

Viewers Appointed Jnl E 510
First Reading 562
Dismissed 570
Hearing ordered 600
Dismissed J 9

388

Petitioned for by R D Ruckman
et al

Commencing at NE corner of SH 511
Sec 4 T 2 S R 39 E and in
thence S $\frac{1}{2}$ mile to R 111 372

In the County Court of the State of Oregon

for Union County.

In the Matter of the Petition of R. D. Ruckman for
Change of County Road through his
own Premises.

Now Comes E. J. Couper, and represents to the Court that:

he is the owner of the following described lands viz:

E. 1/4 Sec 1 and NE 1/4 Sec 9 and N 1/4 Sec 10 and N 1/4 Sec 3 and E 1/4 Sec 3 of T. 32 R. 39 E. N. M.

That the road, a change of which is asked for by R. D. Ruckman upon his own petition, as upon and across his own land, is not situated exclusively on his own lands, as follows viz: the termini of the new road proposed by him, are not the termini of the road for which it is a substitute, and hence is not a CHANGE of said road,

That the road sought to be thereby vacated by him, is on the line, ~~viz~~ between the said lands of said Couper and said Ruckman a distance of 80 rods,

That such change in said Road would materially increase the distance of travel to the injury of the Public, including this remonstrator.

And the said E. J. Couper hereby protests against the granting of the said Petition for the following grounds, viz:

- 1st That the Court has no Jurisdiction of the said petition.
- 2nd That there has been no notice of the said petition.
- 3rd And that the same is Ex-parte, when the same affect this Remonstrator, as well as the public.

Witness my hand this 5th. day of Aug. 1891.

E. J. Couper.

State of Oregon,

County of

} ss.

I, being first duly sworn, say: That I am
..... in the above entitled and
that the foregoing is true as I verily believe.

Subscribed and sworn to before me this day of 189.....

I hereby certify that the foregoing is a true copy of the original.

Served on

.....
Attorney for

No.

County IN THE
Circuit Court

OF THE

STATE OF OREGON.

For Wasco County.

~~Plaintiff~~
By the undersigned
petitioner of 1899 the defendant for
returning of road
~~Defendant~~

Remonstrance

J. E. Cooper,

Filed

Aug 6th

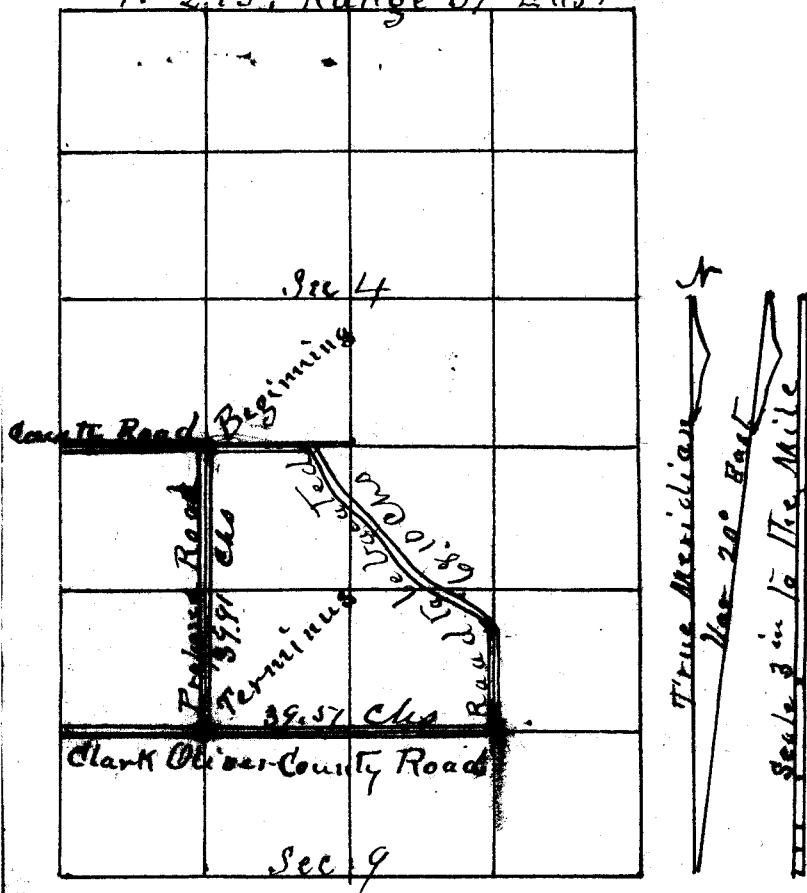
1899

Judson Oliver Clerk.

R. EAKIN

Attorney for

T. 2. S., Range 39 East



FILED.

AUG 5 1891

James Oliver
County Clerk.

To the Honorable County
Court of Union County, Oregon

We the undersigned view-
ers heretofore appointed on the
8th day of July, to view out-
-of-
-of-
Proposed change in County road
as petitioned for by R. D. ^{and} ~~Reed~~
Report that we met on the 27th
day of July 1891 with J. L. Curtis as
Surveyor and ^{after being fully examined} proceeded to view
out said road & the whole there-
-of in accordance with the
Enclosed plat & field notes of the
Survey. We further report the
Proposed Road to be 45 rods longer
than the road sought to be vaca-
-ted, and on equally as good ground
-ed for a road. We therefore recom-
-mend that the prayer of the Petiti-
-oner be granted. W. S. Skell
V. S. Danner

FILED.

AUG 5 1891

James Owen
County Clerk.

Plat and Field Notes of County Road
as Petitioned for R D Ruckman

Done on July 22 1891

Commencing at the N E corner of the S W⁴
of the S W⁴ Sec 4 in T. 2. S. Range 39 East
and running thence S. Var 20° East

39 91 Chs to the terminus at a Rock set
in the centre of the Clark Oliver
County Road at the SE corner of the
N W⁴ of N W⁴ Sec 9 T. 2. S. Range 39 East

J L Curtis

Surveyor

Received as
Payment for by
R W Hutchman

PAID.

JUL 24 1891

James Davis,
County Clerk.

In the County Court Union
County, Oregon

In or Road
petitioned by E. W.
Dunbar et als

Comes now R. B. Ruckman
and represents to the Court
that the foregoing County Road
was about established
and located over and across
his lands described as follows;
to wit: E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec
4 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 9 - in Twp
2^s in Range 39 East W. 24 -
that the said road is evoked,
inconvenient and would be
located on better ground if chan-
ged as follows: Commencing
at the NE corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$
of Sec 4. Tp 2 - R 39. E. W. 24
thence running south to
the South East Corner of the
NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 9 -
in same Twp and Range
where it intersects the County
Road published for by Clord
Oliver Et al, and to vacate
all that road now located
and established in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
and SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 4 - ^{and} ~~also~~ NW $\frac{1}{4}$ NE $\frac{1}{4}$
Sec 9 Tp 2 R 39. E. W. 24, that
he will give the land for the
road proposed in lieu of the

land - on which the road
is located which is pro-
posed to vacate, and
your petitioner, will give
bond for costs of this
proceeding.

The Sheriff asks
that viewers be appointed
to view and report on
said road, and he
will ever pray etc
Dated July 8th 1891

R. D. Ruckman

A. E. Imbler
Samuel Cochran
V. S. Davison

*Petition for Change
in Road*

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*Filed July 8th 1891
Turner Oliver Clerk
By J.R. Oliver Deputy*

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That

J. R. D. Ruckman

of the County of Union and State of Oregon, are held and firmly bound unto said County of Union in the sum of *Two 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 *8* day of *July* A. D. 189*1*

J. R. D. Ruckman

Now, the condition of the above obligation is such, That, whereas the above named

and

and others, have

petitioned the County Court of said County of Union, at the *July* Term, 189*1*, thereof for a

County Road, commencing at *NE Corner of SW 4 Sec 4 Tp 2 S R 39 E* running thence *South 1/2 mile* and intersecting road *No 372* at the *SE Corner of the NW 4 Sec 9 Tp 2 S R 39 E NW*

Now, if the above named

J. R. D. Ruckman and

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.

J. R. D. Ruckman (L. S.)

(L. S.)

STATE OF OREGON, }
County of Union. }

J. R. D. Ruckman 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; that I am a resident and householder in said County and State.

J. R. D. Ruckman

Subscribed and sworn to before me this *8* day of *July* A. D. 189*1*

Turner Oliver

County Clerk.

By J. R. Oliver Deputy

In the County Court of the State
of Oregon, Union County.

IN THE MATTER OF THE

Road for the litigants body

R & R

ROAD.

BOND OF ROAD PETITIONERS.

Approved _____ 189

J. P. Oliver
County Judge.

Filed July 8 189

J. P. Oliver
County Clerk.

By *J. P. Oliver*
Deputy.

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 at the beginning of the proposed road on a board nailed to the fence by the side of the public road near the school house; one at the ending of the proposed road on a board nailed to a tree by the road side, and the third on a board nailed to a tree by the side of the public County Road a little southwest of the house of H. McDonald 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 said 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 C. A. Myers, Wm Park and Mrs. Eubanks be appointed Viewers of said road, and that J. L. Curtis be appointed Surveyor of said road, and that they meet at the house of Herman McDonald on the 21st day of July 1891 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 a change
in the Road petitioned for
by E. W. Imbler et al.

Comes now R. D. Reckman and petitions the Court for leave to change the Road petitioned for by E. W. Imbler et al. on his own land and at his own expense, and it appearing to the Court from said petition that petitioner R. D. Reckman is the owner of the following described Real Estate, across which said County

First Judicial Day.

Wednesday July 8th 1891

Road lands, town: $6\frac{1}{2}$ x $2\frac{1}{4}$ and $10\frac{1}{2}$ x $2\frac{1}{4}$ Sect 4 and $2\frac{1}{4}$ x $2\frac{1}{4}$ Sect 9 in Twp 2 S, in Range 39 East W. M.; that the said road is crooked, inconvenient and would be located on better ground if changed as follows: Commencing at the N^W corner of the $2\frac{1}{4}$ x $2\frac{1}{4}$ of Sect 2 Twp 2 S R. 39 E. W. M.; thence running south to the southeast corner of the $2\frac{1}{4}$ x $2\frac{1}{4}$ of the $2\frac{1}{4}$ x $2\frac{1}{4}$ of Sec 9 in same Twp and Range where it intersects the County Road petitioned for by Clark Oliver et al, and to vacate all that road now located and reestablished in the $2\frac{1}{4}$ x $2\frac{1}{4}$ and $2\frac{1}{4}$ x $2\frac{1}{4}$ Sect 4 and also $2\frac{1}{4}$ x $2\frac{1}{4}$ Sect 9 Twp 2 S R. 39 E. W. M.; that he will give the land for the road proposed in lieu of the land on which the road is located which is proposed for sale, And said petitioners having entered into a good and sufficient undertaking as provided by Law. It is therefore considered and ordered by the Court that Sam Brooks, V. S. D. armer and Wm. Hull be appointed Viewers and J. L. Curtis Surveyor to meet at the beginning of the proposed change in the Road on July 22nd 1891 at 10 o'Clock A.M. and after qualifying, to view, survey and lay out said Road according to Law and to report whether said Road would be on as good ground as the portion sought to be vacated, and whether the length would be materially increased to the detriment of the Public.

In the matter of a change
of a County Road through
the lands of Jesse Imbler

Comes now Jesse Imbler and petitions the Court for permission to change the Road on his own lands and at his own expense. And it appears to the Court from said petition that the said Jesse Imbler is the owner of the following described Real Estate, across which said County Road extends, to-wit: The East half of

First Judicial Day.

Wednesday August 5 1891

day of this term of Court.

In the matter of the road
petitioned for by Robt.
Ruckman in his own right

This matter came on to be heard
at this time on the report of the Viewers and Surveyor hereto-
fore appointed by the Court. And said reports having been read in open
Court for the first time, they are laid over for further con-
sideration on some other day of this term of Court.

In the matter of the claim
of Geo M. P. for additional
damages on Road petitioned
for by J. Q. Shindler et al

This matter came on to be heard
at this time on the ~~apprehended~~ report given by two of the
appraisers in the above entitled matter, having been continued
over from last term for further consideration at this time, and
the Court having considered the matter and talked with a
third appraiser, and he being sure that the amount reported
was the amount intended to be reported, and the Court being
of the opinion that to open up the matter now would allow
all parties affected by the Road to file additional claim for
damages, and would not be justice to the tax payers of the
County, It is therefore considered and ordered that said
claim be dismissed

In the matter of the dis-
tribution of Road Funds

At this time it appearing to the Court
that Jacob Harg, Road Supervisor of Road District No 14
ought to have an additional opportunity to carry on the work

Second Judicial Day

Thursday Aug. 6th 1891

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 John Rymareon Road Supervisor of Road District No. 44 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 Road }
petitioned for by R. D. Ruckman }

This matter came on to be heard at this time on the Report of Viewers and Surveyor for second reading and on the objections filed by E. J. Couper and it appearing to the Court from said objections of E. J. Couper under oath that said road sought to be vacated is not entirely on the lands of R. D. Ruckman and that said road would be materially lengthened to the detriment of the public, it also appearing from the report of the viewers that said road would be lengthened 49 rods and the Court having no legal right under the showing made to grant said petition. It is ordered that the same be dismissed.

In the Matter of the proposed }
County road petitioned for by J. Q. Wallingor 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 reports of Viewers being in words following to-wit:

Report of Viewers

To the Honorable County Court for Union County Oregon:

First Judicial Day

Wednesday Sept 9th 1891

In the Matter of the Road }
petitioned for by Jesse Imbler in
his own right }

This Matter came on to be heard at this time on the motion and showing of Joseph Oliver to have the order heretofore made opening up the road and allowing other roads to be vacated set aside and it appearing to the Court from said showing that a part of said road ordered vacated was not on the land of petitioner and the said Joseph Oliver having asked that the matter be opened up and that he might have a hearing it is therefore considered and ordered that said former order declaring said road a public highway be set aside and that the matter be opened up and set for hearing at the next regular term of this Court to wit: Oct 7th 1891 at 7 o'clock P.M. and that the Clerk notify the Road Supervisor accordingly

In the Matter of the Road pe- }
titioned for by R.D. Buckman in his own right }

This Matter came on to be heard at this time on the Motion of C.H. Finn atty for the petitioner asking that the former order of this Court dismissing this Matter be set aside, that the Matter be opened up and that he be allowed a hearing and the same having been argued in open Court It is considered and ordered that said Matter be opened up and set for hearing at the next regular term to wit Oct 7th 1891 at 7 o'clock P.M. and that the Clerk notify E.J. Couper accordingly

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

First Judicial Day

Wednesday Oct 7th 1891

hearing at this time, the petitioners appearing by R. Eakin of Counsel and the Objector appearing by J. W. Crawford of Counsel and after argument of Counsel and the Court being fully advised, in the premises It is considered and ordered that said motion be sustained and that this proceeding be dismissed.

In the Matter of the Road
petitioned for by John W.
Cowan and others

At this time it appearing to the Court that the appraisers heretofore appointed by this Court to assess the damages that would accrue to Geo. S. Foster by reason of the establishment of said proposed road have not yet made a report of their doings as such appraisers. It is ordered that this matter be continued for the term.

In the Matter of the proposed
Logging roads petitioned for by
the Grand Ronde Lumber Co.

This matter came on to be heard at this time on the reports of the viewers heretofore appointed herein, and it appearing to the Court that only two of said viewers have signed said report, on motion of C. W. Finn, atty for petitioners, It is considered and ordered that petitioners be allowed until tomorrow to have the third viewer sign said report. Thereupon the Remonstrators J. N. Hunter and L. B. Fox by J. W. Crawford, their attorney file their motion to dismiss this proceeding for want of jurisdiction of the Court herein, and said proceeding came on for argument on said motion, the petitioners appearing by C. W. Finn of Counsel and the Remonstrators appearing by J. W. Crawford of Counsel and after argument of Counsel, and the Court being fully advised in the premises, It is considered and ordered that said motion be overruled and denied.

In the Matter of the proposed
County road petitioned for
by R. D. Ruckman.

This matter came on to be heard at this time on the motion of E. J. Cooper to dismiss this proceeding for the want of jurisdiction of this Court, the petitioners appearing by C. W. Finn

First Judicial Day

Wednesday Oct 7th 1891.

of Council and the objection appearing by R. Eakin of Council and after argument of Council and the Court being fully advised in the premises, It is ordered that said motion be dismissed and that this proceeding be dismissed.

In the matter of removing a
prisoner to the jail at Baker
City Baker County Oregon

Now at this time this matter being presented to the Court by Chas. Hyatt Dist. Atty. and it appearing to the Court that it is manifestly in furtherance of justice that Andy Johnson now confined in the County Jail of Union County Oregon on a charge of murder should be kept separate and apart from his former associates and the witnesses in said case, and that the same cannot be done in Union County under present jail facilities.

It is therefore ordered that J. S. Bolles, Sheriff of Union County Oregon is hereby permitted and authorized to take and remove said prisoner Andy Johnson to the County Jail in Baker County Oregon and deliver him to the Sheriff of said County for safe keeping until such time as the Jail of Union County Oregon shall be better fitted for the safe keeping of prisoners.

And that the said J. S. Bolles deliver with said prisoner the Commitment upon which said prisoner is now held.

In the matter of Mrs
M. W. Oldend a pauper

It appearing to the Court that the allowance made for Mrs. M. W. Oldend has not been drawn for some time past and that she is in very great need, It is ordered that her allowance be continued at the rate of \$10⁰⁰ per month, dating from the last warrant drawn, and the clerk is ordered to draw warrants on the Contingent fund to meet the same.

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