

No 100

^m
Circuit

Court

R W Tamm Co

Plaintiff

vs

Scott v Fisher

Defendant

Action for

Docket

Page

R Eaker

Attorney for Plaintiff

Attorney for Defendant

RECEIVED
U S DEPARTMENT OF JUSTICE
DIVISION OF REVENUE
WASHINGTON
MAY 10 1910

Record of the Case.

Viewers ap June 8th 20
 Rept read 10th " 62
 Dismissed " 70

432

WITNESSES.

Road petitioned for

By

Wm Hull et al

Commencing at a point
 on County Road 101 rods
 S of SW corner of SE 1/4 Sec 20
 Tp 1 S R 39 E W 1/2 as a
 terminating on County Road
 leading from Cove to Elgin
 on line between the lands
 of Mrs L Outhouse and
 Joseph Hoar 80 rods
 to 1/4 stake on N line
 of Sec 27 Tp 1 S R 39 E

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

NOTICE OF ROAD PETITION

TO WHOM IT MAY CONCERN,

Notice is hereby given that the undersigned householders and residents of Union County State of Oregon, residing in the vicinity of the hereinafter proposed road, will, on the 5th day of July A D 1893, at One O'Clock P M or as soon thereafter as the same may be heard, present to the County Court of Union County State of Oregon their petition asking said Court to lay out and establish a County road in Union County Oregon as follows, to-wit, Commencing at a point on the County road now laid out, established and in use one hundred and one rods distant from and South of the Southwest Corner of the Southeast quarter of Section Twenty, Township 18 R Thirty Nine East of Willamette Meridian in Union County Oregon running thence in a Northerly direction along the railroad right of way to the dividing line between the lands of Jesse Imbler and Samuel Morris being the dividing line between the North half of Northeast quarter of Section Twenty Nine Township One South of Range Thirty Nine E W M, and the South half of Northeast quarter of said section, thence east along said dividing line about one hundred and forty rods to the bank of the Grande Ronde river, thence easterly along the bank of said river on the North side about one quarter of a mile to the bend of the river to the most suitable place to cross the same, thence ~~Southwesterly~~ in a Southeasterly direction to ~~the~~ as near as practicable to the dividing line between the North half of Northwest quarter of Section Twenty eight, Township One South of Range thirty Nine E W.M, and the South half of Northwest quarter of said section, twenty eight, thence easterly along said line to the Section line between Sections twenty seven and Twenty Eight Township One South of Range Thirty Nine E W M, thence North along said line as near

Council Court
Mason County
Oregon
See Mr. Walker
H. J. Gray and
Council Court
Mason County
Shut and Store

Filed July 5th 1903
Clarence D. Blair Clerk
By J. P. Oliver Deputy

IN THE COUNTY COURT OF UNION COUNTY STATE OF OREGON,

IN THE MATTER OF LAYING OUT AND ESTABLISHING
A COUNTY ROAD.

TO The Hon. County Court of Union County State of Oregon,

The undersigned residents and householders of Union County
State of Oregon residing in the vicinity of the hereinafter
proposed road, hereby petition your Honorable body to lay out
and establish a County road in Union County Oregon as follows
to-wit: Commencing at a point on the County road now laid out
established and in use, one Hundred and one rods distant from
and South of the Southwest corner of the South east Quarter
of Section Twenty township One South of Range thirty Nine
30 East of Willamette Meridian in Union County Oregon, running
thence in a Northerly direction along the railroad right of
way to the dividing line between the lands of Jesse Imbler
and Samuel Morris being the dividing line between the North
Half of North East Quarter of Section twenty Nine Township
Range 39 *31*
One South E.W.M., and the South of North east quarter of said
Section, thence along said dividing line about One Hundred and
forty rods to the Grande Ronde River, thence *Easterly*
along the bank of
said river on the North side, about *one* three-quarters of a mile
to the bend of the river to the most suitable place for cross-
ing said river, thence in a South easterly direction to as near
practically
as may be the dividing line between the North Half of North
East Quarter of Section twenty Eight Township One *South* of
Range thirty Nine E.W.M, and the South half of North East Quar-
ter of the said section twenty eight, thence *Easterly* along
said line to the Section line between Sections twenty Seven
and twenty Eight in township One South of Range thirty Nine

~~E.W.M. thence North~~

F I L E D

JUL 5 1893

James Oliver

County Clerk

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That we, William Hull
 and P. E. Wade, of the County of Union and State of Oregon, are held and firmly
 bound unto 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 5th day of July A. D. 1893

Now, the condition of the above obligation is such, That, whereas the above named

William Hull and _____, and others, have
 petitioned the County Court of said County of Union, at the July Term, 1893, thereof for a

County Road, commencing at a point on the County road, as now laid out, east-
 erly and in line 101 rods distant from and South of
 and South of the South West corner of the Southeast quarter
 of Section 27, T. 1, R. 29, E. 11, M. 1, in Union County,
 Oregon, running thence Westward along the road, north-
 west of way to the dividing line between the lands of
 James Dwyer and August Morris, being the dividing
 line between the N. 1/2 of Sec. 28, T. 1, R. 29, E. 11, M. 1
 and South half of N. 1/2 of said section. Thence along
 said dividing line about 140 rods to the lands owned by
 Thomas Eastley along the bank of said river on the
 North side about 1/4 of a mile to the bend of the river,
 at the most suitable place for crossing said river
 thence in a South easterly direction to as near as
 practicable the dividing line between the N. 1/2 of Sec. 28,
 T. 1, R. 29, E. 11, M. 1, and S. 1/2 of N. 1/2 of
 said section 28, thence easterly along said line to
 Section line between sections 27 and 28, T. 1, R. 29, E. 11, M. 1,
 thence North along said line as near as practicable to the County
 road leading from the corner of Elgin in Union County Oregon,
 and leading from the corner of Elgin in Union County Oregon.

Now, if the above named William Hull and _____

P. E. Wade 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 said petitioners be not granted or allowed,
 then that this obligation shall be void, otherwise to remain in full force and virtue.

Wm Hull (L. S.)

P. E. Wade (L. S.)

STATE OF OREGON, }
 County of Union. }

I, P. E. Wade and _____

being duly sworn, say each for himself, says, that I am worth the sum of Five
 Hundred Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder
 in said County and State.

P. E. Wade

Subscribed and sworn to before me this 5th day of July A. D. 1893

Dan Oliver
 County Clerk.
D. J. Oliver

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

IN THE MATTER OF THE

James and Ed B.
Chickens of a County
Road, by James B. Chickens

BOND OF ROAD PETITIONERS.

Approved *July 5* 1893
J. M. Standley
County Judge.

Filed 1893
County Clerk.

By _____
Deputy.

FILED.

JUL 5 1893

James Davis,
County Clerk.

To the Hon. County Court and Viewers in the
 Matter of a proposed County Road a Petition
 for by Mrs Hill et al, the following Plat and
 Field Notes of the survey of said Road is respectfully
 Submitted:

Chs				
		Commenced at a point on the County Road 801 Rods South of the SW corner of the SE ⁴ of Sec 20, T. 1. S Range 39 East at Rock 4x10x15 marked R and run from thence Var 19° E		N 18° 15' E
5 32	To A No 1	Thence		E
34 32	" " " 2	"		N 68° 30' E
8 00	" " " 3	"		" 79° 30' "
8 42	" " " 4	"		S 66° "
11 50	" The East Bank of C R River "	"		" " "
1 82	" A No 5 on the West Bank of the River			N 81° 30' E
2 49	" " " 6	Thence		E
8 12	" 1 mile Station	"		"
30 00				
46 30	" A No 7	"		N
33 70	" 2 mile Sta	"		"
50 00				
6 34	" A No 8	"		E
36 20	" To the Terminus of the Road at its intersection with the County Road leading from the corner to Indian Valley designated by a Rock 8x10x20 marked R.T. placed in mound of Rock: Whole Distance 2 miles 4 Furlongs and 10 Rods			

Done July 15 and 17th 1893

J L Curtis
 County Surveyor

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 3rd day of July, 1893, 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 Wm Hull, et al, beg leave to report that on the 15th day of July, 1893, 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 not be laid out or established as a public highway of Union County, Oregon; that the same is not practicable and would not add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be not laid out or declared a public highway of said county.

Geo. Williams
James H. Riggs
J. C. Bonnette
VIEWERS.

FILED.

JUL 26 1898

James Davis
County Clerk.

Printed by the State Printer, 1898

Second Judicial Day

Wednesday July 5th 1893

Oregon, and also in three public places in the vicinity of said proposed road, to wit: One at the beginning of the road proposed on a post in plain view of County road One at the terminus of the proposed road, and one at the Post office at Imbler Union Co Oregon, on the front end of the building in plain view of the public road, for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned that an 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 proceeding has been duly given. It is therefore Ordered that Theodore Williams, J H Riggs and J C Bonnett be appointed Viewers of said road, and that J L Curtis be appointed Surveyor of said road, and that they meet at Imbler on the 15 day of July 1893 at the hour of 9 o'clock Am. and after qualifying, to view survey and lay out said road according to law.

In the matter of the proposed County
Road petitioned for by Wm Hull et al }

Comes now Wm Hull 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 a point on the County road now laid out, established and in use one hundred and one rods distant from and South of the Southwest corner of the Southeast quarter of Sec 20 T¹ N 1, SR 39 town. running thence in a northerly direction along the railroad right of way to the dividing line between the lands of Jesse Imbler and Saml Morris being the dividing line between the North Half of NW¹/₄ Sec 29 T¹ N 1 SR 39 town. and the S¹/₂ of NW¹/₄ of said Sec. thence to along said dividing line about 140 rods to Grande Ronde river thence to westerly along the bank of said river on the north side about 1/4 of a mile to the bend of the river to the most suitable place for crossing said river, thence in a Southeasterly direction to as near as practicable to the dividing line between the N² of NW¹/₄ Sec 28 T¹ N 1 SR 39 town. + S² of NW¹/₄ of said Sec 28, thence easterly along said line to Sec line between Secs 27 & 28 T¹ N 1 SR 39 town. thence N along said line as near as practicable 1/2 miles thence East about 1/2 mile to County road

Second Judicial Day

Wednesday July 5th 1893

as now laid out, established and in use leading from the Cove to telgin said point being on said County road on the line between the lands of Mrs L Oathouse & Joseph Harris 80 rods on of quarter stake on N line of Sec 27 T¹N 12R 39 town & there terminate. Said road to be 50 ft wide, 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 town; At the Court House in the town of Union State of Oregon and, also in three public places in the vicinity of said proposed road, to wit; One at the beginning of said road on a stake in plain sight of County road One on the Post office at Embler Union Co. Oregon near the door in plain view of the public and one at the terminus of said road on a stake set in the ground in plain view of County 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 cost of this proceeding has been duly given. It is therefore Ordered the Theodore Williams, J H Riggs and J C Bennett be appointed Viewers of said road and that J L Curtis be appointed Surveyor of said road, and that they meet at Embler on the 15th day of July 1893 at the hour of 9 o'clock A.M. and after qualifying, to view, survey and lay out said road according to law.

In the Matter of a proposed
Bridge across Powder River
near the Keating Ranch

It having been represented to the Court that the Bridge across Powder River near the old Keating Ranch is in an unsafe condition and, and that a new bridge ought to be built at said crossing and this Court not being fully advised as to what is needed It is therefore considered and ordered by

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 in said County and State on Monday the 7th day of Aug A.D. 1893 and from day to day thereafter during the continuance of said term when on Wednesday the 9th day of August or the 3rd judicial Day of said Term the said County Court opened for the transaction of business with the following officers present, to-wit:

The Hon. D. N. Sanders County Judge
 Hon W. D. Arnold Commissioner
 Hon P. J. Brown "
 Fisher Oliver Clerk
 J. T. Bolles Sheriff

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

In the Matter of the
 petition of C H Finn
 for the Removal of J K
 Knowles Justice of the Peace

This matter came on to be heard at this time on the petition of C H Finn for the removal of J K Knowles Justice of the Peace of La Grande Justice of the Peace and Constable District and the Court being now fully advised in the premises It is considered and ordered that this matter be overruled and dismissed

In the Matter of the
 Road petitioned for by
 Wm Hull et al

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

Fourth Judicial Day

Thursday Aug 10th 1893

And said report of the viewers and the report of the surveyor having been now publicly read in open court, on two several days of the present term of court and it appearing to the court that said viewers report favorably thereon and recommended that said proposed road be established as a County road and be declared a public highway of 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 ordered open according to law, and the Court being satisfied from the report of the viewers that such road will be of public utility and James R. Glickson County Road Master having examined the said proposed road and reported favorably thereon as by law required It is therefore considered and ordered by the Court that said report of the viewers and surveyor be approved and adopted by the court, and that said proposed road be declared a public highway of Union County, Oregon and ordered opened up and placed in repair for travel according to law It is further ordered that the report of the viewers be placed on record in this journal and that the surveyors plat of the proposed road and his field notes of the survey thereof be placed on record in the book of State of County roads of Union County, Oregon, and that J. D. Guild Road Supervisor of Road Dist No 15, the same being the road district in which said road is located, be furnished with a copy of the petition herein and a copy of this decree and ordered to open up said road and place the same in repair for travel

In the Matter of the Road }
petitioned for by Mrs. Hessel et al }

This matter came on to be heard at this time on the report of the Viewers and Surveyor herein for a second reading as by law required and it appearing from said report of Viewers that said proposed road is not practicable and would not add to the convenience

Fourth Judicial Day

Thursday Aug 10th 1893

of the householders residing in the vicinity thereof It is therefore considered and ordered that the petition herein be and the same is hereby overruled and dismissed

In the matter of the proposed
County Road petitioned for by
J. T. Wickens et al

This matter came on to be heard at this time on the report of the appraisers heretofore appointed herein to assess the damages that would accrue to James Patterson which report is in words and figures following, to-wit:

Report of Viewers

To the Honorable County Court for Union County, Oregon

We the undersigned viewers heretofore on the 5 day of July 1893 appointed to view out and assess the damages claimed by Jas Patterson in the matter of the proposed county road petitioned for by J. T. Wickens et al beg leave to report that on the 28 day of July 1893 we after being duly sworn to discharge our duty faithfully and impartially, proceeded to view said proposed road the whole distance through the premises of Jas Patterson, 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 Jas Patterson would be rendered \$160 less valuable by the laying out and establishment of said proposed road as a public highway of said County and recommend that \$160 be paid to said complainant before laying out and establishing said road as a public highway

John Elliott
Wm B Hindman

Thereupon it was ordered that said report be approved and it appearing to the Court that said proposed road would be of great public utility It is ordered that \$100⁰⁰ of said damages be paid out of the County Fund and the Clerk of this Court is instructed to draw a warrant on the Treasurer for said amount in favor of the said claimant James Patterson when the petitioners herein