

EQUITY

No

In CIRCUIT COURT

UNION COUNTY

J. M. Kennedy

Plaintiff

vs

*J. G. Nelson,
et al*

Defendants

Attorney for Plaintiff

Attorney for Defendant

Order "approved" 5/11/11

ROAD No 557 ✓

In the matter of the
County Road petitioned
for by Geo. Farmer
et al

— # 1 —

Commencing at a point in the
center of the County road
leading from Cove to Old Town
of Halpride, 25 and 3/4 rods
north from the SW corner
of the Sec. 8, T. 3 S. R. 38 E.
and 20 feet east of said
point in said road and
running thence north on line
20 feet east of subdivision
to a point on south side of
Cathar's Cemetery as platted, a
distance of 1650 feet from SW
corner of Sec. 8 of said section
8 and there terminating,
said road to be 40 feet wide
and the

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:

Commencing at a point in the center of the County road leading from Cove to Old Town of LaGrande, 25 and 3/4 rods north from the southwest corner of the Southeast quarter of Section 8 Tp. 3 S. R. 38 E. W. M. and 20 feet east of said point in said road, and running thence north on line 20 feet east of subdivision line to a point on a south side of Catholic Cemetery as platted, a distance of 1650 feet from said Southwest corner of Southeast quarter of said section 8, and there terminating, said road to be forty feet in width.

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

Dated at LaGrande Oregon this 1st day of March 1891

NAMES:

Geo Harman
J. M. Clark
R. M. Oliver
H. Clark
J. Clark
J. M. Barry
L. M. Church
T. Walsh
E. Walsh
W. Reynolds
James Pepper
James McCoy
F. M. Bartness

NAMES:

Ed Burke
A. J. Warren
C. A. Dunn

FILED
APR 2 1902

W. H. Benson
County Clerk

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

I, G.W. Benson 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 _____ 190____, and that thereafter and thirty days previous~~
~~to the presentation of said road petition therein mentioned, to-wit: On the~~ 2nd day of
March 1902, I posted ~~a true and correct copy of said notice~~ ^{the hereto attached} at the place of hold-
ing Court for Union County, Oregon, to-wit: On the front ^{door} of the Court House ~~door~~, in the City
of Union, in said County and State, and that said notices remained ~~posted~~ ^{posted} thirty days previous to
the presentation of said petition as I verily believe.

Subscribed and sworn to before me this 2nd day of April, 1902

G.W. Benson

B.F. Wilson
County Judge

E. W. Hanson
County Clerk

FILED
APR 2 1902

Notice of Road Petition.

To All Persons Concerned: You and each and all of you, will take notice that the undersigned householders for *Mun* 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 *2nd* day of *April* A. D. 190*1*, 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:

Commencing at a point in the center of the County road leading from Cove to Old Town of Lagrange, 25 and 3/4 rods north from the southwest corner of the Southeast quarter of Section 8 Tp. 3 N. R. 39 N. W. M. and 20 feet east of said point in said road, and running thence north on line 20 feet east of subdivision line to a point on a south side of Catholic Cemetery as platted, a distance of 1650 feet from said Southwest corner of Southeast quarter of said section 8, and there terminating, said road to be forty feet in width.

Dated at *Lagrange* Oregon, the *1st* day of *March* A. D. 190*1*

NAMES

NAMES

Geo Harman
J. M. Clark
R. M. Oliver
H. Clark
J. Clark
J. M. [unclear]
M. [unclear]
J. M. [unclear]
E. [unclear]
G. E. Reynolds
James Pepper
James Mc Coy
W. F. M. Bartness

E. D. Burke
A. J. Warren

FILED

APR 9 1902

W. H. Benson
County Clerk

State of Oregon
County of Willamette

I Harry Bartmes being first duly sworn say that I posted the notice, of which the notice hereto attached is a true copy, in three public places in said county in the vicinity of the proposed road therein described, to-wit: One on the south side of the Catholic Cemetery on a post on the line of the proposed road, the same being in plain view and in a conspicuous place, thirty days previous to the presentation of the road petition therein mentioned to-wit: on the 2nd. day of March 1902 and that said notice remained posted thirty days previous to the presentation of said petition as I verily believe

Harry Bartmes

Subscribed and sworn to before me this 2nd. day of May 1902.

R. A. Wilson
Co. Judge

BOND OF ROAD PETITIONERS.

KNOW ALL MEN BY THESE PRESENTS, That we E. C. Moore and J. M. Clark, 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 1st day of April A. D. 1902.

Now, the condition of the above obligation is such, That whereas, the above named Geo Harmon and _____, and others, have petitioned the County Court of said County of Union, at the April term, 1902, thereof for a county road,

Commencing at a point in the center of the County road leading from Cove to Old Town of La Grande 25 1/4 rods north of SW corner of Sec 8 Tp. 3 S R 38 E north and ending north 1600 feet and ending north to a point on south side of Clark the center of 20 ft road of said line

Now, if the above named E. C. Moore and J. M. Clark 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.

E. C. Moore Seal.
J. M. Clark Seal.

State of Oregon,
County of Union.

SE :

I, E. C. Moore and J. M. Clark, each for himself says, 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 .

E. V. Moore

J. M. Clark

Subscribed and sworn to before me this 1st day of April

A. D. 1902.

B. F. Wilson
County Judge

State of Oregon
County of Union } ss

I hereby certify that in the matter of the County road as petitioned for by George Harmon and others that the viewers and each of them heretofore appointed by the Court 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

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

I, L. E. Bartness 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 the Center road at the south terminus of said Road on a post and one at the Section Corner of Section 5 Tp. 35 R. 25 E. N. W. 34 South of Terminus of said road the same being in plain view and so that same could be read

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 1st day of March 1902, and ~~that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the _____ day of _____ 1902, 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 1st day of April 1902
L. E. Bartness
R. F. Nelson
C. Judge

FILED

APR 9 1902

W. H. Brown

County Clerk

REPORT OF VIEWERS.



To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 6th day of May 1902,
 appointed to view, lay out and alter the proposed county road, of which the survey hereto at-
 tached is a true and correct description, as petitioned for by George Harrison,
 et. al., beg leave to report that on the 19 day of May, 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 pub-
 lic 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.

B. F. Owsley
George Moore
W R Jasper } Viewers.

State of Oregon }
County of Union } S.S.

I hereby certify that in the matter of the County Road petitioned for by George Harrison and others 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 angles and distances

Arthur Curtis
County Surveyor

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

In the matter of the County Road
#557, petitioned for by Geo.
Harmon, et. als.

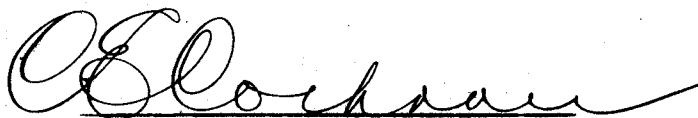
Now at this time come the remonstrators and move the
to dismiss the petition of the said Geo. Harmon and others, and
allege that the said petition does not state facts sufficient to
give the Court jurisdiction to lay out said road, in this;

that one of the termini of said road is not stated with
certainty.

That said Court make an order denying the application of the
said petitioners for the further reason that the said report of
the Viewers do not state their reasons for finding the said report
to be in accordance with public convenience, as the law
provides.

That the report of the surveyor is illegal and uncertain,
unintelligible and indeffinite.

That not a sufficient plat of the said road has been filed
as by law provided.



Attorney for remonstrators.

537

County Court

Shelby County

Shelby County

Shelby County

Road # 537

Filed June 4, 1902

J. M. Brown

Co. Clerk

In the County Court for Union County, Oregon.

In the matter of the County
road petitioned for by Geo. Harmon, et als

To the Honorable County Court, Judge and Commissioners;

The undersigned respectfully remonstrate against the establishment, laying out and opening the county road petitioned for by George Harmon and others, ^{being road # 557} and allege as ground therefor, that the road would not subserve the public convenience, the damages caused by such action would far exceed the benefits, and the road so opened would not be in all or any respects a public utility.

We represent to the Court that we are owners of property through which the said proposed road will pass or traverse.

Geo. O. Conner by Curtis R. Kelly
Lydia O. Conner by Curtis R. Kelly

557

In the County Court
for Union County
State of Oregon

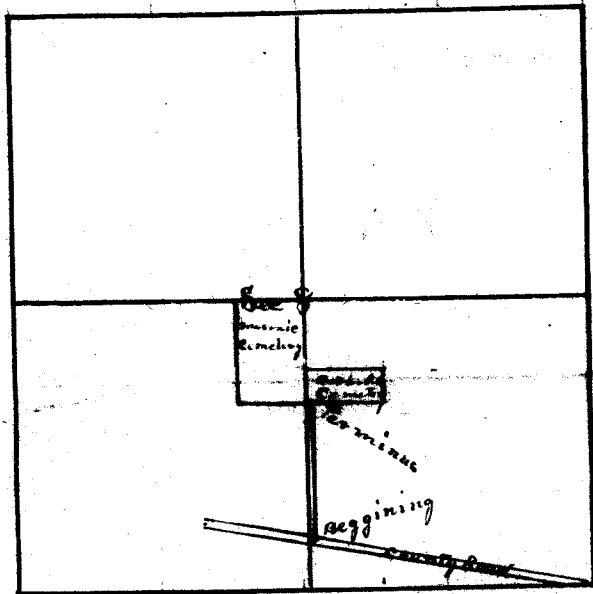
In the presence of the
County Court #537
petitioners for the
Geo. Thompson, et al
Remonstrance

Filed June 11 1902

J. W. Johnson
Clerk

By Ed. Schuch
Atty

Town 3 South Range 38 East W. M



2

587

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
George Harrison et al., beg leave to report that
on the 19 day of May, 1902, 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:

Commencing at a Rock marked R. in Center County Road leading
from Old Town of La Grande to Cove 644 Chs North of the
S. W. Cor of S. E. 1/4 Sec. 8, T. 3 S. R. 38 E. W. 7 N. and
20 feet East, Then North Var 20° East 1840 Chs
to Road Terminus a Rock marked R. T. on South
side of Catholic Cemetery as platted: said road
to be 40 feet wide

Arthur Curtis
County Surveyor.

Book Auctioneers
by George Fawcett
1811

Filed June 4, 1902.
A. H. Brown
Co. Clerk

First Judicial Day

Wednesday, April 2, 1902.

In the matter of the settlement with O. N. Cross, Supervisor, RD# 5

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 application of Chris Lund for a license to sell Malt liquors in less quantities than one gallon in Cove Precinct

At this time this matter came on to be heard upon the petition of Chris Lund to sell malt liquors in less quantities than one gallon in the precinct of Cove and upon remonstrances against the issuance of license, And after argument of counsel for remonstrators and motion to dismiss the proceedings was had; and after due consideration by the Court it was ordered that the motion to dismiss be overruled and that the hearing be continued until Friday April 4, 1902, at 11 o'clock P.M.

In the matter of the road petitioned for by George Skarmon, et al

*1 Center road leading from Cove to Old town of Lalgance

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 County road petitioned for by George Skarmon et al

*2 Commencing at a point on Washington Ave in Lalgance

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

At this time it is ordered that court be now adjourned until tomorrow morning at 9 o'clock

Be it Remembered, That at regular term of the County Court of the State of Oregon for Union County, begun and held at the Court house in the City of Union, in said County and State on Wednesday the 7th day of May, AD 1902, the same being the first Wednesday in said month and the time fixed by law for holding a regular term of said Court when were present:

The Hon J. F. Wilson, County Judge
 Hon Robert Blumstein, Commissioner
 Hon James A. Piche, Commissioner
 G. W. Bynson, Clerk
 W. H. Deering, Sheriff

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

Sw the matter of the application }
 of certain citizens to purchase a }
 rock crusher. }

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

Sw the matter of the County road } #1
 petitioned for by Geo. Harmon, et al }

Comes now Geo. Harmon, 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 a point in the center of the County road leading from Cove to Old Town of Layrande 25 and 3/4 rods north from the southwest corner of the Southeast quarter of section 8, T³ S. R. 38 E² and 20 feet east of said point in said road and running thence north on line 20 feet east of subdivision line to a point on South side of Catholic Cemetery as platted, a distance of 1650 feet from said southwest corner of southeast quarter of said section 8, and there terminating said road to be forty feet in width. 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

First Judicial Day

Wednesday, May 7, 1902.

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 south side of the Catholic Cemetery on a post on the line of the proposed road, the same being in plain view and in a conspicuous place, one at the County road at the south terminus of said road on a post and one on the section corner of section 8, Tp 3 S. R. 38 E. W. M., south of terminus of said road the same being in plain view, and so that same could be read, for more than 20 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 Chas. Cusley, Wm. Jasper and George Moore be appointed viewers of said road and that Arthur Curtis be appointed surveyor of said road, and that they meet at the beginning of road on Monday the 19th day of May, 1902, at the hour of 9 o'clock a.m., and after qualifying to view, survey and lay out said road according to law.

In the matter of the County } #2
road petitioned for by Geo. Harmon, et al }

Comes now Geo. Harmon 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 a point in Washington Avenue, Town of Lafayette, Union County Oregon, 20 feet due east of where the subdivision line running north and south through the center of section 8, Tp 3 S. R. 38 E. W. M., intersects said Washington Avenue, thence running south on a line 20 feet east of said subdivision line of section 8, to a point on north line of the Catholic Cemetery as platted, a distance of about 1925 feet from point of commencement and there terminating, said road to be

Be it Remembered, That at a regular term of the County Court of the State of Oregon for Union County, begun and held in the Court House in the City of Union, in said County and State on Wednesday the 11th day of June A.D. 1902, the same being the first Wednesday in said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable B. F. Wilson, Judge presiding
 Robert Plumation, Commissioner
 Jacob A. Fisher, Commissioner
 G. W. Benson, Clerk
 A. H. Young, Sheriff

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

In the matter of the application
 of certain citizens to purchase
 a rock crusher

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 selection of
 Official newspapers for the ensuing
 year.

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 issuance of
 duplicate County warrants to Harris

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

In the matter of the County road
 petitioned for by Geo. Herman, et al } #1

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 ordered that this report be laid over for a second reading on some other day of this term.

Second Judicial Day

Thursday, June 5, 1902.

a. m., and after qualifying to proceed to view and assess the damages that would accrue to said claimants by reason of the location and establishment of said proposed road and render their report to this Court at the July term, 1902.

In the matter of the County Road } # 1
petitioned for by Geo Harmon, et al }

This matter came on to be heard at this time on the remonstrance of Geo O'Connor by O.B. Cochran his attorney, against location and establishment of a proposed County Road, petitioned for by Geo Harmon, et al, after hearing the arguments of Council and the Court being fully advised in the premises, It is hereby ordered that said remonstrance be overruled.

In the matter of the County Road } # 2
petitioned for by Geo Harmon, et al }

This matter came on to be heard upon the remonstrance of Geo O'Connor by O.B. Cochran his attorney, against the location and establishment of a proposed County Road petitioned for by Geo Harmon, et al, and after hearing the arguments of Council and the Court being fully advised in the premises. It is ordered that said remonstrance be overruled.

In the matter of the proposed
County road petitioned for } # 1
by Geo Harmon, et al }

This matter came on to be heard at this time on the report of the viewers and surveyor heretofore filed 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 6th day of May 1902, appointed to view, lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by Geo Harmon, et al, beg leave to report that on the 19th day of May, 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

Second Judicial Day

Thursday, June 5, 1903.

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

B. F. Dewley
George Moore
H. R. Jasper } Viewers.

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 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 except the remonstrance of George O'Connor, et al, heretofore dismissed by this Court 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 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 W. B. Campbell, road supervisor of road district No. 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 proposed
County road petitioned for by
Goshannon, et al } # 2

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