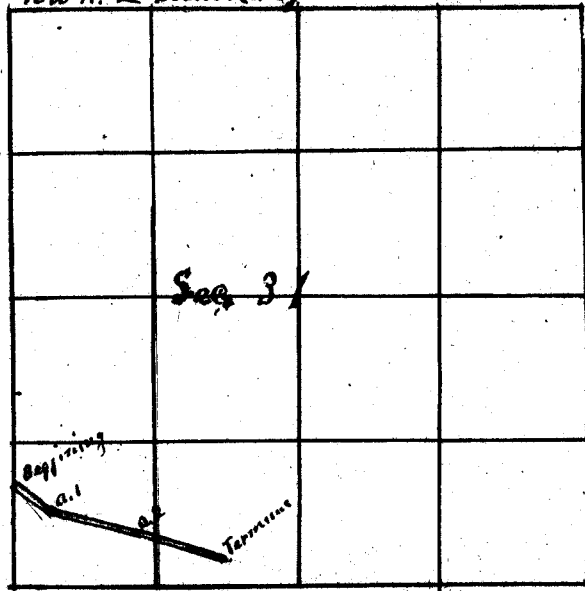
Commencing at a point 5.50 Chs. South of the
N.E. Cor. of S.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ Sec. 36 T. 2 N. R. 36 E. W.M. at a stone marked
R. Then run South $51^{\circ} 30'$ East 6.10 Chs. to Angle 1 marked rock
Then South 77° East 12.75 Chs. to Angle 2 marked a stone
" " 73° " 14.64 Chs. to Road Terminus in present
road leading from Hilgard to S. Turkey. Set a rock
marked R.T.

Arthur Curtis
County Surveyor.

Bartholomew
County, Ind.

FILED
SEP 6 1899

Town. 2 South Range 31 East W. 72



Chas. H. Rogers
Rus

FILED

SEP 6 1899

W. H. Johnson
County Clerk

Third Judicial Day

Wednesday Aug 9th 1899

26th day of Feb., 1897, the following described lands belonging to the Prospect Stock Ranch, to-wit:

The North half of South west Quarter and North west Quarter of Section Thirty five and the North east quarter of South east quarter and South east quarter of North east quarter of Section Thirty four and South east quarter of South west quarter and West half of South east quarter and the North east Quarter of South east quarter of Section twenty six in township five north Range Thirty five east of Willamette Meridian were sold by the Sheriff of Union County, Oregon, to the said Union County for the taxes upon said lands assessed for the year 1895 to James Russell and for the sum of \$49.48 and that at the said sale the County of Union, State of Oregon, became the purchaser of said lands

And it further appearing to the Court that no deed has been made by the Sheriff for the said lands to the purchaser at said sale and that said sale was unknown to the owners of said lands and it further appearing that the levy of said taxes and sale of said lands was and is probably irregular and that the said Prospect Stock Ranch is desirous of redeeming said lands by paying the amount bid therefor

It is ordered that upon the payment to the Clerk of this Court of the amount bid for said lands, to-wit; the sum of \$49.48 the Clerk issue to the said Prospect Stock Ranch a certificate of redemption of said lands and cancel the sale thereof upon the records of this Court

In the matter of the
petition of Charles W. Noyes
for a road of public easement

This matter came on to be heard at this time on the petition of Charles W. Noyes for a road of public easement described as follows: Commencing at a point on the north side of the Grande Ronde river and on the bank thereof where the said river cuts the township line on the east side of section 36 township 2 south of range 56 E. W. M.; thence along said river on the north side thereof on the most practical route in an easterly direction to intersect the present traveled County road lead-

Third Judicial Day

Wednesday Aug 9th 1899

ing from Heilgard, Oregon, to Starkey, Oregon, and it appearing to the Court from said petition that petitioner's residence is situated upon section 36 township 2 South, range 36 E 4 N, that petitioner is the owner of said section 36 Tp 2 S R 36 E 4 N; that his residence is not reached by any convenient public road heretofore provided for by law and that it is necessary that the petitioner and the public shall have ingress to and egress from the residence of petitioner.

It is therefore considered and ordered by the court that W. H. Cause, G. Lafferty and a Thompson be appointed viewers of said road and that Arthur Curtis be appointed surveyor of said road and that they meet at the commencement of said road on the 21st day of August 1899 at the hour of 10 o'clock A.M. and after qualifying to view, survey and lay out said road according to law and assess and appraise the damages that will accrue to any person by reason of the establishment of said public easement.

In the matter of the
petition of Chas Keller
for a Liquor License

This matter came on to be heard at this time on the petition of Chas Keller for a license to sell spirituous malt and various liquors in less quantities than one gallon in in Cornucopia precinct for a period of three months and it appearing to the Court that the petitioner has given notice herof as required by law proof of which has been filed herein, that he has paid to the County Treasurer the sum of 100⁰⁰ and filed his receipt therefor with the clerk of this Court, that he has given a good and sufficient bond herein in the sum of 1000⁰⁰ and there having been no remonstrance filed herein or cause shown why said petition should not be granted It is therefore considered and ordered that the petition herein be granted and that license issue to the said Chas Keller for the sale of spirituous malt and various liquors in less quantities than one gallon in Cornucopia precinct for a period of three months from August 11th 1899.

Be it remembered, that at a 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 Tuesday the 5th day of September A.D., 1899, Monday having been a non judicial day, and from day to day thereafter during the continuance of said term when on Wednesday the 6th day of September 1899 or the second judicial day of said term the said County Court opened for the transaction of business with the following officers present, to-wit:

- Hon B. F. Wilson County Judge
- " R. T. Langrell Commissioner
- " Henry Haug Commissioner
- G. W. Benson Clerk
- D. G. K. Deering Sheriff

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

In the matter of the application

of J. R. Farrell for County Aid

At this time it is considered and ordered that this matter be continued for the term

In the matter of the Road petitioned for by Chas W. Noyes et al.

This matter came on to be heard at this time on the report of the Viewers and surveyor heretofore appointed herein for the first reading and said report having been read in open court for the first time the same was laid over for a second reading on some other day of this term of court

In the matter of the Road petitioned for by Geo. Harrington et al.

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

Third Judicial Day

Thursday Sept 7th 1899

Court met pursuant to adjournment

The same officers were present as on yesterday

The proclamation of the opening of court having been made the journal of yesterday's proceedings was read approved and is here now signed

B. G. Wilson
County Judge

Thereupon the following proceedings were had, to-wit:

In the matter of the change
in the County road up Grande
Ronde river above Heilgard

It appearing to the Court at this time that a certain piece of the County road leading to the Grande Ronde river above Heilgard is in a bad condition, that there are two bridges over the said Grande Ronde river to be constructed unless the road is changed, that it would be to the best interests of the County to build a new grade along the river and avoid erecting bridges It is therefore considered and ordered that bids be advertised for for the construction of the said grade along the said river in accordance with the plans and specifications now on file in the County Clerk's office the said bids to be received up to noon of September 25th 1899

In the matter of the Road
of public easement petitioned
for by C. W. Noyes

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 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 August 1899, 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 C. W. Noyes by leave to report that on

Third Judicial Day

Thursday Sept 7th 1899

the 21 day of August 1899 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 our 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 greatly 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 and we assess the damages of Mrs. Noyes at \$0.00

Geo. W. Lafferty
D. Hawes

Viewers

And said report of the viewers and the report of the surveyor 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 therein 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 the 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 C. H. Lansing Road Supervisor of road District No 39 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 when the petitioner shall have paid the damages assessed.