

No 350

in

Circuit

Court

J. O. Swackhamer
et al

Plaintiff

vs

Amanda H. Sparks
et al

Defendant

Action for - Preclusion

Docket

Page

Attorney for Plaintiff

RECEIVED
FEB 10 1904
COURT HOUSE
ST. LOUIS, MO.

1888

May 16 Continued - no proof of posting
Journal D p 356

May 19 Petition see Viewers affid,
Journal D p 352

July 5 1st reading report
Journal D p 371

July 6 ordered opened
Journal D p 382

301

Road

Change in commencing about 25 rods
N of S & E cor Sec 35 T 1 N R 49 E Hence
S to S & E cor said Sec Hence W 10 rods -

301

X

Petition For County Road. Aug 20 1888

To The Hon. County Court For Union County, Oregon
 The undersigned, householders of Union County, Oregon, residing in the vicinity where the hereafter described road is proposed to be, respectfully petition your Honorable Body to lay out, alter and establish that portion of the public highway which crosses diagonally over lands belonging to J. Chandler in Section 33, T. 1 N. R. 29, E. W. M. so that said portion of said public highway shall run as follows: Commencing at a point about twenty five rods north of the S. E. corner of said section thence running south to said S. E. corner thence west a distance of about twenty rods on the south line of said Section 33, T. 1. N. R. 29, E. W. M. intersecting the public highway going from the Morrice R Bridge ^{from Morrice Run to Riv. &} towards Elk Flat all of which points and places are lying and in Union County Oregon and your petitioners will ever pray.

Names	Names
J. J. Chandler	J. J. Weaver
W. E. Boston	W. C. Endicott
M. A. Stevenson	R. B. Bridges
J. D. Morris	G. J. Wagner
V. B. Coeyman	
J. C. Lambert	
Robert Sumner	
Joel Weaver	
Jesse Jewell	

See March 1888
Adm
cur

100

Road Notice

Dec 20, 1888

To all persons whom it may Concern: You and each of you 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 regular session of the Union County Courts of the State of Oregon for the County of Union to wit at the May Term thereof, at the Court house in the City of Union in said County and State, present a petition praying said Courts to lay out alter and establish a county road within said County and on the following line or route to wit: Commencing at a point about twenty five rods north of the S. E. corner of Section 33 - T. 1, N. Range 29, E. W. M. running thence east to the S. E. corner of said Section thence west a distance of about twenty rods and intersecting the Public Highway going from the Morrill Bridge over the Grande Ronde River towards Elk Flat all of which points and places are in Union County State of Oregon and that that portion of the road running diagonally across the S. E. corner

be vacated - Names

Names

J. G. Chandler
 W. B. Boston
 Chas. Stevenson
 J. S. Morris
 J. B. Coymann
 J. O. Lambert
 Robert Cummins
 Ed. Weaver

John Jewell
 J. F. Weaver
 W. B. Endicott
 R. B. Bridges
 G. J. Wagner

Mch. 12 88
 C. F. G.

State of Oregon
County of Union

I A. Neill being first duly sworn
say that I posted this notice on the Court house
door on March 2nd 1888, and that I believe it has
remained posted continuously since that time.
This May 19th 1888.

A. Neill

Subscribed & sworn to before me this 19th May 1888

J. P. Neill

Notary Public for Oregon

Notice of Road Petition

To all Persons whom it may Concern: You and each of You and all of you will take notice that the undersigned householders in Union County, Oregon, residing in the vicinity of the hereinafter described road which is to be laid out and altered, will at the next regular session of the Union County Court of the State of Oregon for Union County to wit at the May Term thereof at the Court House in the City of Union in said County and State present a petition praying said Court to lay out alter and establish a County Road within said County and on the following line or route to wit commencing at a point about 25 rods north of the S. E. corner of section 33, T. 1 N. Range 29 E. M. 7 N. running thence S. to the S. E. corner of said Section, thence West a distance of about twenty rods and intersecting the Public Highway going from the New Rock Bridge over the Grand Ronde River towards Elk Flat all of which points and places are in Union County State of Oregon and that that portion of the road running diagonally across the S. E. corner be vacated

Names

T. J. Chandler
 J. B. Boston
 M. S. Stevenson
 J. D. Morris
 J. B. Goeyman
 J. C. Lambert
 Robert Cummins

Names

J. J. [unclear]
 [unclear]
 G. J. Wagner

State of Oregon

County of Union ss

J. P. Chandler being duly sworn say
that I posted three notices of which
the attached is one, in three
public places in the vicinity
of the Road petitioned for
in said notice, that one of said
notices was posted at about 1/4
of a mile north of east of the ~~East~~
terminus of said proposed change
one opposite to said road and
one on the more local ^{Intersect} bridge
about a mile from said road
change that I posted said notices about
March 15th the fifteenth a d 1888
and that I and others remain
or posted thereby connective
days prior to this time

Subscribed & sworn to J. P. Chandler
before me this May
5th 1888

As witness
my hand & seal

Account of

Posting Book
notes of

J. S. Chandler

Died May 7th 1888

Wm. H. Hill, clerk
Wm. H. Hill, deputy

Know All Men by These Presents, That we Thomas J
Chandler as principal and
Otto Ohms surety 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 this seventh day of April A. D. 1888

NOW, the condition of the above obligation is such, That, whereas the above named Thomas J
Chandler and
twelve and others,

have petitioned the County Court of said County of Oregon
Union, at the May
Term, 1888, thereof, for a County Road, commencing at a point about
twenty five rods north of the South East
Corner of Section 35 S. 1 north R 29 E
to be running thence south to the S. E
corner of said section thence west a distance of
about twenty rods and then westerly to Public
highway going from the moshell bridge over the
brook thence west towards W.R. Deat again which points are
marked thereon in some way or other

NOW, if the above named T. J. Chandler and Otto Ohms
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.

T. J. Chandler [L. s.]
Otto Ohms [L. s.]

STATE OF OREGON, }
County of Union } ss.
I, Otto Ohms

and, for himself, says,
that I am worth the sum of two hundred 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.

Otto Ohms

Subscribed and sworn to before me this 5th day of May A. D. 1888

A. Meachen
Clerk.
for my m

In the County Court of the
State of Oregon,

Worce County.

IN THE MATTER OF THE

*Road asked for by
J. Chumackin & others*

ROAD.

BOND OF ROAD PETITIONERS.

Approved..... 1888

COUNTY JUDGE.

Filed *May 7th* 1888

R. M. Veil

COUNTY CLERK.

By *James Oliver*
DEPUTY

REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 16 day of May, 1888, 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. J. Chandler, et al, beg leave to report that on the 7 day of June, 1888, 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 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.

J. H. Brown
C. P. Baker
R. E. Stevenson

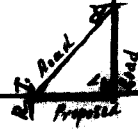
Sec. 35. T. 1. N. of R. 40. E. W. M.

Plat of the Proposed Co. Road of
J. J. Chandler and others

Sec 34

Sec.
35

Sec.
36



Field Notes of the Proposed County Road
of T. J. Chandler and Others

I started by planting a stone marked R as by
Law required, thence South 32 Rods to State A. 1. at
the South East corner of Sec. 35 in T. 1. N. R. 40. E. 10. M.
thence West 33 Rods a stone marked R. T. as by Law
required This the 7th Day of June 1888

J. W. Kimbrell Deputy County Surveyor
Union Co Oregon

Filed June 8th 1888
A. M. Neil Clerk
By Thomas Oliver Dep.

First Judicial Day

Wednesday May 16th 1888

In the matter of the }
 Road petitioned for by }
 J. L. Hindman et al

This matter came on to be heard at this time upon the reading of the reports of the viewers and surveyor heretofore appointed by the Court. And such reports having been read for the first time in open court, are laid over for further consideration on some other day of this term.

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

This matter came on for hearing on the petition filed herein and it appearing that proof of posting the notices has not been filed. It is ordered continued till Saturday, that proper proof may be filed herein.

In the matter of the }
 proposed County Road }
 petitioned for by J. N. }
 Smith et al

This matter came on to be heard on the Reports of the viewers and surveyor heretofore appointed herein and the said Reports having been read in open court for the first time are passed over for a second reading on some other day of this term.

Thereupon it was ordered that Court be now adjourned till tomorrow morning at 9 o'clock.

Fourth Judicial Day

Saturday May 19th 1888

In the matter of the }
 proposed County Road }
 petitioned for by J. J. }
 Chandler et al. }

Comes now J. J. Chandler who presents to the Court the petition of himself and 12 others praying for the establishment of a County road described as follows, to-wit:-

Commencing at a point about twenty five rods North of the S.E. corner of said Section ^{35, T. 1. Jr. R. 24 E. 20 W.} thence running South to said S.E. corner thence West a distance of about twenty rods on the South line of said section 35 T. 1. Jr. R. 24 E. 20 W. intersecting the public highway going from the Morelock Bridge over Grand River towards Elk Flat and vacating that portion of the public highway which crosses diagonally over lands belonging to J. J. Chandler in section 35 T. 1. Jr. R. 24 E. 20 W. And it appearing to the Court from proof filed herein that due and legal notice of the pendency of this proceeding has been given, that at least 12 of said petitioners are legal householders and living in the vicinity of the proposed road and that a good and sufficient undertaking has been filed herein, and no remonstrance having been filed or cause shown why said petition be not granted. It is therefore considered and ordered that Nathan Baker, R. E. Stenerson and J. B. Cowan be appointed viewers and J. W. Kimbrell Surveyor to view and survey said proposed road and report to this Court at its next regular term, and that they meet the house of J. J. Chandler on Monday June 7th 1888 at 10 o'clock A.M. of said day and duly qualify before they proceed with their duty in this behalf.

In the Matter of an }
 Appropriation for }
 County Bridges }

Now at this time it is ordered by the Court that the sum of One Hundred Dollars be appropriated by the County to be used by the Supervisor of Road Dist. No 12, Mr S. L. McKenzie, in building two bridges across Willow Creek. The bridges are to be built on good stone abutments and this appropriation is intended only to assist the taxpayers living in said road district, to build said bridges.

Christ Judicial Day

Thursday July 5th 1888

In the matter of the }
 proposed County road }
 petitioned for by D. G. }
 Chandler et al.

This matter came on to be heard upon the reports of the viewers and surveyor herein and the said reports having been read in open court for the first time are laid over for a second reading on some other day of this term.

In the matter of the proposed }
 County Road petitioned for }
 by D. B. Rees et al.

This matter came on to be heard from the report of the Viewers and surveyor herein, and said reports having been read in open court, and it appearing to the Court that the Viewers report unfavorable on said proposed road and recommend that the road be not opened or declared a public highway. It is considered and ordered by the Court that all further proceedings herein be dismissed and that all costs incurred by the County herein be taxed up to the petitioners herein, to wit the sum of \$34.²⁰/₁₀₀ and that the sureties on the undertaking herein be notified to pay such sum to the County Treasurer and produce and file with the Clerk the Treasurers receipt for the same.

In the matter of the proposed }
 County Road petitioned for by }
 Nathan Nelson et al. No. 1

This matter came on to be heard at this time upon the reports of the viewers and surveyor hitherto appointed herein and said reports are read in open court for the first time, and it further appearing that a claim for damages has been filed herein and also a Remonstrance by G. W. & M. P. Ames, and the Court having duly considered said remonstrance and being well advised herein It is ordered that said Remonstrance be overruled and denied, and in regard to the petition of G. W. & M. P. Ames for damages herein It is ordered that John Dobbin, Robt. Shaw and D. W. Johnson be appointed appraisers to view the premises of petitioners the whole distance through which the said proposed road passes and report to the Court how much less valuable said premises will be rendered on account of the construction of said proposed road

Second Judicial Day

Friday July 6th 1888

Court found proof filed herein that due and legal notice of the pendency of this proceeding has been given, and the petitioners having in all things complied with the requirements of the law herein and having filed a good and sufficient undertaking herein and no remonstrance having been filed, or cause shown why such petition be not allowed. It is therefore considered and adjudged that Hardin Weather, John Wells and Robert Deal be appointed Viewers and J. W. Kimbrell Surveyor to view and survey said proposed County road and report to this Court according to law, and that they meet at the beginning of said proposed road in Old Lalsrands on Friday July 20th 1888 at 8 o'clock A.M. and duly qualify before they proceed with their labors in this behalf.

In the matter of the proposed }
County Road petitioned for }
by J. J. Chandler et al. }

This matter came on to be heard at this time on the reports of the Viewers and Surveyor heretofore appointed herein and said reports having been read on two different days of this term, and it appearing to the Court that all the proceedings herein have been regular and according to law, and no remonstrance being filed herein or cause shown why said reports be not allowed and said road ordered opened, and the report of the viewers being favorable. It is considered and ordered by the Court that said reports be received and placed on record and the proposed road be declared a public highway and ordered opened according to law.

Report of Viewers

To the Honorable County Court for Union County, Oregon.

The undersigned viewers heretofore on the 16 day of May 1888, 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. J. Chandler, et al. by leave to report that on the 7 day of June 1888 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 much to the convenience of the households residing in the vicinity thereof, we therefore recommend that said proposed

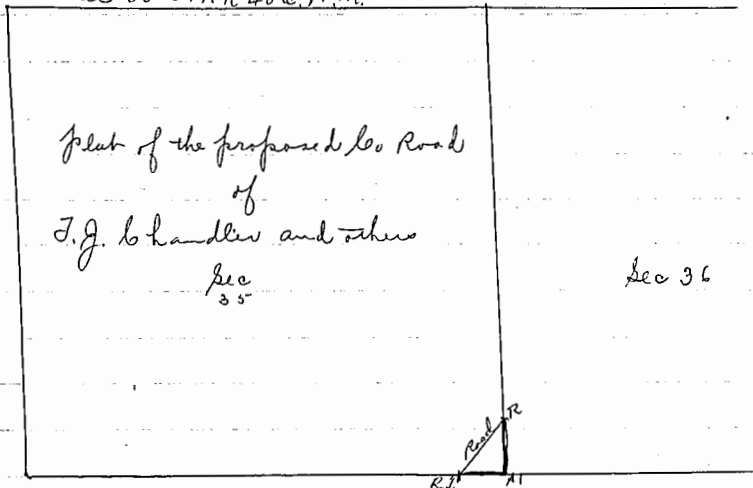
Second Judicial Day

Friday July 6th 1888

road be laid out and declared a public highway of said County.

J. H. Cowan
 W. Baker
 R. E. Stevenson

Sec 35 T17N R40E T17M.



Field Notes of the proposed County Road of J. J. Chandler and others.

I started by planting a stone marked R as by law provided. Thence South 32 rods to stake A1 at the Southeast corner of sec 35 in T17N R40 E T17M. Thence West 33 rods a stone marked R. as by law required. This the 7th day of June 1888

J. W. Humbrell
 Deputy County Surveyor Union Co Oregon

In the matter of }
 Wallow Hill }
 County Road }

It appearing to the Court that the County Road on Wallow Hill is not in good condition and that road being one of great importance to the people of the Northern portion of the County. It is considered and ordered that John Graham Jr. Supervisor of Road Dist No. 16, the same being the district in which said hill and road are, be instructed and he is hereby ordered to make all the improvements necessary to ~~put~~ said road in good condition and make said Hill safe for teams and wagons, and stages, as soon as it can be done, and present his bill for the same to the County Court.