

EQUITY

No

In CIRCUIT COURT

UNION COUNTY

*J. M. Kennedy*

Plaintiff

vs

*J. G. Nelson,  
et al*

Defendants

Attorney for Plaintiff

Attorney for Defendant

Order "approved" 5/11/11

ROAD No 557 ✓

In the matter of the  
County Road petitioned  
for by Geo. Farmer  
et al

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— # 1 —

Commencing at a point in the  
center of the County road  
leading from Cove to Old Town  
of Halpride, 25 and 3/4 rods  
north from the SW corner  
of the Sec. 8, T. 3 S. R. 38 E.  
and 20 feet east of said  
point in said road and  
running thence north on line  
20 feet east of subdivision  
to a point on south side of  
Cathar's Cemetery as platted, a  
distance of 1650 feet from SW  
corner of Sec. 8 of said section  
8 and there terminating  
said road to be 40 feet wide  
and the

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# 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 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 in the center of the County road leading from Cove to Old Town of LaGrande, 25 and 3/4 rods north from the southwest corner of the Southeast quarter of Section 8 Tp. 3 S. R. 38 E. W. M. and 20 feet east of said point in said road, and running thence north on line 20 feet east of subdivision line to a point on a south side of Catholic Cemetery as platted, a distance of 1650 feet from said Southwest corner of Southeast quarter of said section 8, and there terminating, said road to be forty feet in width.

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

Dated at LaGrande Oregon this 1<sup>st</sup> day of March 1891

NAMES:

NAMES:

Geo Harman  
J M Clark  
R M Oliver  
H Clark  
J. Clark  
J M Barry  
L M Church  
T Walsh  
E Walsh  
W Reynolds  
James Pepper  
James McCoy  
F. M. Bartness

Ed Burke  
A J Warren  
C. A. Durr

**FILED**  
APR 2 1902

*W. H. Benson*  
County Clerk

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

I, G.W. Benson 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~~

~~Thirty days previous to the presentation of the road petition therein mentioned to wit: On the~~  
~~\_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_, and that thereafter and thirty days previous~~  
~~to the presentation of said road petition therein mentioned, to wit: On the~~ 2<sup>nd</sup> ~~day of~~  
March ~~190.2~~, I posted <sup>the hereto attached</sup> ~~a true and correct copy of said notice~~ at the place of hold-  
ing Court for Union County, Oregon, to-wit: On the front <sup>door</sup> ~~of the Court House door~~, in the City  
of Union, in said County and State, and that said notices ~~remained posted~~ <sup>remained</sup> ~~thirty days previous to~~  
the presentation of said petition as I verily believe.

Subscribed and sworn to before me this 2<sup>nd</sup> day of April, 1902  
G.W. Benson  
B.F. Wilson  
County Judge.

*E. W. Hanson*  
County Clerk

**FILED**  
APR 2 1902

# Notice of Road Petition.

To All Persons Concerned: You and each and all of you, will take notice that the undersigned householders for Munw 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 Union County, Oregon, to-wit: On Wednesday, the 2<sup>nd</sup> day of April A. D. 1901, 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 at a point in the center of the County road leading from Cove to Old Town of Lagrange, 25 and 3/4 rods north from the southwest corner of the Southeast quarter of Section 8 Tp. 3 N. R. 39 N. W. M. and 20 feet east of said point in said road, and running thence north on line 20 feet east of subdivision line to a point on a south side of Catholic Cemetery as platted, a distance of 1680 feet from said Southwest corner of Southeast quarter of said section 8, and there terminating, said road to be forty feet in width.

Dated at Lagrange Oregon, the 1<sup>st</sup> day of March A. D. 1901

NAMES

NAMES

Geo Harman  
J. M. Clark  
R. M. Oliver  
H. Clark  
J. Clark  
J. M. [unclear]  
J. M. [unclear]  
J. M. [unclear]  
E. [unclear]  
G. E. Reynolds  
James Pepper  
James Mc Coy  
W. F. M. Bartness

E. D. Burke  
A. J. Warren

**FILED**

APR 9 1902

*W. H. Benson*  
County Clerk



State of Oregon  
County of Willamette

I Harry Bartmes being first duly sworn say that I posted the notice, of which the notice hereto attached is a true copy, in three public places in said county in the vicinity of the proposed road therein described, to-wit: One on the south side of the Catholic Cemetery on a post on the line of the proposed road, the same being in plain view and in a conspicuous place, thirty days previous to the presentation of the road petition therein mentioned to-wit: on the 2nd. day of March 1908 and that said notice remained posted thirty days previous to the presentation of said petition as I verily believe

Harry Bartmes

Subscribed and sworn to before me this 2nd. day of May 1908.

R. A. Wilson  
Co. Judge

BOND OF ROAD PETITIONERS.

KNOW ALL MEN BY THESE PRESENTS, That we E. C. Moore and J. M. Clark, 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 1st day of April A. D. 1902.

Now, the condition of the above obligation is such, That whereas, the above named Geo Harmon and \_\_\_\_\_, and others, have petitioned the County Court of said County of Union, at the April term, 1902, thereof for a county road,

Commencing at a point in the center of the County road leading from Cove to Old Town of La Grande 25 1/4 rods north of SW corner of Sec 8 Tp. 3 S R 38 E north and ending north 1600 feet and ending north to a point on south side of Clark the center of 20 ft road of said line

Now, if the above named E. C. Moore and J. M. Clark 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.

E. C. Moore Seal.  
J. M. Clark Seal.

State of Oregon,  
County of Union.

SE :

I, E. C. Moore and J. M. Clark, each for himself says, 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 .

E. V. Moore

J. M. Clark

Subscribed and sworn to before me this 1<sup>st</sup> day of April

A. D. 1902 .

B. F. Wilson  
County Judge

Board of

Road Petitioners

— Bucke water  
of the road petitions  
of Geo. Thomas  
et al

#1

Filed Apr. 2. 1902  
Geo. S. Brown

Co. Clerk

Attest  
Wm. J. Baker }  
Clerk of the Court }  
March 19, 1902

State of Oregon }  
County of Union } ss

I hereby certify that in the matter of the County road as petitioned for by George Harmon and others that the viewers and each of them heretofore appointed by the Court were duly sworn by me to faithfully and impartially perform the duties pertaining to the viewing and laying out and establishing of said road before entering upon the discharge of their said duties in that behalf.

Arthur Curtis  
County Surveyor

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

I, L. E. Bartness 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 at the Center road at the south terminus of said Road on a post and one at the Section Corner of Section 5 Tp. 35 R. 2. E. N. W. South of terminus of said road the same being in plain view and so that same could be read

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 1st day of March 1902, and ~~that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the \_\_\_\_\_ day of \_\_\_\_\_ 1902, 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 1st day of April 1902  
L. E. Bartness  
R. F. Nelson  
C. Judge

**FILED**

APR 9 1902

*W. H. Brown*

County Clerk

# REPORT OF VIEWERS.



To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 6<sup>th</sup> day of May 1902,  
 appointed to view, lay out and alter the proposed county road, of which the survey hereto at-  
 tached is a true and correct description, as petitioned for by George Harrison,  
 et. al., beg leave to report that on the 19 day of May, 1902, 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 opinions said proposed road should.....be laid out and established as a pub-  
 lic highway of Union county, Oregon. That the same is practicable and would  
 add.....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.

B. F. Owsley  
George Moore  
W R Jasper } Viewers.



State of Oregon }  
County of Union } S.S.

I hereby certify that in the matter of the County Road petitioned for by George Harrison and others that the Field Notes made by me are true and correct and that the plat accompanying the same is a true and correct representation of said road together with angles and distances

Arthur Curtis  
County Surveyor

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

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In the matter of the County Road  
#557, petitioned for by Geo.  
Harmon, et. als.

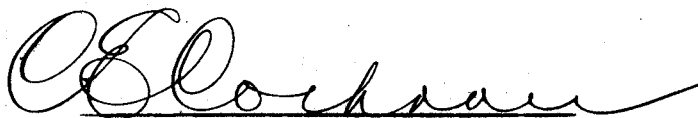
Now at this time come the remonstrators and move the  
to dismiss the petition of the said Geo. Harmon and others, and  
allege that the said petition does not state facts sufficient to  
give the Court jurisdiction to lay out said road, in this;

that one of the termini of said road is not stated with  
certainty.

That said Court make an order denying the application of the  
said petitioners for the further reason that the said report of  
the Viewers do not state their reasons for finding the said report  
to be in accordance with public convenience, as the law  
provides.

That the report of the surveyor is illegal and uncertain,  
unintelligible and indeffinite.

That not a sufficient plat of the said road has been filed  
as by law provided.



Attorney for remonstrators.

537

County Court

Shelby County

Shelby County  
Road # 537

Filed June 4, 1902

J. M. Brown

Co. Clerk

*[Faint handwritten signature]*

In the County Court for Union County, Oregon.

In the matter of the County  
road petitioned for by Geo. Harmon, et als

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To the Honorable County Court, Judge and Commissioners;

The undersigned respectfully remonstrate against the establishment, laying out and opening the county road petitioned for by George Harmon and others, <sup>being road # 557</sup> and allege as ground therefor, that the road would not subserve the public convenience, the damages caused by such action would far exceed the benefits, and the road so opened would not be in all or any respects a public utility.

We represent to the Court that we are owners of property through which the said proposed road will pass or traverse.

Geo O Connor by Curtis Kelly  
Lydia O Connor by Curtis Kelly

557

In the County Court  
for Union County  
State of Oregon

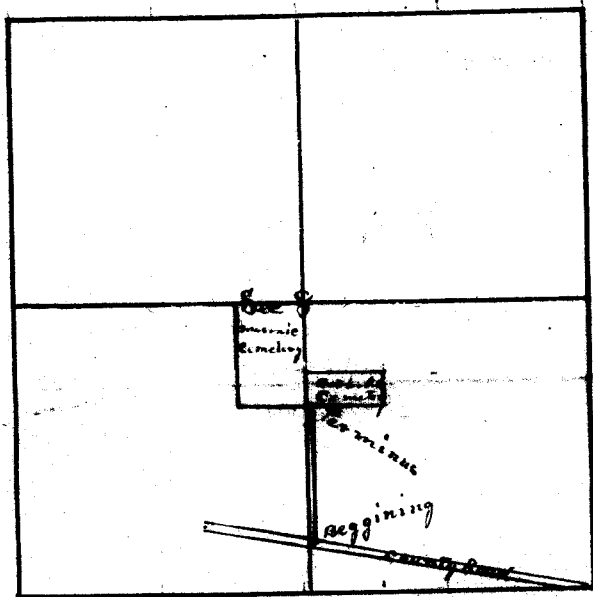
In the presence of the  
County Court #537  
petitioners for the  
Geo. Thompson, et al  
Remonstrance

Filed June 11 1902

J. W. Johnson  
Clerk

By Ed. Schum  
Atty

Town 3 South Range 38 East W. M



2

587

REPORT OF SURVEYOR, Union County, Oregon, Form No. 117

## Report of Surveyor.

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

I, the undersigned, County Surveyor, appointed to survey the county road proposed by George Harrison et al., beg leave to report that on the 19 day of May, 1902, in pursuance of said appointment and order, I Surveyed said proposed road for the whole distance thereof, the following being the field notes of said survey:

Commencing at a Rock marked R. in Center County Road leading from Old Town of La Grande to Cove 644 Chs North of the S. W. Cor of S.E. 1/4 Sec. 8, T. 3 S. R. 38 E. W. 7 N. and 20 feet East, Then North Var 20° East 1840 Chs to Road Terminus a Rock marked R. T. on South side of Catholic Cemetery as platted: said road to be 40 feet wide

Arthur Curtis  
County Surveyor.



Book Auctioneers  
by George Fawcett  
1841.

Filed June 4, 1902.  
A. H. Brown  
Co. Clerk