

EQUITY
LAW

No 13

In Circuit Court,

Union County

Hall Bros

Plaintiff

vs

C J Miller

Defendant

J H Crawford

Attorney for Plaintiff

(Signature)
Attorney for Defendant

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537

Petitioned for by L. A. Hudson
on his own right

Beginning at NW cor NE⁴ SE⁴
Sec 32 Tp 4S 40E of said
petitioners lands extending
thence South about 14 rods
to the County road pe-
titioned for by Joe Wellborn
et al

J 196 x 2 20 x

Orly Co, 1840 1900

Order Opened August 8, 1900

IN THE COUNTY COURT OF THE STATE OF OREGON FOR
UNION COUNTY.

In the matter of a road of public easement
petitioned for by L. A. Hudson.

Now at this time comes the undersigned your petition-
er, and by this her petition shows to the court;

That your petitioner is the owner in fee of a United
States Homestead consisting of the North East quarter of the
South East quarter, the East half of the North East quarter
and the North West quarter of the North East quarter of sec-
32 Tp. 4 South of Range 40 East of the Willamette Meridian in
Union County, Oregon,

That your petitioner's residence situated upon your
petitioner's said lands and homestead aforesaid is not reach-
ed by any convenient or other public road heretofore provided

~~That it is necessary that the petitioner~~
petitioner shall have ingress to and egress from the residence
of your petitioner so situated upon said lands. That a road
Thirty feet wide ~~beginning~~ beginning at the South West
corner of the North East quarter of the ~~North East~~ ^{South} quarter of
said section 32 Tp. 4 S. R. 40 E. W. M. of petitioner's said
lands, and extending thence South about 1 1/4 rods to the County
road petitioned for by Joe Wilkinsen et al. will give your pe-
titioner and the public ingress to and egress from petitioner's
said residence situated upon her said lands as aforesaid. That
the lands over which such thirty foot road will pass from its
beginning to its terminus belong to and are claimed by U. S.
Blacker and R. M. Blacker.

Wherefore your petitioner prays that the court take
such proceedings as are necessary a road of public easement
over the route above described so as to give the public and
your petitioner ingress to and egress from petitioner's said
residence so situated upon her said lands as aforesaid.

L. A. Hudson

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

I, L. A. Hudson being first duly sworn,
depose and say that I am the Petitioner

in the above entitled Matter; and that the foregoing Petition
is true as I verily believe.

Subscribed and sworn to before me this 23 day of June 1900 189
Geo. A. Howard
G. W. Benson, Clerk
Notary Public for Oregon.
By J. R. Oliver, Deputy

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

I, _____ do hereby certify that I am
_____ attorney herein; that the foregoing copy of
_____ has been by me carefully compared with the original
thereof; that it is a correct transcript therefrom and of the whole of such original.

Union, Oregon, dated the _____ day of _____ 189

Due service of the within _____ is hereby accepted in
_____ County, Oregon, this _____ day of _____ 189
by receiving a copy thereof, duly certified to as such by _____,
attorney for _____

Attorney _____ for _____

No.

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

In re road of
public easement
petitioned for by
Plaintiff

vs.
Lawrence & Hochstetler

Defendant

Petition

Filed June 25 1906
~~189~~

J. P. Blain Clerk

By *F. H. Crawford* Deputy

F. H. CRAWFORD,
ATTORNEY,
UNION, OREGON.

BOND OF ROAD PETITIONERS.

Know all Men by These Presents, That we, Louisa A Hudson and W. H. Hudson, 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 25 day of June A. D. 1900

Now, the condition of the above obligation is such, That, whereas the above named Louisa A Hudson and W. H. Hudson, and others, have petitioned the County Court of said County of Union, at the July Term, 1900 thereof for a County Road,

For a road of public easement as described in the petition hereto attached

NOW, if the above named Louisa A Hudson and W. H. Hudson 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.

Louisa A Hudson (L. S.)
W. H. Hudson (L. S.)

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

I, W. H. Hudson and W. H. Hudson, each for himself, say, that I am worth the sum of One 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.

Subscribed and sworn to before me this 25 day of June A. D. 1900
G. W. Benson
County Clerk.

By J. P. Olson Deputy

Filed June 25th 1900

H. H. Benson Clerk

By J. P. O'Brien Deputy

CLERK OF THE COURT
County of [unclear]

In the matter of the Road of
public easement petitioned for
by ~~XXXXXXXXXXXX~~ L. A. Hudson.

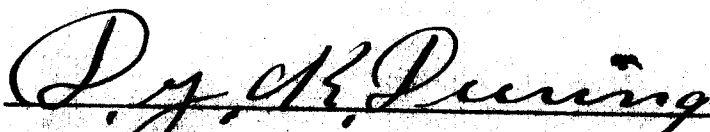
Now at this time this cause came on to be heard upon
the petition of L. A. Hudson duly verified for a road of pub-
lic easement from the residence of petitioner situated upon
the North East quarter of the South East quarter, the East half
of the North East quarter and the North West quarter of the
North East quarter of section 32, Tp. 4 South of Range 40 East
of the Willamette Meridian in Union County to the ~~XXXXXX~~ ^{county} road
petitioned for by Joe. Wilkinson et al. described as follows
and over the following rout, to wit; A road thirty feet wide
beginning at the South West corner of the North East quarter
of the South East quarter of said section 32 Tp. 4 S. R. 40
E. W. M. of petitioners said lands and extending thence South
about 14 rods to the said County road petitioned for by Joe.
Wilkinson et al. And it appearing from said ~~XXXXXX~~ ^{that} petition
that said lands are petitioner's homestead, the petitioner's
residence is situated thereon, that her said residence so sit-
uated thereon is not reached by any convenient public road --
heretofore provided by law. And it further appearing to the
court that it is necessary that the public and said petitioner
have ingress to and egress from petitioner's residence so sit-
uated upon said lands. It is therefore hereby ordered that --
N. F. Ficklin, Charles Miller and R. E. Smith three disinter-
ted freeholders of the county be and they are hereby appointed
viewers to view out and locate a county road 30 feet wide from
the residence of said petitioner upon said lands, namely ~~XXXX~~
~~XXXX~~ beginning at South West coner of the North East quarter of
the South East quarter of section 32 Tp. 4 S. R. 40 E. W. M.
thence ^{running} South 14 rods more or less to the county road petitioned
for by Joe. Wilkinson et al. according to the said petition,
the said viewers to meet at the residence of ~~petitioner~~ on the
said premises at the hour of ten o'clock July ~~7/1~~ ^{7/1} 1900


and then and there on said day to view out and locate a county road as aforesaid over said route, and to then and there assess the damages to be sustained thereby to the lands over ~~which~~ ^{which} said proposed county road extends to the owners and ~~claimants~~ claimants thereof U. S. Blacker and R. M. Blacker. It is further ordered that ~~this~~ this order be served upon the said U. S. Blacker and R. M. Blacker by the Sheriff of Union County delivering to each of them in person a copy of this order -- duly certified by the Clerk of this Court within four days after the date of this order.

State of Oregon,)
)SS
County of Union,)

I hereby certify that I served the within ~~order~~ ^{order} ~~within~~ ^{order} said County and State on the 10th day of ~~July~~ ^{July} 1900, upon the within named U.S. Blacker, and R.M. Blacker, by delivering a true and correct copy thereof prepared and certified to by G.W. Benson, County clerk of Union County, Oregon.

TO U.S. Blacker, and R.M. Blacker, to each in person,


Sheriff of Union County Oregon.

BY 
Deputy.

STATE OF OREGON,

County of Union.

ss:

We, R. E. Smith, Charles S. Miller
and N. F. Ficklin, having been appointed by the county court of Union
county, Oregon, to view, and appraise the damages that would ac-
crué to R. M. Blacker and U. S. Blacker by reason of the location
and establishment of a road of public easement petitioned for by L. A.
Hudson, being first duly sworn, each for himself that I will faith-
fully and impartially perform my duty and report to the county
court how much less valuable the premises of said claimants would
be rendered by the location of said proposed road.

R. E. Smith
Charles S. Miller
N. F. Ficklin

Subscribed and sworn to before me this 21st day of July, A.D. 1900.

C. W. Benson

County Clerk.

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

We, the undersigned viewers herebefore on the 6th day of July were appointed to view out and assess the damages claimed by R. M. Blacker and U. S. Blacker in the matter of the proposed county road petitioned for by L. A. Hudson et al. We leave to report that on the 21st day of July 1900, 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 R. M. Blacker and U. S. Blacker 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 R. M. Blacker and U. S. Blacker would be rendered \$ any less valuable, and that the premises of complainant road a suitable fence, which we recommend shall be done by petitioner before the opening and establishment of said road. 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 be paid to said complainant before laying out and establishing said road as a public highway.

Not

*July 21, 1900.
A. W. [unclear]
A. Clark*

*R. E. Smith
Chas. S. Miller
A. F. Fickler*

In the matter of a road of #
public easement petitioned #
for by L. A. Hudson. #
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Report of Viewers.

To the Honorable County Court of Union County Oregon:

We the undersigned viewers heretofore on the 8th. day of July 1900 appointed to view out and locate a county road from the residence and premises of of petitioner L. A. Hudson upon the North East quarter of the South East quarter, the East half of of the North East quarter and the North West quarter of the North East quarter of section 32 Tp. 4. So. R. 40 E. W. M. in Union County, Oregon, to the County road petitioned for by Joe Wilkinson et als. the said road to begin at the South West corner of the North East quarter of the South East quarter of said section 32 Tp. 4 S. R. 40 E. W. M. and to extend thence South about 14 rods to the said County road petitioned for by Joe Wilkinson et als. aforesaid, and to assess the damages to be sustained thereby to the owners of the lands over which the same runs and extends, namely R. M. Blacker and U. S. Blacker, beg leave to report that on the 21st day of July 1900, we, after being duly sworn to discharge our duties faithfully and impartially, met at the residence of the petitioner upon the premises aforesaid and proceeded to view out and locate a county road thirty feet wide from the said premises of the petitioner L. A. Hudson to the County road petitioned for by Joe Wilkinson et als. over the following rout, to wit; Beginning at a point 15 feet East of of the -- South West corner of the North East quarter of the South East quarter of section 32 Tp. 4 South Range 40 E. W. M. for the center of said road, thence due South paralel with and 15 -- feet East of the line between the Southwest quarter and the Southeast quarter of the Southeast quarter of said section 32 a distance of 14 rods more or less to the County Road petitioned for by said Joe Wilkinson et als. and there terminating. We further beg leave to report that we viewed said pro-

posed road its entire distance through the lands of the said R. M. and U. S. Blacker from the premises of petitioner to - said County Road petitioned for by Joe Wilkinson et als. and that we find said lands occupied ~~###~~ by said proposed road of little or no value ~~##~~ ^{for} agricultural or grazing purposes and the damages that will be sustained by said Blackers in the establishing of said proposed road only nominal provided petitioner will fence the same with a good substantial fence on each side thereof through their said lands from petitioner's premises to said County Road petitioned for by Joe Wilkinson et als. We therefore assess the damages to the said Blackers by the establishment of said road at the sum of \$1.00 and -- that petitioner be required to fence the said road with a -- good substantial fence on each side thereof its entire distance from petitioner's premises to the said County Road petitioned for by Joe Wilkinson et als. and that the same be established as a public road the expense of opening the same to be borne by petitioner.

R. E. Smith

A. F. Flicker

VIEWERS.

County Clerk
County Clerk

County Clerk

Wasco County, Oregon

Be the certificate of
of public account
Kearns Patterson for

by A. A. Hudson

Report of view

Made Aug. 8, 1900

W. W. Peterson

C. Clark

WITNESSES.

In the matter of a road of #
public easement petitioned #
for by L. A. Hudson. #

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Now at this time this cause came on for hearing before the court upon the report of the viewers heretofore at the last term of this court appointed to view ~~the~~ and lay out a county road petitioned for by L. A. Hudson from her -- residence situated upon the North East quarter of the South East quarter, the East half of the North East quarter and the North West quarter of the North East quarter of section 32 Tp. 4 S. R. 40 E. W. M. in Union County, Oregon, ~~beginning~~ ^{beginning} at the South West corner of the North East quarter of the South East quarter of said section 32 Tp. 4 S. R. 40 E. W. M. and extending thence South a distance of about 14 rods to the -- County road petitioned for by Joe Wilkinson et als., and to assess the damages that would accrue to R. M. Blacker and U. S. Blacker by the laying out and establishing of said road; and it appearing to the court that said viewers, namely Robert M. Smith, ~~G. H. Miller~~ and N. F. Picklin before proceeding to view out said road and assess the damages arising -- therefrom were each duly sworn to faithfully and impartially discharge their duties as such viewers, that after being so duly sworn they met at the residence of petitioner upon her said premises on the 21st. day of July 1900 at the hour of 10 O'Clock A. M. and proceeded to and did view and lay out said proposed county ^{road} beginning at a point on the premises of petitioner, 15 feet East of the Southwest corner of the North East quarter of the South East quarter of said section 32 Tp. 4 S. R. 40 E. W. M. the same being the center line of said proposed road and the said road to be 30 feet wide, extending thence South 15 feet East of said quarter ~~line~~ line a -- distance of 14 rods more or less to the County road petitioned for by Joe. Wilkinson et als. and there terminating, and

assessed the damages occasioned by the establishment of said proposed road to the premises of the said R. M. and U. S. Blacker over which the said proposed road extends at the sum of \$1.00 and recommended that petitioner be required to fence the said road on each side thereof its entire length with a good and substantial fence and open said road at her own expense and that said road be established and declared a public highway; and it further appearing to the court that petitioner's residence situated upon said premises is not reached by any convenient or other public road heretofore provided by law; that it is necessary that ~~the public~~ ^{the public} and ~~petitioner~~ ^{petitioner} have ingress to and egress from the residence of petitioner so situated upon said lands, and that the said report of the said viewers ought to be approved and said road established; and it further appearing to the court that a copy of the order heretofore at the last term of this court duly made appointing said viewers was duly and regularly served upon ~~the~~ R. M. Blacker and U. S. Blacker within four days after making said order, by the Sheriff of Union County, Oregon, delivering to each of them in person, ~~the~~ on the 15 day of July 1900 in Union County, Oregon, a copy thereof duly certified by the clerk of this court, and that no objections have been made or filed to said report or to the establishing of said road; It ~~is~~ therefore ~~therefore~~ ~~by~~ ~~the~~ ~~court~~ appearing to the court that said report is just it is ordered that petitioner pay into ~~the~~ court the costs of locating said road and the sum of \$1.00 damages assessed by said viewers and that she erect on each side of said road its entire length a good substantial fence, and upon said conditions being complied with that the report of said viewers be confirmed and the said road declared a public ~~road~~ road to be recorded as such.

Fourth Judicial Day.

Sunday, July 6, 1900.

In the matter of the Road of }
Public Easement. Petitioned for }
by L. A. Hudson }

Now at this time this cause came on to be heard upon the petition of L. A. Hudson, duly verified, for a road of public easement from the residence of petitioner situated upon the northeast quarter of the southeast quarter, the east half of the northeast quarter, and the northwest quarter of the northeast quarter of section 32, T.p. 4 South of range 40 East of the Willamette Meridian in Union county, to the county road petitioned for by Joe Wilkinson et al, described as follows and over the following route, to-wit: A road thirty feet wide, beginning at the southeast corner of the northeast quarter of the southeast quarter of said section 32 T.p. 4 S.R. 40 E. W.M. of petitioner's said lands, and extending thence south about 14 rods to the said county road petitioned for by Joe Wilkinson et al. And it appearing from said petition that said lands are petitioner's home-stead; that the petitioner's residence is situated thereon; that her said residence so situated thereon is not reached by any convenient public road heretofore provided by law, and it further appearing to the court that it is necessary that the public and said petitioner have ingress to and egress from petitioner's residence so situated upon said lands; It is therefore hereby ordered that W. D. Dickler, Charles Miller and R. E. Smith, three disinterested freeholders of the county, be and they are hereby appointed viewers to view out and locate a county road 30 feet wide from the residence of said petitioner upon said lands, namely: Beginning at southeast corner of the northeast quarter of the southeast quarter of section 32 T.p. 4 S.R. 40 E. W.M.; thence running south 14 rods more or less to the county road petitioned for by Joe Wilkinson et al, according to the said petition, the said viewers to meet at the residence of petitioner on the said premises at the hour of 10 o'clock, July 21, 1900, and then and there on said day to view out and locate a county road as aforesaid over said route, and to show and there assess the damages to be sustained thereby to the lands, over which said proposed ^{county} road extends, to the owners and claimants thereof W. S. Blacker and R. M. Blacker, by the Sheriff of Union county delivering to each of them W. S. Blacker and R. M. Blacker by the Sheriff of Union County delivering to each of them in person a copy of this order, duly certified by the clerk of this court within four days after the date of this order.

In Re Application of R. M. Smith for }
Cancellation of tax liens against Lots }
1 and 2 Block 102 Chaplins' and L. Grand }

This matter came on for consideration

Third Judicial Day

Wednesday, August 8, 1900.

In the Matter of the Proposed }
County Road Petitioned for by }
A. G. Wadley et al }

This matter came on for hearing at this time upon the petition and other papers filed herein and it appearing to the court that the proof of posting notices in the vicinity of said proposed road is sufficient it is ordered that this matter be continued for the term for an amended proof of posting herein.

In the Matter of the Proposed }
County Road Petitioned for by }
N. S. Blank et al }

at this time it is ordered by the court that this matter be and the same is hereby continued for the term in order that an adjustment may be made with the parties through whose premises said proposed road will pass without the necessity of a survey.

In the Matter of a Road of }
Public Encumbrance Petitioned for }
by L. A. Hudson }

Now at this time this cause came on for hearing before the court upon the report of the viewers heretofore at the last term of this court appointed to view and lay out a county road petitioned for by L. A. Hudson from her residence situated upon the northeast quarter of the southeast quarter, the east half of the northeast quarter and the northwest quarter of the northeast quarter of section 32, Tp. 4 S. R. 40 E. 20 M. in Union County, Oregon, beginning at the southwest corner of the northeast quarter of the southeast quarter of said section 32, Tp. 4 S. R. 40 E. 20 M. and extending thence south a distance of about 14 rods to the county road petitioned for by Joe Wilkinson et al and to assess the damages that would accrue to R. M. Blackler and W. S. Blackler by the laying out and establishing of said road; and it appearing to the court that said viewers, namely Robert M. Smith and N. S. Swickin before proceeding to view and lay out said road and assess the damages arising therefrom were each duly sworn to faithfully and impartially discharge their duties as such viewers; that after being so duly sworn they met at the residence of petitioner upon her said premises on the 21st day of July, 1900, at the hour of 10 o'clock a.m. and proceeded to and did view and lay out said proposed county road, beginning at a point on the premises of petitioner

Third Judicial Day

Wednesday, August 8, 1900.

15 feet east of the southwest corner of the northwest quarter of the southwest quarter of said section 35 2p 4 sp 40c w.m, the same being the center line of said proposed road, and the said road to be 30 feet wide, extending thence south 15 feet east of said quarter line a distance of 14 rods more or less to the county road petitioned for by Joe Wilkinson et al and there terminating, and assessed the damages occasioned by the reestablishment of said proposed road to the premises of the said R. M. and M. S. Blackler over which the said proposed road extends at the sum of \$1.00, and recommended that petitioner be required to fence the said road on each side thereof its entire length with a good and substantial fence and open said road at her own expense and that said road be established and declared a public highway; and it further appearing to the court that petitioner's residence situated upon said premises is not reached by any government or other public road heretofore provided by law; that it is necessary that the public and petitioner have ingress to and egress from the residence of petitioner so situated upon said lands; and that the said report of the said jurors ought to be approved and said road reestablished; and it further appearing to the court that a copy of the order heretofore at the last term of this court duly made appointing said jurors was duly and regularly served upon R. M. Blackler and M. S. Blackler within four days after making said order, by the sheriff of Union County, Oregon, delivering to each of them in person in Union County, Oregon, on the 10th day of July, 1900, a copy thereof duly certified by the clerk of this court and that no objections have been made or filed to said report or to the reestablishing of said road. It therefore appearing to the court that said report is just it is ordered that petitioner pay into court the costs of locating said road and the sum of \$1.00 damages assessed by said jurors, and that she erect on each side of said road its entire length a good substantial fence, and upon said conditions being complied with that the report of said jurors be confirmed and the said road be declared a public road to be recorded as such.

In the Matter of the Proposed }
 County Road Petitioned for by }
 J. J. Crimmins et al }

At this time it is ordered by the court that this matter be continued for the term, pending the filing of proof of