

No 218

in

Circuit Court

W T. Wright

Plaintiff

vs

Joseph King

Defendant

Action for recovery of Money

Docket

Page

Frank M. Ish -

Attorney for Plaintiff

Attorney for Defendant

DEPT. OF JUSTICE  
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Record of the Case

1889  
 July 3 Pet read Viewers appd  
 Jul 5 p 583  
 Sept 4 1<sup>st</sup> Reading Rep V & V  
 Jul 5 p 629  
 Sept 4 - Ordered opened  
 Jul 5 p 631  
 Nov 7/89 Pet for Change in  
 Viewers appd Jul 5 p 709  
 Nov 7/89 Ordinal 40 feet wide  
 Jul 5 p 711  
 Dec 4/89 Bill allowed  
 Jul 5 p 732  
 Jan 8 90 Viewers Report 1<sup>st</sup> Read  
 Jul 5 p 739  
 Jan 10 90 - Ordered opened  
 Jul 5 p 752

330

Road

petitioned for by Rudolph Kuyper et al  
 Begging at St Cor off St Sec 9 71.5  
 R B & M to Co road near King  
 School House

WITNESSES

DIRECTIONS—Place papers on TOP OF RUBBER  
 Fold side first then sides Throw the rubber cords  
 over the ends and package is complete

330

Petition for County Road

To the Hon County Court, For Union County, Oregon

The undersigned, householders of Union County, Oregon, residing in the vicinity, where the herein after described road is proposed and intended to be, respectfully petition your Honorable Body to survey, lay out and establish a county road forty feet wide within said County and on the following line or route to wit: Beginning at the S W Corner of the N W 1/4 of section (9) nine, T. (1) one South, Range (39) thirty nine E. W. M. at or near the Dittle Bridge in the Public highway from Summerville to Wallula, running thence north one half mile thence west one quarter of a mile thence north three quarters of a mile thence west one quarter of a mile, thence north one mile and a half, thence west one quarter of a mile, thence north about (20) twenty rods to the Public highway, running through the Waspehoid District from near Summerville to Elgin and your petitioners in duty bound will ever pray

Names

Rudolf Hug  
 David Gray  
 James H. Briggs  
 Chas. Simon  
 David Hug  
 Fred Shon  
 James W. Bright  
 Jacob Hug Sen  
 Frank Carney  
 Jacob Hug  
 R. E. Wade  
 James O. Clark  
 Jos. Hergford  
 J. W. Tuttle  
 Perry Tuttle  
 W. H. Hill

John Ross  
 W. H. Pak  
 S. H. Brooks  
 J. L. M. Kinney  
 John Hug  
 August Hug  
 J. E. Wallinger  
 Hiram McDonald

Petition

Patron of County Road  
James Russo & Sons May

Paid May 29<sup>th</sup> 1889  
A. B. Bell Clerk  
By James Russo & Sons

Notice of Road Petition

Whom it may Concern You and each of you will take notice that the undersigned householders and citizens, in the vicinity of the proposed County Road and residents of the County of Union and State of Oregon, will present a petition for a county road forty feet wide hereinafter described to the County Court of the State of Oregon for the County of Union, at the next regular session of said County Court to wit at the July Term thereof on Wednesday the 30th day of said July, at the Court house in the City of Union, in said County and State praying said County Court to cause to be surveyed laid out and established according to law a county road of the above mentioned width in the said County of Union and State of Oregon and described as follows Beginning at the S.W. corner of the S.W. 1/4 of Section 19 T. 11 N. R. 10 E. S. 1 W. one South, Range (39) thirty one E. 10 W. at or near the Suttle Bridge in the Public Highway from Sumnerville to Wallawa, running thence north about one half mile thence west about one quarter of a mile, thence north about three quarters of a mile, thence west about one quarter of a mile, thence north about one mile and a half, thence west about one quarter of a mile thence north about 200 rods, to the Public Highway running through the High School District from near Sumnerville to Wallawa & beginning and ending at the above County and State

Dated at Sumnerville, May 21 1889

Names	Names
Frank Hug	John Ross
David Jay	W. W. Park
James H. Briggs	S. L. Brooks
Wm. Soren	J. M. Brown
David Hug	John Hug
Fred Soren	August Hug
James W. Bright	J. J. Mullinger
Jacob Hug son	Simon McCoon
Frank Carney	
Jacob Hug	
J. E. Wade	
Thomas C. Clark	
W. H. Haysford	
J. W. Tuttle	
Tom Tuttle	
Th. H. Hill,	
E. J.	

Posted May 29/89  
John

Board orders  
James Ruggs & Paul Young

Made July 3<sup>rd</sup> 1889  
A. J. Howell Clerk  
Capt James Oliver DeJoy

STATE OF OREGON,  
County of Union. } SR.

I, Junius Oliver

~~being first duly sworn, say that I posted three several notices, of which the notice hereto 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 29<sup>th</sup> day of May - 1889, 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 3 day of

Junius Oliver  
July - 1889  
at Willamette  
By D. P. BIRD Clerk

Filed July 3<sup>rd</sup> 1889  
Attest Clerk  
By Thomas Oliver DePa



# Notice of Road Petition

## To Whom it may Concern

You and each of you will take notice that the undersigned house-holders and citizens in the vicinity of the proposed county Road and residents of the County of Union and State of Oregon will present a petition for a county Road forty feet wide, hereinafter described, to the County Court of the State of Oregon for the County of Union at the next regular session of said County Court to wit at the July Term thereof, on Wednesday the 3rd day of said July at the Court house in the City of Union in said County and State and praying said County Court to cause the surveyed land out and established according to law a county road of the above mentioned width in the said County of Union and State of Oregon and described as follows Beginning at the S.W. corner of the N.W. 1/4 of Section (9) Twp 11, the South Range (34) thirty nine E.W. Tm at or near the Dulle Bridge in the public Highway from Sumner all to Wallonia running thence north about one half a mile thence west about one quarter of a mile, thence north about ten (10) rods, thence west about one quarter of a mile, thence north one mile and a half thence west about one quarter of a mile thence north about (70) twenty rods to the Public highway running through the High School District from near Sumner all to Colson all of said points and places lying and being in the above county and State

Dated Sumner all Tm, 21st 1889

Names	Names
Rudolf J. Stuebel	John E. ...
John ...	John ...
John ...	John ...
Carl ...	John ...
John ...	John ...
John ...	John ...
John ...	John ...
John ...	John ...

Orle. 2 July 10th 1889  
C. F. Mearl Clerk  
Appl. James Deane - Deputy

State of Oregon

County of Union ss. *J*

I James H. Riggs being first sworn say that I posted three notices of which the within is one and a true and correct copy of all of said three notices on the line of the within proposed road and as follows, one notice at or near each terminus of the said road and one about the middle thereof on the day of 28th May A.D. 1889 that being the place where the proposed road is situated, that said notices have so remained posted until

and for thirty consecutive days last past

James H. Riggs

Subscribed and sworn

to this 1st July 1889

A. Macher

Notary Public

for Oregon *J*

Account of  
John Phillips  
on Road between  
for pay  
James R. R. R.  
Ottawa

~~~~~

Spilled July 1st 1889  
at St. Paul's Church  
By James Oliver's Reply

Q. In answer  
at St. Paul's



## Bond

Know all men by these presents that Mr Rudolph  
Houg and James H. Riggs of the County of  
Union, State of Oregon are held and firmly  
bound unto the Said County of Union in  
the Sum of One hundred dollars each  
respectively, the payment of which will  
and truly we made, we bind our-  
selves as their administrators  
and assigns jointly by these  
presents

Signed this 28th day of May  
A.D. 1889

And the Condition of the above  
obligation is such, that whereas, if the  
County Road petitioned for by the said  
R. Houg James H. Riggs & others, and  
presented at the July Term of the  
County Court of Said Union  
County commencing at the S. W. Cor.  
of N. W.  $\frac{1}{4}$  S 9, T. 1. S' R. 39 E. W. T. N  
thence running north  $\frac{1}{2}$  mile  
thence west  $\frac{1}{4}$  mile thence north  $\frac{3}{4}$  mile

thence N. 1/4 mile, thence North 1 1/2 mile,  
thence West 1/4 mile, thence North  
to roads to public Highway  
in Union County Oregon  
be located and established  
hereby: obligation to be void  
otherwise to remain in full force  
and virtue in Law

James H. Riggs   
Rudolf Hug 

State of Oregon }  
County of Union } ss

J. Rudolph Hug

and James Riggs being first  
and the sole one for the other  
Adey sworn, say that I am worth  
the sum of two hundred dollars  
over and above all my debts and  
liabilities and property exempt  
from execution, that I am  
a resident and home holder  
in said County and State

Subscribed and  
sworn to before  
me this 29th day  
A.D. 1887

A. Macfarlan  
Notary Public for Oregon

Money for  
Riggs Travel

July 29<sup>th</sup> 1889  
A. J. Hill clerk  
Department of Justice

## REPORT OF VIEWERS.



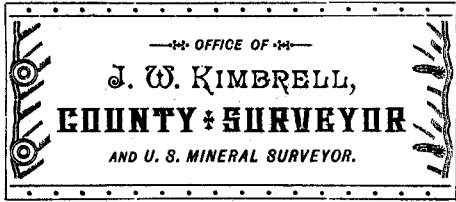
TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 3<sup>rd</sup> day of July, 1889, 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 Rudolph Hug, et al, beg leave to report that on the 20<sup>th</sup> day of July, 1889, 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.

Chas. Hallgarth  
J. W. Norval  
J. S. L. McKenzie



Filed Aug 27th 1889  
J. P. Neill, Clerk  
By James Oliver, Deputy



Field Notes of Survey of the  
Proposed County Road of Rudolph

Hug and others

Or., ..... 188.....

I commenced by planting a stone 7 x 10 x 24 inches  
near the Suttle Bridge, on the north side of Willow  
Creek and on the Sec. line between Sec 8, 8, 9, in T. 1. S. 16, 39, E. 10, 11.

Thence North 160 Rods A 1

" West 80 " A 2

" North 80 " 1 mile

an also marked 1, M.

Thence North 160 Rods A 3

" West 80 " A 4

" North 80 " 2 miles

a Post in mound of Earth beside

marked 2, M.

Thence North 320 Rods

marked a Post in 3, M.

Thence North 80 Rods A 5-

" West 80 " A 6

" North 40 " a Pine 15 inches Diameter marked R, T,

on the County Road leading from Summerville  
to Elgin and situated in Sec. 29 in T. 1, N. 16, 39, E. 10, 11.

J. W. Kimbrell County Surveyor

Filed Aug 27<sup>th</sup> 1889  
A. D. Meill Clerk  
By Turner Oliver Sepy

**Know all Men by these Presents:**

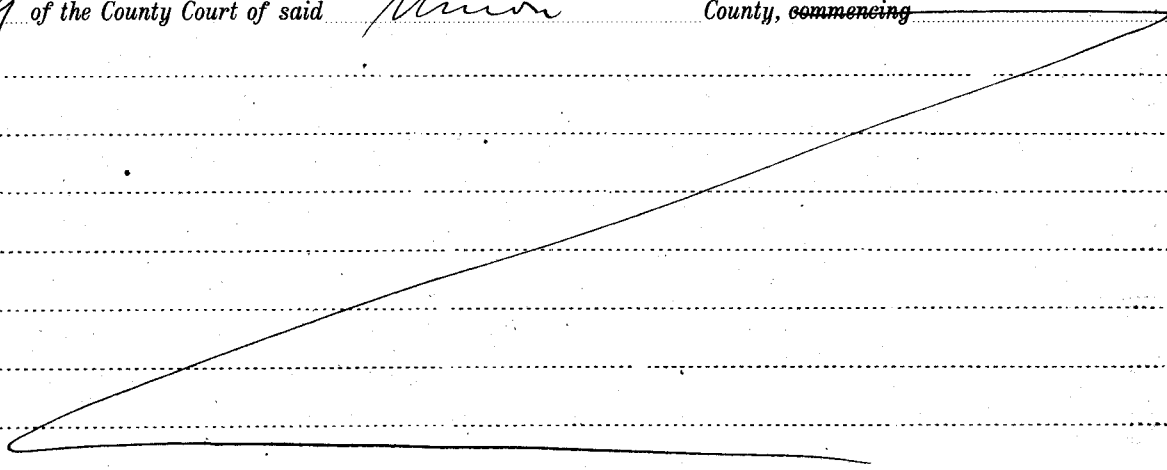
THAT WE, Rudolf Hong and

of the County of Union  
and State of Oregon, <sup>am</sup> 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 5<sup>th</sup> day of November 1889

Now the condition of the above obligation is such, that whereas, if the <sup>Charge in</sup> County Road petitioned for by Rudolf Hong, P.E. Wade, Jas Rigs and others, and presented at the Nov- Term, 1889 of the County Court of said Union County, commencing



be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

Rudolf Hong

**STATE OF OREGON,**

County of Union } sa.

I, Rudolf Hong and  
each for himself says that I am worth the sum of

Two Hundred Dollars over and above all debts and liabilities and property exempt

from execution, and that I am a resident and householder in said County and State.

Rudolf Hong

Subscribed and sworn to before me, this 5<sup>th</sup> day of November A. D. 1889

R.T. Neill Clerk,

By James Oliver Deputy.

**Bond of Road Petitioners.**

Petitioners.

Filed *November 15th* 188*9*

*R. S. Nail*

County Clerk.

By *James Oliver*

Deputy.

1 In the County Court of the State of Oregon  
2 for Union County

3  
4 In the Matter of the Application  
5 of P. E. Wade, Jacob King  
6 Frank Carney, Rudolf King  
7 and James Riggs to change  
8 the County road petitioned  
9 for by Rudolf King and others  
10 and turn the same across  
11 other parts of their own lands

12  
13 Now at this time come P. E. Wade  
14 Jacob King, Frank Carney, Rudolf King and  
15 James Riggs and show to the Court by this  
16 their petition that P. E. Wade is the owner  
17 of the SE<sup>4</sup> of SE<sup>4</sup> Sec 5 T 1 S R 39 E. N. M.

18 That Jacob King is the owner of the NE<sup>4</sup> of SE<sup>4</sup>  
19 Sec 5 and SW<sup>4</sup> of NE<sup>4</sup> Sec 5 T 1 S R 39 E

20 That Frank Carney is the owner of the NW<sup>4</sup> of NE<sup>4</sup>  
21 Sec 5 T 1 S R 39 E. N. M.

22 That James Riggs is the owner of the N<sup>2</sup> of SE<sup>4</sup>  
23 Sec 32 T 1 N R 39 E. N. M.

24 And that Rudolf King is the owner of NE<sup>4</sup> of SW<sup>4</sup>  
25 and SE<sup>4</sup> of NW<sup>4</sup> Sec 32 T 1 N R 39 E. N. M.

26 All in Union County Oregon and across which  
27 the County road petitioned for by Rudolf King  
28 and others extends.

29 That petitioners are desirous of turning  
30 said road to other parts of their <sup>said</sup> lands respect-  
31 ively and hereby apply to the Court for leave  
32 and permission of the Court to turn such

1 road through other parts of their said lands.  
2 That petitioners desire to change said County  
3 road as follows. 1<sup>st</sup> Beginning at a point 8  
4 or 10 rods South of A. 1. on said road and extend  
5 ing Northwesterly across the NE corner of SE<sup>4</sup>  
6 of SE<sup>4</sup> Sec 5 T18R39E. The same being the property  
7 of P. E. Wade, one of petitioners herein, and thence  
8 across the SW corner of the NE<sup>4</sup> of SE<sup>4</sup> said Sec  
9 5. The same being the property of Jacob King  
10 one of petitioners herein, and terminating at or  
11 near the SW corner of said NE<sup>4</sup> of SE<sup>4</sup> Sec 5 T18R39E N.M.  
12 2<sup>nd</sup> Beginning at or near the the NE corner of SW<sup>4</sup>  
13 of NE<sup>4</sup> of said Sec 5 on said County road pe-  
14 titioned for by Rudolf King and others,  
15 thence West 1/4 of a mile, thence North 1/4 of a mile  
16 intersecting said County road at the SW corner of  
17 SE<sup>4</sup> Sec 32 T18R39E N.M. said change be-  
18 ing entirely on the lands of Jacob King, Frank  
19 Carney and Rudolf King, petitioners herein.  
20 3<sup>rd</sup> Beginning 7 or 8 rods South of the 2 M post  
21 on said County road thence North Easterly, Northerly  
22 and North Westerly, curving around a hollow  
23 and returning to said County road 7 or 8 rods North  
24 of said 2 M post, the same being on the property  
25 of Jas Riggs, one of the petitioners herein.  
26 4<sup>th</sup> Beginning 8 or 10 rods South of the center of  
27 Sec 32 T18R39E N.M. thence North Westerly  
28 Northerly and North Easterly curving around a  
29 rocky point and returning to said County  
30 road 20 or 25 rods North of the center of said  
31 Sec 32 The same being on the lands of Rudolf  
32 King, one of the petitioners herein.

1 And petitioners desire the Court to vacate  
2 all those portions of the County road petitioned  
3 for by Rudolf Hug and others that all be  
4 thrown the ~~beginning~~ and the end of each  
5 of the changes herein asked for, whenever  
6 the changes are allowed by the Court.

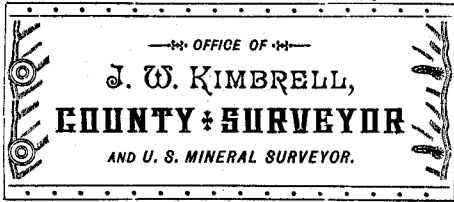
7 And petitioners allege that the changes de-  
8 sired will place the road on better ground  
9 than it now occupies through petitioners'  
10 said lands and will not materially in-  
11 crease the distance to the injury of the public.  
12 That petitioners ask for these changes for the  
13 purpose only of making the road better for  
14 their own use and the use of the public  
15 and to avoid certain impracticable parts  
16 of said Road petitioned for by Rudolf Hug  
17 and others and ask that viewers and sur-  
18 veyor be appointed to view and survey said  
19 changes asked for, and that in case the  
20 said viewers find any of the distances above  
21 designated to be slightly at variance with  
22 the best interest of the road that they be  
23 allowed to locate and have the changes surveyed  
24 and established on the best ground, not varying  
25 far from said points designated.

26 And your petitioners pray for leave of Court  
27 to change said County Road as above set out.

28 P. E. Wade      petition granted  
29 Jacob Hug      November 8<sup>th</sup> 1869  
30 Rudolf Hug.  
31 Frank Carney  
32 James H. Riggs







Field Notes of The Proposed  
County Road of P. E. Wade & others

Or., 188

I Commenced at a Point 10 Rods South of the N.E. Corner  
S.E. 1/4 S.E. 1/4 Sec. 5 in T. 1 S. R. 39 E. W. M. R. Thence N 57° W 18 Rods A1 Thence  
West 18 Rods A2 Thence S 69° W 6 Rods A3 Thence N 59° W 18 Rods<sup>A4</sup> Thence N 44° W 14 Rods  
A5 Thence S 35 3/4° W 12 Rods A6 Thence S 70° W 9 1/4 Rods. R. T. 5 Rods North of the SW corner  
of the N.E. 1/4 S.E. 1/4 Sec 5 T 1 S R 39 E W M. J. W. Kimbrell Co. Surveyor

I Commenced at the NW corner of the S.E. 1/4 N.E. 1/4 Sec 5 T 1 S R 39 E W M  
Thence West 63 Rods A1 Thence S 64° W 6 Rods A2 Thence N 77 1/2° W 12 Rods A3  
Thence North 79 Rods R. T. the NW corner N.E. 1/4 Sec 5 T 1 S R 39 E W M  
J. W. Kimbrell Co. Surveyor

I Commenced 14 1/2 Rods South of the 2 mile Post on the Randolph  
Hug Co. Road a Post marked R. Thence N 40° E 12 Rods Thence N 3°  
E 5 Rods Thence N 44° W 12 Rods R. T. 5 Rods 8 1/4 Rods North of the 2 mile Post  
in center S 1/2 Sec 32 in T 1 N R 39 E W M. J. W. Kimbrell Co. Surveyor

I Commenced 61 Rods North of the 2 mile Post a Post marked  
R. Thence N 40° W 38 Rods A1 Thence N 3° W 23 Rods A2 Thence N 47° E  
35 Rods R. T. Intersecting the Randolph Hug road in the N 1/2  
Sec 32 in T. 1, N. R. 39, E. W. M. J. W. Kimbrell Co. Surveyor

Filed Nov 27, 1889

A. J. Mills clerk

By Turner Oliver

Deputy

## REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 7 day of *November*, 1889, 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 *P. E. Wade*, et al, beg leave to report that on the 18 day of *November*, 1889, 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. W. Grogan*  
*Henry Little*  
*Thomas S. Gloske*



RT

sol

29

Proposed Co Road of Radcliff Hwy

10

3 2

11  
R.P.

J 11 N 1234 E. W. on

J 15 R 376 W. on

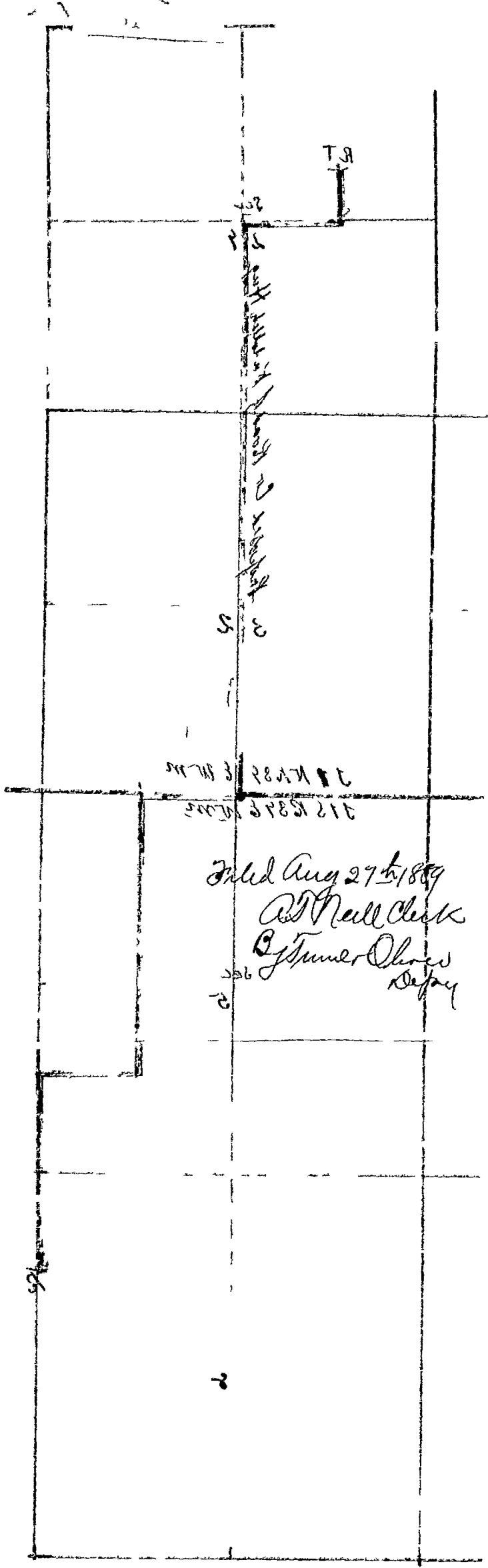
State of Ohio  
County Clerk  
Columbus  
Ohio  
1887

sec

5

R

8



T. 29

432

S. 1/2

S. 3/4

212 1/2 215  
217 1/2 215

Filed Aug 27th 1889  
A. D. Neill Clerk  
C. Turner Chas. DeJoy

2

2

2

First Judicial Day

Wednesday July 31<sup>st</sup> 1889

Kimbrell be appointed Surveyor of said road, and that they meet at beginning of said proposed road on the 27<sup>th</sup> day of July 1889 at the hour of ten o'clock A.M. and after qualifying to view, survey and lay out said road according to law. It is further ordered that the said viewers meet at least four days before the said 27<sup>th</sup> day of July and make a careful examination of the route and a preliminary view thereof, so that they will be better able to point out to the Surveyor the most practicable route therefor.

In the Matter of the proposed }  
County Road petitioned for by }  
Rudolph Hong and others }

Comes now Rudolph Hong one of the petitioners for the above named 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 S.W. corner of the S.W.<sup>4</sup> of section 9 T. 1 South R. 39 E. N. M. at or near the Gittle bridge on the Public Highway from Summerville to Wallowa; running thence North one half mile, thence West one quarter of a mile, thence North three quarters of a mile, thence West one quarter of a mile, thence North one mile and a half, thence West one quarter of a mile, thence North about 20 rods to the Public Highway running through the Hong School District from near Summerville to Elgin. 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 Union, County of Union, State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit: One notice at or near each terminus of said proposed road and one near the middle thereof 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 Charles Hallgath, S. L. McKenzie and J. M. Nowal be appointed Viewers of said road, and that J. W. Kimbrell be appointed Surveyor of said road, and that they meet at the beginning of said proposed road on the 20<sup>th</sup> day of July



First Judicial Day

Wednesday July 3<sup>rd</sup> 1889

1889, 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 petitioned for  
by S. McKenzie and others

Comes now S. L. McKenzie, 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 a point  $2\frac{53}{100}$  chains N. of the N.E. corner of the S.E.  $\frac{1}{4}$  of Sec 17 T. 16 R. 35 E. N. M. running thence about 20° East of North a distance of about four chains, thence East a distance of about one eighth of a mile to intersect the public highway running from the Woodward, Weston and Walla Walla road through the Hoy Settlement. 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 Union, County of Union, State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit:— One near each terminus of the proposed road and one near the middle of said road, 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 Erno Fisher, J. M. Childers and R. Shaw be appointed Viewers of said road, and that J. M. Kimbrell be appointed Surveyor of said road, and that they meet at the beginning of said proposed road on the 19<sup>th</sup> day of July 1889 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 }  
Wood for the County }

At this time it is ordered by the Court that the County Judge advertise for sealed bids for furnishing the County with Thirty Cords of good four foot wood delivered at the Court House

First Judicial Day

Wednesday Sept 4<sup>th</sup> 1889

pass and determine how much less valuable the premises of said claimants, in Union County, would be rendered by reason of the construction of said proposed road and report the same to this Court in writing. And the further consideration of this matter is continued for the term.

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

This matter came on to be heard at this time and it appearing to the Court that the viewers and surveyor heretofore appointed failed to report on said proposed road and the surveyor in person came before the Court and stated that said proposed road is impracticable and would be impossible to make a road as prayed for in the petition. It is therefore ordered that the whole matter be dismissed.

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

This matter came on to be heard on the Report of the Viewers and surveyor heretofore filed herein, and 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 }  
Road petitioned for by }  
A. J. Nicholson et al. }

This matter came on to be heard on the Report of the Viewers and surveyor heretofore filed herein and said Report 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 }  
Road petitioned for by }  
Rudolph H. H. H. 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 in open Court for the first time are laid over for a second reading on some other day of this Court.

Second Judicial Day

Thursday Sept 5<sup>th</sup> 1889

It is therefore considered and ordered by the Court that said reports 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 Note of the Survey thereof be placed on record in the Book of Plats of County Roads of Union County Oregon, and that N.D. Boly Road Supervisor of Road District No 28, 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 Rudolph King et al. }

This matter came on to be heard at this time on the Reports 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 3<sup>rd</sup> day of July, 1889, 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 Rudolph King, et al. beg leave to report that on the 20<sup>th</sup> day of July, 1889, 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.

Chas Hallgath, J. W. Norval, S. D. McKenzie.

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 declared a public highway of Union County

Second Judicial Day

Thursday Sept 5<sup>th</sup> 1889

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 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 reports 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 David King, Road Supervisor of Road District No. 36, 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 J. L. McKenzie et al. } This matter came on to be heard at this  
time on the Reports of the Viewers and Surveyors 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 3<sup>rd</sup> day of July 1889 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. L. McKenzie et al., beg leave to report that on the 19 day of July 1889, 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. M. Childers, E. Fisher, A. Shaw.

Second Judicial Day

Thursday Nov 7<sup>th</sup> 1889

In the matter of the  
Road petitioned for  
by W. L. Anley et al

This matter came on to be heard at this time upon the report of the appraisers heretofore appointed herein and upon the motion of the Remonstrators to dismiss said report, the said remonstrators, Thos Heating and Mrs E. A. Peice appearing by J. H. Crawford of Counsel. And it appearing to the Court that one of the parties signing said report <sup>or as appears</sup> was never appointed by the Court to act herein and had no authority to act as such appraiser, and that said report is illegal and void. It is therefore considered and ordered that said motion be sustained and said report of appraisers be set aside and held for naught. It is further ordered that Walter Love, A. J. Brown and Samuel Vanorder be and they are hereby appointed appraisers to view the premises of Thomas Heating and Mrs E. A. Peice the whole distance through which said road passes in Union County Oregon and report to this Court how much less valuable said premises will be rendered by the construction of said proposed road; and after having subscribed an oath to faithfully and impartially perform their duty in this behalf that they meet at the house of Thomas Heating on Saturday November 16<sup>th</sup> 1889 at 10 o'clock A.M. and proceed with their duty in this behalf.

In the matter of the Road  
petitioned for by Rudolph  
Hong and other

This matter came on to be heard on the petition of C. E. Wade, Jacob Hong, Frank Eaney, Rudolph Hong and Jas Riggs to change the County road petitioned for by Rudolph Hong and other and turn the same across other parts of their own lands, from which it appears that C. E. Wade is the owner of the S.E. of S.E. of Sec 5 T1 R39 E. N.M., That Jacob Hong is the owner of the N.E. of S.E. of Sec 5 and S.W. of N.E. of Sec 5 T1 R39 E. N.M. That Frank Eaney is the owner of the N.W. of N.E. of Sec 5 T1 R39 E. N.M. That Jas Riggs is the owner of the N. of S.E. of Sec 32 T1 N R39 E. N.M. And that Rudolph Hong is the owner of the N.E. of S.W. and S.E. of N.W. of Sec 32 T1 N R39 E. N.M. all in Union County Oregon and across which the County road petitioned for by Rudolph Hong and other extends. That petitioners are desirous of turning said road to other parts of their said lands respectively and apply to the Court for leave, and permission of the Court to turn such road through other parts of their said

Second Judicial Day

Thursday Nov 7<sup>th</sup> 1889

lands. That petitioners desire to change said County road as follows 1<sup>st</sup> Beginning at a point 8 or 10 rods South of A 1 on said road and extending northwesterly, across the N.E. corner of A E<sup>4</sup> of S E<sup>4</sup> Sec 5 T 1 R 39 E. The same being the property of P. E. Wade, one of petitioners herein, and thence across the S.W. corner of the N E<sup>4</sup> of S E<sup>4</sup> of said Sec 5. The same being the property of Jacob King, one of petitioners herein, and terminating at or near the S.W. corner of said N E<sup>4</sup> of S E<sup>4</sup> Sec 5 T 1 R 39 E. N. M.

2<sup>nd</sup> Beginning at or near the N.E. corner of S W<sup>4</sup> of N E<sup>4</sup> of said Sec 5 on said County road petitioned for by Rudolf King and others. Thence West  $\frac{1}{4}$  of a mile thence North  $\frac{1}{4}$  of a mile intersecting said County road at the S.W. corner of A E<sup>4</sup> Sec 32 T 1 R 39 E. N. M. Said change being entirely on the lands of Jacob King, Mark Carney and Rudolf King, petitioners herein.

3<sup>rd</sup> Beginning 7 or 8 rods South of the 2 M post on said County road, thence North easterly, Northerly and Northwesterly, curving around a hollow and returning to said County road 7 or 8 rods North of said 2 M post. The same being on the property of Jas Riggs, one of the petitioners herein.

4<sup>th</sup> Beginning 6 or 8 rods South of the center of Sec 32 T 1 R 39 E. N. M. Thence Northwesterly, Northerly and North easterly, curving around a rocky point and returning to said County road 20 or 25 rods North of the center of said Sec 32. The same being on the land of Rudolf King, one of the petitioners herein. And petitioners ask the Court to vacate all those portions of the County road petitioned for by Rudolf King and others that lie between the beginning and the end of each of the changes herein asked for whenever the changes are allowed by the Court. And petitioners allege that the changes desired will place the road on better ground than it now occupies through petitioners said lands, and will, not materially increase the distance to the injury of the public. That petitioners ask for these changes for the purpose only of making the road better for their own use and the use of the public and to avoid certain impracticable parts of said road petitioned for by Rudolf King and others. And petitioners ask that viewers and surveyor be appointed to view & view and survey said changes asked for and that in case the said viewers find any of the distances above designated to be slightly at variance with the best interest of the road that they be allowed to locate and have the changes surveyed and established on the best ground, not varying far from said points designated. It is therefore considered and ordered that J. D. Clark, Jerry Tuttle and J. M. Naval

Second Judicial Day

Thursday Nov 7<sup>th</sup> 1889

be appointed viewers and J. W. Kimbrell Surveyor to meet at the house of Terry Tuttle on Saturday Nov 16<sup>th</sup> 1889 at 9 o'clock A.M. or on some other day within five days thereafter and having been first duly sworn to view and layout said proposed changes in said County road and report to this Court as provided by law.

In the matter of the Road }  
petitioned for by J. R. Hayes }  
and others } It appearing to the Court that the  
line of the County Road road petitioned for by J. R. Hayes et al  
between the lands of J. C. Yowel and W. C. Huffman is in dispute  
It is ordered that the County Surveyor J. W. Kimbrell, resurvey and relocate  
said road and the dividing line between the lands of said parties  
and that the clerks of this Court furnish said Surveyor with a copy  
of the field notes of said original survey.

In the matter of the }  
Proposed County Road }  
petitioned for by Geo H }  
Robies et al } This matter came on to be heard at this  
time upon the petition herein filed, and it appearing to  
the Court that proof of posting notices has not been made  
as by law required It is ordered that this matter be continued  
and set for hearing on Dec 2<sup>nd</sup> 1889, to give petitioners time  
to make the necessary proofs herein.

In the matter of the }  
Road petitioned for by }  
Rudolf King et al. } At this time it appearing to the Court that  
the petition for the above entitled road asked that it be made a  
40 foot road, It is therefore ordered that said road be declared  
to occupy a strip of ground 40 feet wide the whole length  
thereof and no more.

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

Sixth Judicial Day

Wednesday Dec 4<sup>th</sup> 1889

In the matter of the }  
 County road petitioned }  
 for by G. W. Hamilton et al } This matter came on to be heard at this  
 time upon the Bill of R. J. Childers for \$4<sup>00</sup> and the Bill of R. M.  
 Oliver for \$3<sup>00</sup> for appraising damages on the G. W. Hamilton Road  
 and the same appearing correct and just and ordered paid

In the matter of the }  
 County road petitioned for }  
 by G. Brooks et al } At this time it is ordered that the following  
 bills be allowed in the above entitled matter, to-wit:-  
 M. N. Kirby \$5<sup>00</sup> and J. N. Young \$5<sup>00</sup> for appraising damages and  
 L. P. Jennings .75 for swearing appraisers.

In the matter of the }  
 County road petitioned }  
 for by J. R. Hayes et al } This matter came on to be heard upon the Bill  
 of Viewers, Marker & Surveyor on the resurvey of the County road  
 petitioned for by J. R. Hayes et al. and it is ordered by the  
 Court that said Bills be allowed as follows, to-wit:- C. L.  
 Bleeker Marker \$3<sup>00</sup> Ed Mace Chairman \$3<sup>00</sup> J. P. McKinley  
 Chairman \$3<sup>00</sup> J. M. Kimbrell Surveyor \$7<sup>20</sup>

In the matter of the }  
 County Road petitioned }  
 for by Rudolf Hugel et al } At this time it is ordered by the Court that  
 the following bills be allowed in the above entitled matter, to-wit:-  
 J. V. Norval Viewers \$2<sup>00</sup>, Wood & Clark \$2<sup>00</sup>, Jerry Tuttle \$2<sup>00</sup> and  
 J. M. Kimbrell \$18<sup>20</sup> for surveying the same.

In the matter of the }  
 Bridges over Indian Creek }  
 of } This matter came on to be heard upon the bill  
 of M. N. Park for \$324<sup>00</sup> for building the bridge over Indian  
 Creek at the Cummins Crossing, and in appearing to the Court  
 that said Park has completed the said bridge according to Contract  
 and that the above road the Contract price in County warrants  
 the same is allowed by the Court.



Second Judicial Day

Thursday Jan'y 9<sup>th</sup> 1890

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.

O S Groutall  
County Judge

Thereupon the following proceedings were had, to-wit:-

In the Matter of the  
Application of Coleman  
Shepherd for a Liquor License

And now at this time this Cause coming on for further consideration by said Court and Commissioners, the said demurrer or objection to the remonstrance was overruled and it was agreed by said Commissioners that said remonstrance should stand and the respective parties might introduce proof upon their respective claims, the applicants, that their petition was signed by the majority of the legal voters of said precinct, and the remonstrators that their denial of the same. Whereupon the applicants announced to the Court and Commissioners that they would proceed no farther, nor urge their petition, and the Court and Commissioners now being advised in the matter are of the opinion that the applicants have not complied with the law in all respects, and said license is therefore refused.

In the Matter of the  
Change in Road petitioned  
for by Rudolf Hougabal

This matter came on to be heard upon the Report of the Viewers and Surveyor heretofore appointed herein and 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 of the Court.

Third Judicial Day

Friday January 10<sup>th</sup> 1890

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.

O. S. Jewell  
County Judge

Thereupon the following proceedings were had, to wit:-

In the matter of the proposed  
Changes in the County road  
petitioned for by Rudolf Hugel.

This matter came on to be heard at this time on the reports 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 7<sup>th</sup> Day of November 1889 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 P. E. Wadsworth, beg leave to report that on the 18<sup>th</sup> day of November 1889, 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. W. Nowal  
Jerry Tuttle  
Thomas S. Clark.

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

Third Judicial Day

Friday Jan 10<sup>th</sup> 1890

road be established as a County road and 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 this being only for certain necessary changes in the County Road petitioned for by Rudolf Heng et al heretofore ordered opened and declared a public highway of Union County. 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 that the Court that said reports 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 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 James W. Riggs, Road Supervisor of Road Dist No 36, 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 W. }  
L. Aubrey and others }

This matter came on to be heard at this time upon the report of the Viewers and Surveyor heretofore filed herein for a second reading as provided by law, and also upon the report of the Appraisers heretofore appointed to assess the damages that would accrue to Thos Keating and Mrs E. A. Pierce by the establishment of said proposed road, and said report of Viewers and Surveyor having been now read in open Court on two different days of this term, and no good reason having been shown why said reports be not approved, It is ordered that said reports of Viewers and Surveyor be approved by the Court. And it appearing that said Appraisers have filed their report in writing as follows:-