

EQUITY

No

In CIRCUIT COURT

UNION COUNTY

*Mumette Burke*

*Plaintiff*

vs

*Halter Burke*

*Defendant*

*L. J. Jones*

*Attorney for Plaintiff*

*Attorney for Defendant*

181 315 3 2 5 3 3

Oxford & ...

Post No. 581

Testimony for by  
A. L. Buell et al.

33, 39

9/10/04 Reall 7<sup>th</sup> Term  
9/11 " " 2

# PETITION FOR COUNTY ROAD.



TO THE HONORABLE COUNTY COURT, FOR UNION COUNTY, OREGON:

The undersigned freeholders, of Union county, Oregon, residing in the road district where the hereinafter described road is proposed 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 the SW corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$ . sec 19 T 3 S R. 39 E W M. and running North to the NE corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ . sec 19 T. 3 S R 39 E W M. thence West to the NE corner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$ . sec 19 T 3 S R. 39 E E W M. thence North  $1\frac{1}{2}$  miles to the NE corner of the NW $\frac{1}{4}$  sec 18, T 3 S R. 39 E W M, and there terminate.

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

NAMES:

*H. L. Bussell*  
*J. J. Ferguson*  
*J. B. Anderson*  
*W. R. Johnson*  
*Marion M. Spencer.*  
*J. H. Schwelbe*  
*Willie Schwelbe*  
*J. T. Wright*  
*John Bennett*  
*W. L. Wheeler*  
*J. L. Stringham*  
*A. J. Gauder*  
*C. S. Golden*  
*Geo. H. Beach*  
*M. Wilkinson*  
*E. Smith*  
*James S. Beach*

NAMES:

Miss Tangs out  
J. B. Williams  
Cluck

**BOND OF ROAD PETITIONERS.**



KNOW ALL MEN BY THESE PRESENTS, That we, H. L. Buell  
and L. J. Ferguson, of the County of Union and State of Oregon, are  
held and firmly bound unto said county of Union, in the full sum of ONE HUNDRED DOLLARS  
(\$100.00) the payment of which, well and truly to be made, we bind ourselves, our heirs, exec-  
utors and administrators firmly by these presents.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 190\_\_\_\_\_

Now, the conditions of the above obligation is such, that whereas \_\_\_\_\_  
H. L. Buell and others, have petitioned the County Court of said  
county of Union, at the August term, 1904, thereof, for a County Road, de-  
scribed in the petition and notice hereto annexed, as follows: as described  
in petition

Now, if the above named H. L. Buell and L. J. Ferguson  
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 the petitioners be not granted or  
allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

H. L. Buell (Seal.)  
L. J. Ferguson (Seal.)

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

I, H. L. Buell and L. J. Ferguson, each for himself, say  
I am worth the sum of TWO HUNDRED DOLLARS (\$200.00) over and above all debts and  
liabilities and property exempt from execution; that I am a resident householder in said county  
and state,

H. L. Buell  
L. J. Ferguson

Subscribed and sworn to before me this 5<sup>th</sup> day of  
August A. D., 1904  
M. A. Harrison  
County Judge

RECEIVED BY THE OFFICE OF THE SECRETARY OF THE TREASURY

To  
Mrs. Langford  
J. B. Johnson  
Cash

# Notice of Road Petition.

TO ALL PERSONS CONCERNED: You and each and all of you, will take notice that the undersigned freeholders, of Union county, Oregon, residing in the road district 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 3<sup>rd</sup> day of August A. D. 1904 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 the SW corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of sec. 19 T 3 S R 39 E W M. and running North to the NE corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  sec. 19 T 3 S R 39 E W M. thence West to the NE corner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of sec. 19 T 3 S R 39 E W M. thence North  $1\frac{3}{4}$  miles to the NE corner of the NW $\frac{1}{4}$  of sec. 18 T 3 S R 39 E W M. and there terminate.

Dated at \_\_\_\_\_ Oregon, the \_\_\_\_\_ day of \_\_\_\_\_ A. D.

190

NAMES:

NAMES:

*H. L. Byall*  
*J. J. Ferguson*  
*J. G. Anson*  
*W. W. Johnson*  
*Minnie M. Spencer*  
*T. H. Schwick*  
*Willie Schwefbe*  
*J. T. Wright*  
*John Bennett*  
*Geo. G. Douglas*  
*J. L. Stinson*  
*A. J. Grider*  
*C. E. Bolder*  
*Geo. H. Peach*  
*Ab. Wilkinson*  
*E. Smith*  
*James S. Peach*

*Robert J. ... 30th 1904*

Blank of [illegible]

TO ALL PERSONS CONCERNED: You are hereby notified that the undersigned, [illegible], of the County of [illegible] State of [illegible], do hereby certify that the within and foregoing [illegible] is a true and correct copy of the original [illegible] as the same appears from the records of the County Court for said County, [illegible].

A. D. 1904

Respectfully attested to the truth of the foregoing by the undersigned [illegible] County Clerk to say

line of record, to-wit:

*Filed Aug 3, 1904  
J. B. [illegible]  
Clerk*

G. A. [illegible] County Clerk

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INDEXED



## Notice of Road Petition.

TO ALL PERSONS CONCERNED: You and each and all of you, will take notice that the undersigned freeholders, of Union county, Oregon, residing in the road district 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 3<sup>rd</sup> day of August A. D. 1904, 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 the SW corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of sec. 19  
 T 3 S R 39 E W M. and running North to the NE corner of the SW $\frac{1}{4}$  SE $\frac{1}{4}$   
 sec. 19 T 3 S R 39 E W M. thence West to the NE corner of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of  
 sec. 19 T 3 S R 39 E W M. thence North  $\frac{1}{2}$  miles to the NE corner  
 of the NW $\frac{1}{4}$  of sec. 18 T 3 S R 39 E W M. and there terminate.

Dated at \_\_\_\_\_ Oregon, the \_\_\_\_\_ day of \_\_\_\_\_ A. D.  
 190\_\_\_\_\_

NAMES:

NAMES:

*H. L. Powell*  
*G. F. Ferguson*  
*J. B. Anson*  
*D. W. Johnson*  
*Minnie M. Spencer*  
*T. H. Schwelke*  
*Willie Schwelke*  
*J. I. Wright*  
*John Bennett*  
*Geo. H. Smith*  
*J. L. Stringham*  
*A. J. Snyder*  
*C. C. Golder*  
*Geo. H. Beach*  
*M. Wilkinson*  
*J. E. Smith*  
*James S. Beach*

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

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*Filed Aug 23 1904*  
*J. P. [Signature]*

Large area of extremely faint, illegible text at the bottom of the page, possibly a signature block or a long concluding paragraph.

STATE OF OREGON,  
County of Union. } ss.

I, A. G. Buell 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

beginning of the proposed road on post  
by side of the County road One at terminus of the  
proposed road on post at side of the County road  
one on post at side of County road at N.E. Cor  
of NW 1/4 Sec 17 Tp 38 R 39. E. 1/4 M.

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 30<sup>th</sup> day of June 1904, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 30<sup>th</sup> day of June 1904, 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 <sup>door</sup> 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 3 day of Aug 1904.  
A. G. Buell  
J. B. Gilham  
Clerk

Friday 3/9/04  
J. B. Whitham  
Clerk

## REPORT OF BOARD OF COUNTY ROAD VIEWERS.

*To the Honorable County Court for Union County, Oregon :*

The undersigned Board of County Road Viewers, heretofore on the 5<sup>th</sup> day of Aug 1904, instructed 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 H. L. Buell et al., beg leave to report that on the 22 day of Aug 1904, in pursuance with said order, 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 greatly 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 and that Orin Anson shall be ~~damaged~~ damaged to the amount of Sixty Eight Dollars (\$68) for fence and land along road for one half of mile distance.

B. Logsdon  
L. L. McKeenon  
Arthur Curtis

} Board of County  
Road Viewers.

State of Oregon  
County of Union | 35

I hereby certify in the matter  
of the County Road petitioned for by H. L. Buell  
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 both together in angles  
and distances

Arthur Curtis  
County Surveyor

## Report of Surveyor.

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

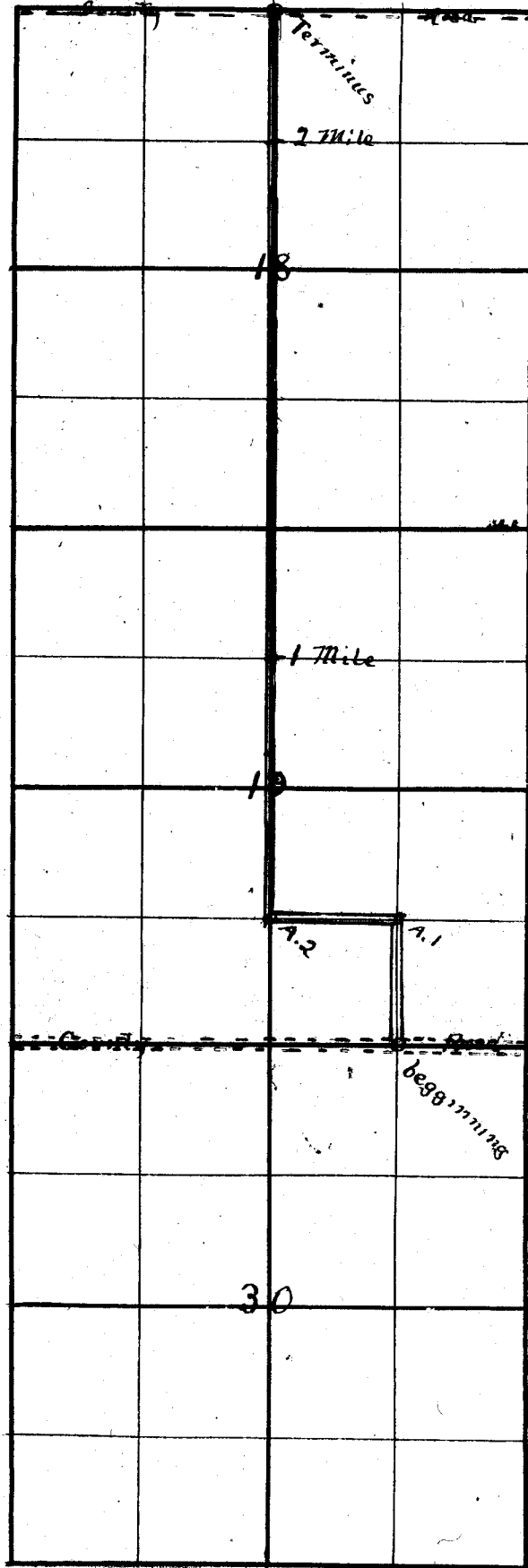
I, the undersigned, County Surveyor, appointed to survey the county road proposed by  
H. L. Buell et al., beg leave to report that  
on the 22<sup>nd</sup> day of August 1904, in pursuance of said appointment  
and order, I Surveyed said proposed road for the whole distance thereof, the following being  
the field notes of said survey:

Commencing at the S.W. Cor. of the S.E.  $\frac{1}{4}$  of the S.E.  $\frac{1}{4}$  of Sec 19 - Town 3  
South Range 39 E. W. M. at a rock marked R. Then North  
20.00 chs to A. 1 a rock. The N.E. Cor. of S.W.  $\frac{1}{4}$  of S.E.  $\frac{1}{4}$  of said Sec 19  
Then West 20.00 chs to angle 2 a rock; the N.E. Cor of S.E.  $\frac{1}{4}$   
of S.W.  $\frac{1}{4}$  said Sec 19. Thence North 40.00 chs to 1 Mile  
rock; Then North 80.00 chs to 2 Mile rock; Then  
North 20.40 chs to  $\frac{1}{4}$  Sec Cor. The N.E. Cor of N.W.  $\frac{1}{4}$   
of Sec 18 T. 3 S. R. 39 E. W. M. a rock marked R. T.  
and their terminate in cented County Road leading from La Grande  
to Cove

Arthur Curtis  
County Surveyor.

Road Petitioned  
for by H. L. Buell et. al.

Town 3 South Range 39 E. W. M.





with  
County Court  
of the  
State of Oregon  
Indian Country

Report of Board  
of Roadviewers  
in Road Distances  
for Jay of H. Bull  
State

with Report of  
J. B. Lehigh  
State

THIRD JUDICIAL DAY.

FRIDAY, AUGUST 5, 1904.

same being the road district in which said proposed road is to be located, be furnished with a copy of this decree and be ordered to open up said road and place the same in repair for travel.

In the matter of the proposed road petitioned for by H. L. Buell et al.

Comes now H. L. Buell, one of the petitioners for the above proposed road, and petitions for himself and others, praying that the following described road may be established and opened up as a public highway of Union County, Oregon: to-wit:

Commencing at the S.W. corner of the S.E. quarter of the S.E. quarter of Sec. 19 T. 3 S., R. 39 E.W.M., and running north to the N.E. corner of the S.W. quarter of the S.E. quarter of Sec. 19, T. 3 S., R. 39 E.W.M.; thence west to the N.E. corner of the S.E. quarter of the S.W. quarter of Sec. 19, T. 3 S., R. 39 E.W.M.; thence north one and three-fourths miles to the N.E. corner of the N.W. quarter of Sec. 18, T. 3 S., R. 39 E.W.M., and there terminate.

And it appearing to the Court that the said petition is signed by more than twelve householders of this County residing in the road district where the proposed road is to be established, and that said petition properly specifies the place of beginning, intermediate points, and the 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 the County Court, to-wit, in the Courthouse in the town of Union, Union County, Oregon, and also at three public places in the vicinity of said proposed road, to-wit, one at the beginning of the proposed road on a post by the side of the County Road, and one at the terminus of the proposed road on a post by the side of the county road, and one on a post at the side of the County Road at the N. E. corner of the N. W. quarter of section 19 T. 3 S., R. 39 E. W. M., all in conspicuous places and in plain view of the travelling public for more than thirty days immediately prior to the presentation of the said petition to this Court, notifying all persons concerned that application would be made to this Court at the present session thereof, and that the notices so posted were in due form and duly signed by petitioners, and that a bond for the cost of this proceeding had been duly given.

It IS THEREFORE ORDERED that the Board of County Road Viewers meet at the beginning of said proposed road, at ten o'clock A. M., on Aug. 22, 1904, and proceed to view and lay out said road and assess the damages according to law.

SECOND JUDICIAL DAYTHURSDAY, SEPTEMBER 8, 1904.

to view and locate said proposed logging road; and Thursday, Oct. 6, 1904, which is a day of the next regular term of this Court, is hereby fixed as the time to receive and hear the report of said viewers as to their view and location of said proposed road and the amount of damages if any, the said objector, J. M. Jones, shall sustain by such location as prayed for in said petition.

IN THE MATTER OF THE PROPOSED  
COUNTY ROAD PETITIONED FOR BY  
H. L. BUELL, ET AL.

This matter came on to be heard at this time on the report of the Board of County Road Viewers for the first reading; and said report having been read in open court, as provided by law, IT IS CONSIDERED AND ORDERED that this report be laid over for a second reading on some other day of this term of Court.

Thereupon it was ordered that Court be now adjourned until tomorrow morning at nine o'clock.

THIRD JUDICIAL DAY

FRIDAY, SEPT. 9, 1904.

In the matter of the petition for a local option liquor election to determine whether the sale of intoxicating liquors shall be prohibited in Precinct No. 2, of La Grande, Oregon.

This matter came on to be heard at this time upon the petition of John Dordan, et al., praying that an election be held in La Grande Precinct No. 2, of said County, to determine whether the sale of intoxicating liquors shall be Prohibited in said Precinct, described as follows: commencing at the N.W. corner of section 7, TP. 3 S.R. 38 E.W.M., thence east, to the intersection of First and P. Street in said City of La Grande, said County and State, thence south to the intersection of First and N. Streets, of said City; thence east to the Fourth Street of said City, Thence north to P. Street, thence east to the intersection of Greenwood and Eighth Streets, of said City, thence North-east to the track of the O.R. & N. R.R., thence North-west along said track to the North line of Grandy's Addition to the city of La Grande, thence west to the north line of said Grandy's Addition, to the west line of said section 7, thence west to the place of beginning. It appearing to the Court that this petition is signed by more than ten per cent of the qualified electors of said precinct, as required by law, IT IS THEREFORE CONSIDERED AND ORDERED that the petition be granted pending the decision of the District Attorney as to the legality of the petitioners.

In the matter of the proposed County road petitioned for by H. L. Buell, et al.

This matter came on at this time to be heard upon the Report of the Board of County Road Viewers for a second reading, as provided by law, said report being in words as follows: to-wit:--

REPORT OF THE BOARD OF COUNTY ROAD VIEWERS:

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

The undersigned, Board of County Road Viewers, heretofore, on the 5th day of August, 1904, instructed to view, lay out and alter the said proposed road, of which the survey hereto attached is a true and correct description, as petitioned for by H. L. Buell, et al., beg leave to report that on the 22nd day of August, 1904, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion 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 greatly to the convenience of householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of the said County, and that Orin Ansen shall be damaged to the amount of \$68 for fence and land along the road for one half mile.

THIRD JUDICIAL DAY

FRIDAY, SEPT. 9, 1904.

Distance:

B. Logsdon,  
L.L. Mc Kennon,  
Arthur Curtis, } County Board of Road  
Viewers.

And after due consideration of said report, IT IS ORDERED THAT said report, and all papers and proceedings herein be submitted to the District Attorney as to the legality of the same.

In the matter of the transportation of Oscar Linebarger, a deaf mute, to the school for mutes at Salem, Oregon.

This matter came on to be heard at this time upon the application of Joseph Linebarger for an allowance from the County to pay for transportation of his son Oscar Linebarger to the school for deaf mutes, at Salem, Oregon. And it appearing to the Court that the petitioner is not financially able to pay for said transportation of his son, and it further appearing to the Court that this Court has authority to appropriate money out of the County treasury for the traveling expenses of deaf mutes whose parents are financially unable to assist them, IT IS THEREFORE CONSIDERED AND ORDERED that an appropriation of \$\_\_\_\_\_ be made for said purpose, and the County Clerk is hereby authorized and directed to draw a warrant on the Contingent Fund of the County in the sum of \$\_\_\_\_\_, to pay for the transportation of Oscar Linebarger from La Grande, Oregon to Salem, Oregon.

In the matter of changing the heading of the petition of John Dordan, et al., asking for a local option liquor election to be held in La Grande Prec. No. 2.

This matter came on to be heard at this time upon the motion of F.S. Ivanhoe, attorney for the petitioners herein, and it appearing to the Court from the argument of counsel that a clerical error appears in said petition, that it was the intention of the petitioners herein to have said petition read that the election mentioned in said petition was to be held on Nov. 8, 1904, instead of Nov. 7, 1904, as shown by the petition. IT IS THEREFORE CONSIDERED AND ORDERED that the heading on said petition be changed to read Nov. 8, 1904 instead of Nov. 7, 1904, and that the said F.S. Ivanhoe is hereby authorized to remove the present heading on said petition and put in its place a heading which will show that said election is to be held on Nov. 8, 1904, as was intended by the petitioners at the time of signing the same.

SECOND JUDICIAL DAY

THURSDAY OCTOBER 6, 1904.

Oregon, Said road was ordered opened on the 9th day of July, 1881; that the same has on and since that date been worked from year to year by the County Supervisor, and has been occupied and travelled openly and continuously by the public as a highway, and as such has been utilized for more than ten years past; that said Dan Sommer, since he has acquired title to the said Waggoner place, has caused a fence to be built with two gateways to accomodate travelers on the said Waggoner lands; that these gates interfere with and to a certain extent obstruct public travel on the said road. And it appearing to the Court that an order was made on April 8, 1904, requiring Dan Sommer to remove the above described obstructions, which order he has entirely ignored and disobeyed; it is therefore considered and ordered by the Court that an order directing *L. Cross*, supervisor of R.D. No. 35 to notify and demand of Dan Sommer that he remove said fence and open said road to free and unobstructed public travel within ten days after the service of such order, and that in case he fails to do so, the said supervisor remove the said gates and all other obstructions to public travel, and keep the same open for travel thereafter.

In the matter of the cancellation  
of County Warrant #1485, Class "MM".

It appearing to the Court that Warrant #1485, Class MM was erroneously drawn, It is hereby considered and ordered that the Clerk be instructed to cancel the same and make proper entries on the records.

In the matter of the removal of  
the ballot boxes from Union to  
La Grande.

It appearing to the Court that the ballott boxes now stored in the old county jail will be required in the election to be held on the 8th day of November, 1904; it is therefore considered and ordered that the Clerk be instructed to transfer the ballott boxes from Union to La Grande, and place the same in readiness for use.

In the matter of the proposed county road  
petitioned for by H. L. Buell, et al.;

This matter came on to be heard at this time on the report of the Board of County Road Viewers for final hearing as provided by law, said report being in words following to wit:

SECOND JUDICIAL DAY

THURSDAY, OCTOBER 6, 1904.

## REPORT OF BOARD OF COUNTY ROAD VIEWERS.

To the Honorable County Court of Union County, Oregon:

The Undersigned Board of County Road Viewers heretofore on the 5th day of August, 1904, instructed 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 H. L. Buell, et al., beg leave to report that on the 22nd day of August, 1904, in pursuance with said order, 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 greatly to the convenience of householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared to be a public highway of said county, and that Orin Anson shall be damaged to the amount of \$68 for fence land along the road for one half mile distance.

B. Logsdon,  
L. L. Mc Kennon  
Arthur Curtis.

Board of County  
Road Viewers.

And said report of the Board of County Road Viewers 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 Board of County Road Viewers report favorably thereon, and recommend that said proposed road be established as a County Road and be declared to be a public highway of Union County, Oregon, and all 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 Board of County Road Viewers that such road will be of public utility; the report of the viewers being favorable thereto, and all the files and records of said proceedings having been submitted to the District Attorney, who has advised this Court as to the legality of the proceedings It is therefore considered and ordered by the Court that the report of the Board of County Road Viewers be placed on record in the Book of Plats of County Roads of Union County Oregon, and that said proposed road be declared a public highway of Union County Oregon, and be opened up and placed in repair for travel, upon the payment into Court the damages assessed.

In the matter of the Cancellation of  
outstanding warrants which are over  
seven years old.

Comes now John Frawley, County Treasurer, and presents to the Court a certified list of County warrants which have been issued more than seven years prior