

EQUITY

No 29

In CIRCUIT COURT

UNION COUNTY

Mary E Mello

Plaintiff

vs

Herbert H Mello

Defendant

C H Furr

Attorney for Plaintiff

Attorney for Defendant

K 257-266 244-316

378-382-414

Ordered 3/6/40

570

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

In re private
Right of Way petition
for by Nellie L. Jolin
Dow

See 11-7-2040

Petition etc

S T A T E O F O R E G O N .

SS.

County of Union.

We, A. J. Goodbrod, S. A. Pursel, and Alex Slater, heretofore appointed by the County Court of the State of Oregon, for the County of Union, to view out and locate a proposed County Road petitioned for by Nellie L. Johnson, and to assess the damages that may accrue to claimants by reason of the location and establishment of said proposed road, being first duly sworn, each for himself and not one for the other, say: That we will faithfully and impartially perform the duties of said appointment to the best of our ability and in accordance with the instructions of the Court and render our report accordingly.

A. J. Goodbrod
S. A. Pursel

Viewers.

Alex Slater

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21 day of Nov. 1903.

approved January 7th 1904
M. A. Harrison, County Judge
Jas A. Pilcher
Robert Blumenthal,
Comm

O. E. Cochran
Notary Public for
Oregon

REPORT OF VIEWERS.

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

We, the undersigned viewers heretofore on the 6th day of November 1903, appointed to view out and locate a right-of-way or public easement from the residence of Nellie L. Johnson to the nearest public road and to assess the damages that may accrue to claimants by reason of the establishment of said proposed right-of-way and public easement, beg leave to report that on the 21st day of November, A. D. 1903, we, after begin first duly sworn to discharge our duty faithfully and impartially, proceeded to view out and locate a right-of-way or public easement from the residence of the said Nellie L. Johnson to the nearest public road, as follows:

Commencing at apoint ^{1281 3/4} ~~1290~~ feet south of the northwest quarter of the southwest quarter of sec 19, tp 4 S. R. 40 E. W. M., in Union county, Oregon, running thence west ^{283 1/4} ~~280 1/4~~ feet; ~~thence north 2 1/4 feet; thence west 30 feet; thence south~~ ^{Thirty feet} ~~30~~ feet; thence east 283 1/4 feet; thence north 30 feet to the place of beginning, according to map thereof, here-toattached and made a part of this report, on which is shown the land used for this right-of-way which is designated there-on. (Located right-of-way) *283 1/4 feet by 30 feet,*

We furtherproceeded to view said proposed road the whole distance thereof through the premises of Irvin Frazier, the owner of the land through which the said right-of-way passes, to determine the damages sustained by him on the account of the establishment of said right-of-way and public easement, and we find and so report to the court that the premises and lands of the said Irvin Frazier would be rendered \$ 25⁰⁰ Less valuable by the laying out and establishment of the said right-of-way and public easement, and that he would sustain damages in the said sum of \$ 25⁰⁰ .

Dated at Union, Oregon, November 21, 1903.

A. J. Goodbrod & A. Cursel Alex Slater Viewers.

Approved December 4th 1903

M.A. Harrison, County Judge

Robert Blumenstein,

James A. Pilcher

Filed Nov 24 1903

E. Beck

NEC. NW 1/4 of SW 1/4
Sec 19 T₄S R₁₀W

1367

527 1/4

1290

1320

45' 2085

Peer Farm

208 1/2

E B Johnson

465

45

2085

350

Irwin Frazier

3435

208 1/4

Nellie Johnson

Peer Farm

N F Picklin

55.05

350

207 1/4

583 1/4

Located Right of Way 280 1/2 x 90 ft
DULLE W. H. H. T.

448

13155

1320

135

REPORT OF VIEWERS:

To the Hon. County Court for Union County, Oregon.

We, the undersigned, being a majority of the viewers heretofore, on the 6th day of May, A. D. 1903, appointed to view out and locate a right of way or public easement from the residence of Nellie L. Johnson to the nearest public road, etc. and to assess the damages that may accrue to claimants by reason of the establishment of said proposed right of way and public easement, beg leave to report that on the 18th day of May, A. D. 1903, we, after being first duly sworn to discharge our duty faithfully and impartially proceeded to view out ^{and locate} said proposed road as prayed for in the application, as follows;

Commencing at ^{a point} 8-1/4 feet north of the south east corner of the north west quarter of the south west ~~quarter~~ quarter of section 19, township 4 south range, 40 E. W. M. in Union County, Oregon, in the center of the County road running directly north to the town of Union, Oregon, thence west 462 feet; thence north 30 feet; thence east 462 feet; thence south to place of beginning, according to a map thereof hereto attached and made a part of this report, on which is shown the land used for this right of way and which is designated thereon, "Located right of way, 30' x 462' ".

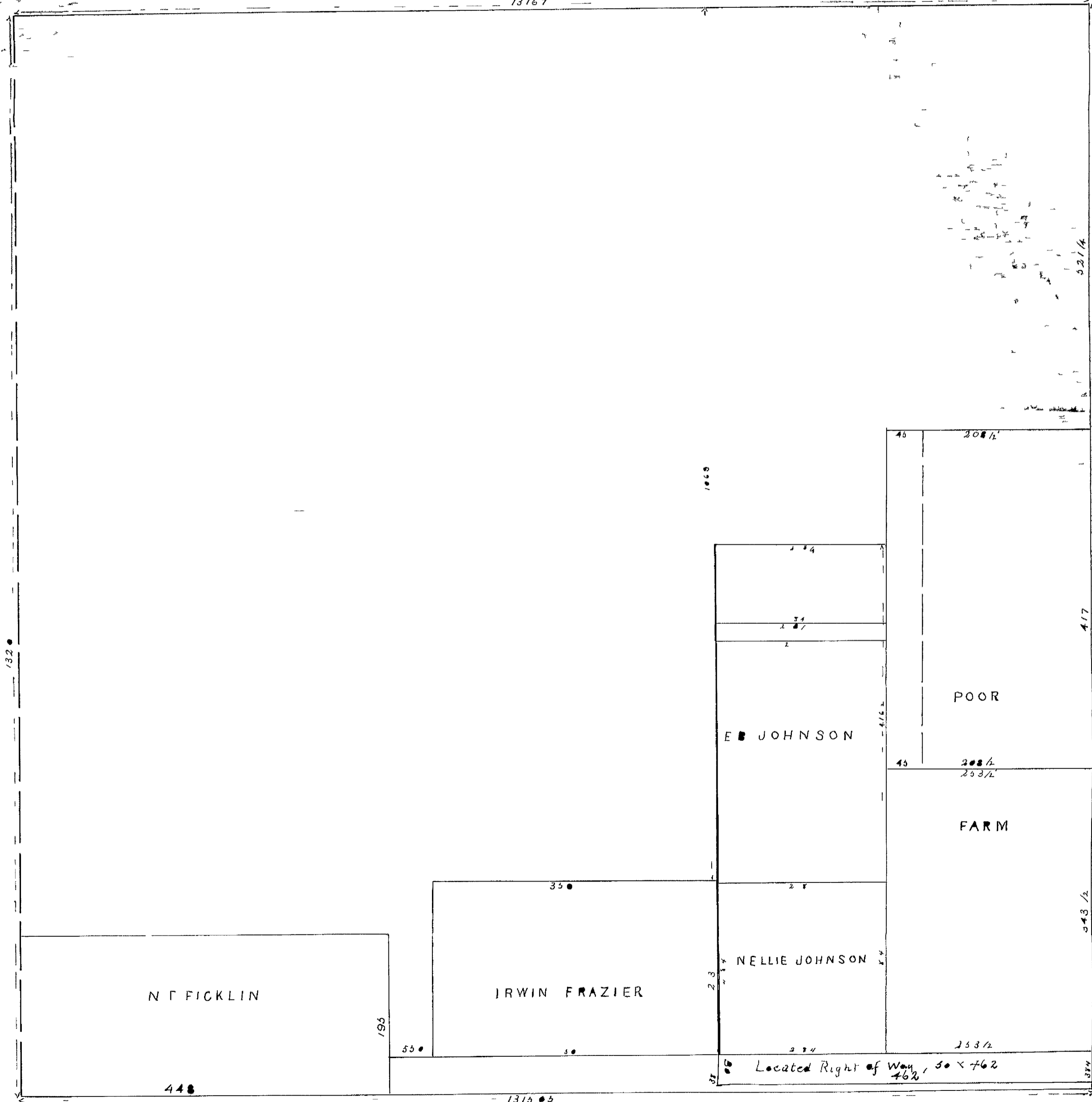
We further proceeded to view said proposed road the whole distance through the premises of Irvin Frazier, the owner of the land through which the said right of way passes, to determine the damages sustained by him on account of the establishment of said right of way and public easement, and we find and so report to the Court that the premises and lands of the said Irvin Frazier would be rendered \$40⁰⁰ less valuable by the laying out and establishment of the said right of way and public easement and that he would sustain damages in the said sum of \$40⁰⁰.

Dated at Union, Oregon May, 18th, 1903:

A. J. Goodbrod
Alex. Shater
Viewers.

N 1/4 S 1/4 Sec 19 T 4 S R 40 E

13167



For the County Court
of Marion County, Oregon

In the matter of the
Estate of Mary Patterson }
for by Nellie Johnson }

Report of receiver

Filed May 18th 1903
J. M. [Signature]
Clerk

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY.

In the matter of the County road :
petitioned for by Nellie L. :
Johnson. :
:.....

Comes now Irwin Frazier, by his Attorney Leroy Lemax,
and moves the Court to dismiss this proceeding, and to disal-
low and set aside, the report of the Viewers herein filed, for
the reason that said proceedings are irregular and that said
report is not made and returned as by law provided; that it ap-
pears that only two of the Viewers attempted to view out said
proposed road and to assess damages on account of the location
of the same, over and across the lands of the said Irwin Fra-
zier.

And to dismiss the petition and proceedings herein,
for the reason that the Court has no jurisdiction of the sub-
ject matter herein.

Leroy Lemax
Attorney.

for Irwin Frazier

IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY.

In the matter of the County road :
petitioned for by Nellie L. :
Johnson. :
.....

Comes now Irwin Frazier, by his Attorney Leroy Lomax, and moves the Court to dismiss this proceeding, and to disallow and set aside, the report of the Viewers herein filed, for the reason that said proceedings are irregular and that said report is not made and returned as by law provided; that it appears that only two of the Viewers attempted to view out said proposed road and to assess damages on account of the location of the same, over and across the lands of the said Irwin Frazier.

And to dismiss the petition and proceedings herein, for the reason that the Court has no jurisdiction of the subject matter herein.

[Handwritten notes in left margin]

[Handwritten notes in middle margin]

Leroy Lomax
Attorney.

In the matter of the county

Road petitioned for by

Nellie L. Johnson,

Now at this time this matter come on for hearing upon the sworn petition of Nellie L. Johnson, from which it appears to the Court that the residence of the said Nellie L.

Johnson, situated on the following described property to-wit; Commencing at a point 1281-3/4 feet south and 253-1/4 feet west of the north east corner of the north west quarter of the south west quarter of section 19, township 4, S. R. 40 E. W. M. in Union county, Oregon, and running thence west 208-1/4 feet and thence north 208-1/4 feet thence east 208-1/4 feet and thence south 208-1/4 feet to the place of beginning, ~~which~~ is not reached by any convenient or other public road, and that it is necessary for the use of the public and said Nellie L. Johnson that they have ingress and egress to such residence of said person, and the Court being fully advised in the premises,

IT IS HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED that A. J. Goodbrod, S. A. Pursel, and ^{Alex. Slater} ~~G. B. Howe~~, be and they are hereby appointed viewers, and that the said viewers meet on the ^{15th} ~~14th~~ day of ^{May} ~~April~~ A. D. 1903, ^{at 10 o'clock P.M. of said day} and there view out and locate a county road not exceeding thirty feet in width, from the residence of the said petitioner, Nellie L. Johnson, east to the nearest county road, according to the terms of the petition, and to assess the damages sustained thereby by the owner or owners of the land over which the same may be located.

It is further ordered that a copy of this order be served upon Irv. Frazier within four days from the date hereof, he being the alleged owner of the land over which the said right of way will extend.

The description of the right of way and public easement claimed and requested is as follows; commencing at a point 1281-3/4 feet south of the north east corner of the north west quarter of the south west quarter of section 19 township 4, S. R. 40 E. W. M. in Union County, Oregon, and running thence west ~~thirty feet and then~~ 462 feet; thence south 30 feet; thence east 462 feet; thence north 30 feet to the place of beginning.

County Judge.

May 6, 1903

7366

The description of the right of way and public easement
claimed and requested is as follows; commencing at a point
1281-3/4 feet south of the north east corner of the
north west quarter of the south west quarter of section 19
township 4, S. R. 40 E. W. E. in Union County, Oregon, and
running thence west ~~thirty~~ 468 feet; thence
south 30 feet; thence east 468 feet; thence north 30 feet to
the place of beginning.

County Judge.

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

In the matter of the right of way
petitioned for by

Nellie L. Johnson,

Comes now the said Nellie L. Johnson, and moves the Court for an order setting aside the report of the viewers and alleges as ground therefor that the said report of the said viewers is irregular and void in that the said viewers had no jurisdiction to make any such report, and for the further reason that the said report does not correspond with nor in accordance to the application for said right of way as required by law.

Nellie L. Johnson,

By

W. Cochran
Her Attorney

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

In the matter of the right
of way petitioned for by

Wells L. Johnson,

Notion to set aside the re-
port of the viewers.

Filed December 3rd, 1908.

By *W. M. Munn*
County Clerk,
Union County, Oregon.

Wells L. Johnson

Wells L. Johnson,

BY

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

In the matter of the right of way

petitioned for by

Wells L. Johnson.

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

----->

In the matter of the private way
to the private residence of
Nellie L. Johnson.

To the Honorable County Court of Union County, Oregon,
sitting for the transaction of County Business.

Your petitioner, Nellie L. Johnson, alleges and shows
to the Court as follows:

That the petitioner is the owner of a certain tract of
land situated in Union County, Oregon, and described by metes and bounds
as follows;

Commencing $1281\frac{3}{4}$ feet south and $253\frac{1}{4}$ feet west of
the north east corner of the North west quarter of the south west quarter
of section 19, township 4, S. R. 40 E. W. M. in Union County, Oregon, and
running thence west $208\frac{1}{4}$ feet; thence north $208\frac{1}{4}$ feet; thence
east $208\frac{1}{4}$ feet; thence south $208\frac{1}{4}$ feet to the place of beginning.

That the petitioner has a dwelling house and outbuildings
situated on the said tract of land; that the said dwelling house is sit-
uated about the center of the said tract of land and on the south
west corner thereof and within the curtelege of the said dwelling house
is located and situated a barn belonging to the petitioner.

That extending along the ^{East}~~west~~ line of the said north west
quarter of the south west quarter of said section 19; township 4, S. R.
40 E. W. M. and continuing south and north from said points is a
public road extending to the City of Union, Oregon, and which said road
at the closest point extends a distance of $253\frac{1}{4}$ feet from the
south west corner of petitioner's tract of land, and 462 feet from the
south west corner thereof, where petitioner's barn is located.

That there has been for several years last past a public

road extending along in front of and immediately south of the petitioners home and dwelling but that the said road was claimed to be owned by one Irv. Frazier and was by him enclosed and closed up, and who now refuses the petitioner, her husband or family or the public to use the same for road purposes; that the petitioner's land, and dwelling house or the buildings within the curtelege thereof are not reached by any convenient or other road or otherwise or at all; that it is necessary that the petitioner and the public have ingress and egress to and from such dwelling house and residence of the petitioner and that by reason of the closing of the said road by the said Irv. Frazier all means of ingress and egress have been cut off; that the said residence and dwelling and the buildings within the curtelege thereof are now occupied by the petitioner and family as a dwelling and necessary outbuilding accommodations.

That a good road can be opened at no expense to the County along the line of the old road, and at minimum damage to the owners of the land, on the following described property, to-wit; Commencing at a point 1281-3/4 feet south of the north east corner of the north west quarter of the south west quarter of section 19; township 4, S. R. 40 E. W. M. in Union County, Oregon, and running thence west 462 feet to the south west corner of the land of the petitioner, thence south 30 feet thence east 462 feet; thence north 30 feet to the place of beginning, thereby connecting the east end of the said tract with the public highway hereinbefore described which is public in character and extended along the east end of this last described tract to the City of Union.

~~WHEREFORE~~ , the petitioner prays that a county road and public highway thirty feet in width or so much thereof as may be necessary be laid out and established commencing at the south west corner of the tract of land owned by the petitioner and at the gate in the dooryard of the petitioner's residence, and running thence ~~x~~ east along the line of the old road as nearly as practicable to a designated point at which commences the public road extending along the east line of the north west

quarter of the south west quarter of section 19; township 4 S. R. 40 E. W. M. in Union county, Oregon, and that viewers be appointed to locate and establish the same and to assess the damages if any accruing to the individuals over whose lands it passes.

Willie L. Johnson
Petitioner,
her atty.

State of Oregon, }
County of Union, } ss

I, ^{George H.} ~~Willie L.~~ Johnson, being first duly sworn depose and say that I am the ^{husband} person making the foregoing petition; that I have read the same and know ^{and have personal knowledge of} the contents thereof and that the same is true as I verily believe.

W. L. Johnson

Subscribed and sworn to before me this the 31st day of March, A. D. 1903.

W. L. Johnson

Notary Public for Oregon.

I Samuel White District atty of the 8th judicial dist of the State of Oregon for the County of Union in said District hereby certify that I have examined the records & files in the above intitled matter and find the same in all things regular & legal
June 11th 1903

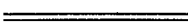
Samuel White
Dist atty

STATE OF OREGON,
COUNTY OF UNION. } ss.

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

Subscribed and sworn to before me this _____ day of _____ 190_____

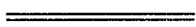
Notary Public for Oregon.



STATE OF OREGON,
COUNTY OF UNION. } ss.

I, _____, do hereby certify that I am
_____ attorney herein; that the foregoing
copy of _____ has been by me carefully compared with
the original thereof and that it is a correct transcript therefrom and the whole of such original.

Union, Oregon, dated this _____ day of _____ 190_____



Due service of the within _____ is hereby accepted in
_____ County, Oregon, this _____ day of _____ 190_____, by receiving a
copy thereof, duly certified to be such by _____ attorney for _____

Attorney for the _____

No.

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

In the matter of the Petition
of Nellie F. Johnson
Plaintiff
vs.
Defendant.

Filed April, 1 1903.
[Signature] Clerk.
[Signature] Deputy.

FROM THE OFFICE OF
C. E. COCHRAN,
Attorney for

BE IT REMEMBERED, That at a 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, said county and state, on Wednesday, the 6th day of May, A. D. 1903, 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. M. A. Harrison, Judge.

Robert Blumenstein, Commissioner

Jas. A. Pilcher, Commissioner.

J. H. Minnaugh, Clerk.

C. C. Penington, Sheriff.

When on Wednesday, the 6th day of May, A. D. 1903, the same being the first judicial day of said term, among others, the following proceedings were had, to-wit:

In the Matter of the)
County Road petitioned for by)
Nellie L. Johnson.)
.....)

And now this matter came on for hearing upon the sworn petition of Nellie L. Johnson, from which it appears to the court that the residence of the said Nellie L. Johnson, situated on the following described premises, to-wit:
Commencing at a point 1281 3/4 feet south and 253 1/8 feet west of the northeast corner of the northwest quarter of the southwest quarter of section 19, Township 4 south, range 40 N. W. M., in Union county, Oregon, running thence west 208 1/4 feet and thence north 208 1/4 feet, thence east 208 1/4 feet, and thence south 208 1/4 feet to the place of beginning, is not reached by any convenient or other public road and that it is necessary for the use of the public and said Nellie L. Johnson that they have ingress and egress to such residence of said person, and the court being fully advised in the premises, it is hereby considered, ordered, adjudged and

decreed that Gen. A. J. Goodbrod, S. A. Parsel and Alex Blater, be and they are hereby appointed viewers, and that the said Viewers meet on the 18th day of May, A. D/ 1903, at 10 o'clock A. M., of said day, at the County Peer Farm of Union county, Oregon, situated near the hereinafter described property, and there view out and locate a county road not exceeding thirty feet in width from the residence of said petitioner, Nellie L. Johnson, east to the nearest county road, according to the terms of the petition therefor by the said Nellie L. Johnson, now on file in this court, and to then and there assess the damages sustained thereby by the owner or owners of the land over which the same may be located.

It is further ordered that a copy of this order, properly certified, be served by the sheriff of Union county, Oregon, upon Irvin Frasier, within four days from the date hereof, he being the owner of the land over which the said county road, or right of way, as petitioned for, will extend.

The description of the right of way, public easement or county road, as claimed, requested and petitioned for by the said Nellie L. Johnson, is as follows:

Commencing at a point 1281 $\frac{3}{4}$ feet south of the northeast corner of the northwest quarter of the southwest quarter of section 19, township 4 south, range 40 E. W. M., in Union county, Oregon, and running thence west 462 feet, thence south 30 feet, thence east 462 feet, thence 30 feet to the place of beginning.

(sd) M. A. Harrison, Judge.
Robert Blumenstein, Commissioner
Jas. A. Pilcher, Commissioner.

State of Oregon

ss

County of Union.

I hereby certify that I served the within order within said County and State on the 9th day of May, 1903, on the within named Irvin Frazier, by delivering a copy thereof prepared and certified to by J. H. Mighnaugh, County Clerk of said Union County, to the said Irvin Frazier in person.

A. B. Reinston
Sheriff of Union County, Ore.

*In the County Court of the
State of Oregon for Union Co*

*In the matter of the County Road
petition for by W. L. Johnson*

Order

Made May 9th 1903

*J. H. Mighnaugh
County Clerk*

Recd May 6th - 1903

W. L. Johnson

Union Co

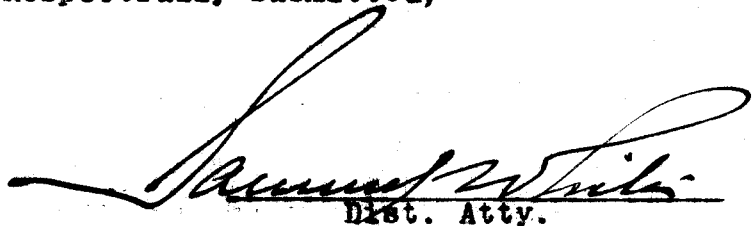
To the County Court of Union County, Oregon.

I am in receipt of the papers in the matter of the laying out of a private way petitioned for by Nellie L. Johnson. The papers seem to be alright, except that my attention has been called to the fact that the report of the viewers recommending the laying out of said right of way, differs from that which is petitioned for.

My understanding and construction of the law, Section 4966 B. & C. Codes, is that the petition is conclusive as to the right of way asked for, and the only duty and province of the viewers is to settle the matter of damages, therefore, I am of the opinion that the report of the viewers should be amended so as to conform to the petition with respect to the description of the land included within the said proposed road or right of way.

I do not think that the viewers can change the right of way as asked for in the petition. The viewers should file a report assessing the damage incurred by reason of the laying out of the road in accordance with the petition, and this in my judgement, is the extent of their duties.

Respectfully submitted,


Dist. Atty.



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In the County
Court of the State
of Oregon for
Huron County

Justices
of the Court
do hereby certify
that the within
is a true and
correct copy of
the original
as the same
appears on
the records of
the Court.

Witness my hand
and the seal of
the Court at
Huron, Oregon
this 28th day
of June, 1904

Filed for
recording
this 28th day
of June, 1904

W. H. [Signature]

By [Signature]
Clerk

[Signature]

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SECOND JUDICIAL DAY.

THURSDAY, APRIL 2, 1903.

In the matter of the application of
F. S. Martin, for the repayment of
excess taxes paid on 1902 roll.

Based Upon the application and affidavit of F. S. Martin for a refund of excess taxes paid 1902 Tax roll, from which it appears that taxes were extened upon a greater value than existed; that the excess so charged amounted to the sum of \$4.94; And it further appearing to the Court that an excess in the amount of taxes as paid should be refunded to the applicant, IT IS THEREFORE CONSIDERED AND ORDERED by the Court that the applicant be refunded the sum of \$4.94 excess taxes paid on the 1902 Tax Roll of Union County, Oregon, and the Clerk is hereby instructed to issue a warrant upon the general funds of the County in the sum of \$4.94 payable to the petitioner F. S. Martin by reason of such excess payment.

In the matter of the County road
petitioned for by Nellie L. Johnson.

Now at this time this matter came on for hearing upon the sworn petition of Nellie L. Johnson, from which it appears to the Court that the residence of the said Nellie L. Johnson, situated upon the following described property, to-wit:

Commencing at a point 1281-3/4 feet south and 253-1/4 west of the northeast corner of the northwest quarter of the southwest quarter of section 19, Township 4 S.R. 40, E., W. M. in Union County, Oregon, and running thence west 208-1/4 feet and thence north 208-1/4 feet, thence east 208-1/4 feet, thence south 208-1/4 feet to the place of beginning. Same is not reached by any convenient or other public road; that it is necessary for the use of the public and said Nellie L. Johnson, that they have ingress and egress to such residence of said person, and the Court being fully advised in the premises,

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED THAT A. J. Goodbrod, S. A. Purcell and G. E. Howe, be and they are hereby appointed viewers and that the said viewers meet on the 14th day of April, A.D. 1903, At 10 o'clock, A.M. and there view out and locate a county road not exceeding thirty feet in width, from the residence of said petitioner, Nellie L. Johnson, east to the nearest County road according to the terms of the petition, and to assess the damages sustained there by by the owner or owners of the land over which the same may be located.

It is further ordered that copy of this order be served upon Irv. Frazier within four days from the date hereof, he being the alleged owner of the land over which the said right of way will extend.

The description of the right of way and public easement claimed and requested is as follows: Commencing at a point 1281-3/4 feet south of the northeast corner of the NW-1/4 of the SW-1/4, Sec 19, Tp 4.S.R. 40, E., W.M., in Union County, Oregon, and running thence west 462 feet; thence South 30 feet; thence East 462 feet; thence North 30 feet to the place of beginning.

FIRST JUDICIAL DAY.

WEDNESDAY, MAY 6, 1903.

In the matter of the County Road
petitioned for by Nellie L. Johnson.

And now at this time this matter came on to be for hearing upon the sworn petition of Nellie L. Johnson, from which it appears to the Court that the residence of the said Nellie L. Johnson, situated on the following described premises, to wit:

Commencing at a point 1281 3/4 feet south and 253 1/4 feet west of the northeast corner of the northwest quarter of the southwest quarter of section 19, Tp. 4 South Range 40, E., W. M., in Union County, Oregon, running thence west 208 1/4 thence North 208 1/4 feet, thence East 208 1/4 FEET, thence South 208 1/4 feet to the place of beginning, is not reached by any convenient or other public road and that it is necessary for the use of the public and said Nellie L. Johnson, that they have ingress and egress to such residence of said person, and the Court being fully advised in the premises,

IT IS HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED That Gen. A. J. Goodbrod, S. A. Pursel and Alex Slater, be and they are hereby appointed viewers, and that the said viewers meet on the 18th day of May, A. D. 1903, at 10 o'clock, A.M. of said day, at the County Poor Farm of Union County, Oregon, situated near the hereinafter described Property, and there view out and locate a County road not exceeding thirty feet in width from the residence of said petitioner Nellie L. Johnson, east to the nearest County road, according to the terms of the petition thereof by the said Nellie L. Johnson, now on file in this Court, and to then and there assess the damages sustained thereby by the owner or owners of the land over which the same may be located.

It is further ordered that a copy of this order, properly certified, be served by the sheriff of Union County, Oregon, upon Irvin Frazier, within four days from the date hereof, he being the owner of the land over which the said county road, or right of way, as petitioned for, will extend. The description of the right of way, public easement or county road, as claimed, requested and petitioned for by the said Nellie L. Johnson, is as follows; Commencing at a point 1281 3/4 feet south of the northeast corner of the northwest quarter of the southwest quarter of section 19, township 4 south, range 40 E. W. M., in Union County, Oregon, and running thence west 462 feet, thence south 30 feet, thence east 462 feet, thence 30 feet to the place of beginning.

In the matter of the proposed
County Road petitioned for by
C. Coalwell, et al.

Comes now C. Coalwell, one of the petitioners for the above named proposed County Road, and presents to the Court the petition of himself and others, praying

THIRD JUDICIAL DAY.

FRIDAY; JUNE 5, 1903.

30 consecutive days in the La Grande Chronicle, a daily and weekly news-paper of general circulation, printed and published in La Grande, Union County, Oregon, as is evidenced by the affidavit of one of the printers of said paper, which affidavit is filed herein and made a part of this application. And it further appearing to the Court that no inconvenience would be caused the general public, the City of La Grande or any individual person by the closing and vacation of said streets and alleys.

IT IS THEREFORE CONSIDERED AND ORDERED by the Court that the portion of Harney Street from the east side of Columbia Street to the west side of Umatilla Street and that portion of Union Street from the north side of Polk Street to the Grande Ronde River and the alleys in blocks No's 57 & 69, all in Riverside Addition to the City of La Grande, Union County, Oregon, be and they are hereby closed and vacated in accordance with the prayer of the petitioners.

In the matter of the County Road
petitioned for by Nellie L. Johnson.

And now this matter having come on to be heard upon the motion of Mr C. E. Cochran as attorney for the petitioner for an order confirming the report of the viewers herein and also upon the motion of Mr Leroy Lomax as attorney for Irvin Frasier, over whose land the right-of-way prospectively extends, for an order of the Court setting aside the report of the viewers and to dismiss the petition and these proceedings and the whole thereof having been argued and submitted to the Court and the same having been referred to Hon. Samuel White, the District Attorney of this County, who reports that he has examined the records and files of the above entitled matter in this Court and finds the same in all things regular and legal, and the petitioners having deposited with the County Clerk the sum of \$40.00, as damages assessed and allowed by the viewers and the Court being fully advised in the premises finds that the sum of \$40.00 so assessed as damages by the majority of the viewers is fully adequate and justly compensatory of the amount of damages sustained by the said Irvin Frasier, and the said petitioner has also paid the costs of locating such road, Now, therefore,

IT IS HEREBY CONSIDERED, ORDERED AND DECREED that the report of the said viewers be and the same hereby is confirmed and the said motion over-ruled and denied; and it is further ordered that a County road and right-of-way of the following description to wit: Commencing at a point 8 1/4 feet north of the southeast corner of the north-west quarter of the southwest quarter of Section 19, T4N, R. 340, E1; W. M., in the Union County, Oregon, in the center of the County road running directly north to the town of Union, Oregon, thence west 462 feet, thence north 30 feet, thence east 462 feet thence south to the place of beginning, be and the same is hereby declared to be a public road, or a perpetual right-of-way, and the clerk of this Court shall record the same as such. IT IS FURTHER ORDERED that the Supervisor of Road District # 28, the road district in which said road or perpetual right-of-way is located, shall direct the petitioner herein to open up said road or perpetual right-of-way and place the same in repair for travel.

THIRD JUDICIAL DAY.

FRIDAY, NOVEMBER 6, 1903.

In the matter of the proposed County road petitioned for by Nellie L. Johnson . .

This matter came on to be heard at this time on an order of the Circuit Court of the State of Oregon, for Union County, remanding this matter to the Court below with direction to appoint new viewers or the same ones and cause them to examine view out and report on said right way in accordance with the law; Therefore based upon the order of our Circuit Court, IT IS HEREBY CONSIDDERED ORDERED AND ADJUDGED, That A. J. Goodbrod, S. A. Pursel and Alex Slater be and they are hereby appointed viewers and that the said viewers meet on Saturday, the 21st day of November, A. D. 1903, at 10 O'clock A. M. of said day at the County poor Farm of Union County, Oregon, situated near the hereinafter described property and there view out and locate a County road not exceeding thirty feet in width from the residence of said petitioner Nellie L. Johnson, east to the nearest County Road according to the terms of the petition thereof by the said Nellie M. Johnson? now on file in this Court and to them and there to assess the damages sustained thereby by the owner or owners of the land over which the same may be located.

The Description of the right of way, public easement of county road as claimed, requested and petitioned for by Nellie L. Johnson, is as follows: Commencing at a point 128 3/4 feet south of the northeast corner of the NW 1/4 of the SW 1/4 of sec. 19 Tp 4 S. R. 40 E. W. M., in Union county, Oregon, and running thence west 4 62 feet thence south 30 feet, thence east 462 feet, thence 30 feet to the place of beginning.

In the matter of the vacation of a portion of a county road, as petitioned for by Anna Colt, etal.

This matter came on to be heard at this time on the report of the viewers filed herein, and on the remonstrances against the vacation of the road, and on the opinion of the District Attorney filed herein. And it appearing to the court that there are nineteen names on the petition for the vacation of the road described as follows: Commencing at a point 8 chains west of the SE corner of section 2, Tp 1 S. R. 38 E. W. M., at a rock set in the ground marked R. thence running north 21° west 45.15 chains to a rock angle 1, thence running north 31° west 10.06 chains to a rock marked angle 2, thence running north 35° west 21.50 chains to a rock marked RT which is set in the centre of the county road on a point on the subdivision line 12.54 chains south of the quarter section corner on the north side of section 2, Tp 1 S. R. 38 E. W. M, which petition is signed by Mrs. Anna Colt and eighteen others, and that remonstrances have been filed against said proposed vacations by E. Fisher and forty-seven others, purporting to be freeholders in District No. 10, and by J. T. Woodell and seventeen others purporting to be freeholders residing in road district No. 8, and the evidence herein had and taken by the court, And the court having found that of the

This entry was entered on this date through error, see Records 10, 11, 12.

FOURTH JUDICIAL DAY.

TUESDAY, NOVEMBER 10, 1903.

tioners For said proposed vacation be not granted, or allowed, then that the said Anna Colt and Justus Wade would well and truly pay all costs and expenses incurred by reason of the view or review of said road, and that the bills which this County had to pay by reason of said view of said road amounted to \$22.00. It is therefore further considered, that said petitioners are indebted to Union County under the terms and conditions of said bond in said amount of \$22.00 and that said bounden Anna Colt and Justus Wade be required to pay the same.

In the matter of the settlement with the Sheriff on the Tax Roll for The year 1902.

Comes now C. C. Penington, Sheriff of Union County, Oregon, and Presents to the Court for settlement the Tax Roll for the year 1902, from which and the return thereon it appears that the said Sheriff was charged on said Tax Roll with the sum of \$129,331.82, tht he has made Sheriff's assessment on said roll to the amount of \$328.21 and collected penalty and interest amounting to \$750.92, aggregating the sum of \$130,409.93; that he has collected and turned over to the Treasurer as shown by the receipts filed by him, the sum of \$121,917.20; that he has collected penalty and interest on said roll amounting to \$750.92; that he has collected on Sheriffs assessments the sum of \$322.90; that he has rebated on said roll the sum of \$3518.93 and returns as delinquent and uncollected the sum of \$3900.20.

IT IS THEREFORE CONSIDERED AND ORDERED by the Court that the sheriffs return on a roll be and the same is hereby in all things approved. It is further ordered that the Sheriff be charged on his account with the amount of said assessments and the amount of penalty and interest.

In the matter of the County Road petitioned for by Nellie L. Johnson.

Now at this time this matter came on for hearing upon the application of C. E. Cochran, attorney for petitioner, in open Court made for leave to withdraw the report of viewers. And it appearing to the Court that the request should be granted. It is therefore considered and ordered that the said attorney be and he is hereby permitted to withdraw the said reports from the files of the Clerk's office.

In the matter of the proposed County Road petitioned for by Thomas Walsh, et al.

This matter came on to be heard at this time on an order of the Circuit Court of the State of Oregon, for Union County, directing this Court to proceed to approve or disapprove the report of the Viewers on claim for damages filed by T. H. Crawford and C. H. Finn in the above e titled matter and to allow or disallow said claim, which report of viewers is in words and figures as follows, to-wit:

BE IT REMEMBERED, That at a 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, said County and State, on Wednesday the 2nd day of December A.D., 1903, 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. M. A. Harrison, County Judge.

The Hon. Robert Blumenstein, Commissioner.

The Hon. Jas. A. Pilcher, Commissioner,

J. H. Minnaugh, Clerk.

C. C. Penington, Sheriff

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

In the matter of the settlement with Simon Woodell, Supervisor of R. D. # 8.

At this time is presented to the Court the annual report of Simon Woodell as Supervisor of R.D.#8, and the Court having examined said report and found the same to be correct. It is therefore ordered that said report be approved and filed in the office of the Clerk of this Court.

In the matter of the County Road petitioned for by F. S. Wilson, et al.

This matter came on to be heard on a first reading on the report of the County Board of Viewers and the said report having been read in open Court as provided by law

IT IS THEREFORE ORDERED, That said report be laid on the table to be read a second time on some other day of this term of Court.

In the matter of the proposed right of way petitioned for by Nellie L. Johnson.

This matter came on to be heard at this time on the report of the Viewers heretofore appointed herein for a first reading as provided by law and said report having been read in open Court. It is therefore ordered that said report be read a second time on some other day of this term of Court.

In the matter of the application of E. M. Armacost for admission to the County Hospital.

This matter came on to be heard at this time on the application of E.M. Armacost for admission to the County Hospital; from which it appears that the applicant is a

FIFTH JUDICIAL DAY.

MONDAY, JANUARY 11, 1904.

Starkey.	Judges	Thos Loftus W. S. McMillan J. B. Ayres
	Clerks	E. M. Coombs A. J. Sullivan E. F. Jones
Union No. 1.	Judges	Andy Wilkinson Ed Mitchell T. X. Warren
	Clerks	Chas Robbins Frank Bidwell Perry Oliver
Union No. 2.	Judges	S. D. Correy F. E. Foster S. I. Benson
	Clerks	Waldo Perry F. W. Davis Frank Minnick

In the matter of the proposed
County Road petitioned for by Nellie
L. Johnson.

This matter came on to be heard at this time on the report of the viewers heretofore appointed herein for a second reading as provided by law, the report of the viewers being in words and figures, as follows, to-wit:

REPORT OF VIEWERS.

To the Honorable County Court of Union County, Oregon;

We, the undersigned viewers, heretofore on the 6th day of November, 1903, appointed to view out and locate a right-of-way or public easement from the residence of Nellie L. Johnson to the nearest public road and to assess the damages that may accrue to claimants by reason of the establishment of said proposed right-of-way and public easement, beg leave to report that on the 21st day of November, A. D. 1903, we, after being first duly sworn to discharge our duty faithfully and impartially, proceeded to view out and locate a right-of-way or public easement from the residence of the said Nellie L. Johnson to the nearest public road as follows:

Commencing at a point 1281-3/4 feet south of the northwest quarter of the south west quarter of sec 19, Tp. 4 S. R. 40 E. W. M., in Union county, Oregon, running thence west 283-1/4 feet, thence south 30 feet, thence east 283-1/4 feet, thence north 30 feet to place of beginning, according to the map thereof hereto attached and made a part of this report, on which is shown the land used for this right-of-way, which is designated thereon. (Located right-of-way). 283-1/4 feet X 30 feet.

We further proceeded to view said proposed road the whole distance thereof through the premises of Irvin Frazier, the owner of the land through which the said right-of-way passes to determine the damages sustained by him on account of the establishment of said right-of-way and public easement, and we find, and so report to the court that the premises and land of the said Irvin Frazier would be rendered \$25.00 less valuable by the laying out and establishment of the said right-

FIFTH JUDICIAL DAY.

MONDAY, JANUARY 11, 1904.

of-way and public easement, and that he would sustain damages in the said sum of \$25.00.

Dated at Union, Oregon, November 21, 1903.

A. J. Goodbrod

S. A. Pursel

Alex Slater.

And said report of viewers having been read in open court on two several days and it appearing to the court that the said viewers report favorably upon said petition with the amended changes and descriptions as made in said report by said viewers, which report of viewers is here now approved, and it is considered and ordered that said road be opened up for travel upon the petitioner paying the damages as assessed and the costs of this proceeding.

In the matter of the allowance of miscellaneous bills against the county and of the issuance of warrants in payment of same.

At this time the allowance of miscellaneous bills against the county came on for consideration, the bills having been submitted to the court and the court having passed and audited each of said bills separately, as appears from the signatures of the court thereon, IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that the said bills be allowed and warrants issued by the county Clerk in payment of same, in classes and amounts as follows, to-wit:

Class	Number	To Whom Issued	For What Issued	Amount.
MM	281	M. A. Harrison	Salary of County Judge for Dec '03	\$100.00 ✓
"	282	J. H. Mimnaugh	" Clerk "	150.00 ✓
"	283	E. P. Schow	" Depy "	100.00 ✓
"	284	M. E. Hendershott,	" " "	75.00 ✓
"	"85	C. C. Penington	" of Sheriff "	208.33 ✓
"	286	T. B. Johnson	" Depy "	100.00 ✓
"	287	J. F. Phy	" " "	75.00 ✓
"	288	E. E. Bragg	" School Sup't "	112.50 ✓
"	289	D. H. Procter	" Recorder "	125.00 ✓
"	290	A. H. Gaylord	" Deputy "	66.66 ✓
"	291	John Frawley	" Treasurer "	83.33 ✓
"	292	J. H. Morton	Assessor's fees as per bill	254.00 ✓
"	293	J. T. Bolles	Salary stock inspector "	25.00 ✓
"	294	B. Chancey	Extra work on tax roll	84.00 ✓
"	295	Lee Warnick	" " "	57.50 ✓
"	"96	C. C. Penington	Board of prisoners for Dec	81.54 ✓
"	297	Lee A. Wilson	Services supervisor R/D #32	6.00 ✓
"	298	E. F. May	" " 30	15.00 ✓
"	299	H. Conoway	" " 34	20.00 ✓
"	300	S. M. Goff	" 2 3	83.60 ✓
"	301	H. O. Gorham & Son	Lumber for R/D #30	91.30 ✓
"	302	J. P. DeLong	Services supervisor R/D #22	7.50 ✓
"	303	F. H. Tatman	" " 20	37.50 ✓
"	304	Lee Young	" " 15	42.00 ✓
"	305	W. E. Gorden	" " 35	23.13 ✓
"	306	Irwin-Hodson Company	Stationery as per bill	17.00 ✓
"	307	Sglass & Prudhomme	" " "	151.75 ✓
"	308	Scibird & Glover	Stationery & printing as per bill	10.20 ✓
"	309	Union Electric Light Co	Lights as per bill	34.50 ✓
"	310	Foster-Brown Co	Supplies for Poor Farm	3.15 ✓
"	311	F. W. Davis	Supplies for jail	4.75 ✓
"	312	Townley-Gale & CO	Supplies for jail &	7.00 ✓
"	313	L. A. Wright	Supplies for Poor Farm	1.25 ✓
"	314	Hsie Landrum	Witness befor Grand Jury Cir Ct State v Dotson4.40 ✓	
"	315	E. E. Grout	Services supervisor R/D #19	219.00 ✓
"	316	J. E. Woods	" " 9	59.00 ✓

v. 55.84