

EQUITY }  
LAW } No

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In Circuit Court

Union County

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---

Plaintiff

vs

Defendant

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Attorney for Plaintiff

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Attorney for Defendant

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511

Petitioned for by -

JDM<sup>c</sup> Kennon  
et al.

Commencing at the SE  
Corner of NW<sup>1</sup> Sec 32 T<sup>1</sup>R  
1 S R 39 E and running  
due east to intersect  
foot hill road

(W. H. H.)

S. 477, 491 497.

Presented May 3, 1899

Ordered Opened June 8 1899

# 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 hereinafter described road is 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:

beginning at the Sec. 16 cor. of ~~the~~ ~~range~~ ~~396~~ ~~E.M.M.~~ ~~thence due~~ ~~E~~ ~~on~~ ~~an~~ ~~un~~ ~~surveyed~~ ~~line~~ ~~for~~ ~~a~~ ~~distance~~ ~~of~~ ~~1 1/2~~ ~~miles~~ ~~and~~ ~~thence~~ ~~E~~ ~~on~~ ~~the~~ ~~most~~ ~~practicable~~ ~~route~~ ~~to~~ ~~intersect~~ ~~the~~ ~~county~~ ~~road~~ ~~leading~~ ~~from~~ ~~Leas~~ ~~to~~ ~~Indian~~ ~~Creek~~ ~~along~~ ~~the~~ ~~foot~~ ~~hills~~ ~~of~~ ~~about~~ ~~3/4~~ ~~miles~~ ~~to~~ ~~intersect~~ ~~the~~ ~~county~~ ~~road~~ ~~leading~~ ~~from~~ ~~Leas~~ ~~to~~ ~~Indian~~ ~~Creek~~ ~~along~~ ~~the~~ ~~foot~~ ~~hills~~.  
Road to be 40 feet wide

And in duty bound your petitioners will ever pray, &c.

Dated at Imbler this 24th day of March 1899

NAMES:

NAMES:

J. D. McKannon  
L. H. McKannon  
H. McLaughlin  
J. L. Ross  
W. H. Gilham  
J. A. Gaskill  
M. B. Mitchell  
A. E. Mitchell  
W. E. Ruckman  
W. Ruckman  
J. Peitz  
J. M. Killings  
Fred O. Howell  
E. S. Gaskill  
J. Cochran

Isabelle Stoop  
William Stoop  
J. J. Weaver  
Nesley Duncan  
J. R. Evans

Read. Nelson  
J. M. Sproun,  
et al

)

## Notice of Road Petition.

**To All Persons Concerned:** You, and each 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 session of the County Court for Union County, Oregon, to-wit: On Wednesday, the 3<sup>rd</sup> day of May A. D. 1899, respectfully present to said Court a petition praying said Court to lay out, alter and establish a County road within said County on the following line or route, to-wit:

Comm. at SW cor. of NW<sup>1/4</sup> of sec 32 Tp 1 S Range 39 E. E 4 M Thence due E on sub-division line for a distance of 1/2 miles and thence E on the ~~most practicable route to intersect the Co. road leading from Corn to Indian Creek~~ road leading from Corn to Indian Creek along foot hills - of about 1/4 miles to intersect the Co. Road leading from Corn to Indian Creek along foot hills -

Dated at Imbler, Oregon, the 2<sup>nd</sup> day of March, A. D., 1899

NAMES.

NAMES.

J. D. McKinnon  
 L. L. McKinnon  
 H. M. Gulebrick  
 J. L. Row  
 Thos. H. Gilham  
 J. A. Gaskill  
 M. B. Mitchell  
 A. E. Mitchell  
 W. E. Ruckman  
 R. D. Ruckman  
 J. Freitag  
 J. M. Killings  
 Fred C. Howell  
 E. D. Gaskill

S. Cathran  
 Isabella Stoop  
 William Stoop  
 J. J. Meane  
 Wesley Bureau  
 J. R. Evans

J.T.O.  
 3-27-99

STATE OF OREGON, }  
County of Union. } ss.

I, J.P. Oliver 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

~~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 27 day of March 1899, I posted <sup>the hereto attached</sup> 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 4 day of May 1899.  
G.W. Benson Collector

STATE OF OREGON,  
County of Union. } ss.

I, J. A. Gaskill 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 At beginning of Road near Jap Riechardt's residence. One at Wm Stropf's ranche one mile east on proposed road and one at the terminus on Foot Hill Road on J. D. McKeen's ranche

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 24 day of March 1899, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 25<sup>th</sup> day of March 1899, 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.

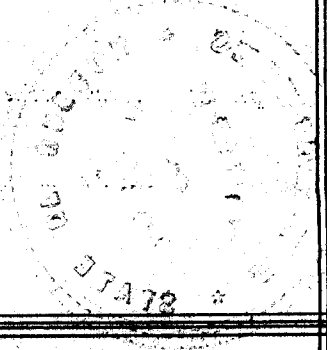
Subscribed and sworn to before me this 27<sup>th</sup> day of April 1899.

J. A. Gaskill  
J. Muench  
Notary Public for Oregon

Mr. Mitchell  
L.H. McKinnon  
7 George  
New Rochelle

March

W. Mitchell  
P.S.





BOND OF ROAD PETITIONERS.

Know all Men by These Presents, That we, J. D. McKenna and J. A. Gaskill, 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 2 day of May A. D. 1899

Now, the condition of the above obligation is such, That, whereas the above named J. D. McKenna and J. A. Gaskill, and others, have petitioned the County Court of said County of Union, at the May Term, 1899 thereof for a County Road,

NOW, if the above named J. D. McKenna and J. A. Gaskill 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. D. McKenna (L. S.)  
(L. S.)

STATE OF OREGON, }  
County of Union. } ss.

I, J. D. McKenna and J. A. Gaskill, 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. D. McKenna

Subscribed and sworn to before me this 2 day of May A. D. 1899

[Signature]  
County Clerk

Post Paid  
Jas. M. Spurgeon,  
et al

RECORDED IN OREGON

State of Oregon  
County of Union S.S.

I hereby certify that in the matter of the  
County Road petitioned for by J.D. Mc. Kennon et. al. that  
the viewers and each of them heretofore appointed by the  
court to view and lay out said road, were duly sworn  
by me to faithfully and impartially perform the  
duties pertaining to the viewing and laying out and  
establishing of said road before entering upon the  
discharge of their said duties in that behalf.

Arthur Curtis  
County Surveyor

*S. M. [unclear]*  
County Clerk

**FILED**  
JUN 6 1899

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 1<sup>st</sup> day of May, 1894, 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. D. McKeown, beg leave to report that on the 15<sup>th</sup> day of May, 1894, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would greatly add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county.

B. G. Gray  
Oliver Terin  
George Miller  
VIEWERS.

**FILED**

JUN 5 1899

*W. H. Johnson*  
County Clerk

State of Oregon  
County of Union } S.S.

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

Arthur Curtis  
County Surveyor

**FILED**

JUN 5 1899

*Ed. Johnson*  
County Clerk



## Report of Surveyor.

To the Hon. County Court of Union County, Oregon:

I, the undersigned, County Surveyor, appointed to survey the county road proposed by J. D. McKeown et al., beg leave to report that on the 15 day of May 1899, in pursuance of said appointment and order, I Surveyed said proposed road for the whole distance thereof, the following being the field notes of said survey:

I commenced at a point in the center of Section 32 Township 1 South Range 39 E. N. M. and run East 80 chains set 1 mile rock, thence same course 27 chains East bank of Grande Ronde River 80 chs, set 2 mile rock in center of Section 34, T. 1 S, R. 39 E. N. M., thence East 2.35 chains set rock in center of Road leading from Cove to Indian creek for Road Terminus

Arthur Curtis  
County Surveyor.

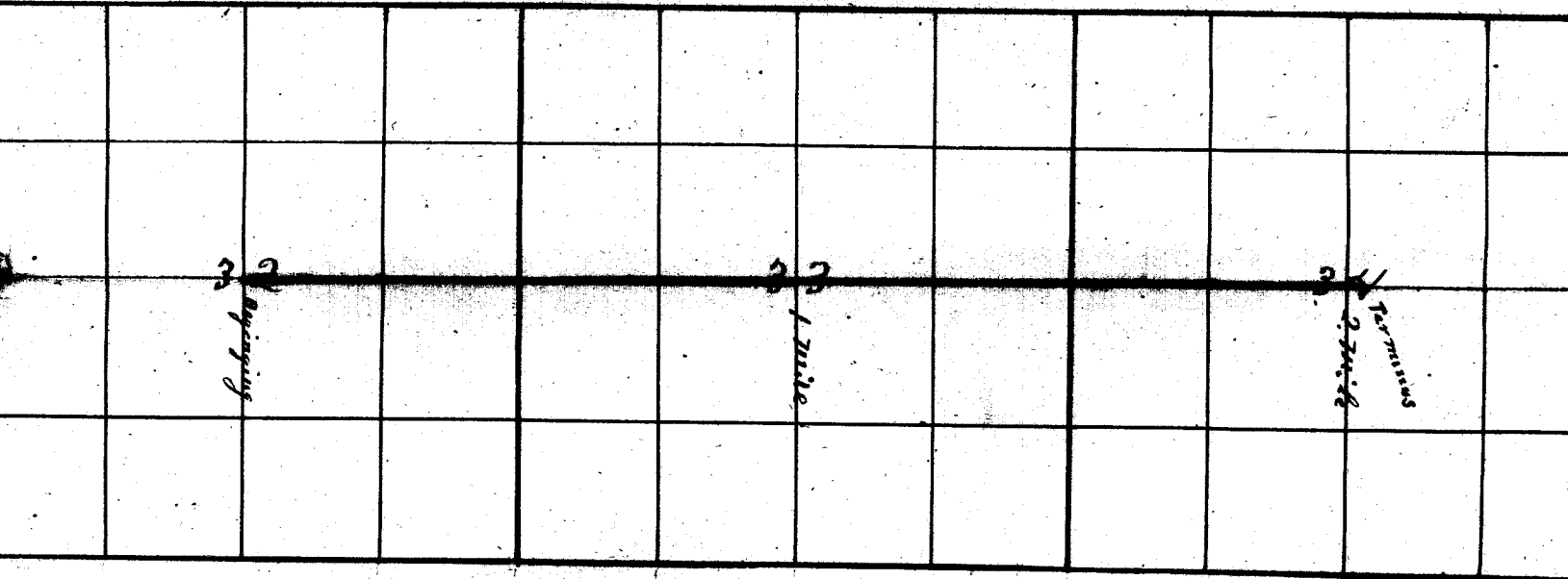
**F I L E D**

JUN 5 1899

*W. H. Benson*  
County Clerk

Road as Petitioned for by J. D. McKeen et. al.

Township 1 South Range 39 East W. M



Arthur Curtis  
County Surveyor

**F I L E D**

JUN 5. 1899

*Geo. B. Brown*  
County Clerk

Third Judicial Day

Wednesday May 3<sup>rd</sup> 1899

by advertisements posted at the place of holding County Court  
town: 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 town  
one at the beginning of the proposed road on a board nailed  
to a post, one at the terminus of the proposed road on a  
board nailed to a tree and one <sup>on</sup> a board nailed to a  
tree about two miles from the beginning of the pro-  
posed road and on the line of said proposed 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 Sam Cochran, E. P. Willey,  
and Eugene M. Call be appointed viewers of said road  
and that Arthur Curtis be appointed surveyor of said  
road and that they meet at Imbler on the 17<sup>th</sup> day  
of May 1899 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 peti-  
tioned for by J. D. McKinnon et al.

Comes now J. D. McKinnon, 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 loca-  
tion and establishment of a County road described as follows:  
town: Commencing at the S.E. cor. of NW<sup>4</sup> of Sec. 32, T<sup>4</sup> S. 1 S. of  
Range 39 E. N. M.; thence due east on subdivision line for a  
distance of about 2 1/4 miles to intersect the County road leading  
from Cove to Indian Creek along the foot hills, said road  
to be 40 feet wide and it appearing to the Court that said peti-  
tion 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 appear-

Third Judicial Day

Wednesday May 3rd 1899

ing 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 at the beginning of road near Jap Reinhardt's residence one at Wm Stokes ranch one mile east on proposed road and one at the terminus on four hill road on J. D. McKenmone ranch 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 George Gray, Oliver Perrin and George Miller be appointed Viewers of said road and that Arthur Curtis be appointed surveyor of said road and that they meet at E. D. Gastill's on the 15th day of May 1899 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 }  
Contract for funding in- }  
debtedness of County }

Comes now J. W. Scriber the party holding contract with Union County, to fund the warrant in indebtedness thereof and surrenders the said contract to the Court and asks that it be cancelled. It is therefore ordered that the said contract be and the same is hereby cancelled.

In the matter of the redemption }  
of south west quarter of the }  
south west quarter of section }  
16 township 2 S R. 38 E 4 N }

This matter came on to be heard at this time on the petition of Julia B. Holmes to redeem the SW 4 of SW 4 Sec 16 T. 2 S. R. 38 E. 4 N from the sale for delin-

Third Judicial Day

Wednesday June 7th 1899

filed herein, that the applicant, Edward Moxley, has paid to the County Treasurer the sum of \$100.00 and filed his receipt therefor with the clerk of this Court, that he has given a good and sufficient bond herein in the sum of \$1000.00, that there has been no remonstrance filed herein or cause shown why said petition should not be granted It is therefore considered and ordered that the said petition be granted and that license issue to the said Edward Moxley for the sale of malt spirituous and vinous liquors in less quantities than one gallon in Pine Valley precinct for a period of three months

In the matter of the  
Road petitioned for by  
E. P. McDaniel et al.

This matter came on to be heard at this time on the report of the Viewers and surveyor for a first reading and also on the report of the appraisers appointed to assess the damages that would accrue to the estate of Jacob Lomer deceased and B. C. Petteplace and it appearing to the court that the appraisers report that neither of the claimants will be damaged by the laying out and establishing of the said proposed road It is ordered that their said report be approved and placed on file and the said report of the viewers and surveyor having been read in open court for the first time it is ordered that same be laid over for a second reading on some other day of the present term of court

In the matter of the  
Road petitioned for by  
J. D. McKennon et al.

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

Fourth Judicial Day

Thursday June 8th 1899

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.

B. G. Wilson  
County Judge

Thereupon the following proceedings were had, to-wit:

In the matter of the  
application of Turner Oliver  
for a rebate on Taxes 1898

Comes now Turner Oliver and files his application for a rebate on taxes or for an adjustment of his assessments for the year 1898 and the Court not being fully advised at this time It is ordered that the petition herein be continued for the term

In the matter of the  
application of the Chicago  
Store for adjustment of Taxes

This matter came on to be heard at this time on the application of the Chicago Store for an equitable adjustment of its taxes for the year 1898 and the Court not being fully advised in the premises It is ordered that the said application be continued for the term for further information

In the matter of the proposed  
County road petitioned for by  
J. D. McKennon et al

This matter came on to be heard at this time on the report of the Viewers and surveyor heretofore appointed herein for a second reading as provided by law



Fourth Judicial Day

Thursday June 8th 1899

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 1 day of May 1899 appointed to view and lay out and alter the proposed County road of which the survey hereto attached is a true and correct description as petitioned for by J. D. McKennon et al big leave to report that on the 15th day of May 1899 in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions said proposed road should be laid out and established as a public highway of Union County, Oregon. That the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be laid out and declared a public highway of said county.

J. G. Gray  
Oliver Perrin  
George Miller

And said report of the viewers and the report of the surveyors having been now publicly read in open court on two several days of the present term of the court and it appearing to the court that said viewers report favorably thereon and recommend that said proposed road be established as a County road and be declared a public highway of Union County, Oregon and all the proceedings 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 open according to law and the court being satisfied from the report of the viewers that such road will be of public utility. It is therefore considered and ordered by the court that said report of the viewers and surveyors 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 and surveyors be approved and adopted by

Fourth Judicial Day

Thursday June 8th 1899

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 reports of the viewers be placed on record in this journal and that the surveyors 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 D. W. Elledge & M. B. Mitchell Road Supervisors of road Districts No 8 & 10 respectively, 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 application of L. B. Russell and J. W. White to purchase Union County's certificate of sale of certain property sold for Delinquent Taxes

This matter came on to be heard at this time on the application of L. B. Russell and J. W. White to purchase Union County's certificate of sale of certain property sold for delinquent taxes from which it appears that Alfred Ball was assessed for the year 1893 on the NW<sup>1</sup>/<sub>4</sub> of Sec 10 and NE<sup>1</sup>/<sub>4</sub> Sec 9 T<sup>1</sup>/<sub>2</sub> 2 S. R. 36 E that said property was sold on the 14th day of Nov 1896 by the Sheriff for delinquent taxes and costs for the sum of \$10.<sup>00</sup>

That for said year Chas. Griswold or Unknown was assessed on the SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec 4 and NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec 9 T<sup>1</sup>/<sub>2</sub> 2 S. R. 36 E and that said property was sold by the Sheriff on the 13th day of Nov 1895 for the sum of \$9.<sup>38</sup>

That for the year 1893 L. J. Austin or Unknown was assessed on the N<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec 30, the E<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec 33 T<sup>1</sup>/<sub>2</sub> 2 S. R. 36 E; that said property was sold by the Sheriff of Union Co on the 13th day of Nov 1895 for the sum of \$17.<sup>83</sup>

That for said year M. M. Sayer was assessed on the SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec 2, NE<sup>1</sup>/<sub>2</sub> NE<sup>1</sup>/<sub>2</sub> Sec 28 and N<sup>1</sup>/<sub>2</sub> NW<sup>1</sup>/<sub>4</sub> Sec 27 T<sup>1</sup>/<sub>2</sub> 2 S. R. 36 E that said property was sold on November 14, 1895 by the Sheriff