

EQUITY

No 48

In CIRCUIT COURT

UNION COUNTY

A A Van Voorhis
& Co a corporation
Plaintiff

vs

Oscar Kirkpatrick

Defendant

Edw & R
Mudochall
Attorneys for Plaintiff

Attorney for Defendant

Road No 555

ROAD OF PUBLIC USEMENT

PETITION FOR BLDG

Joseph Folsie,

Beginning at a point 80 rods 36 ft
west from N.E. corner of the 1st
1/2 of Sec 8, T 10 N R 10 W
thence in Northern and Western
direction on the most practical
route to intersect the present
travelled County Road at a point
36 rods east of the section
line between Secs 7 & 8 said R
measuring along County road
the said point of intersection with
said sec line between said
Secs 7 & 8 above mentioned being
149 rods and 7 feet South of the
North East corner of Sec 8 said R

9613-K13-31-61

Presented Feb 15 1907

Ordered & Signed June 6 1907

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

In the matter of the application of
Joseph Fouste for a Public Easement .

To the Honorable ~~Board~~ Board of
County Commissioners of Union County:

The petition of the under-
signed respectfully shows that he is a resident of Union County Or
gon and that his post-office address is LaGrande, Oregon; I am the
owner of the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 7 and S $\frac{1}{2}$ S W $\frac{1}{4}$ Sec. 8 Tp. 2 South
of Range 40 E. W. M. , in said Union county, and reside thereon
with my family; That it is neces ary that the public and my self
shall have ingress to and egress from my residence situated on said
lands; That at the present time my said residence on said lands is
not reached by any convenient or other public road; that the undersig
ed respectfully represents that the following line or route for a
county road leading from the residence or premises aforesaid, to the
present travelled County road would be convenient and suitable for t
the public and for myself, to-wit: Beginning at a point 80 rods an
36 feet west from the north east corner of the S E $\frac{1}{4}$ of the S W $\frac{1}{4}$ of
Section 8 Tp. 2 South of Range 40 E. W. M., and thence in a northerl
and westerly direction on the most practicable route to intersect
the present travelled County road at a point 36 rods east of the
section line between sections 7 and 8 in said Township and Range,
measuring along said County road, the said point of intersection
with the said section line between said section 7 and 8 above men
tioned being 49 rods and 7 feet south of the north east corner of
the S E $\frac{1}{4}$ of said section 7, and I will ever pray.

Joseph Fouste
Petitioner

S a
by

I Joseph Fouste being first duly sworn sayd
that I am the petitioner above mentioned; that the facts set fort
in the for going petition are true as I verily believe.

Joseph Fouste

Subscribed and sworn to before me this Feby. 5th. 1902

G. W. Benson Co. Clerk
By *E. P. Schow*
) *copy*

in the County of Oregon for the

County of Oregon

to the effect of the following

and to the effect of the following

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

In the County of Oregon
of the State of
Oregon for the
County of Oregon

Approved
John A. [unclear]

Filed July 6, 1907

J. W. [unclear]
[unclear]

I hereby certify that this is a true and correct copy of the original as the same appears in the office of the County Clerk of the County of Oregon, State of Oregon, and I am a duly qualified and acting County Clerk of the County of Oregon, State of Oregon.

[Signature]

My commission expires on the 1st day of [unclear] 1907.

[Signature]

Received of Mr. Joseph Louste
Seventy two & 50/100 (^{\$}22.50) for damage
on road

Mrs. Helen S. Childers
H. M. Childers

Apr 21st 02

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY OREGON

We, the undersigned, viewers heretofore on the 2nd day of *April*, appointed to view out and assess the damages claimed by *Childrens* in the matter of the proposed county road, petitioned for by *Joseph Foust* et al beg leave to report that on the 27 day of *April* 1902, we, after being duly sworn to discharge our duty faithfully and impartially, proceeded to view said proposed road the whole distance through the premises of *Helen & Children + H M Childrens* complainant, and to assess and determine how much less valuable said premises of said complainant would be rendered by the opening of said road, and we find that the premises of said complainant would be rendered \$225 less valuable, and that the premises of complainant *and Foust fence & side and Mr Childrens & side of lane* would be rendered \$2250 less valuable, and the premises of the complainant would be rendered \$2250 less valuable by the laying out and establishment of said proposed road as a public highway of said county, and recommend that *amount* be paid to said complainant before laying out and establishing said road as a public highway

George Stoughton
E P Willey
J M GARR

Area map 26 1902
of 1000 acres
O. B. Clark

62166

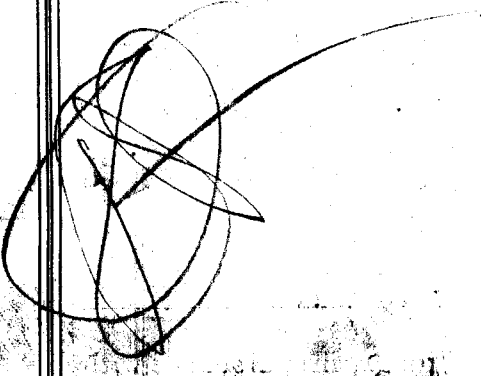
REPORT OF VIEWERS.



To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 2 day of April 1902 appointed to view, lay out and alter the proposed county road^(Public Easement) of which the survey hereto attached is a true and correct description, as petitioned for by Joseph Fouste et al, beg leave to report that on the 21st day of April, 1902, 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 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.

George A. Knight
E. P. Willey
J. M. Garrett } Viewers.



Walter R. ...
County Clerk

FILED
MAY 5 1902

State of Oregon
County of Union } ss

I hereby certify that in the matter of the County road of Public Easement petitioned for by Joseph Fouste. 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 laying out and establishing of said road before entering upon the discharge of their said duties in that behalf.

Arthur Curtis
County Surveyor

FILED
MAY 5 1902

W. H. Hanson
County Clerk

State of Oregon
County of Union } S.S.

I hereby certify that in the matter of the road of Public Easement petitioned for by Joseph Fouste, that the Field Notes made by me are true and correct and that the Plat accompanying the same is a true and correct representation of said road together with the angles and distances,

Arthur Curtis
County Surveyor

W. H. Brown
County Clerk

FILED
MAY 5 1902

Report of Surveyor.

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

I, the undersigned, County Surveyor, appointed to survey the county road^{of Public Easement} proposed by
Joseph Franste et al., beg leave to report that
on the 21st day of April 1902 ~~189~~, 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:

Beginning at a point 20.55 Chs West of the N.E. Cor. of the S.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$
Sec. 8 T. 2 S. R. 40 E. N. M. Then West 132 Chs. to Angle 1.
Then North 22° West 385 Chs to Angle 2; Then North
 36° West 548 Chs. to Angle 3; Then South 78° West
635 Chs. to Angle 4. center of County Road, then South
 59° West along County Road 275 Chs. to Angle 5. Then
North 78° West 700 Chs. to Road Terminus a point
1245 Chs. South of $\frac{1}{4}$ Sec. Cor. between Sec. 7-8, T. 2 S. R. 40 E. N. M,
in center of present County Road; all point are Marked with Rock
with Roman letters according to Stip.
Said Road to be 30 feet Wide,

Arthur Curtis
County Surveyor.

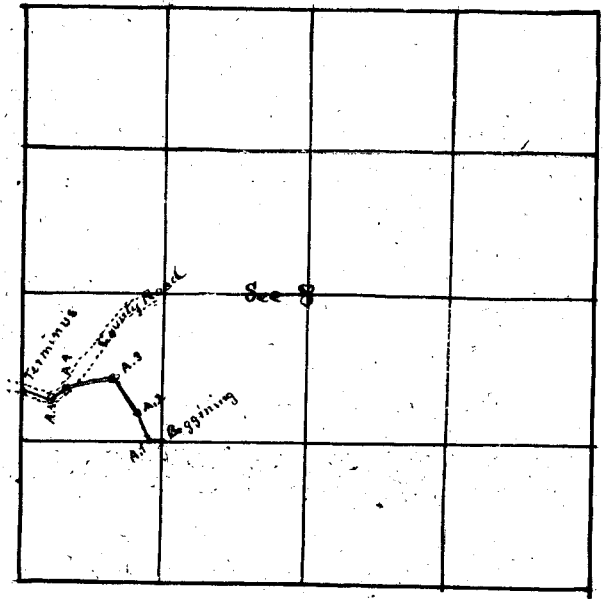
FILED

MAY 5 1902

W. H. Benson
County Clerk

Road of Public Easment Petitioned for by Joseph Foust 30 Ft wide

Town 2 South Range 40 East W.M.



Arthur Curtis
County Surveyor

of public account
Read, partners
for John Joseph
Gault.

Business Station
L. W. Bennett
L. O. Clark

April 21st 1902

We the undersigned agree to ~~copy~~ to the following agreement in regard to right away for Road; Mr Fouste agrees to put the fence on the South side of Road and Mr Childers agreeing to put the North side of fence along the Road and Mr. Fouste is to let Mr Childers use his fence on the West side of ~~fence~~^{Road} for a division fence and keep in repair, and Mr Fouste is to pay Mr Childers Twenty Two and ⁵⁰/₁₀₀ Dollars \$22 ⁵⁰/₁₀₀ for right way, said road to be 30 feet wide

Wm. Nelson S. Childers
H. M. Childers

Joseph Fouste

First Judicial Day

Wednesday, February 5, 1908,

against said property for said year; It is therefore considered and ordered by the Court that upon the payment of \$39⁷⁵ that the tax lien held by Union County against said property be cancelled upon the delinquent tax records of said County by the Clerk of this Court, and it is further ordered that the Clerk of this Court notify the Sheriff of Union County Oregon of said order.

In the matter of the application of Wm German for cancellation of the Oregon & Washington Territory R.R. Co. tax lien for the year 1891 as to the SW¹ Sec 31, Tp 1 S. 26 39 E.

This matter came on to be heard at this time on the petition of William German by J. E. German for the redemption of strip of land across the SW¹ Sec 31, Tp 1 S. 26 39 E. owned to the Oregon & Washington Territory R.R. Company as a right of way for railroad purposes; from which it appears that said right of way was assessed to said Railroad Company for the year 1891, and that the taxes thereon were not paid for said year; that Union County became the purchaser of said land or right of way at a sale thereof for delinquent taxes for the said year 1891; And it further appearing to the Court that there is some question as to the legality of said assessment of said right of way and that petitioner is anxious to redeem said right of way from sale thereof to Union County, and is willing to pay a pro rata rate of assessment against said right of way amounting to a $\frac{1}{36}$ part thereof, It is therefore considered and ordered that the Sheriff accept \$2⁰⁰ in redemption of that portion of the right of way passing over the SW¹ Sec 31, Tp 1 S. 26 39 E., and that the Clerk of this Court cancel said lien against said property for the year 1891, on the delinquent tax records of Union County upon notification by the Sheriff of the payment of said \$2⁰⁰.

In the matter of the application of Joseph Fauste for a road of public easement

This matter came on to be heard at this time on the petition of Joseph Fauste for a road of public easement, described as follows, to wit:

Commencing at a point 80 rods and 36 feet west from the Northwest corner of the South east quarter of the Southwest

First Judicial Day

Wednesday, February 5, 1902

quarter of Sec 8. Tp 2 S. R 40 E. 1/4, thence in a northerly and westerly direction on the most practical route to intersect the present County road at a point 36 rods east of the section line between sections 7 & 8, in said Township and Range, measuring along said County road, the said point of intersection with the said section line between said sections 7 & 8, in said Township and Range, being 49 rods and 7 feet south of the Northeast corner of the Sec of Sec 7. Tp 2 S. R 40 E. 1/4, said road to be thirty feet in width. And it appearing to the Court from the said petition that petitioner's residence is situated in Section 8, Tp 2 S. R 40 E. 1/4, that petitioner is the owner of the Sec 1 Sec 7 & S. 1/4 S. 1/4 of Sec 8. Tp 2 S. R 40 E. 1/4, that his residence is not reached by any convenient public road heretofore provided by law and that it is necessary that the petitioner and the public shall have ingress to and egress from the residence of the petitioner. It is therefore considered and ordered by the Court that, E. P. Willey, William Randall and George Wright be appointed viewers and Arthur Curtis, Surveyor, of said road and that they meet at the residence of Joseph Fausto on the 24th day of February, A. D. 1901, at 10 o'clock a. m. and after qualifying to view, survey and lay out said road according to law and assess and appraise the damages that will accrue to any person by reason of the establishment of said road of public easement.

In the matter of settling with ^{the} Supervisors
of Road Districts Nos 10, 19, 20, 21, 22 & 28

At this time is presented to the Court the yearly report of labor performed, moneys received and expended, and claim of fees of Supervisors of Road Districts Nos 10, 19, 20, 21, 22, & 28, for the year 1901. And the Court having examined the same and found the reports satisfactory, and the claim for fees correct. It is therefore considered and ordered that said reports of said Supervisors for the year 1901, be accepted, the respective bills for services rendered approved, and the Clerk of this Court is hereby ordered to issue warrants in payment of same for the amounts allowed.

Whereupon it was ordered that Court do now adjourn until tomorrow at 9 o'clock a. m.

Fifth Judicial Day

Monday, April 7th 1902.

Court met pursuant to adjournment

Present same officials as on last judicial day

The proclamation of the opening of Court having been made, the journal of last judicial days proceedings was read, approved and is here now signed.

J. F. Wilson County Judge
Robert Blumentein, Commissioner

Thereupon the following proceedings were had, to wit:

In the matter of the application of }
Joseph Faute for a road of public easement }

Now at this time, to wit: Monday, April 7, 1902, the same being the fifth day of a regular term of said Court for the month of April, 1902, this cause came regularly on to be heard upon the sworn petition of Joseph Faute for a road of Public Easement.

And it appearing to the Court from said petition that the residence of said petitioner, Joseph Faute is upon the S¹/₄ E¹/₄ S¹/₄ of Sec 7. T¹/₂ S¹/₂ W¹/₂ of Sec 8, T¹/₂ S¹/₂ R 10 E¹/₂ in the County of Union, State of Oregon, and that the same cannot be reached by any convenient or other public road heretofore provided by law and that it is necessary that the public and said petitioner, shall have ingress to and egress from the residence of said petitioner, And that in pursuance of such showing, E. W. Willey, George Wright and Jacob Gassett, each appearing to the Court to be resident freeholders of said county and not interested in the petition or the lands above described, are hereby appointed viewers of said road and that Arthur Curtis be appointed Surveyor of said road and to meet at the residence of the petitioner on Monday, April 21, 1902 at 9 o'clock A.M., then and there proceed to view and locate a road of Public Easement, thirty feet wide, described as follows, to wit: Beginning at a point 80 rods and 36 feet west from the northeast corner of the S¹/₄ E¹/₄ of the five of Section 8, T¹/₂ S¹/₂ R 10 E¹/₂, and thence in a northerly ~~direction~~ and westerly direction on the most practicable route to intersect the present, travelled County road at a point 36 rods east of the section line between sections 7 and 8 in said Township and Range measuring along said County road, the said point of intersection with the said section line between said section 7 and 8 above mentioned being 49 rods and 7 feet south of the north

Fifth Judicial Dist.

Monday, April 7, 1902,

east corner of the Sec of said section 7.

In the matter of the road petitioned
for by D. Summer, et al

At this time it is ordered by the Court
that this matter be and the same is hereby continued for the term.

In the matter of the road petitioned
for by W^m Spencer, et al

Comes now W^m Spencer 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 estab-
lishment of a County road, described as follows, to wit:

Commencing on the County road at the SW corner of the
SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 19, T³S. R. 39 E¹M, thence North
as near as practicable on the line between the East and West
half of the SE $\frac{1}{4}$ of said Section 19, to the SW corner of the
SE $\frac{1}{4}$ Sec 19, thence West to the SW corner of the W $\frac{1}{2}$
of Sec 19, thence North to the SW corner of the SE $\frac{1}{4}$ of Section 18,
thence North to the County road at the Northwest corner of the
NW $\frac{1}{4}$ of Section 18, All in Township 3 South of Range 39 E¹M in
Union County, Oregon.

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 the 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, also in three public places in the vicinity of said proposed
road, to wit; one on a board nailed to a fence post at or near the com-
mencement of said ^{proposed} road, one on a board nailed to a post in the North
west corner of the yard fence of what is known as the Mahaffey place,
about one mile west of the proposed road, and one on a board nailed to a
fence post at or near the terminus of said proposed road for more
than 30 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 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 Order-
ed that Joseph Anson, J. J. Pecker and W. B. Campbell be appointed

Second Judicial Day

Thursday, May 8, 1902.

Court met pursuant to adjournment

Present same officers as on yesterday.

The proclamation of the opening of Court having been made, the journal of yesterday's proceedings was read, approved and is here now signed.

B. A. Wilson County Judge
Robert Blumenstein, Commissioner
Jos. A. Pilcher Commissioner

Thereupon the following proceedings were had, to wit:

In the matter of the petition of
Joseph Faute for a road of public
easement.

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 as provided by law, And it appearing to the Court that said viewers have failed to make a report of damages that would accrue to persons over and across whose lands said road of public easement will pass. And it further appearing to the Court that the said report of said viewers should show what if any damages will be sustained by property owners over and across whose lands the said proposed road will pass, It is therefore considered and ordered by the Court that said report of said viewers be returned to them and that they report to this Court at the June Term 1902, and all damages that will accrue by reason of the location and establishment of said proposed road.

In the matter of transportation
of Elias Goss, a pauper to
San Francisco, - Calif. -

It appearing to the Court, at this time that Elias Goss, who is an inmate of the County Home, is desirous of going to San Francisco, Calif, where he expects to reside permanently, and that it would be cheaper and to the best interests of Union County to furnish him transportation to said point, than to maintain him as a county charge, It is therefore considered and ordered by the Court that an appropriation

First Judicial Day

Wednesday, June 11, 1902.

In the matter of the County road }
 petitioned for by George Harmon, 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 as provided and required by law, and said report having been read in open Court, It is ordered that said report be laid over for a second reading on some other day of this term of Court.

In the matter of the application }
 and petition of Joseph Fuesto for a }
 road of Public Easement }

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 said report having been read in open Court as required by law, It is therefore ordered that said report be laid over for a second reading on some other day of this term of Court.

In the matter of the petition }
 of William Spencer, ^{et al} }
 for proposed County road. }

This matter came on to be heard upon the report of the appraisers heretofore appointed herein to assess the damages that would accrue to D.W. Johnson, M.H. Anson and J.H. Anson by reason of the location and establishment of said proposed road, which report, in writing, is in words and figures as follows, to wit.

Report of Viewers.

In the Honorable County Court }
 for Union County, Oregon }

We, the undersigned, viewers heretofore on the 8th day of May, appointed to view out and assess the damages claimed by D.W. Johnson, et al, in the matter of the proposed County road, petitioned for by W^m Spencer, et al, we beg leave to report that on the 20th day of May, 1902, we, after being duly sworn to discharge our duty faithfully and impartially, proceeded to view said proposed road the whole distanced through the premises of D.W. Johnson, complainant, and to assess and determine how much less valuable said premises of said complainant, would be rendered by the opening of said road, and we find that the premises of said complainant D.W. Johnson would be rendered

Second Judicial Day

Thursday June 5, 1902.

of the survey thereof, be placed on record in the books of Plats of County roads of Union County, Oregon, and that W.B. Campbell, road supervisor of Road District #19, 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 road of Public Easements, petitioned for by Joseph Fauste }

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, and the report of the 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 2nd day of April 1902, appointed to view, lay out and alter the proposed County road of Public Easements of which the survey hereto attached is a true and correct description, as petitioned for by Joseph Fauste, beg leave to report that on the 21st day of April, 1902, 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 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.

George D. Wright }

A. Hillier }

J. H. Casseth }

Viewers

And said report of the viewers and the report of the surveyor having been 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

Second Judicial Day

Thursday, June 5, 1902

to law and no remonstrance or claim for damages having been filed herein, except the claim of Helen S. Childers and A. M. Childers for damages that would be sustained by the reason of the establishment of said road of Public Easement, which damages were appraised by the viewers at \$22⁵⁰ and accepted by the claimants herein, the receipt of which is acknowledged by said claimants and placed on file in this office, and there being 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 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 Dan Edger, road supervisor of Road District No. 12, the same being the road district in which said road is located, be furnished with a copy of this decree and ordered to open up said road and place the same in repair for travel.

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