

No 11 ~~Law~~
~~Equity~~

in

Concord Court

Joe Ludkes

Plaintiff

vs

E B Hayford

Defendant

Action for Money

Docket Page

Baker Shilton & Baker
Attorneys for Plaintiff

Attorney for Defendant

RECEIVED BY THE CLERK OF THE COURT
IN THE COUNTY OF HAMPDEN
MAY 1 1881

Record of the Case.

No 342

WITNESSES.

Sept 1/89 Motion to Dismiss
overruled Jul D p 633

Sept 7/89 Viewers app'd
Jul D p 652

Nov 6/89 Appraisers app'd
Jul D p 701

Jan 9/90 Viewers Rept. 1st Read
and Damages allowed
Jul D p 741

Jan 10/90 Order app'd
Jul D p 754

Road
petitioned for by A Keifer

Commencing 300 feet Sth of
Wallowa bridge, thence NE
about 650 or 700 ft to where
West bank of river is solid
rock thence East to middle
of river.



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

STATE OF OREGON,
County of Union. } ss.

I, *Nelson Schoonover*

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 *on the Mallowa Bridge, one in front of Asa Austin's house placed on a board nailed to a stump, and one on a tree about half a mile from the said Mallowa Bridge by the side of the road*

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the *27th* day of *Sept* 18*89*, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the _____ day of _____ 18____, 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.

Nelson Schoonover

Subscribed and sworn to before me this *6th* day of *September* 18*89*.

J. R. Johnson
Justice of the Peace

Notice of Road Petition.

To all Persons Concerned: You, and each and all of you, will take notice that the undersigned, householders for Umon County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, will at the next session of the County Court for Umon County, Oregon, to wit: On Wednesday, the 4th day of September A. D. 1889, 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 on the County road as at present travelled from Umon County to Wallowa County, at a point about 300 feet South West of the present Bridge across the Wallowa river, thence running in a North Easterly direction about 650 or 700 feet to where the West bank of said Wallowa river is a solid rock, or natural wall of rock, thence East to the middle of the channel of Wallowa river and there terminate;

And to vacate the County road as at present travelled from the point of beginning of this proposed road, to the middle of the channel of said Wallowa river at the present crossing.

NAMES:

A. Keifer
William Roulet
Frank Edlen
W. S. Egell
John Elliott
A. P. Brewster
C. G. Wyatt
M. F. Wyatt
R. H. Henderson
N. Daron
C. B. Hartley
John O. Mickelson
Joseph Mickelson
L. S. Roberts

NAMES:

J. W. Bloodworth
N. Schoonover
Jas. Belle
Lewis Austin

Filed Aug 7th 1889
A. P. Hall clerk
By James Oliver Depy

STATE OF OREGON,
County of Union.

ss.

Turner Shriver

being first duly sworn, say that ~~I posted three several notices, of which the notice herewith 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 _____~~

~~_____ 18____, and that thereafter and thirty days previous to the presentation of said road petition~~
of A. Keefe et al
~~therein mentioned, to-wit: On the _____ day of _____ 18____, 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 *4th* day of *September* 18*89*.
Turner Shriver
A. Heild Clerk
By O. P. Hill, Deputy

Petition for County Road.

TO THE HONORABLE COUNTY COURT FOR Union COUNTY, OREGON:

The undersigned, householders of Union County, Oregon, residing in the vicinity where the

hereinafter described road is 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 ~~at a point~~ on the County Road as at present travelled from Union County to Wallowa County at a point about 300 feet South West of the Present bridge across the Wallowa River, thence running in a North easterly direction about 650 or 700 feet to where the West bank of said Wallowa river is a solid rock or wall of rock, thence East to the middle of the channel of Wallowa River and there terminate; And to vacate the County road as at present travelled from the point of beginning of this proposed road to the middle of the channel of said Wallowa river at the present crossing.

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

NAMES:

Ch Keeper
William Roulet
Frank Allen
W. S. Egell
John Elliott
A. Brewster
W. Wyatt
M. F. Wyatt
B. ~~Henderson~~ Henderson.
N. Darow.
C. B. Hartley
John O. Mickelson
Joseph Mickelson.
L. S. Roberts

NAMES:

J. W. Bloodworth
A. Schomover
Jas. Belle
Lewis Austin

Filed Aug 3rd 1889

W. H. Bell Clerk

Ray Turner Devere

Deputy

Know all Men by these Presents:

THAT WE, *J. Nelson Schomover* and
of the County of *Union*

and State of Oregon, are held and firmly bound unto the said County of *Union* in
the sum of *One Hundred* Dollars, the payment of which, well and
truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents.

Signed this *7th* day of *September* 188*9*

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by *A. Keifer* and others, and presented at the *September*

Term, 188*9* of the County Court of said *Union* County, commencing on the County road as at present travelled from *Union* County to *Wallowa* County, at a point about 300 feet South West of the present Bridge across the *Wallowa* river, thence running in a North easterly direction about 650 or 700 feet to where the West bank of said *Wallowa* river is a solid wall of rock, thence East to the middle of the channel of *Wallowa* river and there terminate.

be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

Nelson Schomover

STATE OF OREGON,
County of *Union*

I _____ and

each for himself says that I am worth the sum of

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.

Subscribed and sworn to before me, this _____ day of _____ A. D. 18*89*

Clerk,

By _____ Deputy.

Bond of Road Petitioners.

Petitioners.

188

Filed

County Clerk.

Deputy.

By

Witness, J. G. Chandler

J. M. White

R. E. Stevenson

met at Wallawa bridge Sept 14th 1889

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

In the Matter of the laying out
a County road, petitioned for }
A. Keifer & Others } ..

Now at this time Comes F. S. Ladd a
resident and householder of Union County
Oregon, and objects to the appointment of
viewers in the matter of the above
road, or the ordering of a survey thereof
For the following reasons:

1st The petition for the laying out the
said County road, has therein, no suf-
ficient descriptions of the proposed
road.

2nd No notice of the presentation
of such petition was ever given
as by law required.

3rd The purported notice posted upon
the Court house door was a copy
only and not an original notice
and was not signed by the par-
ties signing the petition.

4th The Court has no jurisdiction
in the matter

J. D. Stobbs

Atty for F. S. Ladd

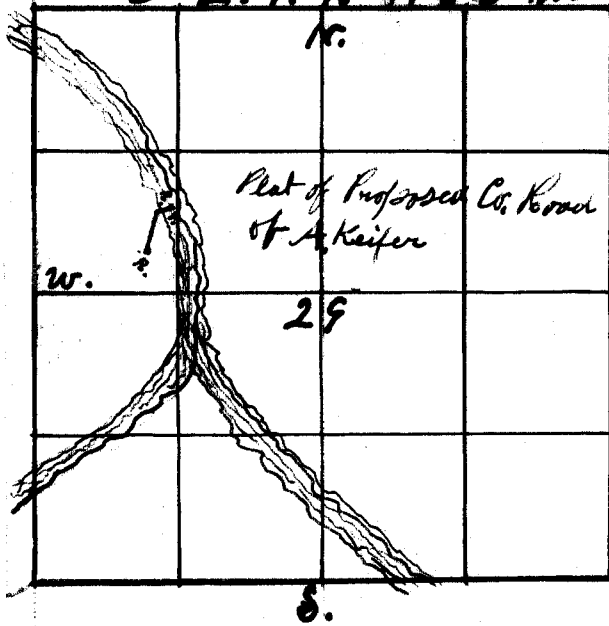
the County Court
for Union County

for the Matter of the
Estate of J. C. King
decd.

Order on
said being on
demand,

Filed Sept 3rd 1889
A. J. Neill Clerk
By James D. Stewart

J. 2. N R 41 E 10 m



S.

E.

W.

29

N.

REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

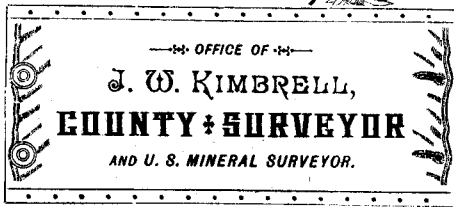
The undersigned viewers heretofore on the 4th day of September, 1889, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by A. Keifer, et al, beg leave to report that on the 17 day of September, 1889, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion 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 much 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.

T. G. Chandler
John W. White
R. E. Stevenson

Filed Oct 3. 1889

Attest

W. H. Miller Notary



*Field Notes of the Proposed
Co. Road of A. Keifer and Others*

I commenced S 57° W 225 feet distant
from the west end of Old Bridge across the
Wallowa River between Union and Wallowa
Counties and situated in the west $\frac{1}{2}$ Sec 28
in S. 2, N. R. 41 E. W. 0 W. a Pine Tree 13 inches
diameter marked R. from which a Pine
10 inch diameter bears S 64° E 3 feet distant.
Thence N $11^{\circ} 15'$ E 434 $\frac{1}{2}$ feet A 1 Thence
N $66^{\circ} 30'$ E 177 feet to center of Wallowa River
from which point a stone 12 x 12 x 28 inches
marked R. T. bears S $66^{\circ} \frac{1}{2}$ W 177 feet distant
from which a Pine 10 inch bears S $27^{\circ} \frac{1}{2}$ E 56 feet dist.
a Fir 10 inch diameter bears N $14^{\circ} \frac{1}{4}$ W 112 ft. dist.

Surveyed by me September the 17th 1889

J. W. Kimbrell County Surveyor
for Union Co. Or.

In the County Court of Union County
Oregon.

In the matter of the laying out
of a County Road commencing
at a point near County
bridge on Wallows River
between Union & Wallowa
Counties

Now at this time comes F. S. Sudd
and shows to the Court that he is the
owner of the South West $\frac{1}{4}$ of $21 \frac{1}{4}$ and $22 \frac{1}{4}$
of $S. 27 \frac{1}{4}$ of sections 29 $T. 2 N. R. 41 E.$
Dept. of Wallows River
the same being the land through which
the above described road has been surveyed
and marked out - in Union County Oregon
That the location of the said proposed
road through the said premises of
claimant would be a great damage and
injury to the said premises and to the
claimant

and the opening of the same
That the location of the said road would
and will injure the said premises and
claimant in the sum of 600

Therefore the said F. S. Sudd claims
as damages from Union County Oregon
in case of the location of said road
the sum of 600 F. S. Sudd

State of Oregon
Union County - 3rd

I F. S. Sudd being duly
sworn say I am the person making
the foregoing claim and that the same
is true as I verily believe.

F. S. Sudd

Subscribed and sworn to before me
this 2nd day of Nov. 1889

A. C. Williams

Notary Public

In for Oregon.

1
A. H. Smith and
Wm. Smith

Open

As the matter of
the logging out on
Curt's land in
Union County Oregon

Claim of R. A. Lott
for damages

Filed Nov 6th 1889
Att. Meill Clerk
By James Oliver Deput

5 m 1/4 n n 1/4
E M n 1/4 n n 1/4
Dec 29 24. Reynolds
E. J.

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

We, the undersigned viewers heretofore on the 18 day of Nov, appointed to view out and assess the damages claimed by J. L. Ladd in the matter of the proposed county road petitioned for by A. Keifer et al. we beg leave to report that on the 18 day of Nov, 1889, we, after being duly sworn to discharge our duty faithfully and imparifally, proceeded to view said proposed road the whole distance through the premises of J. L. Ladd complainant, and to assess and determine how much less valuable said premises of said complainant would be rendered by the opening of said road, and we find that the premises of said complainant J. L. Ladd would be rendered \$100.00 less valuable, and that the premises of complainant _____ would be rendered \$_____ less valuable, and the premises of the complainant _____ would be rendered \$_____ less valuable by the laying out and establishment of said proposed road as a public highway of said county, and recommend that One hundred dollars be paid to said complainant before laying out and establishing said road as a public highway.

John Graham Jr
W. W. Foreman

J. D. Smith
W. H. James

NOV 21 1889
COUNTY CLERK

Filed Nov. 21 1889
A. D. Hill
Clerk

By

State of Oregon }
Union County }
I John Graham Jr, J.N.W.
Gordon & J.D. Guild being first duly
sworn each for himself and not one for
the other say I will support the Constitution
of the U.S. and the Constitution of the State
of Oregon and will perform my duty
in the matter of appraising Damages
that would accrue to G.P. Ladd on
account of the building of the Road
petitioned for by A. Keifer and according
to the best of my ability and judgment
so help me God

~~John Graham Jr~~
~~Wm. Gordon~~
~~J.D. Guild~~

Subscribed and sworn
to before me this 16th 1859

J.W. Snyder Notary
Public for Oregon

RECORDED
1859