

No 567
in

Circuit

Court

Jas. H. Lawton

Plaintiff

vs

A. L. Saunders
et al

Defendant

Action for an appeal

Docket

Page

Attorney for Plaintiff

J. H. Crawford

Attorney for Defendant

RECEIVED GREEN ENVELOPE
MAY 1 1888
LAW OFFICE FOR THE
COURT

1884
 Jan 10 Petition re. Mason affids
 Journal C p 145
 March 5 1st page of report
 Journal C p 186
 Mar 6 ordered amended
 Journal C p 190

Road

Chaparral Salnande + Ladd Canyon
 Road commencing on land of AP Beebe
 near N E cor of SW⁴ of N E⁴ Sec 2 T 4 S
 R 36 E to a point of intersection
 with C. road on NW⁴ of SE⁴ Sec 11 T 4 S
 R 38 E W 1/4

DIRECTIONS—Place papers on TOP OF RUBBER
 Fold ends first then sides. Throw the rubber cords
 over the ends and package is complete.

Report of Survey to the viewers appointed to view a proposed change in La Grande and Ladd Canyon County Road as follows; Commencing at a point on said road leading from La Grande to Ladd Canyon on the land of A. P. Beebe and near the N.E. corner of S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Sec 2 T. 4 S. Range 38 East W.M. thence running East and along the county road leading from La Grande to Union to a point on said county Road near the house of A. Gooden where the county Road leading from vicinity of Fair Grounds to mouth of Ladd Canyon crosses said county road leading from La Grande to Union which is on the S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ of Sec 2 T. 4 S. R. 38 E. W.M. thence running South or nearly South on the most practicable route until said South line shall intersect the county road now travelled from La Grande to ^{mouth of p} Ladd Canyon which point of intersection will be on N.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ Sec 11 T. 4 S. of Range 38 East W.M. and to vacate so much of the county Road leading from La Grande to mouth of Ladd Canyon as lies between the point of beginning and the point of terminus all of which points and places are in Union County State of Oregon.

The following are the field notes of the above described survey Beginning at a Post marked R placed in the La Grande and Ladd Canyon County Road

In the matter of the
change of County
Road from Lathrop
to Ladd Canyon
petitioned for by Croppers
to others.

Surveyors Report

Filed March 5. 1884

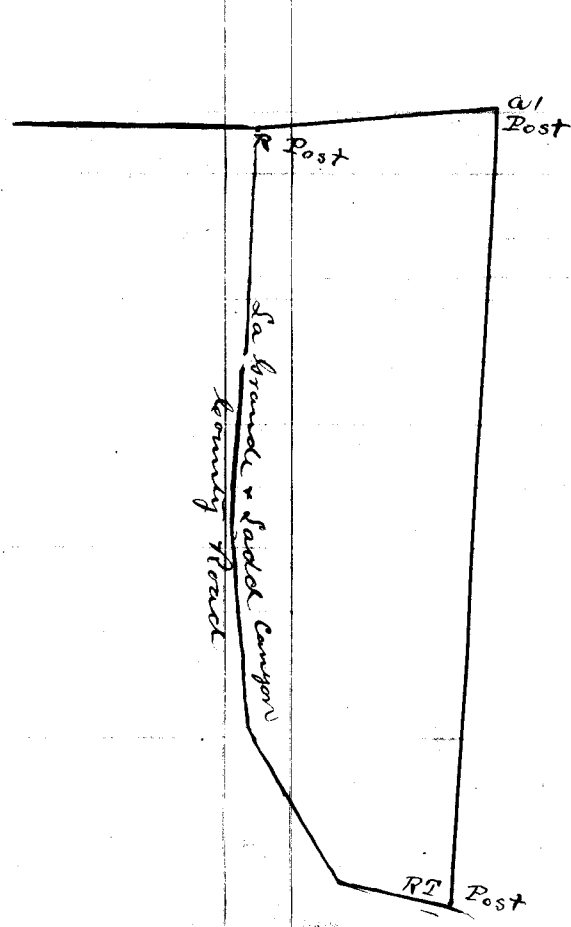
M. S. Wright Clerk

By J. P. Bell Reply

near the N E corner of SW 1/4
 of NE 1/4 Sec 2 T4S Range 38 East
 Thence N 86° E 64 rods to post marked A 1.
 " S 3° W 208 " " " " RT and
 intersecting La Grande & Ladd Canyon
 County Road

State of Oregon }
 County of Union } ss

I Eugene Chase do hereby certify
 that the field notes of the above described
 survey are correct as surveyed by me on the
 5th day of February A.D. 1874
 Eugene Chase Co Surveyor



Variation 20° East
 Scale 50 rods to the inch
 Whole distance 272 rods
 Old road 260 rods

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

In the matter of the Petitions
of David L. Gooden & others
for change in location of
County Road from LaGrande
to mouth of Ladd Canyon
State of Oregon
County of Union &c.

I, A. Gooden being first duly sworn say that I posted four Notices of the presentation of a petition to the County Court for a change in the location of the County Road leading from LaGrande to the mouth of Ladd Canyon. That all of said Notices described the proposed change as follows, to wit: Commencing at a point on said road leading from LaGrande to mouth of Ladd Canyon on the land of A. P. Beebe and near the North East corner of $\frac{1}{4}$ of $\frac{1}{4}$ Sec 2 T. 4. S. of R. 38. E. of Willamette Meridian, thence running due east & along the County road leading from LaGrande to Union to a point on said County road near the house of A. Gooden where the County road leading from the vicinity of Fair grounds to mouth of Ladd Canyon crosses said County road leading from LaGrande to Union which is on the $\frac{1}{4}$ of N. E. $\frac{1}{4}$ Sec 2 T. 4. S. R. 38. E. Willamette Meridian thence running south or nearly south on the west

practicable route for a County road until said south line shall intersect the County road now travelled from Lalande to mouth of Ladd Canyon which point of intersection will be on the N^W/4 of S⁸/4 Sec 11 T⁴S R³⁸E N^W, and to vacate so much of the County road leading from Lalande to mouth of Ladd Canyon as lies between the point of beginning and the point of termination, all of which points and places are in Union County State of Oregon.

That all of said notices were signed by the Petitioners, whose names appear on the petition

That one of said notices was posted on the Court House door in the City of Union, Union County Oregon

Another of said notices was posted upon the Hot Lake House on the road leading from Union to Lalande in said County.

Another upon the shop of Henry Lewis near the residence of O. P. Goodall about half a mile from the commencement point of said proposed change,

And the other on the fence of A. Gordon on the road leading from Ladd Canyon to the Fair Grounds in Union County

That all of said notices were posted on the 1st day of November A^D 1883

That owing to the winds and storms which have occurred since the posting of said notices the same have been destroyed and I am

unable to produce ^{one of them} ~~at~~ ~~copy~~ ~~thereof~~ to attach to this
Affidavit D. G. Gessner

Subscribed & sworn to before
me this 9th January 1884

D. P. Webb
Notary Public for Oregon

Proof of Parting

*Given June 9. 1882
with weight
percent*

Know all Men by these Presents:

THAT WE, A. Gooden
 and Alfred Gooden, of the County of Umus and
 State of Oregon, are held and firmly bound unto the said County of Umus in the sum of
Fifty 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 Ninth day of January A. D. 1884

Now the condition of the above obligation is such, that whereas, if the County Road petitioned
 for by David S. Gooden and others, and presented
 at the January term, 1884, of the County Court of said Umus county,
 commencing being for a change in the location of the County
 Road leading from Lalhard to Mouth of Ladd Canyon commencing
 on land of A. P. Beck and terminating on N E 1/4 of S E 1/4 Sec 11. T 4. S.
R. 38. C. M. W. be made
 be located and established, then this obligation to be void; otherwise to remain in full force
 and virtue in law.

A. Gooden

Alfred Gooden

STATE OF OREGON,

COUNTY OF Umus } ss.

I, A. Gooden and
Alfred Gooden each for himself says that I am worth the sum
 of Fifty ~~Hundred~~ Dollars over and above all debts and liabilities and property
 exempt from execution, and that I am a resident and householder in said County and State.

A. Gooden

Alfred Gooden

Subscribed and sworn to before me, this 9th
 day of January A. D. 1884

D. P. P. M.
 Notary Public for Oregon ^{Clerk}

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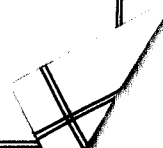
Paul

Miss Jenny 9. 1884
W. J. Wright
president

27

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To the Hon. County of Union County
State of Oregon. We the undersigned Viewers
appointed by your Hon. Body, to view a
proposed change in Lea Grand and Ladd Canyon
County road, as follows to wit;

Beginning at a point on Lea Grand and
Ladd Canyon County road commencing at a
point on said road leading from Lea Grand to
mouth of Ladd Canyon on the land of A. P. Beebe
and near the North East corner of S.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$
Sec 2, T. 4 S. of R 38 E of Willamette Meridian, thence
running due east & along the County Road leading
from Lea Grand to Union to a point on said County
road near the house of A. Gooden where the County
Road leading from the vicinity of Fair Grounds
to mouth of Ladd Canyon crosses said County Road
leading from Lea Grand to Union which is on the
S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$, Sec 2, T. 4 S. R. 38 E Willamette Meridian
thence running South or nearly South on the most
practicable route for a County Road until said
South line shall intersect the County Road now
travelled from Lea Grand to mouth of Ladd
Canyon which point of intersection will be on
the N.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ Sec 11 T. 4 S. R. 38 E. W.M. and to
vacate so much of the County Road leading
from Lea Grande to mouth of Ladd Canyon
as lies between the point of beginning and
the point of terminus all of which points and
places are in Union County, State of Oregon.

Submit the following report in relation thereto.
We met on the 5th day of February, A.D. 1884
the three viewers being present, after first being
duly sworn, in company with the Surveyor
proceeded to view survey and lay out said
proposed change in County Road which we
found to lay on good ground, and we

can heartily recommend that said proposed change
be made.

Sign here x Robert Shaw
x M. Coffin
x Harvie H. Graham

a. |

R |

In the matter of severance
of County Road funds
of Grand Staircase Country
payments for by certain other

Severance Reports

Filed March 5, 1984

M. J. Washburn Clerk

By C. J. Hill Rep't

Petition

Filed Jan'y 9, 1884
W. S. Wright
Clerk

the point of Terminus, all of which permits and
places are in Union County, State of Oregon
And we your Petitioners Ever Pray

Petition for Change of Road

To the Honorable County Board of Union County, Oregon.

We the undersigned, Resident householders of the vicinity of road herein after described do hereby respectfully petition your honorable body to grant a change in the County road leading from Sagona to the mouth of Sudd Canyon to wit commencing at a point on said road leading from Sagona to mouth of Sudd Canyon on the land of A.P. Beck and near the north east corner of S E 1/4 of N 2 1/4 Sec 2 T 4 S R 38 E of Willamette meridian, then running due east along the County road leading from Sagona to prison to a point on said County road, near the house of A. Gordon where the County road leading from the vicinity of Fair Grounds to mouth of Sudd Canyon crosses said County road leading from Sagona to prison, which is on the S E 1/4 of N 2 1/4 Sec 2 T 4 S R 38 E Willamette meridian then running south or nearly south on the most practicable route for a County road until said south line shall intersect the County road now traveled from Sagona to mouth of Sudd Canyon, which point of intersection will be on the N 2 1/4 of S E 1/4 Sec 11 T 4 S R 38 E W. 1/4 and to vacate so much of the County road leading from Sagona to mouth of Sudd Canyon as lies between the point of beginning and

The point of termination, all of which points and places are in Union County State of Oregon and are your petitioners ever say

David L. Cooper
S. B. ...

John ...
C. ...

P. E. ...

Chas ...
...

second judicial day

Thursday January 10th 1884

thence West 36 Rods to post marked A 1

" North 66 " 1.8 ft " " A 11

" N 70° E 44 " " " R.T.

and intersecting the Humboldt & Lathrop County Road

State of Oregon

County of Union J: I Eugene Chase do hereby certify that the field notes of the above described survey is correct as surveyed by me on the 29th day of November 1883

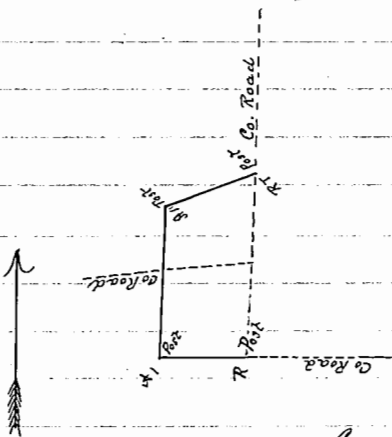
Eugene Chase

County Surveyor

Survey of G. A. Myers petition of changes in County Roads

finished Nov 29th 1883

Variation 20° 15' East



Scale 60 Rods to the Inch.

In the matter of a change in the Lathrop & Ladd Canyon Road petitioned for by David L. Groden, Archie Groden & others

Now at this time comes Archie Groden on behalf of himself and seventeen others, citizens of this County and presents to the Court their petitions praying for a change in the Lathrop & Ladd Canyon County Road, as follows, to-wit: Commencing at a point on said road leading from Lathrop to north of Ladd Canyon on the land of A. Beebe and near the North East corner of $\frac{1}{4}$ of $\frac{1}{4}$ Sec 2 T. 4. S. of R 38 E of Willamette Meridian, thence running due east & along the County road leading from Lathrop to Union to a point on said County road near the house of A. Groden, where the

Second Judicial Day

Thursday January 10th 1884

County Road leading from the vicinity of Fair Grounds to Mouth of Ladd Canyon crosses said County Road leading from Lalande to Union which is on the S. E. 1/4 of N. E. 1/4 Sec 2 T 4 S R 38 E Willamette Meridian thence running South or nearly South on the most practicable route for a County road until said South line shall intersect the County road now travelled from Lalande to mouth of Ladd Canyon which point of intersection will be on the N. E. 1/4 of S. E. 1/4 Sec 11 S. 4 S. R. 38 E W. M.; and to vacate so much of the County road leading from Lalande to mouth of Ladd Canyon as lies between the point of beginning and the point of termination, all of which points and places are in Union County State of Oregon. And it satisfactorily appearing to the Court from proof filed herein that due and legal notice of the pendency of this proceeding has been given as by law required; that more than twelve of said petitioners are legal householders living in the vicinity of the proposed change of road and that a good and sufficient bond has been filed herein. It is therefore ordered by the Court that Robert Shaw, P. M. Coffin and Al Graham be appointed Viewers and Eugene Chase Surveyor, to view, survey and report upon said proposed change in said County road; and that they meet at the house of Richd Gooden on the 5th day of February A.D. 1884 at 10 o'clock A.M. and duly qualify before entering upon the discharge of their duties in this behalf.

In the matter of proposed
County road petitioned
for by H. C. Ruhl and others

Now at this time the petition of Henry Ruhl and others, laid over from last term of Court on account of defective proof of notice, is taken up, and it appearing that said petition prays for a County road to be located as follows, Commencing at the quarter stake in the center of Section 122 Township one South of Range 38 East W. M., thence running North one mile to the South line of Charles Myers land claim thence running in a Northwesterly direction across the said Charles Myers land as there is a timber road now running across said Char Myers land claim, thence in a Northwesterly direction on the Summerville Weston and Walla Walla Highway Road (as road to Philips Creek); in Union County

First Judicial Day

Wednesday March 5th A.D. 1884

In the matter of a proposed
County Road petitioned for
by Rollin Pratt and others } 3

Now at this time is presented to the Court the report of the Viewers heretofore appointed by the Court upon the above entitled road accompanied by the report of the surveyor and field notes and plat of the survey, which report is read in open Court for the first time and pursuant to the provisions of the Statute in such cases made and provided and thereupon it is ordered that said reports be laid over for a second reading on another day of this term.

In the matter of a proposed
County Road petitioned for
by D. L. Groves and others } 3

Now at this time is presented to the Court the report of the Viewers heretofore appointed by the Court upon the above entitled road accompanied by the Report of the surveyor and field notes and plat of the survey, which report is read in open Court for the first time and pursuant to the provisions of the Statute in such cases made and provided it is ordered that said reports be laid over for a second reading on another day of this term.

In the matter of leasing a portion
of the County Road known as the
Indian Valley and Hillow Road } 3

Now at this time the Court proceeds to the consideration of this matter, and the time having arrived for opening proposals for said lease, the same are now here opened by the Court, and it appearing to the Court that the bid of A. C. Smith is the only one presented and that the same is a fair and reasonable proposition, and that said bid is in conformity with the provisions of law and states the unit toll proposed, to wit: 1/4 cents on a sheep or hog: And the Court having fully and carefully considered the matter and being satisfied that it would be for the best interests of the People of the County, that the said bid should be accepted. It is ordered by the Court that said lease be granted to said A. C. Smith upon his bid aforesaid for the term of five years from the first day of April A.D. 1884, and that the Clerk of this Court prepare a lease and contract for signature by said Smith upon

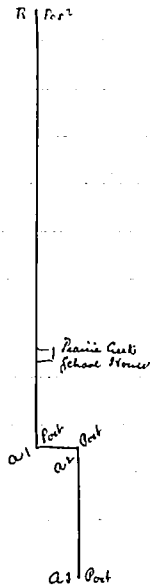
Second Judicial Day

Thursday March 6th 1884

thence south 3/4 miles to post marked A 1
 " East 1/4 mile " " A 11
 " south 1 " " " R.T.

State of Oregon
 County of Union: I Eugene Chase do hereby certify that the field notes of the above described survey are correct as surveyed by me on the 26th day of January 1884

Eugene Chase Co Surveyor



Variation 20° 30' East
 scale 1 mile to the inch
 whole distance 4 1/2 miles
 Surveyed Jan 26th 1884

In the matter of a change in
 the Lalonde & Ladd Canyon
 Road petitioned for by David S.
 Grossen Archie Gooden & others

Now at this time the Viewers & Surveyors report on a proposed change in the Lalonde and Ladd Canyon Road petitioned for by David S. Grossen, Archie Gooden and others comes on for a second reading as provided by law and said reports being favorable and having been read on two different days of this term of the Court and it appearing to the satisfaction of the Court that the proceedings herein have been regular and according to law and there being no remonstrance or bills or claims for damages filed herein It is therefore ordered by the Court that said Viewers Report and the plat of the Surveyor be placed on record and said ^{proposed change in said} road be ^{made} established

second Judicial Day

Thursday March 6th A.D. 1884

as a County Road and opened according to law. & the part of the old Road is vacated as petitioned for. Viewers Report.

To the Hon. County of Union County State of Oregon
We the undersigned Viewers appointed by your Hon. Body, to view a proposed change in Lalande and Ladd Canyon County Road as follows, to wit: Beginning at a point on Lalande and Ladd Canyon County road commencing at a point on said road leading from Lalande to mouth of Ladd Canyon on the land of A.P. Bebe and near the North East corner of $\frac{1}{4}$ of $\frac{1}{4}$ of Sec. 2 T. 4. f. R. 38. E. of Willamette Meridian thence running due east & along the County Road leading from Lalande to Union to a point on said County road near the house of A. Gooden where the County Road leading from the vicinity of Fair Grounds to mouth of Ladd Canyon crosses said County road leading from Lalande to Union which is on the $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of Sec. 2 T. 4. f. R. 38. E. Willamette Meridian thence running South or nearly South on the most practicable route for a County Road until said South line shall intersect the County road now travelled from Lalande to mouth of Ladd Canyon which point of intersection will be on the N. E. $\frac{1}{4}$ of $\frac{1}{4}$ of Sec. 11 T. 4. f. R. 38. E. N. W. and to vacate so much of the County road leading from Lalande to mouth of Ladd Canyon as lies between the point of beginning and the point of terminus all of which points and places are in Union County State of Oregon. - Submit the following report in relation thereto we met on the 5th day of February A.D. 1884 the three viewers being present, after first being duly sworn, in company with the surveyor proceeded to view survey and lay out said proposed change in County Road which we found to lay on good ground and we can heartily recommend that said proposed change be made.

Robert Shaw.

P. M. Coffin

Harrie W. Graham.

Report of Surveyor to the Viewers appointed to view a proposed change in Lalande and Ladd Canyon County Road as follows: Commencing at a point on said road leading from Lalande to Ladd Canyon on the land of A.P. Bebe and near the N. E. corner of $\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$ of Sec. 2 T. 4. f. Range 38 East N. W. thence running east and along the County road leading from Lalande to Union to a point on said County Road near the house of A. Gooden where the County Road leading from vicinity of Fair Grounds to mouth of Ladd Canyon crosses said County road leading from

Second Judicial Day

Thursday March 6th A.D. 1884

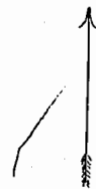
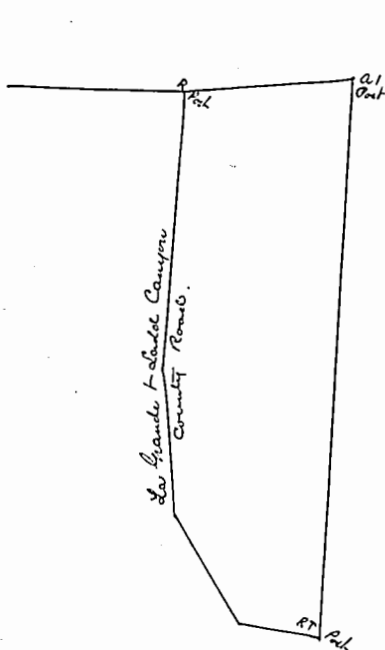
Lalande to Union which is on the S. E. 1/4 of N. E. 1/4 of sec 2 T. 4. S. R. 38. E. N. W. thence running south or nearly south on the most practicable route until said south line shall intersect the county road now travelled from Lalande to mouth of Ladd Canyon which point of intersection will be on N. E. 1/4 of S. E. 1/4 sec 11 T. 4. S. of Range 38 East N. W. and to vacate so much of the County Road leading from Lalande to mouth of Ladd Canyon as lies between the point of beginning and the point of terminus all of which points and places are in Union County State of Oregon.

The following are the field notes of the above described survey beginning at a post marked R placed in the Lalande and Ladd Canyon County Road near the N. E. corner of S. W. 1/4 of N. E. 1/4 sec 2 T. 4. S. Range 38 East thence S 86° E 64 rods to post marked A 1

" S 30° W 208 " " " " RT and intersecting Lalande & Ladd Canyon County Road.

State of Oregon
County of Union: I Eugene Ghase do hereby certify that the field notes of the above described survey are correct as surveyed by me on the 5th day of February A.D. 1884

Eugene Ghase Co Surveyor



Variation 20° East
Scale 50 rods to the inch
Whole distance 242 rods
Old road 260 rods.