

REVEREND J. D. ORR  
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*No*

*in*

*Court*

*Plaintiff*

*vs*

*Defendant*

*Action for*

*Docket*

*Page*

*Attorney for Plaintiff*

*Attorney for Defendant*

**Record of the Case.**

Petition filed Dec 9<sup>th</sup> 1891

Viewers Appd Jnl F' Page 64

Order opened conditionally F 128

404

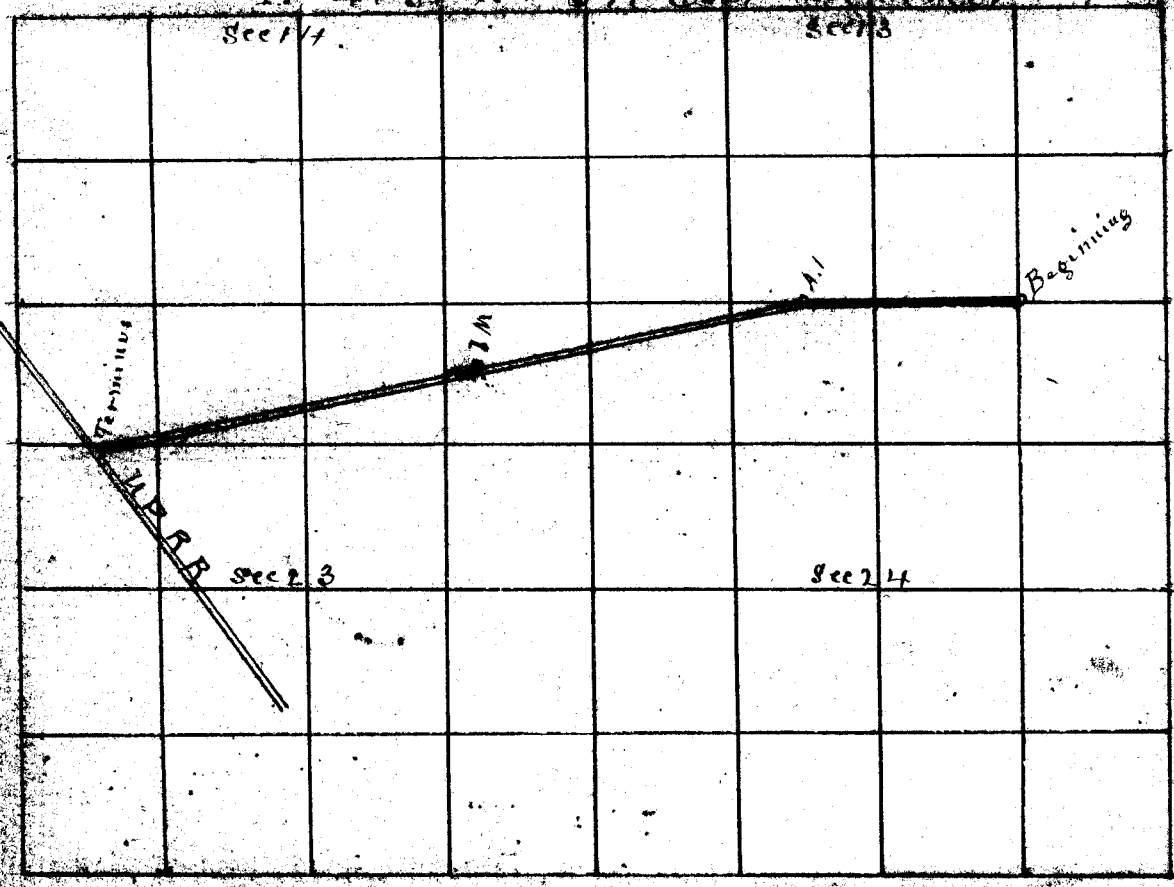
Petitioned for by  
J D Carroll et al

Commencing at the NW Cor  
of NE<sup>1/4</sup> of NE<sup>1/4</sup> Sec 24 Tp 4 S  
R 39 E N M and terminating  
at the Union Depot

**WITNESSES.**

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

T. 4. S. R. 39. East Will. Men



True Mer  
Var 20° East

Scale 3 inches to the mile

**FILED.**

JAN 5 1892

*James Owen*

County Clerk.

To The Hon County Court of the County of Union  
 State of Oregon, and the Viewers in the matter of a  
 proposed County Road as petitioned for by J. D.  
 Carroll et al.

I have the honor to report as follows to wit. We  
 met at Union Oregon on Dec 18<sup>th</sup> A D 1891

With M B Rees	}	Viewers
L R Holmes		
H L Dougherty		
George Hudson	}	Chairman
W E Finkle		

Arthur Curtis Marker

After being duly sworn we proceeded to survey  
 locate, and mark the proposed County Road by  
 commencing at the N W Corner of the NE 4 of  
 the NE 4 of Sec 24, Township 4. S. Range 39. East  
 and running thence West Var 20° East

- |       |  |
|-------|--|
| 31.28 | To Angle 1. Thence S. 78° 44' W  |
| 13.64 | " Crossing of the <sup>Union Railway right of way</sup> <del>Mountain</del> thence S. 78° 44' W  |
| 26.39 | " The point for the commencement of location of<br>the Old County Road at Station 44 on the<br><sup>Union Railway Right of way</sup> <del>Mountain</del> thence S. 78° 44' West  |
| 87.6  | To the 1 mile Station thence S. 78° 44' West   |
| 53.00 | " The terminus of the Road at a point 50 ft<br>distant from the U P R R side track and 1119 ft<br>distant in a westerly course from the 318 mile Post<br>on the U P R R: making the whole distance One<br>mile and two hundred and twelve rods.<br>All Angles and Stations properly marked<br>By Rocks - as per instructions |

Union Railway Right of way

From Station 44 on the ~~Water Line~~, the proposed Road is located on the south side of and parallel with the ~~said Water Line~~, <sup>Union Railway Right of way</sup> and the centre of the proposed County Road is located 20 ft. from the centre of the ~~Water Line~~ <sup>Union Railway Right of way</sup>.

From Stations 31 to 35 on the ~~Water Line~~ <sup>Union Railway Right of way</sup> Distance 400 ft there will be a fill of 3.5 ft on an average which would take to make a 16 foot Road Bed with proper slopes 1037 Cubic Yards of Earth; which without gravel I think could be done for  $12\frac{1}{2}$  cts per Yard making \$129.62 $\frac{1}{2}$  but if it has to be graveled it may cost 15 cts per Yrd which would cost \$155.55-

There is no other extra expense on the proposed Road if the Property Owners move their Own ~~Fences~~

All of which will more fully appear from a scaling of the Plat on a scale of 400 feet to the inch, and herein submitted for the benefit of the Viewers

J L Curtis  
County Surveyor

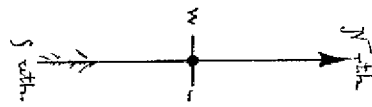
**FILED**

JAN 5 1892

*James Oliver*

*County Clerk*

Q4 S R 59 E T11 M.



15 14  
22 25

Section Line

Section Line

14 15  
23 24

Catharine  
Creek

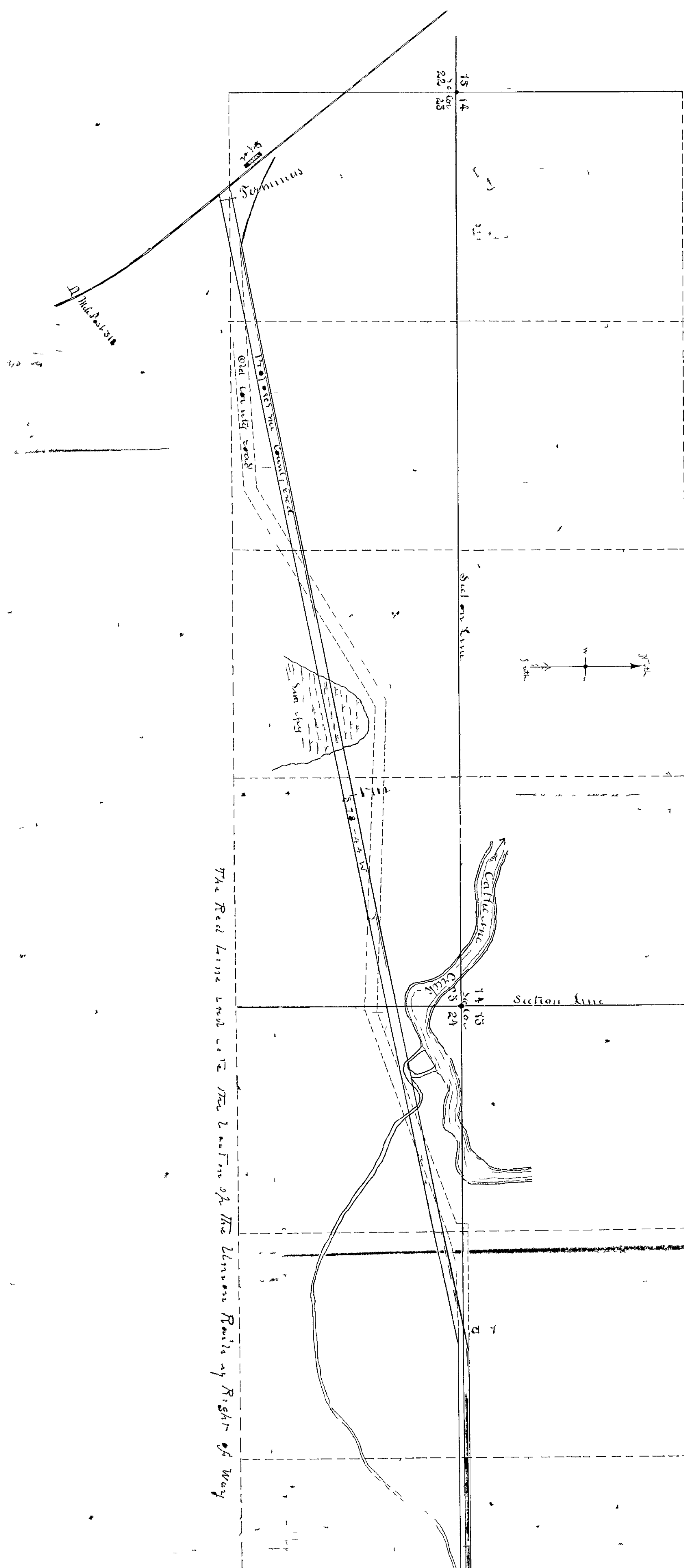
STB-44 W

Proposed new  
County road  
Old County road

Swampy

D. MacP. 1818

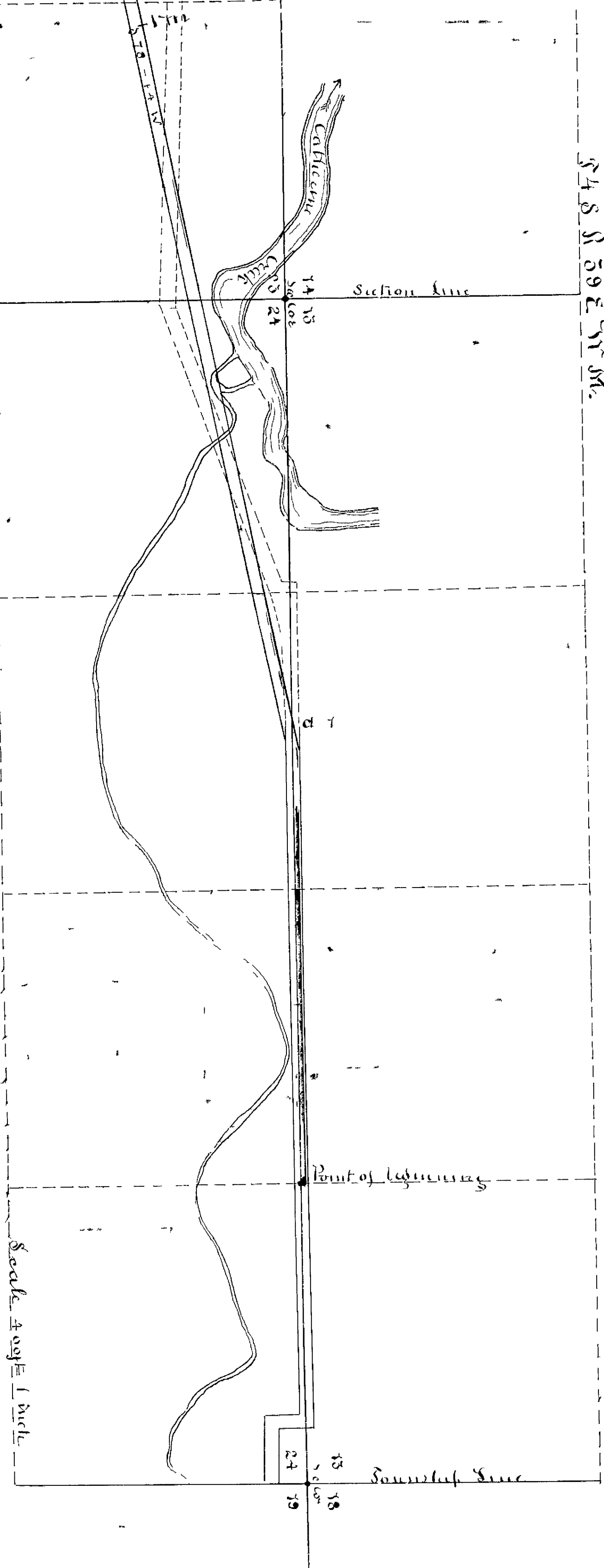
The Red Line and the Location of the Blinnon Rivin by Right of Way





S 48 N 59 E 71 M.

The Rec Line and the location of the Lincoln Railway Right of Way

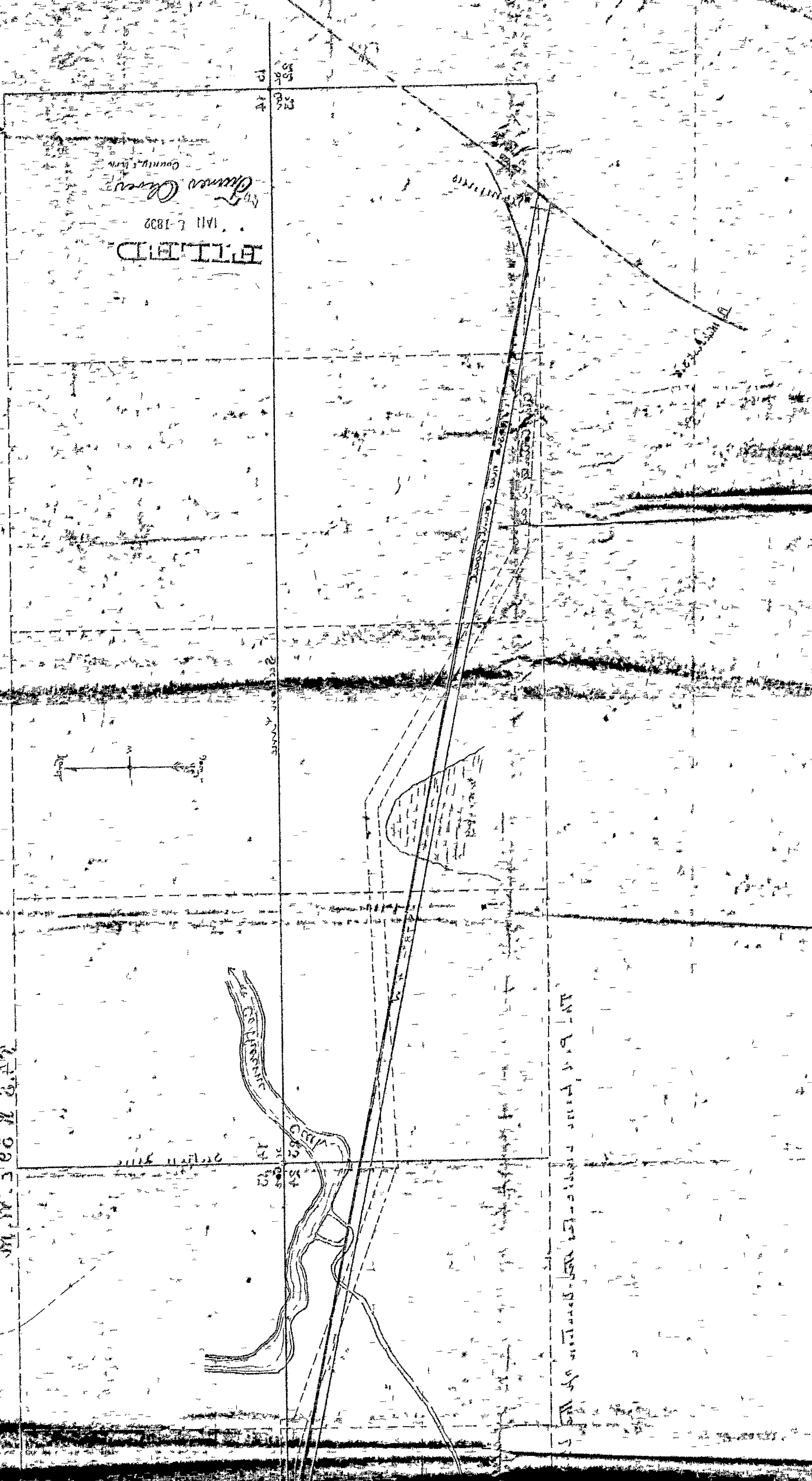


WILLIAMS  
JAN 7-1832  
James Owen  
County Clerk



W. E. B. & Co.

W. E. B. & Co. Proprietors of the



And that in our opinion said road is  
more in the interest of private individuals  
than of that of the county, and yet we believe  
that said proposed road can be made,  
perhaps, more acceptable to the public than the  
present road, inasmuch as the proposed  
road avoids two crossings of the contemplated  
Rail Road, and shortens the distance some.  
We therefore recommend that said <sup>proposed</sup> road be  
established as a public highway, providing the  
petitioners make the fill and do the grading  
the judgment of the viewers as <sup>of</sup> L. Dougherty  
to the cost of putting road in <sup>1856</sup> condition. <sup>Thos. B. Rice</sup>  
L. R. Holmes

Proposed

In The matter of The County Road  
Petition for by J. D. Carroll et al.

This matter now comes on to be heard on  
the report of The Viewers and Surveyor filed  
with me on the 5th day of Jan 1892. And it  
appearing to The Court that The Petition asks  
for the said proposed road to be located  
on the section line from the point of be-  
ginning for a distance of 2000 ft. thence  
across to the south side of The Union  
Railway Right of Way thence west on  
the south side of said Union Railway  
Right of way <sup>to the terminus here</sup> - And it further appearing  
to The Court that The above named  
section line is occupied and covered by  
the grade and road bed for said Union  
Railway tracks, that there appears no  
record of any Right of way for said  
railway on the records of Union County -  
Therefore it is hereby ordered by The Court  
that whenever The Union Railway Company  
shall definitely locate and record its  
right of way and build thereon its rail  
road leaving the line of said proposed  
County road clear of obstruction therefrom  
and where the petitioners shall grade  
and put the proposed road in as good  
condition for travel as the present traveled  
road as recommended by The Viewers report  
and to the satisfaction of The County Court, then  
The old road will be vacated wherever it

varies from the said new road

The Report of Viewers and Surveyor is adopted  
and road ~~shall~~ <sup>be</sup> ~~subject~~ <sup>subject</sup> to above conditions

# Petition for County Road

TO THE HONORABLE COUNTY COURT FOR Union COUNTY, OREGON

The undersigned householders of Union County Oregon residing in the vicinity where the Established and the present road related hereinafter described road is proposed to be, respectfully petition your Honorable body to lay out alter and establish a County road within said County on the following line or route to wit Commencing at the N W Corner of the N E 1/4 of N E 1/4 Sec 24 Township 4 South of Range 39 East of the Willamette Meridian in said County State of Oregon thence West the Section line 2060 ft. Thence South 78° 44' West 900 ft. Thence South 78° 44' West in the South line of the Union Railway right of way 600 ft to Union Station on the line of the Oregon Railway and Navigation Company railroad terminating at said station 1117 ft westerly from mile post on the line of said road rail road marked 318 miles from Portland and that at all points where the present track road leading from the City of Union to Union Station - says from the present road hereinafter that the same be created and discontinued

And in duty bound your petitioners will ever pray &c

NAMES	NAMES
J. D. Corvill	J. F. Sweet
J. H. Cooper	W. D. Wright
W. Chambers	A. L. Sanderson
A. E. Egan	S. W. Harris
C. J. Anderson	B. D. Davis
A. Lopez	Thomas Rawell
H. H. Giffen	G. S. Parker
Whitcomb Berry	E. W. Davis
Geo. P. Hall	George G. Coffinberry
M. M. Hall	W. S. Smith
W. S. Walters	James Raymond
J. W. Kennedy	R. D. Davis
D. Egan	D. F. Wilson
John M. Dwy	T. H. Crawford
	W. W. Wilking

1	J. H. Shilton	W. H. Lane
2	John H. Nelson	J. M. Zalles
3	<del>W. H. Shilton</del>	A. Gerbury
4		A. Johnson
5	E. H. Lewis	M. D. Rudlman
6	E. C. Coe	J. H. Williams
7	J. W. Dunn	A. Dickson
8	Robert W. Ego	O. P. Janney
9	S. M. Seaman	F. E. Foster
10	E. C. Prunard	C. S. Hiller
11		E. J. Couper
12	J. B. Thurston	J. A. W. Cooper
13	J. W. A. Hall	Wm. Black
14	Dee Wilkerson	Geo. Beards
15	Puck of later	M. S. Warren
16	J. M. Johnson	A. C. Lewis
17	G. L. Johnson	John D. Johnson
18	D. Prunard	John D. Johnson
19	W. H. Porter	John D. Johnson
20	A. H. Stedwell	Robert Shaw
21	M. J. Garrison	W. L. Carple
22	J. Zwick	J. A. Galloway
23	P. B. Wilson	Thomas Fielder
24	S. Vincent	W. J. Patterson
25	Wm. H. H. H. H.	W. H. H. H.
26	W. B. B. B.	J. M. S. S.
27	H. E. Martin	J. H. D. D.
28	Ed. B. B. B.	B. C. C.
29	A. M. C. C.	A. J. Goodbird
30	Ed. S. S.	J. C. Miller
31	J. H. P. P.	A. E. Eaton
32	W. S. S.	W. E. Bowden
33	William Dabbs	J. S. Vandorff
34	A. A. Miller	J. S. Galloway

35	J. S. Thornton	
36	M. L. Cassey	
37	S. O. Swackham	
38	Arthur Busick	
39	S. A. Purcell	
40	F. E. Foster	
41	W. R. W. W.	





STATE OF OREGON,  
County of Union, } ss.

I, James H. Hutchinson

being first duly sworn, say that I posted three several notices, of which the notice hereunto attached is a true and correct copy, in three public places in said County in the vicinity of the proposed road therein described, to-wit: One on the depot building at the Union Station, One on the door of the Grist Mill of Stuletmason Bros and the third on the Electric Light Post near the residence of W. S. Marren, all <sup>being</sup> public and conspicuous places

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 9<sup>th</sup> day of November 18 91, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 9<sup>th</sup> day of November 18 91, 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.

J. H. Hutchinson

Subscribed and sworn to before me this

9<sup>th</sup> day of December 18 91.  
James Oliver



**FILLED.**

DEC 9 1891

*James O. [Signature]*

County Clerk.



1	J. M. Hillon	J. M. Hillon
2	John H. ...	John H. ...
3	...	...
4	...	...
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8	...	...
9	...	...
10	Robert ...	Robert ...
11	S. M. ...	S. M. ...
12	E. L. ...	E. L. ...
13	J. B. ...	J. B. ...
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S. J. Thornton  
 W. L. Caney  
 S. O. ...  
 Arthur Busiek  
 S. A. ...  
 S. ...  
 W. R. ...

Part of Nov 9 1891  
 J. H. ...

FILED.

DEC 9 1891

James Owen  
County Clerk

101 1st ...

1000

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That we, James H. Hutchinson

of the County of Union and State of Oregon, are held and firmly bound unto 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 9th day of December A. D. 1891

Now, the condition of the above obligation is such, That, whereas the above named James H. Hutchinson, and others, have petitioned the County Court of said County of Union, at the December Term, 1891, thereof for a County Road, ~~commencing~~ described in the petition hereto attached,

Now, if the above named James H. Hutchinson 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. H. Hutchinson (L. S.)
H. C. Latner (L. S.)

STATE OF OREGON,
County of Union.

I, James H. Hutchinson and
, each for himself, say, that I am worth the sum of One

Hundred Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder in said County and State.

Subscribed and sworn to before me this 9th day of Decr A. D. 1891

J. H. Hutchinson
H. C. Latner
James Oliver
County Clerk.

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

IN THE MATTER OF THE

*G. R. Campbell et al.*  
ROAD.

AND OF ROAD PETITIONERS.

Approved *Dec 9* 1891

*A. H. Sanderson*  
County Judge.

189

County Clerk.

Deputy.

FILLED.

DEC 9 1891

*James Davis*  
County Clerk.

Be it remembered that at a regular term of the County Court of Union County State of Oregon begun and held at the Court House in the City of Union in said County on Monday the 7<sup>th</sup> day of December A.D. 1891 and from day to day thereafter during the continuance of said term when on Wednesday the 9<sup>th</sup> day of December A.D. 1891 or the third judicial day of said term the said County Court opened for the transaction of business with the following officers present:

The Hon J. N. Sanders County Judge

" John McDonald Commissioner

" W. D. Arnold "

Turner Oliver Clerk

J. P. Bolles Sheriff

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

In the Matter of the Road }  
petitioned for by J. H. Slater et al. }

This matter came on to be heard at this time on the motion to open up the proceedings on the damaged herein filed by J. L. Caviness said Caviness appearing by J. P. Baker his attorney and it is considered and ordered by the Court that the former order of the Court approving the report of the appraisers in this proceeding and the order of the Court ordering said road opened and declaring it a public highway be and the same are hereby set aside and held for naught and based upon the motion of said J. L. Caviness for a continuance It is considered and ordered by the Court that this matter be continued for the term.

In the Matter of the proposed }  
County Road petitioned for }  
by J. D. Carroll et al }

Comes now J. H. Hutchinson one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others praying for the location and establishment of a County Road, described as follows to-wit:

Commencing at the N.W. corner of the NE<sup>1/4</sup> of NE<sup>1/4</sup> Sec 24 T<sup>1/2</sup> 4 S R 39 E N M. in said County and State, thence West on the section line 2060 ft, thence S 78° 44' West 900 ft, thence



Third Judicial Day

Wednesday Dec 9<sup>th</sup> 1891

S 78° 44' West on the South line of the Union Railway right of Way 6000 ft to Union Station on the line of the Oregon Railway and Navigation Company railroad terminating at said station 1119 ft Westerly from Mile Post on the line of said rail road marked 318 miles from Portland and that at all points where the present traveled road leading from the City of Union to Union Station varies from the proposed road herein set out, that the same be vacated and discontinued.

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 the Court House in the town of Union, County of Union, State of Oregon, and also in three public places in the vicinity of said proposed road, to wit:

One on the depot building at the Union Station, One on the door of the Grist Mill of Hutchinson Bros and the third on the Electric Light Post near the residence of M. S. Warren all being public and conspicuous places 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 H. L. Dougherty, M. B. Reese and L. R. Holmes be appointed Viewers of said road and that J. L. Curtis be appointed Surveyor of said road, and that they meet at Union on the 18<sup>th</sup> day of Dec 1891, at the hour of 10 o'clock A.M. and after qualifying to view, survey and lay out said road according to law and make a careful estimate of the cost of grading the same.

In the Matter of the Petition for new Justice of the Peace for Elgin Precinct }

This matter came on to be heard at this time on the petition of numerous citizens of Elgin Precinct praying for the appointment of a new Justice of the Peace for said precinct and the



Third Judicial Day

Wednesday January 6<sup>th</sup> 1892

Road District No	35	a. J. Hughes
"	"	36 James H Riggs
"	"	37 a. J. Woods
"	"	38 W. J. Townley
"	"	39 Alexander Thompson
"	"	40 J. D. Corbett
"	"	41 J. A. Holman
"	"	42 W. H. Stafford
"	"	43 C. Peters
"	"	44 H. B. W. Brown

In the Matter of the Road.  
petitioned for by J. D. Connolly et al }

This Matter came on to be heard at this time on the Report of viewers and Surveyor heretofore appointed herein, and said report having been read in open Court for the first time is laid over for a second reading on some other day of this term of Court

In the Matter of Justice of  
Peace for Elgin Precinct }

This Matter came on to be heard at this time on the petition of citizens of Elgin for the removal of H. J. Burleigh the present Justice of the Peace and for the appointment of some other man to fill the vacancy rendered thereby and it appearing to the Court that it has not the power to remove the said H. J. Burleigh without cause and it not appearing from the said petition that there is sufficient cause for such removal It is ordered that said petition be dismissed.

In the Matter of the Report  
of G. W. Dillin Post Commander }

This matter came on to be heard at this time on the Report of G. W. Dillin Post Commander of Pretoria Post No 18 on the Indigent Relief Fund for the year 1891 and the same appearing in all respects regular and correct It is ordered that said report be approved and placed on file.

Fourth Judicial Day

Thursday January 7<sup>th</sup> 1892

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 yesterdays proceedings was read approved and is here now signed.

D. Sanders

County Judge

Thereupon the following proceedings were had, to wit:

In the Matter of the proposed }  
County Road petitioned for }  
by J. D. Carroll et al }

This matter now comes on to be heard on the report of the Viewers and surveyor filed herein on the 5<sup>th</sup> day of Jan'y 1892 and it appearing to the Court that the petition asks for the said proposed road to be located on the section line from the point of beginning for a distance of 2060 ft thence across to the South side of the Union Railway right of way, thence West on the South side of said Union Railway Right of way to the terminus thereof and it further appearing to the Court that the above named section line is occupied and covered by the grade and road bed for said Union Railway Tracks; that there appears no record of any Right of Way for said railway on the records of Union County, Therefore it is hereby ordered by the Court that whenever the Union Railway Company shall definitely locate and record its right of way and build thereon its rail road leaving the line of said proposed County road clear off obstructions therefrom and when the petitioners shall grade and put the proposed road in as good condition for travel as the present traveled as recommended by the Viewers Report and to the satisfaction of the County Court, then the old road will be vacated wherever it varies from the said new road. The report of Viewers and Surveyor is adopted and road ordered opened subject to the above conditions