

EQUITY

No

15

In CIRCUIT COURT

UNION COUNTY

Lulu M Howard

Plaintiff

vs

James M Howard

Defendant

A C McLeod

Attorney for Plaintiff

Attorney for Defendant

THE IRWIN HOBSON COMPANY PITTSBURGH

PA 15201

Feb 27 1892
Orders of Court

7071 10 558 ✓

On the matter of the County
road petitioned for
by Geo. H. Harrison et al

— #2 —
Commencing at a point on Washington
St in the town of Dalypouca
Blaine County Oregon, 20 feet due
east of where the subdivision line
running North and South through
the center of section 8 of T. 3 N. 38 E.
intersects said Washington Avenue
thence running South on a line
20 feet east of said subdivision
line of S. 1/4 to a point in north
side of Catholic Cemetery as platted
a distance of about 1925 feet from
point of commencing and there
terminating said road to be
40 feet in width



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 Washington Avenue, Town of Independence, Union County Oregon, 20 feet due east of where the subdivision line running north and south through the center of section 8 Tp. 3 S. R. 38 N. W. E., intersects said Washington Avenue, thence running south on a line 20 feet east of said subdivision line of section 8, to a point on north line of the Catholic Cemetery as platted, a distance of about 1925 feet from point of commencing and there terminating, said road to be forty feet in width.

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

Dated at Katlamune Oregon this 1st day of March 1891902

NAMES:

NAMES:

Geo. Harman
J. M. Clark
R. W. Oliver
H. Clark
G. Clark
J. M. Perry
J. H. Oliver
J. E. Reynolds
J. H. West
J. West
James Pepper
James McBay
F. M. Bartness

Ed. Bank
A. G. Warren
C. A. Derron

Faint, illegible text, likely bleed-through from the reverse side of the page.

E. A. Benson
County Clerk

FILED
APR 9 1902

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~~ 27 ~~day of~~
March ~~_____ 190...?~~, I posted ^{*the hereto attached*} ~~a true and correct copy of said notice~~ at the place of hold-
ing Court for Union County, Oregon, to-wit: On the front ^{*door*} ~~of the Court House~~, 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 27th day of April 190...
G. W. Benson
B. F. Wilson
County Judge.

FILED
APR 2, 1902

W. H. Brown
County Clerk

Notice of Road Petition.

To All Persons Concerned: You and each and all of you, will take notice that the undersigned householders for Musson 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 2nd 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 Washington Avenue, Town of Independence, Union County Oregon, 50 feet due east of where the subdivision line running north and south through the center of section 8 T₃ S. R. 36 N. W. N., intersects said Washington Avenue, thence running south on a line 50 feet east of said subdivision line of section 8, to a point on north line of the Catholic Cemetery as platted, a distance of about 1925 feet from point of commencing and there terminating, said road to be forty feet in width.

Dated at Talhoude Oregon, the 1st day of March A. D. 1901

NAMES

Geo J Harman
J M Clark
R. M. Oliver
H. A. Cook
J. Clark
J M Burt
J M Church
J E Reynolds
J J Walsh
E J Walsh
James Pepper
James Mc Coy
F. M. Bartness

NAMES

E D Burke
A. J. Warren

P.S. Location
at the present time there
in the end of the year
morning & afternoon
off M. B. Jones

Wm. B. Jones
County Clerk
FILED
APR 2, 1902

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

I Harry Burtmess being first duly sworn, say that I posted three several notices, of which the notice hereunto attached is a true and correct copy, in ~~these~~ public places in said county in the vicinity of the proposed road therein described, to-wit: One one on the north side of the Masonic Cemetery on the line of the proposed road on a post the same being in a conspicuous place and in plain view of the public

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 2nd 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 _____ 190____, 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 2nd day of May 1902

Harry Burtmess
B. J. Wilson

I, B. E. Bartness being first duly sworn, say that I posted ^{two} ~~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 a post at the terminus of the road intersecting Washington Avenue, City of La Grande One on a board at the Catholic Cemetery at the South terminus of the road in plain view where they might be seen and 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

B. E. Bartness
B. G. Wilson
C. S. Judge

F I L E D

APR 9 1902

W. H. Brown
County Clerk

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 E. C. Moore and J. M. Clark, 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 Washington Avenue Town of La Grande Union County Oregon 20 ft. due East of where subdivision line running North & South through the center of Section 8 of T. 3 S. R. 3 E. M. and extending South & terminating at a point on north line of Catholic Cemetery

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.

[Signature] Seal.
J. M. Clark Seal.

State of Oregon,
County of Union.

SS: 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 .

W Moore

J M Clark

Subscribed and sworn to before me this 1st day of April

A. D. 1902.

B. Wilson
C. Judge

Bond of

Road Settlers

— Duke master of
the road petitioned
for by Geo. Shannon
et al

NY

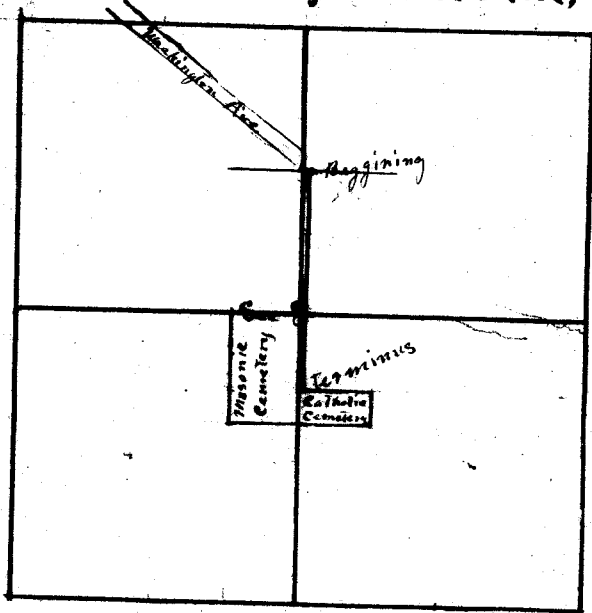
Dated April 2, 1902

Geo. Shannon

Co., Clerk

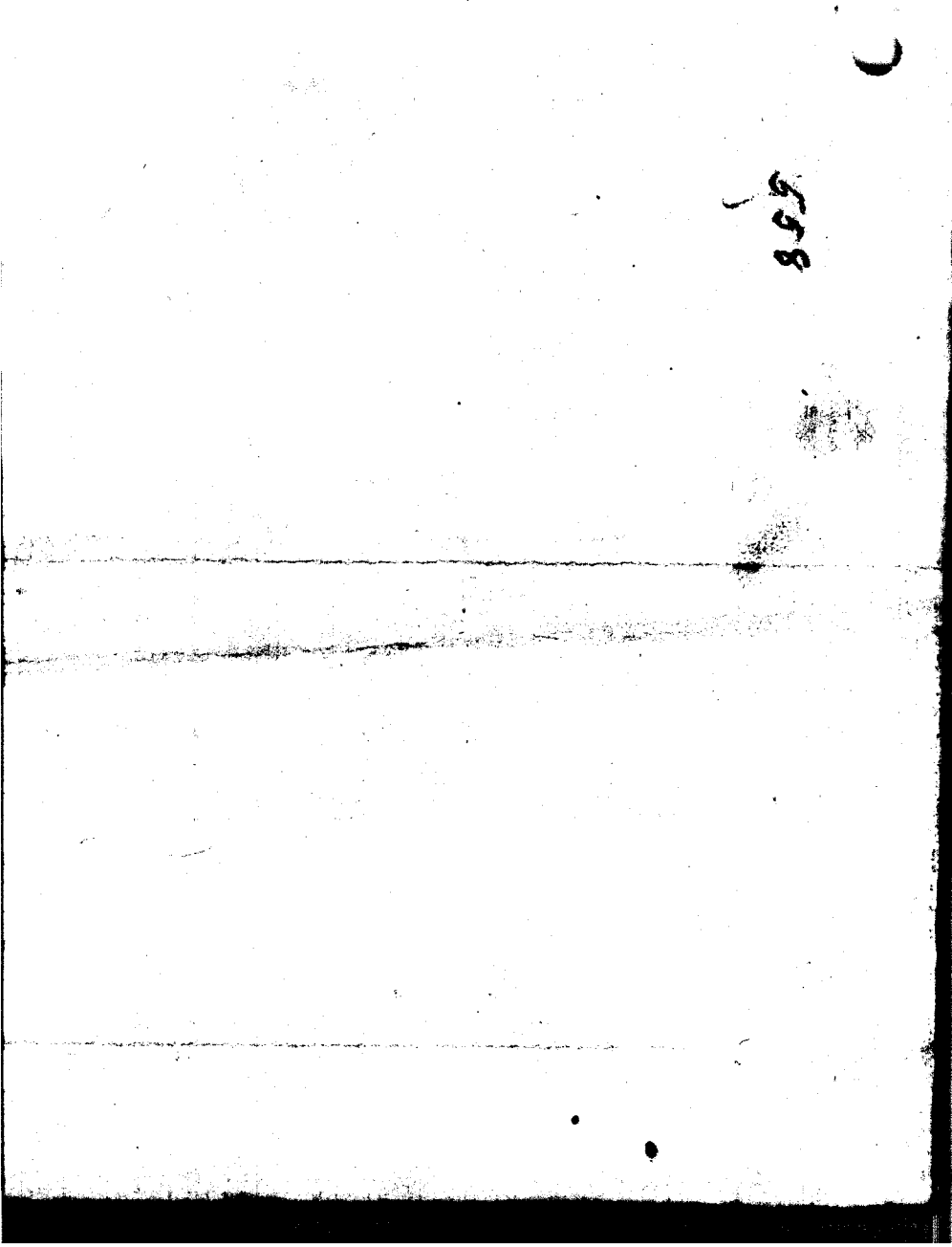
R. J. Bennett
Jesse S. Smith
George Smith
Arthur Smith
Mark at Alignment of road
on road and man 19. ok 1:30 P.M.

Tp. 3 South Range 38. East W.M.



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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 Harmon 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. at a point 20 feet
East of where the subdivision line of Sec 8 T. 33. R.
38 E. W. M. through center said Sec. North and South
crosses Washington Ave. Thence running South
on a line 20 feet East of Subdivision line of Sec. 8
30 Chains to R. Terminus a point on North side of Catholic
Cemetery a rock marked R. T. said road to be 40
feet wide

Arthur Curtis
County Surveyor.

Food Substitutions
for my George
Hawman class.

Edith
Feb 4, 1902.
E. M. Brown
E. Clark.

State of Oregon }
County of Union } ss.

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

Arthur Curtis
County Surveyor

REPORT OF VIEWERS.

To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 6th day of May 1902 appointed to view, lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by George Hamman, 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 public 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. Owley
George Hamman
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 Harmon 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 County Court for Union County, Oregon.

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

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, ^{being road # 558} 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.

L. O. Conner by *Calvin*
~~L. O. Conner~~ by *Calvin*
his atty

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For the County Court
for Union County
State of Oregon

In the presence of
County Commissioner

Witness for my

Signature

Commissioner

Filed June 14, 1902

W. W. Johnson

Clerk

Wm. P. Johnson

Recorder

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

In the matter of County Road

#558, petitioned for by

Geo. Harmon, et. als.

Now at this time the remonstrators appear and move the Court for an order dismissing the application for County Road petitioned for by Geo. Harmon, et als, and allege as ground therefor that the petition of the said Geo. Harmon and others does not state facts sufficient to give the Court jurisdiction to lay out and establish the said County road, in this;

That the said petition does not state the ^{place of} beginning of the road with certainty, neither does it state the termination of the said road with certainty.

That the ~~petition~~ Court ought to deny the application for the said County road for the reason that the said viewers in reporting their views on said road did not state in said report their reasons why the said road appeared to them to ~~be exhibited~~ add to the convenience of the householders residing in the vicinity of said road.

That the Court deny the said application for the further reason that the surveyor did not properly or legally survey the said road, and did not certify the return to this Court.

That the pretended plat filed by the said surveyor does not conform to the requirements of the statutes, in that it does not show what County or state the road is situate; neither does it show where Washington Ave or the Catholic cemetery is located, and is unintelligible and illegal.


Attorney for remonstrators.

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County Court
Union Co
Oregon

Lane County
Road #558

July 5 June 11, 1903

Wm. B. Boring, Clerk
By H. B. Boring
" " " "