

No

L 106

in

Circuit

Court

J Zuber

Plaintiff

vs

Oliver Shafer

Defendant

Baker + Baker

Attorney for Plaintiff

Attorney for Defendant

Petition filed Mch 10

Viewers appointed J n' F' P 199

Orders road Supervisor P 255

" " Co Commissioners " P 307

409

Petitioned for by
E F Roberts

Commencing at a point on
Co road ^{on the N. W. corner of Lot 1} where it intersects

Lot 1 in Sec 2 Tp 1 N R 40 E

and terminating at a point
^{on} said road where it intersects
the N line of said Lot 1

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

In the matter of the application
of E. H. Roberts to change
location of county road
through his premises.

To the Honorable County Court
of Union County, Oregon.

Based upon my affidavit now
on file in this behalf, I re-
spectfully petition your Honors
to permit me to turn the county
road leading from Elgin to Waller
Bridge where the same runs
through my said land as follows:

Beginning at a point where said
road intersects the west line of
lot 1 (one) in sec. 2 (two) in Twp.
1 N. of R. 40 E. M. M. thence running
north on my said lot 1 along the
west line thereof to the N. W. corner
of said lot 1, thence east on my
said lot 1 along the N. line thereof
to a point where said road in-
tersects the N. line of said lot
1, and on as good ground as that
where said road now runs, and
without materially increasing the
distance to the injury of the public.

1 And your petitioner will ever
2 pray.

E. F. Roberts.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

In the
County of Union
State of Oregon

Petition of
E. F. Roberts for
Change of Road
through his Land.

FILED.

MAR 10 1892

James Sloan

County Clerk

Witness my hand
this 10th day of March 1892.

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

In the matter of the Petition
Of E. F. Roberts for leave to make an
immaterial change in the Elgin
Wallowa Road.

State of Oregon, ss.
County of Union,

I, E. F. Roberts, being first duly sworn, on my oath say:

I am the owner in fee simple of Lot No. 4 and the S.W. 1/4 of the N.W. 1/4 of sec. 1, and Lot No. 1 and the S.E. 1/4 of the N.E. 1/4 of sec. 2 in Tp. 1 N. of R. 40 E. W. 1/2 in Union County, Oregon.

The county road from Elgin to the Wallowa Bridge cuts across a small corner of the north west corner of my Lot one, above described; so as to render my land on the north west side of said road wholly useless to me although the same is good agricultural land.

If I should be permitted to fence in my said Lot one so as to turn the said road around my said north west corner it would increase the distance on said road not to exceed about 125 yards, and the grade of said road would be almost as good and I believe quite as good as it now is.

It would cost me about as much as the said small corner of land is worth to get up a regular petition and to have the necessary proceedings taken to have the said change in the said road made in the usual manner of vacating or establishing roads.

The said change, if allowed, would be a small and immaterial change in the said road, but would be of great benefit to me.

Should the change be allowed the road would be fully as good a road as it now is.

Should the change be allowed I hereby promise and agree to do any thing which may or might be required of me by the road supervisor of that district to be done upon the said road where changed to make the condition of the said road satisfactory to the said supervisor.

E. F. Roberts

Subscribed and sworn to before me this 9th day of March, 1892.

J. Nat. Hudson,
Notary Public for Oregon.

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

In the Petition of

L. H. Roberts com-
carrying against
Marion Roads

FILED.

MAR 10 1892

James Davis

County Clerk

J. W. Anderson
Attorney at Law

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

In Re. Petition of F. F. Roberts
for change of county road
through his land.

State of Oregon,
County of Union, ss.

J. G. Smith and *W. R. Henderson*
being first duly sworn, say upon oath: I am personally acquainted with
that part of the county road passing through the land of F. F. Roberts in
Union County, Oregon, on the north west corner of Lot one in Sec. 2, Tp. 4
N. of R. 40 E. V. M. and with that part of said road as proposed to be changed
to run around the E. V. corner of said Lot one and upon said land.

I have made personal examination of said road upon said proposed change
of route, and have passed over the same and examined it carefully and the
said road has been opened the legal width, to-wit, sixty feet, throughout
the entire length of said proposed change, and said proposed new road has
been in all respects made equal to the old road for the convenience of
travelers thereupon.

J. G. Smith
W. R. Henderson

Subscribed and sworn to before me this *10* day of *April*, 1902.

J. W. Anderson,
Notary Public for Oregon.

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

In Re.

Petition of W. H. M.

Roberts for

change of road through
his land.

Applicant of

New Road.

FILED.

APR 20 1892

James Olson
County Clerk

W. H. M.
W. H. M.

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

In Re. Petition of
E. F. Roberts for change
of public road on his land.

Report of Reviewers.

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

We, the undersigned, beg leave to submit this our report in the above entitled matter:

First. Before entering upon our duties as reviewers herein, we and each of us severally took an oath that he would support the Constitution of the United States, the Constitution of the State of Oregon, and faithfully discharge the duties of reviewer in the above entitled matter to the best of his ability, so help him God.

Second. On Saturday, the 28th day of March, 1902, the same being the day appointed on which we were to meet, we met at the residence of E. F. Roberts in Union County, Oregon, and proceeded to review and survey the ground over which the said road is proposed to be turned, and to ascertain the distance such road will be increased by the proposed alteration: thereupon we found that the distance from where the said road intersects the west line of Lot one in sec. two, T. 1 N. of R. 40 E. W. M. in Union County, Oregon, to where said road intersects the north line of said Lot one, to be ⁵⁰⁶ yards: and the distance from said first mentioned point along and near the west line of said Lot one and on said Lot one to the N.W. corner of said Lot one, thence along and near the north line of said Lot one and on said Lot one to the point on said road secondly above mentioned, to be ^{687 1/2} yards.

Third. That the distance on said road will be increased by the said proposed change, a distance of ^{181 1/2} yards.

Fourth. That in our opinion the making of such proposed alteration would be of much utility.

Fifth. The prayer of the petitioner E. F. Roberts in the matter is reasonable and should be granted.

All of which is most respectfully submitted.

Dated in Union County, Oregon, this 28th day of March, 1902.

W. Larson
John C. Mickelson

Reviewers.

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

The People

Petition of W. H.

Roberts

for change of road.

Report
of

Surveyors

FILED

MAR 31 1892

James Owen

County Clerk

W. H. Roberts
Attorney for Roberts

KNOW ALL MEN BY THESE PRESENTS, that we, E.F. Roberts, as principal, and
N. Darou and *Jas. Henderson*
 as sureties, are held and firmly bound unto the County of Union, State of Or-
 egon, in the penal sum of One Hundred Dollars, for the payment whereof well
 and truly to be made unto the said County of Union, we and each of us do here-
 by bind ourselves, our and each of our heirs, executors and administrators,
 jointly and severally, firmly by these presents.

Sealed with our seals and dated this 15th day of March, 1892.

Now the conditions of the foregoing obligation are such, that whereas
 the above bounded E.F. Roberts has filed his petition with the County Court
 of the State of Oregon for the County of Union praying permission to change
 the location of the County Road upon his land as in said petition prayed for;
 therefore, if the said E.F. Roberts shall well and truly pay or cause to be
 paid the costs and expense to be incurred thereby, then in such case this
 bond to be null and void; otherwise to remain in full force and effect.

Witness our hands and seals this 15th day of March, 1892.

E. F. Roberts SEAL.
N. Darou SEAL.
Jas Henderson SEAL.

State of Oregon, ss.
 County of Union,

I, *N. Darou* and I, *Jas. Henderson*,
 being first duly sworn, say in oath: I am a resident and householder in Union
 County, State of Oregon, and am neither an attorney or counselor at law, sheriff,
 clerk of any court, nor other officer of any court: I am a surety in the fore-
 going undertaking and amount to the sum of One Hundred Dollars over and above
 all my debts and liabilities and exclusive of property exempt from execution

NOTARY PUBLIC
 J. Nat. Hudson

N. Darou
Jas Henderson

Subscribed and sworn to before me this 15th day of March, 1892.

J. Nat. Hudson
 Notary Public for Oregon.

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

In Re,

Wreck Petition

H. F. Roberts,

Respondent for Costs.

FILLED.

MAR 16 1892

James Oliver

County Clerk

J. W. Appleton
Attorney for Petitioner

Fourth Judicial Day

Thursday March 10th 1892

Court met pursuant to adjournment

The same officers were present as on yesterday

Due proclamation of the opening of Court having been made the Journal of yesterdays proceedings was read approved and is here now signed

J. V. Sanders
County Judge

Thereupon the following proceedings were had, to wit:

In the Matter of the Road)
petitioned for by E. J. Roberts)
in his own right

Comes now E. J. Roberts and files his duly verified petition to change the County Road on his own land and at his own expense from which it appears that E. J. Roberts is the owner of Lot 4 and the SW⁴ of NW⁴ of Sec 1, and Lot No 1 and the SE⁴ of the NE⁴ of Sec 2, in Tp 1 N. of R. 40 E. 1/2 M. in Union County Ore. across a portion of which the present traveled County Road extends, and petitioner asks the Court to be permitted to change the present County road on his own land and at his own expense as follows; to wit; Beginning at a point where said road intersects the West line of Lot 1 in Sec 2 in Tp 1 N. R. 40 E. 1/2 M.; thence running N. on said lot No 1 along the West line thereof to the NW corner of said Lot No 1; thence East on said Lot No 1 along the N. line thereof to a point where said road intersects the N. line of said Lot No 1, the whole width of said road to be on the lands of the petitioner and on as good ground as that where said road now is. And the petitioner alleges that he is the owner in fee simple of all the lands occupied by the present County road between the points named, of all the lands that would be occupied by the proposed road as changed. That the County Road would not be materially lengthened to the detriment of the public. It is therefore considered and ordered by the Court that N. Daron, John O. Mickelson and Joe Woods be appointed Viewers to meet on Saturday March 26th 1892 at the

Fourth Judicial Day

Thursday March 10th 1892

the residence of E J Roberts and after qualifying, to view and lay out said road according to law and render their report to this Court at the next regular meeting thereof.

In the Matter of proposed
County Road petitioned for by
John Allen et al }

Comes now John Allen, one of the petitioners for the above named proposed County Road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County Road, described as follows, to wit: Commencing at the SE corner of Sec 17 Twp 3 S R 40 E N M; then running North on Sec line between Sections 17, 16, 8, 9, 4 & 5 in said Twp and range and between Sections 32, 33, 28 and 29 Twp 2 S R 40 E N M to the NE corner of Sec 29 Twp 2 S R 40 E N M and it appearing to the Court that said petition is signed by more than twelve householders of this County residing in vicinity of said proposed road, and that said petition properly specifies 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 door 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 the end of a rail of the worm fence on the east side of the road at the beginning, one on the P. O. building at the Cove Oregon and one on a board tacked to the fence on the east side of the road near the house of V Kennedy 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 notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been duly given. That the remonstrance heretofore filed herein has been overruled and denied. It is therefore ordered that E J Couper, Geo W Ruckman and R M Oliver be appointed Viewers of said road, and that L J Curtis be appointed Surveyor of said road, and that they meet at the Cove Oregon on the 1st day of April 1892 at the hour of 10 o'clock A.M., and after qualifying, to view, survey

Third Judicial Day

Wednesday April 6 "1892

on the Report of Viewers and Surveyor heretofore appointed herein for first reading and said report having been read in open Court for the first time is now laid over for further reading on some other day of this term of Court

In the Matter of Change in Road petitioned for by E. J. Roberts }

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

In the Matter of the Road petitioned for by J. A. Ducker et al. }

Comes now J. A. Ducker, one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County Road, described as follows to-wit: Commencing at the SE corner of SW⁴ of SW⁴ Sec. 6 T8S R 42 E.W.M. on County Road, running thence in an Easterly and South Easterly direction through Sec 7. To the NW corner of SE⁴ of NE⁴ of Sec 7, thence East 1/4 mile, thence in a South Easterly direction through Secs 8 and 17 in Tp 8 S R 42 E.W.M. and terminating on County Road at the mouth of the lane near Keating's Bridge and Keating School House on the NE⁴ of NE⁴ Sec. 17 Tp 8 S R 42 E.W.M. and to discontinue the old road from a point at SE corner of SW⁴ of SW⁴ Sec. 6 to a point where the proposed changed road will terminate on the NE⁴ of NE⁴ Sec 17 Tp 8 S R 42 E.W.M.

And it appearing to the Court that said petition is signed by more than twelve householders of this County, residing in the vicinity of said proposed road and that said petition properly specifies 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 the place of beginning,