

EQUITY.

No 38

In CIRCUIT COURT

UNION COUNTY

*H. G. Hunter*

Plaintiff

vs

*Richard B. Johnson*

Defendant

*O. H. Smith*

Attorney for Plaintiff

Attorney for Defendant

K-4401-22-73  
Ord. rec. 10/11/51

ROAD No 580

Returned for by  
G W English et al

Commencing at

21-311 357 3711 40 2 31 41

72 N R. 40 E W 94

10/2-74

# PETITION FOR COUNTY ROAD.



TO THE HONORABLE COUNTY COURT, FOR UNION COUNTY, OREGON:

The undersigned freeholders, of Union county, Oregon, residing in the road district where the hereinafter described road is proposed to be,

respectfully petition your Honorable body to lay out, alter and establish

a County Road within said county, on the following line, or route, to-wit:

Commencing in the S.E. 1/4 of S.E. 1/4 of sec 10 T 2 N Range 40 E W. 1/2 at a point on the county road at a stake marked A about 65 yards north and 60 yds west of the N.E. corner of said lot thence running east about 180 yards to a stake marked B. then north 25 yds. then N.W. or nearly so about 225 yards to stake C. about 100 yds. north and 50 yards west of above named corner. Thence N.E. intersecting the line between sec. 10 and 11 and continuing north along said sec. line to the S.W. corner of the N.W. 1/4 of S.W. 1/4 of sec 2, thence east about 175 ft. to D. running thence in a northerly and slightly easterly direction a quarter of a mile more or less and intersecting the sec line near the center of the west line of sec. 2 and continuing north along said line to the S.E. corner of the S.E. 1/4 of the N.E. 1/4 of sec 34 T 3 N. R 40 E W. 1/2 thence running in a north westerly direction or nearly so to a point on the line between sections 28 and 34 about 220 yds east of the S.W. corner of the S.W. 1/4 of the S.E. 1/4 of sec. 28. Thence running west to said corner and from thence north along the line 1/4 of a mile and then terminating.

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

Along edge of Cliff  
NAMES: NAMES:  
27 28 and 34 about 220 yds east of the S.W. corner of the S.W. 1/4 of the S.E. 1/4 of sec. 28. Thence running west to said corner and from thence north  
27 along the line 1/4 of a mile and then terminating.

Said road to be 40 feet wide.

M. English  
David Scott  
A.C. Thompson  
James Witty  
J. W. Perry  
Joseph Scott  
Thomas Scott  
D. K. Nicley  
W. D. Blair  
J. E. Witty  
R. J. Rinehart  
J. K. Jones  
Frank Harryman  
Albert Scott

Willis Scott  
John Bechtel  
Jimmie J. Brault  
A. E. Barroll

to the County  
Road returned  
for by  
E. W. Campbell, clerk

Petition

Filed May 5, 1902

J. H. M. Cunningham  
Clerk

By E. P. Johnson  
Clerk

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

I, EP Schow 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 \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, 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

3<sup>rd</sup> day of June 1904

EP Schow  
County Judge

PAID  
JUN 1 1904

*J. W. Cunningham*  
COUNTY CLERK

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

I, J. W. Perry 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 beginning and end of the terminus of said proposed Road and one at the middle of the proposed Road.

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the ~~1st~~ <sup>1st</sup> day of ~~June~~ June 1904, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 3rd day of May 1904, 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 31st day of May 1904  
J. W. Perry  
E. H. Morlock Notary  
Public for Oregon

FILED  
JUN 1 1904

*J. M. [unclear]*  
COUNTY CLERK



# Notice of Road Petition.

TO ALL PERSONS CONCERNED: You and each and all of you, will take notice that the undersigned freeholders, of Union county, Oregon, residing in the road district 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~~ <sup>The June Term</sup>, the ~~\_\_\_\_\_~~ day of \_\_\_\_\_ A. D. 1904 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 in the S.E. 1/4 of S.E. 1/4 of section 10 T. 2 N. R. 40 E. W. M. at a point on the County road at a stake marked A about 85 yds. south and 60 yds. West of the N.E. corner of said lot. Thence running east about 185 yards to a stake marked B. Then North 25 yards. Then N.W. or nearly so about 225 yds. to stake C. about 100 yds. North and 50 yds. west of above named corner. Thence N.E. intersecting the line between sections 10 & 11 and continuing north along said sec. line to the S.W. corner of N.W. 1/4 of S.W. 1/4 of Sec. 2. Thence east about 175 ft. to stake D. running thence in a northerly & slightly westerly direction a quarter of a mile more or less intersecting the sec. line near the center of the West line of sec. 2. continuing north along said line to the S.E. corner of the S.E. 1/4 of the N.E. 1/4 of Sec. 34 T. 2 N. R. 40 E. W. M. Thence <sup>along edge of bluff</sup> running in a north westerly direction or nearly so to a point on the line between sections 28<sup>th</sup> & 34 about 220 yds. east of the S.W. corner of S.W. 1/4 of S.E. 1/4 of Sec. 28 thence <sup>190 ft</sup> West to said corner and from thence north along the line 1/4 of a mile and thus Terminating. Said Road to be 40 feet wide.

Dated at Elgin Oregon, the 2nd day of May A. D. 1904

NAMES:	NAMES:
W. English	Willie Carter
David Scott	Wm. J. Berhlet
A. C. Thompson	J. Bault
Paris Witter	A. E. Carroll
J. W. Perry	
Joseph Scott	
Thomas Scott	
D. K. Mickey	
W. D. Blair	
J. E. Witter	
H. J. Rinehart	
J. K. Jones	
Frank Hurreman	
Albert Scott	

EPA

*J. M. [unclear]*  
COUNTY CLERK

**FILED**  
JUN 1 1904

*Noted*

Commencing in the S. E.  $\frac{1}{4}$  of S. E.  $\frac{1}{4}$  of sec. 10 T. 2 N. R. 40  
E. W. N. at a point on the County road at a stake marked A  
about 85 yds south and 60 yds west of the N. E. corner of  
said lot thence running east about 185 yds to a stake marked  
B. then north 25 yds then N. W. or nearly so about 225 yds  
to stake C. about 100 yds north and 50 yds west of above  
named corner. thence N. E. intersecting the line between sections  
10 and 11. and continuing north along said sec. line to the  
S. W. corner of N. W.  $\frac{1}{4}$  of S. W.  $\frac{1}{4}$  of sec. 2 thence east about  
175 feet to stake D. running thence in a northerly and  
slightly westerly direction a quarter of a mile more or less  
and intersecting the sec. line near the center of the west line  
of sec. 2 and continuing north along said line to the S. E.  
corner of the S. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of sec. 34 T. 3 N. R. 40. E. W.  
N. thence <sup>along edge of bluff</sup> running in a northwesterly direction or nearly so  
to a point on the line between sections 28 and 34 about 220  
yds east of the S. W. corner of S. W.  $\frac{1}{4}$  of S. E.  $\frac{1}{4}$  of sec. 28 thence  
running west to said corner and from thence north along  
the line  $\frac{1}{4}$  of a mile and thus terminating. said road  
to be 40 feet wide - ~~Said~~ Notice posted May. 3<sup>rd</sup> 04

BOND OF ROAD PETITIONERS.

KNOW ALL MEN BY THESE PRESENTS, That we, G.M. English and J.M. Perry, of the County of Union and State of Oregon, are held and firmly bound unto said county of Union, in the full sum of ONE HUNDRED DOLLARS (\$100.00) the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed this 12th day of May, A. D., 1904

Now, the conditions of the above obligation is such, that whereas G.M. English and others, have petitioned the County Court of said county of Union, at the June term, 1904, thereof, for a County Road, described in the petition and notice hereto annexed, as follows:

Now, if the above named G.M. English and J.M. Perry 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 the petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

G.M. English (Seal)
J.M. Perry (Seal)

STATE OF OREGON, } ss.
COUNTY OF UNION, }

I, G.M. English and J.M. Perry, each for himself, say I am worth the sum of TWO HUNDRED DOLLARS (\$200.00) over and above all debts and liabilities and property exempt from execution; that I am a resident householder in said county and state,

G.M. English
J.M. Perry

Subscribed and sworn to before me this 12th day of May, A. D., 1904

E.B. Morlock
Notary Public for Oregon

6/1/04 Bond approved
M.A. Harrison County Judge
Robert Blumhagen
Jas. A. Pelcher

By the County Court  
of the State of Oregon  
for the County of Clatsop

Do hereby certify that  
the proposed County  
road project known

as being

by W. J. Engelbrecht, et al

June 23, at 2:15 p.m.

Book

Filed May 23, 1901

W. J. Engelbrecht

County Clerk

By [Signature]

## REPORT OF BOARD OF COUNTY ROAD VIEWERS.

**To the Honorable County Court for Union County, Oregon :**

The undersigned Board of County Road Viewers, heretofore on the 1<sup>st</sup> day of June 1904, instructed 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 G. W. English et al., beg leave to report that on the 28 day of June 1904, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions said proposed road should \_\_\_\_\_ be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be \_\_\_\_\_ laid out and declared a public highway of said county \_\_\_\_\_

No claim for damages

D. L. K. Kennon  
B. Logsdon  
Arthur Curtis

Board of County  
Road Viewers.

State of Oregon  
County of Union }<sup>SS</sup>

I hereby certify in the matter of  
the County road petitioned for by G. W. English  
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 both together in angles and  
distances.

Arthur Curtis  
County Surveyor

## 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 G. W. English et al., beg leave to report that on the 28 day of June 1904 ~~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:

Commencing at a point North 13.65 chs, and North 51° 30' West 350 chs <sup>Rock</sup> from the S. E. Cor. of Sec. 10 T. 2 N. R. 40 E. W. M.; Then East 800 chs to Angle 1 a Rock; Then North 1.15 chs. to Angle 2 a rock; Then N. 47° W. 10.75 chs. to Angle 3 a rock; Then N. 37° 30' E 380 chs. to Sec. line N. S. and angle 4 a rock; Then North 13 chs <sup>1/4</sup> Sec. Cor.; 53.40 chs to Sec Cor; 56.40 chs to One mile rock Then North 17.30 chs to A. 5 a rock; then East 3.00 chs to A. 6 a rock; then North 2° West 11.20 chs to A. 7 tree then N. 13° W. 8.00 chs to A. 8 Rock; Then North 40.30 chs to 2 Mile Rock at the Cor of Sec. <sup>23</sup> T. 2 N. R. 40 E <sub>34 35 T. 3 N. R. 40 E</sub>

Then North 40.40 chs to A. 9 stake, and <sup>1/4</sup> Sec Cor.

" " 37° 30' West 8.25 chs to A. 10 a rock

" " 36° " 13.00 chs " A. 11, " "

" " 40° " 18.35 " " 3 Mile tree

" " 40° " 40.65 " " A. 12, a rock

" West 9.85 " " A. 13 a rock <sup>1/4</sup> Sec Cor;

" North 20 chs to R. T. Pine tree 4ft in diam <sup>marked</sup>

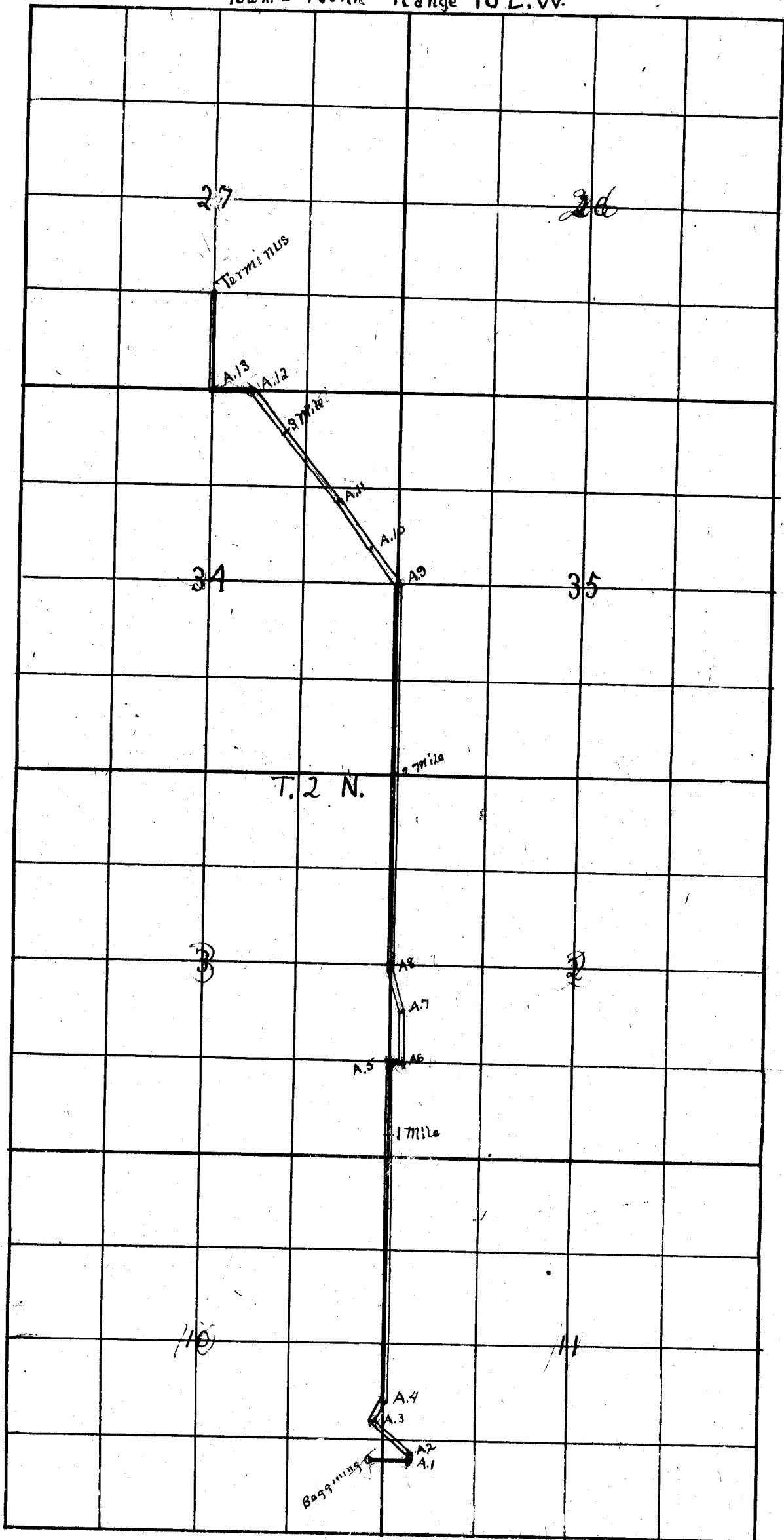
R. T. at the N. W. Cor. of S. W. <sup>1/4</sup> of S. E. <sup>1/4</sup> of Sec 28 T. 3 N. R. 40 E, W. M.

Arthur Curtis  
County Surveyor.



Road Petitioned for by G.W. English et. al.

Town. 3 North Range 40 E.W.



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

In the matter of  
James Country  
Great Distances  
from the  
- All England, et al.

Deputy of Viewers

Wm. F. Foy & Co.  
J. B. Foy & Co.  
Deputy

SECOND JUDICIAL DAY.

THURSDAY, JUNE 2, 1904.

In the matter of the proposed County Road petitioned for by Geo. Gettle, et al.

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

In the matter of the application of Mike Royes for the redemption of certain lots in Imbler, Oregon.

This matter came on to be heard at this time on the application of Mike Royes for the redemption of Lots 17, 18, 23 & 24, Blk 4, Town of Imbler, Oregon, from tax sale thereof to Union County for delinquent taxes for the year 1896; from which it appears that the petitioner is the owner of the said described lots; that the said lots together with other lots were assessed to the Union Land Company for the year 1896 and that the taxes thereon for said year were not paid; that thereafter said lots were sold for delinquent taxes for the said year and that Union County became the purchaser thereof; that the petitioner is desirous of redeeming said lots from sale thereof to Union County and is willing to pay the pro-rata taxes, penalty and costs chargeable to the lands taxed to the said Union Land Company for the year 1896, and it further appearing to the Court that it would be to the best interests of the County to accept said tender in redemption of said lots from sale thereof to Union County. It is therefore considered and ordered that upon payment to the Clerk of this court of the sum of \$1.00 that said lien be cancelled of record upon the Delinquent Sales Records of Union County as to the lots described in said application.

In the matter of the proposed county road petitioned for by G. W. English, et al.

Comes now G. W. English, 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 in the southeast quarter of the southeast quarter of sec. 10, Tp. 2 N. R. 40 E. W. M., at a point on the county road at a stake marked "A" about 85 yards south and 60 yards west of the NE corner of said lot, thence running east about 185 yards to a stake marked "B", thence north 25 yards, thence N.W. or nearly so about 225 yards to stake "C" about 100 yards north and 50 yards west of above named corner, thence northeast, intersecting the line between secs. 10 and 11 and continuing north along said section line to the SW. corner of the NW. quarter of SW. quarter, sec. 2,

SECOND JUDICIAL DAY.

THURSDAY, JUNE 2, 1904.

thence east about 175 feet to "D" running thence in a northerly and slightly westerly direction a quarter of a mile, more or less, and intersecting the section line near the center of the west line of sec. 2, and continuing north along said line to the SE. corner of the SE quarter of the NE quarter of sec. 34, Tp. 3 N. R. 40 E. W. M., thence running along edge of bluff in a northwesterly direction, or nearly so, to a point on the line between sections 28 and 34 about 220 yards east of the SW. corner of the SW quarter of the SE quarter of sec. 28, thence running west to said corner, and from thence north along the line 1/4 of a mile and there terminating, said road to be 40 feet wide. And it appearing to the court that said petition is signed by more than twelve freeholders of this county, residing within the road district where the hereinbefore described road is proposed to be and that said petition properly specified 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 at beginning and one at the terminus of said proposed road and one at the middle of said proposed road for more than thirty days immediately prior to the presentation of said petition to this court, notifying all persons concerned that application would be made to this court at the present session of this court and that the notices so posted were in due form and duly signed by the petitioners and that a bond for the costs of this proceedings has been duly given, IT IS THEREFORE ORDERED that Arthur Curtis, County Surveyor, and B. Logsdon and L. L. McKemmon, constituting the board of county road viewers, be, and they are hereby directed to meet at the beginning of said proposed road, Thursday, the 23d day of June, 1904, at the hour of 2 o'clock P. M., or within five days thereafter, and proceed to survey, view and lay out said road according to law.

In the matter of the proposed road  
petitioned for by U. F. Weiss, et al.

Comes now U. F. Weiss, 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 the county road described as follows, to-wit: Commencing at a point on the county road at the northeast corner of the SE. quarter of sec. 22, Tp. 2 N. R. 40 E. W. M., running thence in a westerly direction on the north line of said quarter section, to the NW. corner of said quarter section, thence running south 53 rods more or less, on the west line of said quarter section to a stake marked "A," thence running in a southwesterly direction along the most practicable route, down the canyon to a point intersecting the county road at a stake marked "B" and there terminating. Said road to be 40 feet wide. And it appearing to the court that said petition is signed by more than twelve freeholders of this county, residing within the road district where the hereinbefore described road is proposed to be, and that said petition properly specified the place of beginning, intermediate points and place of termination of said road, and

FIRST JUDICIAL DAY

WEDNESDAY, JULY 6, 1904.

In the matter of the appointment of a Supervisor  
for Road Dist. No. 6

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

In the matter of the application of W. M. Pierce  
for the redemption of certain lands

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

In the matter of the proposed County Road Petitioned  
for by G.W. English, et al.

This matter came on to be heard at this time upon the report of the Board of Road Viewers for a first reading, and said report having been read in open court as provided by law, the same is laid on the table for a second reading on some other day of this term of Court.

In the matter of the proposed County Road petitioned  
for by U.F. Weiss, et al.

This matter came on at this time to be heard upon the report of the Board of Road Viewers for a first reading, and the said report having been read in open Court as provided by law, the same is laid on the table for a second reading on some other day of this term of Court.

In the matter of the resignation of S. M. Goff  
as Supervisor of Road District No. 3.

This matter came on to be heard at this time on the resignation of S. M. Goff as Supervisor of Road District No. 3. It appears that the said Supervisor has removed from said district and cannot give the duties pertaining to the office the care and attention necessary. And the Court having fully considered said resignation, it is hereby considered and ordered that said resignation be accepted and the office of supervisor of Road District No. 3 be, and the same is hereby declared vacant.

SECOND JUDICIAL DAY.

THURSDAY JULY 7, 1904.

Court met pur suant to adjournment.

PRESENT: Same officers as on yesterday.

Due proclâamation of the opening of Court having been made, the Journal of yesterday's proceedings was read, approved, and is here now signed.

*M. Harrison* County Judge

*Robert Blumenten* Commissioner

*J M Selder* Commissioner

Thereupon the following proceedings were had, to-wit:

In the matter of the, proposed County road petitioned for by E. W. English et al

This matter came on for a second reading of the Report of the Board of County Road Viewers, and said Report having been read in open Court, as provided by law, and the Court having fully considered said Report,

IT IS ORDERED that all papers and reports be submitted to the District Attorney as to the legality of the proceedings had.

In the matter of the proposed County Road petitioned for by U. F. Weiss et al

This matter came on for a second reading of the Report of the Board of County Road Viewers, and said Report having been read in open Court, as provided by law, and the Court having fully considered said Report,

IT IS ORDERED that all papers and reports be submitted to the District Attorney as to the legality of the proceedings had.

In the matter of the proposed County Road petitioned for by D. Mc Donald, et al

This matter came on to be heard at this time on the Report of the Board of County Road Viewers for a second reading, as provided by law, said report being in

In the Matter of the Proposed County Road  
 Petitioned for by G. W. English, et al.

This matter came regularly on to be heard at this time for a second reading of the report of the Board of County Road Viewers, as provided by law, said report being in the following words, to-wit;

REPORT OF THE BOARD OF COUNTY ROAD VIEWERS.

To the Honorable County Court for Union County, Oregon:

The undersigned Board of County Road Viewers, heretofore on the 1st day of June, 1904, instructed 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 G. W. English et al., beg leave to report that on the 28th day of June, 1904, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said County.

L. L. Mc Kennon, ) Board of  
 B. Logsdon? ) County Road  
 Arthur Curtis, ) Viewers.

And the said report of the Board of County Road Viewers having been now publicly read in open Court for two successive days in the July term of said Court, and it appearing to the Court that said Board of County Road Viewers report favorably thereon and recommend that said proposed road be established as a public highway of said Union County, Oregon, and all the proceedings herein having been regular and according to law, and no remonstrance or claim for damages having been filed herein, and there having been no cause shown why this proposed road should not be declared a public highway and opened according to law, and the Court being satisfied from the report of the Board of County Road Viewers that said road will be of public utility, and the report of the viewers having been favorable thereto, and all the files and records of said proceedings having been submitted to the District Attorney, who has advised this Court as to the legality of said proceedings, IT IS THEREFORE HEREBY ORDERED by the Court that the report of the Board of County Road Viewers be placed on record in this Journal, and the Surveyor's profile and plat of the proposed road and his field notes of the survey thereof be placed on the record of the Book of Plats of County Roads of Union County, Oregon, and that said proposed road be declared a public highway of Union County Oregon, and be opened up and placed in repair for travel according to law; and that S. C. Goff, the Supervisor of Road Dist. No. 3, the same being the road district in which the 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.