

LAW.

No.

In CIRCUIT COURT

UNION COUNTY

Charles Hallquist

Plaintiff

vs

W. L. Seaman  
H. Baker & B. Thoren

Defendant

Attorney for Plaintiff

Attorney for Defendant

THE IRWIN HOBSON COMPANY PRINTERS N ST N

ST DEN

N 4001

No 586 -

Coast

J. E. Tibbets  
M.D.

IN THE COUNTY COURT OF UNION COUNTY

~~FOR THE STATE OF OREGON,~~

IN THE MATTER OF LAYING AND ESTABLISH-  
ING A COUNTY HIGHWAY PETITION FOR BY  
J. E. TIBBETTS AND OTHERS.

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

The undersigned petitioners, free-holders residing within the road district through which the hereinafter proposed road will run, if located, hereby petition the County Court of Union County, State of Oregon, to lay out and establish a public highway in Union County, State of Oregon, over the following described route as follows, to wit:-- Commencing at a stake marked '1' set in the center of the present public highway 245 rods southeasterly measuring along the said public highway, from the Northwest corner of Section thirty (30) Township one (1) North, of Range forty (40) East of Willamette Meridian, running thence up Clark's Creek on the most practicable route to a stake marked '2' set at a point three rods east of the Northeast corner of Section five (5), Township one (1) South of Range forty (40) East of Willamette Meridian thence Southeasterly over the most practicable route to the Northeast corner of the Northwest Quarter of Section ten (10) Township one (1) South, of Range Forty (40) East of Willamette Meridian, and there to terminate.

Names

Names.

*J. E. Tibbets*  
*A. J. ...*  
*Wm. ...*  
*John ...*  
*...*  
*...*

*Fred Ballin*  
*...*  
*...*  
*...*  
*...*  
*...*

W. M. Weaver  
 J. F. Gilbert x  
 W. E. Abbit  
 W. H. Hardy  
 M. R. Elder  
 J. W. Worsley  
 S. D. Worsley  
 J. G. Worsley  
 G. E. Kellogg  
 May Kellogg  
 Mrs. O. S. Fowler  
 J. S. Churner  
 E. P. Doe  
 J. E. Parent  
 C. A. Huffman  
 John Rogers  
 O. H. Merrick  
 W. W. Meaur  
 R. L. Sample  
 J. H. Payne  
 H. S. M. Naughton  
 W. B. Abbit  
 J. W. Stewart  
 E. F. Kiffin  
 C. A. Mayfield  
 Math. Genney

J. R. W. Kang  
 G. W. Smalley  
 D. W. Herg  
 R. F. Marshall  
 J. G. Huntington  
 J. G. Huntington  
 Elizabeth Huntington  
 J. Frank Page  
 E. M. G. Barrett  
 E. B. Ryder  
 J. S. Cummings  
 J. S. Cummings  
 J. Marshall  
 A. H. May  
 Milton Bennett  
 J. M. Thompson  
 J. W. B. Weard  
 A. J. Wisdom  
 B. A. Bennett  
 W. M. Ballou  
 J. H. Tucker  
 J. W. Allen  
 B. E. Garret  
 G. R. Tucker  
 H. B. Spencer

STATE OF OREGON,  
County of Union, } ss.

I, \_\_\_\_\_, being first duly sworn, depose and say  
that I am the \_\_\_\_\_ in the above entitled \_\_\_\_\_;  
and that the foregoing \_\_\_\_\_ is true as I verily believe.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_

\_\_\_\_\_  
Notary Public for Oregon.

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 and that it is a correct transcript therefrom and the whole of such original.

La Grande, Oregon, dated this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_

Due service of the within \_\_\_\_\_ is hereby accepted in  
\_\_\_\_\_ County, Oregon, this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_, by receiving a  
copy thereof, duly certified to be such by \_\_\_\_\_ attorney for \_\_\_\_\_

\_\_\_\_\_  
Attorney for the \_\_\_\_\_

No. ....

In the *Circuit* Court,

State of Oregon,

For the County of Union.

*As the Matter*  
*of* *Constance Ross*  
*Fullerton*  
*vs.* *J. D. Slater*  
*Plaintiff*  
*vs.* *Defendant*

*R. Robinson*  
Defendant

Filed *Jan 4* 190 *11*

By *J. M. Minnigh* Clerk.  
*E. P. Baker* Deputy.

FROM THE OFFICE OF  
**J. D. SLATER,**  
LA GRANDE, OREGON,

Attorney for

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

I, W. H. Key being first duly sworn, say that I posted ~~three several notices~~, of ~~which the notice herewith 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 3<sup>rd</sup> day of Dec 1903, ~~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 6<sup>th</sup> day of Dec 1903.  
W. H. Key  
W. H. Key  
W. H. Key

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

I, J. G. Sappington being first duly sworn, say that I posted <sup>One</sup> ~~the~~ several notices, of which the notice hereunto attached is a true and correct copy, in <sup>One</sup> ~~the~~ public places in said county in the vicinity of the proposed road therein described, to-wit: One <sup>One</sup> ~~posted~~ at The beginning of the said proposed road, securely fastened to a board driven in the ground said notice being four feet high above the ground in a conspicuous place 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 December 1903, 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 5th day of January 1904  
J. G. Sappington  
A. C. McLeod  
Notary public for  
Oregon



State of Oregon

ss.

Counyy of Union.

I, C.P. Doe being duly sworn say that I am a resident of Union County Oregon and over the age of twenty one years; that on the first day of December A.D. 1903, I posted up two several copies of the hereto attached original notice of road petition in the vicinity of the road proposed in said notice to-wit one notice at the point on said proposed road marked by a stake marked "2" as described in said notice and one notice at the terminus of said road. That each of said notices was posted in a conspicuous place where the same could be readily seen by the persons travelling along said proposed road.

C P Doe

Subscribed and sworn to before me this 5th, day of Jan, A.D. 1904<sup>1</sup>

J. S. Wright

NOTICE OF ROAD PETITION.

Notice is hereby given, to all whom it may concern that on Wednesday, the 6<sup>th</sup> day of January, A.D., 1904 the undersigned free-holders of Union County, State of Oregon, residing in the road districts through which the hereinafter proposed road will pass, will apply to the County Court of Union County, State of Oregon, by petition for the laying out and establishing of a public highway over the following described route, to wit:--

Commencing at a stake marked '1' set in the center of the present public highway at a point 245 rods southeasterly, measuring along the said public highway, from the Northwest corner of section thirty (30) Township one (1) North, of Range forty (40) East of Willamette Meridian, running thence up Clark's Creek on the most practicable route to a stake marked "2" set at a point three rods east of the Northeast corner of Section five (5), Township one (1) South of Range forty (40) East of Willamette Meridian thence Southeasterly over the most practicable route to the Northeast corner of the Northwest Quarter of Section ten (10) Township one (1) south, of Range forty (40) East of Willamette Meridian, and there to terminate.

Names

Names.

J. E. Tibbets  
H. W. Spelman  
G. A. Quaker  
Joseph Huffman  
James H. Sloan  
John A. ...  
J. J. Brugger  
W. B. Knight  
A. M. Weaver  
J. Gilbert  
W. E. Abbit  
W. H. Hardy  
M. R. Elder  
J. W. Wooley  
A. D. Wooley  
J. Wooley  
G. E. Kellogg  
May Kellogg  
J. E. Parent  
E. A. Thompson  
John Rogers  
O. H. Marwick

Fred Ballin  
J. H. Brown  
W. H. ...  
E. H. Barrett  
L. L. ...  
R. W. Barrett  
G. L. Barrett  
D. D. Martin  
J. R. ...  
W. S. Fowler  
J. E. ...  
L. L. ...  
G. W. ...  
D. W. ...  
R. F. Marshall  
W. ...  
Jessie Saffington  
E. ...  
John W. ...  
O. O. Ryder  
J. W. ...

A. M. Munn  
R. D. Powell  
J. H. Payne  
H. S. M'Naughton  
D. B. Abbit  
J. W. Sawant  
E. F. Taffin  
C. A. Mayfield  
M. H. Young

J. B. Spence  
J. J. Harsfield  
John Melting  
Milton Bennett  
J. M. Thompson  
W. C. Weaver  
A. J. Wisdom  
B. J. Bennett  
W. M. Ballins  
J. H. Tucker  
J. M. Allen  
R. F. Grasse  
G. B. Tucker  
A. B. Spencer

STATE OF OREGON,  
County of Union, } ss.

I, \_\_\_\_\_, being first duly sworn, depose and say  
that I am the \_\_\_\_\_ in the above entitled \_\_\_\_\_;  
and that the foregoing \_\_\_\_\_ is true as I verily believe.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_

\_\_\_\_\_  
Notary Public for Oregon.

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 and that it is a correct transcript therefrom and the whole of such original.

La Grande, Oregon, dated this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_

Due service of the within \_\_\_\_\_ is hereby accepted in  
\_\_\_\_\_ County, Oregon, this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_\_ by receiving a  
copy thereof, duly certified to be such by \_\_\_\_\_ attorney for

\_\_\_\_\_  
Attorney for the \_\_\_\_\_

No. ....

In the *Society* Court,  
State of Oregon,  
for the County of Union.

*In the Matter*  
*of the County*  
*of Wasco*  
*vs.*  
*J. E. Roberts*  
Plaintiff  
*vs.*  
*Had*

~~Defendant~~

Filed *June 6* 190*1*

*M. W. ...* Clerk

By *J. D. Slater* Deputy

FROM THE OFFICE OF  
**J. D. SLATER,**  
LA GRANDE OREGON  
Attorney for *Roberts*

# 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 2<sup>nd</sup> day of January 1908, instructed to view, lay out and alter the proposed <sup>Change</sup> county road, of which the survey hereto attached is a true and correct description, as <sup>Ordered</sup> ~~petitioned for~~ by County Court ~~et al.~~, beg leave to report that on the 13<sup>th</sup> day of January 1908, in pursuance with said order, we proceeded to view out said proposed <sup>Change</sup> ~~road~~ for the whole distance thereof, and that in our opinions said proposed road should \_\_\_\_\_ be laid out \_\_\_\_\_ 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 changed ~~laid out~~ and declared a public highway of said county and Vacate said Road Number 586 between Angles 2 and 3; and they would be a damage to the Elliott Estate to the amount of Seventy Five Dollars (\$75.00)

<p style="text-align: center;"><u>Arthur Curtis</u> <u>Thos. Brasher</u> <u>E. W. Deane</u></p>	<p>Board of County Road Viewers.</p>
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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 <sup>change of</sup> county road proposed by County Court ~~et al.~~, beg leave to report that on the 13<sup>th</sup> day of Jan, 1908 ~~189~~, 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:

Beginning at Angle 2 on Road Number 586 as Pet. for by J. E. Tibbels et al. at a rock marked R. Then North 76° East 2.80 chains to Angle 1. a rock; Then South 62° East 5.00 chs. to Angle 2 a rock Then South 49° East 7.00 to Angle 3 a rock; Then South 43° 30' East 5.00 chs. to Road Terminus a rock at a point on Road No. 586 at Angle 5

Arthur Curtis  
County Surveyor.

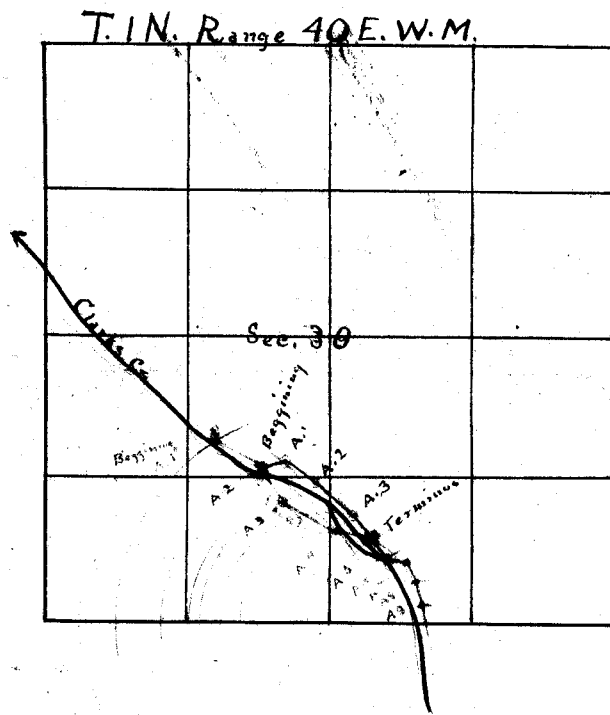
State of Oregon  
County of Clatsop / ss

I hereby certify that in the matter of the change of County Road No. 586 as ordered by the County Court, 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 both together in angles and distances, and that the Special Viewer E. W. Devine was duly sworn by me to faithfully and impartially perform the duties pertaining to the viewing laying out and assessing of damages of said road before entering upon the discharge of his said duties in that behalf.

Arthur Curtis  
County Surveyor



Change of County Road No 386 in Red.



IN THE

# County Court

OF THE

State of Oregon

For the County of Union

I have produced  
Charles J. Clark  
Read before me  
for the County of Union  
that

Report of Owners

Filed January 1908

J. B. Gilman  
Clerk

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

In the matter of the County ~~###~~ ~~#####~~  
Road petitioned for by J. E. ~~#~~  
Tibbits and others. ~~#~~  
~~#~~

~~#####~~

Now at this time come E. M. Elliott, James F. Elliot,  
Robert E. Elliot, Mary L. Elliot, Irene J. Elliot and  
Vesta A. Elliot remonstrators and freeholders residing in  
the road district in which the above entitled proposed  
County Road is situated and shows to the Court and alleges  
that they are the owners of the following described lands  
through which said proposed road extends, to wit: the  
N. W. 1/4 of the N. W. 1/4 ; the S. W. 1/4 of the N. W. 1/4;  
the S. E. 1/4 of the N. W. 1/4; the S. W. 1/4 of N. E. 1/4;  
the S. E. 1/4 of the N. E. 1/4; the N. W. 1/4 of S. W. 1/4;  
the N. E. 1/4 of the S. W 1/4; the S. W. 1/4 of the S. W.  
1/4; the S. E. 1/4 of the S. W. 1/4; the N. W. 1/4 of the  
S. E. 1/4; the N. E. 1/4 of the S. E. 1/4; and the S. W.  
1/4 of S. E. 1/4 all in Section 30 Tp. 1 North Range  
40 E. W. M. and that said road extends through said lands  
a distance of more than one half mile and will divide up  
said lands in such manner as to render the same inconvenient  
and unprofitable. That said lands are all enclosed and the  
location of said road through the same will necessitate the  
building and maintenance of at least one mile of additional  
fence at great cost of remonstrators. That said road as  
surveyed and located passes over and takes up a strip  
of land sixty(60) feet wide by about one half (1/2) mile  
long which will be an entire loss to remonstrators and  
that the same passes over and takes up a good portion of  
the ground used and suitable for yard and garden purposes  
about remonstrators' house and that remonstrators will be  
damaged by the location of said road in the sum of \$300

which remonstrators claim as damages herein for the locati-  
on of said road.

*Crawford Ed Crawford*  
Attorneys for Remonstrators.

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

I, E. M. Elliott, being first duly sworn, depose and say that  
I am the one of the administrators in the above entitled ~~\_\_\_\_\_~~  
and that the foregoing remonstrance and claim is true as I verily believe.

Subscribed and sworn to before me this 5th day of July 1904.  
E. M. Elliott  
[Signature]  
[Signature] Notary Public for Oregon.

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 and that it is a correct transcript therefrom and of the whole of such original.

Dated at Union, Oregon, this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_.

Due service of the within \_\_\_\_\_ is hereby accepted in  
\_\_\_\_\_ County, Oregon, this \_\_\_\_\_ day of \_\_\_\_\_ 190\_\_  
by receiving a copy thereof, duly certified to be such by \_\_\_\_\_  
attorney for \_\_\_\_\_.

Attorney for the \_\_\_\_\_.

*Original*

NO.

In the ~~County~~ <sup>County</sup> Court of the State of Oregon for Union County.

*In the matter of the County Road between for leg. J. G. Nichols vs. leg.*

Plaintiff

vs.

Defendant

*Remittance*

**FILED**  
FEB 5 1904

Filed

1904

Clerk.

BY *[Signature]*  
COUNTY CLERK

Deputy.

**CRAWFORD & CRAWFORD,**

ATTORNEYS AT LAW  
UNION OREGON

BOND OF ROAD PETITIONERS.



KNOW ALL MEN BY THESE PRESENTS, That we J. E. Tibbets and H. S. Spencer, of the County of Union and State of Oregon, are held and firmly bound unto said county of Union, in the full sum of <sup>Two</sup> ~~ONE~~ HUNDRED DOLLARS (\$100.00) the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators firmly by these presents.

Signed this 6<sup>th</sup> day of January, A. D., 1904

Now, the conditions of the above obligation is such, that whereas J. E. Tibbets

and others, have petitioned the County Court of said county of Union, at the January term, 1904, thereof, for a County Road, described in the petition and notice hereto annexed, as follows: Commencing at a stake mark-

ed '1' set in the center of the present public highway 245 rods southeasterly measuring along the said public highway, from the Northwest Corner of Section Thirty (30) Township One (1) North, of Range Forty (40) East of Willamette Meridian, running thence up Clark's Creek on the most practicable route to as stake marked '2' set at a point three rods east of the Northeast corner of Section Five (5), Township One (1) South of Range Forty (40) East of Willamette Meridian thence Southeasterly over the most practicable route to the Northeast corner of the Northwest Quarter of Section ten (10) Township One (1) south of Range Forty (40) East of Willamette Meridian, and there to terminate.

Now, if the above named J. E. Tibbets and H. S. Spencer 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.

J. E. Tibbets (Seal)  
H. S. Spencer (Seal)

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

I, H. S. Spencer and \_\_\_\_\_, each for himself, say

I am worth the sum of Four ~~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. S. Spencer

Approved 1/8/04  
M. H. Harrison, County Judge  
Robert Blumenthal,  
Gas a. P. checker

Subscribed and sworn to before me this 7 day of January A. D., 1904

A. C. Williams  
Notary Public  
for Oregon

In the County  
Courts of the State  
of Oregon County  
of Clatsop

In re  
County Road  
petitioned for  
by J. S. Roberts  
et al,

Given January 8, 1907

J. H. Mummaugh - Clerk  
By Wm. H. Jackson  
Attorney



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

In the matter of the County ~~###~~  
Road petitioned for by J. E. ~~###~~  
Tibbits and others. ~~###~~

~~#####~~

Now at this time comes Mary L. Elliot remonstrator and freeholder residing in the road district in which the above entitled proposed ~~###~~ County Road is situated and shows to the Court and alleges that she is the owner of the following described lands through which the proposed road extends, as a homestead, to wit: the N. E. 1/4 of the N. E. 1/4; the S. E. 1/4 of the N. E. ~~###~~ 1/4 of Section 31 and the N. W. 1/4 of the E. W. 1/4; the S. W. 1/4 of the N. W. 1/4 of Section 32 all in Tp. 1 North Range 40 E. W. M. and that said proposed road extends through said lands a distance of more than one quarter (1/4) of a mile and will divide up said lands <sup>so</sup> as to render the same inconvenient and unprofitable. That said lands are enclosed and the location of said road through the same will necessitate the building and maintenance of ~~###~~ more than one half (1/2) mile of ~~#####~~ additional fence at ~~###~~ great cost of remonstrator. That said road as surveyed and located passes over and takes up a strip of land sixty (60) feet wide by about three eights (3/8) of a mile long which will be an entire loss to remonstrator and that remonstrator will be damaged by the location of said road in the sum of \$150 which remonstrator claims as damages herein for the location of said road.

Crawford & Crawford  
Attorneys for Remonstrators

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

I, E. M. Elliott, being first duly sworn, depose and say that

~~I am the~~ \_\_\_\_\_ ~~in the above entitled~~ \_\_\_\_\_

~~and that the foregoing~~ the foregoing claim for damages is true as I verily believe.

That I make this affidavit for the reasons that the facts set forth above are within my own personal knowledge,

E. M. Elliott  
[Signature]  
Notary Public for Oregon.

Subscribed and sworn to before me this 5th day of July 1904.

Notary Public for Oregon.

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 and that it is a correct transcript therefrom and of the whole of such original.

Dated at Union, Oregon, this \_\_\_\_\_ day of \_\_\_\_\_ 1904.

Due service of the within \_\_\_\_\_ is hereby accepted in

\_\_\_\_\_ County, Oregon, this \_\_\_\_\_ day of \_\_\_\_\_ 1904.

by receiving a copy thereof, duly certified to be such by \_\_\_\_\_

attorney for \_\_\_\_\_.

Attorney for the \_\_\_\_\_.

*Original*

NO. \_\_\_\_\_

*Present*  
In the Circuit Court of the State of  
Oregon for Union County.

*In the matter of  
the Estate of Paul  
Peterson by J. C.  
Peterson, et al.*  
Plaintiff  
vs.  
Defendant

*Reverend*

**FILED**  
FEB 5 1904

Filed

1904

*J. C. Peterson*  
Clerk.  
Deputy.  
COUNTY CLERK

**CRAWFORD & CRAWFORD,**  
ATTORNEYS AT LAW,  
UNION, - - - OREGON.

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

In the matter of the County #  
~~###~~ Road petitioned for by #  
J. E. Tibbits et als. #  
#

#####

Now at this time comes E. M. Elliott a freeholder residing in the road district in which is situated the County Road petitioned for by J. E. Tibbits et als. and the owner of lands through which said proposed road as viewed and surveyed extends and remonstrates against the location and establishment of said proposed County Road for the following reasons;

- (1) That notice of the presentation of the petition for locating and establishing said proposed road was not ~~###~~ posted for thirty days or for any length of time at three public places in the vicinity of said proposed road as provided by law.
- (2) That there has been no proof made of the posting of notice of the petition for said county road in three public places in the vicinity of said propose County road for thirty or any number of days as required by law.
- (3) That the court is without jurisdiction to establish said proposed County Road.

*Oranford E. Oranford*  
Attorneys for Remonstrator.

As the County Clerk of  
the State of Oregon  
for Marion County.

As the master of the  
County Road & Millroad  
for the J. C. P. Miller  
et al.

Remittance

Overseed  
M. A. Osburn  
Energy Inc

July 27th 1904

J. C. P. Miller  
County Clerk

THIRD JUDICIAL DAY.

FRIDAY, JANUARY 8, 1904.

Court met pursuant to adjournment.

Present: Same officers as on yesterday.

Due proclamation of the opening of Court having been made the journal of yesterday's proceedings was read, approved and is here now signed.

*M. A. Harrison* County Judge.  
*Robert Blumenthal* Commissioner.  
*Geo. A. Pelcher* Commissioner.

Thereupon the following proceedings were had, to-wit:

In the matter Of the resignation of  
 W. B. Gassett, as Supervisor of Road Dist #24.

At this time is presented to the Court the resignation of W@ B. Gasset, as Supervisor of Road District #24, and it appearing to the Court that said Supervisor can not give the duties of his office the attention that it requires without interfering with his personal business and that it would be to the best interest of the District that said resignation be accepted. IT IS THEREFORE CONSIDERED AND ORDERED by the Court that said resignation be accepted and that the office of Supervisor of Road District #24 be and the same is hereby declared vacant .

In the matter of the appointment of a Supervisor for Road District #24.

It appearing to the Court at this time that a vacancy exists in the office of Supervisor of Road District #24, by reason of the resignation of W. B. Gasset as Supervisor of said Road District, And it further appearing to the Court that some suitable person who is a resident and taxpayer of said Road district should be appointed to fill said vacancy; that Ed Boswell is a resident Tax-payer of said District and a fit and proper person for such appointment. IT IS THEREFORE CONSIDERED AND ORDERED That Ed Boswell be and he is hereby appointed Supervisor of Road District #24, upon his filing a good and sufficient bond in the sum of \$500.00, and oath of Office.

In the matter of the proposed County road  
 petitioned for by J. E. Tibbetts, et al.

Comes now J. E. Tibbetts, 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 stake marked (1) set in the center of the present public highway at a

THIRD JUDICIAL DAY

FRIDAY , JANUARY 8, 1904.

point 245 rods southeasterly measuring along said public highway from the northwest corner of section thirty (30) township one (1) north, range forty (40) East of Willamette Meridian, running thence up Clark's Creek on the most practicable route to a stake marked "2" set at a point three rods east of the northeast corner of section five (5) township one (1) south of range forty (40) east of Willamette Meridian, thence southeasterly over the most practical route to the northeast corner of the northwest quarter of section ten 10 township one (1) south of range forty (40) east of Willamette Meridian, and there to terminate.

And it appearing to the Court that said petition is signed by more than twelve freeholders of this county, residing in the road district where the hereinbefore described road is proposed to be, 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, to-wit: At the Court House, in the town of Union, County of Union, State of Oregon, and also three public places in the vicinity of said proposed road, to-wit: One posted at the beginning of said proposed road securely fastened to a board driven in the ground, said notice being four feet high from the ground, one at a point on said proposed road marked by a stake marked (2) as described in said notice and one notice at the terminus of said road. All notices posted in a conspicuous place where the same could be readily seen by persons traveling along said proposed road for more than thirty days immediately prior to the presentation of this 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 had been duly given. IT IS THEREFORE ORDERED that Arthur Curtis, County Surveyor and B. Logsdan and L. L. McKennon? constituting the Board of County Road Viewers be and they are hereby directed to meet at North Terminus of said proposed road on the 26th day of January, A. D. 1904, at the hour of 9 o'clock A. M., or within five days thereafter and proceed to survey, view and lay out said road according to law.

In the matter of the petition of Gorham and Rothchild for the redemption of certain lots in North Powder, Oregon, from sale thereof to Union County for the year 1895.

This matter came on to be heard at this time on the application Gorham & Rothchild for the redemption of Lots 8, 9, & 10, Blk 30, in the town of North Powder, Ore, from sale thereof to Union County, for delinquent taxes for the year 1895; from which it appears that the petitioners are the owners of the said described lots; that the said lots and improvements thereon together with a lot of personal property was assessed to petitioners for said year; that the personal property should not have been included in said assessment, having been assessed with other property for said year and the taxes thereon paid; that the value of said described lots together with the improvements there-



FIRST JUDICIAL DAY.

WEDNESDAY, FEBRUARY 3, 1904.

C. W. P. Ellsworth for office Recorder 22 votes  
 Jno S. Clark " " 17 votes  
 Wess Walters, for the office of Marshal 38 votes  
 A. R. Hunter, for the office of Treasurer 38 votes

there being no other votes cast at said election;

It is therefore considered and ordered that the territory embraced by the following limits and boundaries, to-wit: Commencing at a point, being the northwest corner of the southwest qr of the southeast qr of section 34, Tpw 2 South of Range 38 E. W. M., and in Union county, Oregon, thence running due east 454 feet to a point, thence running due south 1075 feet to the north line of Fir Street of Island City, Union county, Oregon, as per plat and survey, thence due east along the north line of said street 296 feet to a point, thence due south through the centre of blocks 9, 10, 11 and 12 of Sterling's addition to Island City aforesaid 1230 feet, thence running due west 750 feet to the north and south line, between the northwest qr of the northeast qr and the northeast qr of the northwest qr of sec. 3 in township 3 south of range 38 E. W. M. thence running due west 630 feet to a point on the west side of D Street in Caviness' Addition to said Island City, thence running due north on the west side of said D Street 950 feet to the southeast corner of block 25 in Sterling's 2nd addition to Island City, thence due west along the south side of said block 240 feet to a point at the southwest corner of said block, thence due north 55 feet, thence running due west and on township line between Twps 2 south and 3 south 904 feet, thence running due north 1320 feet to a point, being the northwest corner of the proposed municipal corporation, and running thence due east 1774 feet to the place of beginning, be and the same is hereby declared incorporated as a municipal corporation under the name and style of the "City of Island City, Union county, Oregon," and that the following persons have respectively received the highest number of votes cast for the several offices, to be duly elected to such offices, viz:

- For Mayor W.G. Hunter;
- For Aldermen, S. E. Rinehart
- Ben Brown
- James Garrity
- U. G. Couch
- C. H. Bidwell
- Ed Kiddell
- For Recorder, C. W. P. Ellsworth
- For Marshal, Wess Walters
- For Treasurer, A. R. Hunter

The said aldermen cast lots for their respective terms of office and the other officers to hold during the term provided by law.

In the matter of the laying out of a public highway petitioned for by J. E. Tibbetts, et al.

Now at this time this cause came on for hearing upon the motion of E. M. Elliott to dismiss the petition, the petitioners appearing by J. D. Slater their attorney and E. M. Elliott appearing by Crawford and Crawford his attorneys, and the said motion having been argued and submitted, it is ordered that the same be and is hereby taken un-



FIRST JUDICIAL DAY.

WEDNESDAY, FEBRUARY 3, 1904.

der advisement until tomorrow morning, and this cause further coming on for hearing upon the petition and notice and proof of posting filed, the said petition, notice and proof of posting are read for the first time and said cause continued until tomorrow morning.

In the matter of the proposed county road petitioned for by George Gettle, et al.

This matter came on to be heard at this time on the report of the Board of County Road Viewers for a first reading, and it appearing to the court that a remonstrance has been filed against the opening of said proposed road, and the court being not fully advised in the premises, it is ordered that this matter be and the same is hereby continued until tomorrow.

In the matter of the proposed county road petitioned for by D. McDonal, et al.

Comes now D. McDonald, one of petitioners for the above named proposed county road and presents to the court a petition of himself and others praying for the location and establishment of a county road, described as follows, to-wit: Commencing at the southeast corner of section twelve in township two south of range thirty-eight, East of the Willamette Meridian, and running thence west on the section line one mile to the SW corner of section twelve, and there terminate. The whole of said proposed road being in road district No. 12, in said Union county, Oregon, and it appearing to the court that said petition is signed by more than twelve freeholders of this county, residing in the road district where the herein described road is proposed to be, 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, to-wit: At the court house in the town of Union, County 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 the proposed road on a board nailed to the fence by the side of the county road, one at the terminus of the proposed road on a board nailed to the fence at the side of the county road and one on the front of the postoffice at Alicel, all being in plain view of the public and all being in public places, for more than thirty days 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 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 that Arthur Curtis, County Surveyor, And B. Logsdon and L. L.

SECOND JUDICIAL DAY.

THURSDAY, FEBRUARY 4, 1904.

\$467.61 of interest and penalty collected; that he has taken sheriff's credits to the amount of \$150.32 account of errors and double assessments, and the sum of \$612.53 property bid in by Union county on tax liens, and returns as delinquent and uncollected on poll and personal tax the sum of \$738.33, It is therefore considered and ordered by the court that the return on said Delinquent Tax Roll be and it is hereby in all things approved.

In the matter of the application  
of Solomon Eads for county aid.

At this time it is ordered by the court that this matter be and the same is hereby denied.

In the matter of the County road  
petitioned for by J. E. Tibbetts,  
et al.

At this time it is ordered by the court that this matter be and the same is hereby continued until tomorrow.

Thereupon it was ordered that court be now adjourned until tomorrow morning at 9 o'clock.

THIRD JUDICIAL DAY.

FRIDAY, FEBRUARY 5, 1904.

Court met pursuant to adjournment.

The same officers were present as on yesterday.

Due proclamation of the opening of court having been made, the journal of yesterday proceedings was read, approved and is here now signed.

*M. A. Morrison* County Judge.  
*Robert Blumenthal* Commissioner  
*Gas A. Pilcher* Commissioner.

Thereupon the following proceedings were had, to-wit:

In the matter of the laying out of a highway petitioned by J. E. Tibbetts, et al.

Now at this time this cause came on for decision upon the motion to dismiss the petition heretofore argued and submitted and taken under advisement, and also for hearing upon the claims for damages presented and filed February 5, 1904, by E. M. Elliott, et al., and by Mary L. Elliott, the petitioners appearing by J. D. Slater, their attorney and the claimant for damages by T. H. Crawford their attorney, and the court now being advised in the premises, it is therefore ordered that the motion to dismiss the petition filed by E. M. Elliott, be and the same is hereby denied. It is further ordered that the claim for damages of Mary L. Elliott, filed February 5, 1904, and the claim of E. L. Elliott, et al., for damages, also filed on February 5, 1904, be and each thereof is hereby denied, and the report of the viewers of said road having been read, the petition is now read a second time, and it is hereby ordered that the report of the viewers on said road be and the same is hereby approved, and it is further ordered that the assessment of damages made by the said viewers be and is hereby approved, and the sum of One hundred and fifty-four dollars, damages, allowed to E. M. Elliott, James F. Elliott, Robert E. Elliott, Mary L. Elliott and Irene J. Elliott in consequence of the location of said road over the south half of section thirty, township one, north range Forty E. W. M., be allowed, the same to be paid by the petitioners for said road as hereinafter provided, and it now having been shown to the satisfaction of the court that notice of the presentation of the said petition was duly posted in three public places in the vicinity of the proposed road, thirty days prior to the time set for the presentation of said petition as by law required, and that notice of such petition was posted at the place of holding county court in Union county, Oregon, thirty days prior to the presentation of the said petition, and as by law provided; and it further appearing that the viewers of said road have recommended that the same be established, and the court now finding that the said proposed road is of sufficient public utility to warrant its location and establishment as a public highway upon the payment by the petitioners of the damages awarded E. M. Elliott, et al., as here-



THIRD JUDICIAL DAY.

FRIDAY, FEBRUARY 5, 1904.

inbefore allowed, to-wit: the sum of \$154.00, and the record and papers in this cause having been submitted to and examined by the District Attorney for this judicial district and approved by him, it is therefore ordered that upon payment to the Clerk of this court by the petitioners for said road of the said sum of \$154.00, damages allowed and assessed to E. M. Elliott, et al., the said proposed <sup>road</sup> as viewed out, surveyed and located be and the same is hereby located and established as a public highway; and it is further ordered that upon the payment by the petitioners to the Clerk of this court for the purpose above set out of the said sum of \$154.00; that David Tucker of said Road District No. 5 be and he is hereby ordered to open up said road and place the same in repair for travel.

In the matter of the incorporation of the town of Cove, Union county, Oregon.

It appearing to the court at this time that this is the time heretofore set by this court for a final hearing on this matter, and the court being now fully advised in the premises, finds the following findings of facts, to-wit:

(1) That there was filed in this court on the fourth day of January, 1904, a petition for the incorporation of the town of Cove, Union county, Oregon. (2) That said petition set forth and particularly describes the proposed boundaries of said incorporation, which is hereinafter set forth and described, and states that the number of inhabitants therein is more than one hundred and fifty, to-wit: About three hundred, and is signed by more than forty qualified electors in the county aforesaid, all being residents within the limites of the proposed corporation, as hereinafter described, and praying that the same be incorporated under the provisions of the Legislative Assembly of the State of Oregon entitled "An Act for a general law for the incorporation of cities and towns of the State of Oregon." (3) That the said petition was presented to this court at the regular January term thereof on the 6th day of January, 1904, and was by said court continued on said day for final hearing at this time. (4) That due and regular notice of incorporation was given as provided by law, proof of publication having been duly and regularly made and filed herein, which notice recites that the same will be presented to this court on Wednesday, the 6th day of January, 1904; that the said notice was published for full three weeks prior to the time of such presentation in the Oregon Scout, a weekly newspaper, published at Union, in said county and state. (5) That the territory proposed to be incorporated, as shown by said petition and notice of publication is as follows:

Commencing at the center of section 21, in Tp 3 S. R. 40 E. W. M., running thence north on the quarter line 240 rods, thence east 80 rods, thence north 80 rods, thence east 80 rods to the quarter corner between secs 15 and 16, thence north on the section line 40 rods, thence east 120 rods to the center of the SE 1/4 of the NW 1/4 of sec 15, TP. 3 S. R. 40 E. W. M., thence due south 280 rods, thence east 40 rods, thence south

FIRST JUDICIAL DAY.

WEDNESDAY, FEBRUARY 5th, 1908.

In the Matter of the Petition of  
Julius Fisher for refundment of money  
paid on tax sales for the year 1902.

Now at this time this matter comes on for consideration of the Court on the petition of Julius Fisher for a refundment of money paid on tax sales for the year 1902, from which it appears that said petitioner purchased the County's interest in certain lands in Union County, paying therefor the sum of \$9.00. That it was afterwards discovered that Union County did not have any interest therein for the reason that said assessment was erroneous. That said lands was assessed to J.D. Casey for said year, and the taxes thereon were paid by the said J.D. Casey for said year. That said lands were also assessed as unknown, and said taxes becoming delinquent, Union County became the owner thereof. And it now appearing to the satisfaction of the Court that said assessment was erroneous, and the Court being now fully advised in the premises,

It is therefore CONSIDERED and ORDERED by the Court, that the petition be, and the same is hereby granted, and the County Clerk is hereby authorized and directed to issue a warrant in favor of Julius Fisher for the sum of \$9.00, drawn on the contingent fund of the County.

In the Matter of the Proposed Change  
of the location of a portion of  
County Road No. 586.

Now at this time this matter comes on to be heard on report of the County Road Viewers for a first reading as provided by law. And said report having now been read in open Court, the same is laid over for a second reading upon another day of this term of Court.

In the Matter of the Proposed  
County Road petitioned for by  
E. E. Hale, et al.

Now at this time this matter comes on to be heard on report of the County Road Viewers for a first reading as provided by law. And said report having now been read in open Court, the same is laid over for a second reading upon another day of this term of Court.

FOURTH JUDICIAL DAY.

WEDNESDAY, FEBRUARY 12th, 1908.

In the Matter of the proposed change of the location of a portion of County Road 586.

Now at this time this matter comes on to be heard on the report of the Board of County Road Viewers for a second reading as provided by law, said report being in words following, to-wit:

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 2nd day of January, 1908, instructed to view, lay out and alter the proposed change of County Road, of which the survey hereto attached is a true and correct description, as ordered for by the County Court, beg leave to report that on the 13th day of January, 1908, in pursuance with said order, we proceeded to view out said proposed change 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 changed and declared a public highway of said County, and vacate said Road Number 586 between angles 2 and 5, and they would be a damage to the Elliott Estate to the amount of Seventy-five (\$75.00) Dollars.

(Signed) Arthur Curtis, }
Thos. Brasher, } Board of County
E. W. Devine. } Road Viewers.

And said report of the Board of County Road Viewers having been now read in open Court as provided by law. And it appearing to the Court that said Board of County Road Viewers report favorably thereon,

It is therefore CONSIDERED and ORDERED by the COURT that said report be, and the same is hereby approved and accepted. It is further ORDERED by the Court that J.W. Elliot, be, and he is hereby notified to appear in this Court on the first day of April, A.D. 1908, at the hour of 10 o'clock in the forenoon of said day, then and there to show cause, if any he has why said land should not be appropriated for a public highway of Union County, Oregon. It is further ORDERED by the Court that a copy of this order, report of the Board of County Road Viewers, together with a plat of the land designed to be appropriated, be served upon the owners of said land.

This order was actually made on the 6th day of February, 1908, and is here now entered nunc pro tunc.

In the Matter of the Proposed County Road Petitioned for by E.E.Hale, et al.

This matter came on to be heard at this time on the report of the Board of