

No

IN THE
CIRCUIT COURT,
UNION COUNTY, OREGON

EQUITY

Alice Cruppen

Plaintiff

vs

M E Cruppen

Defendant

Docket

Page

Eugene Ashwell
Attorney for Plaintiff

Attorney for Defendant

No 688

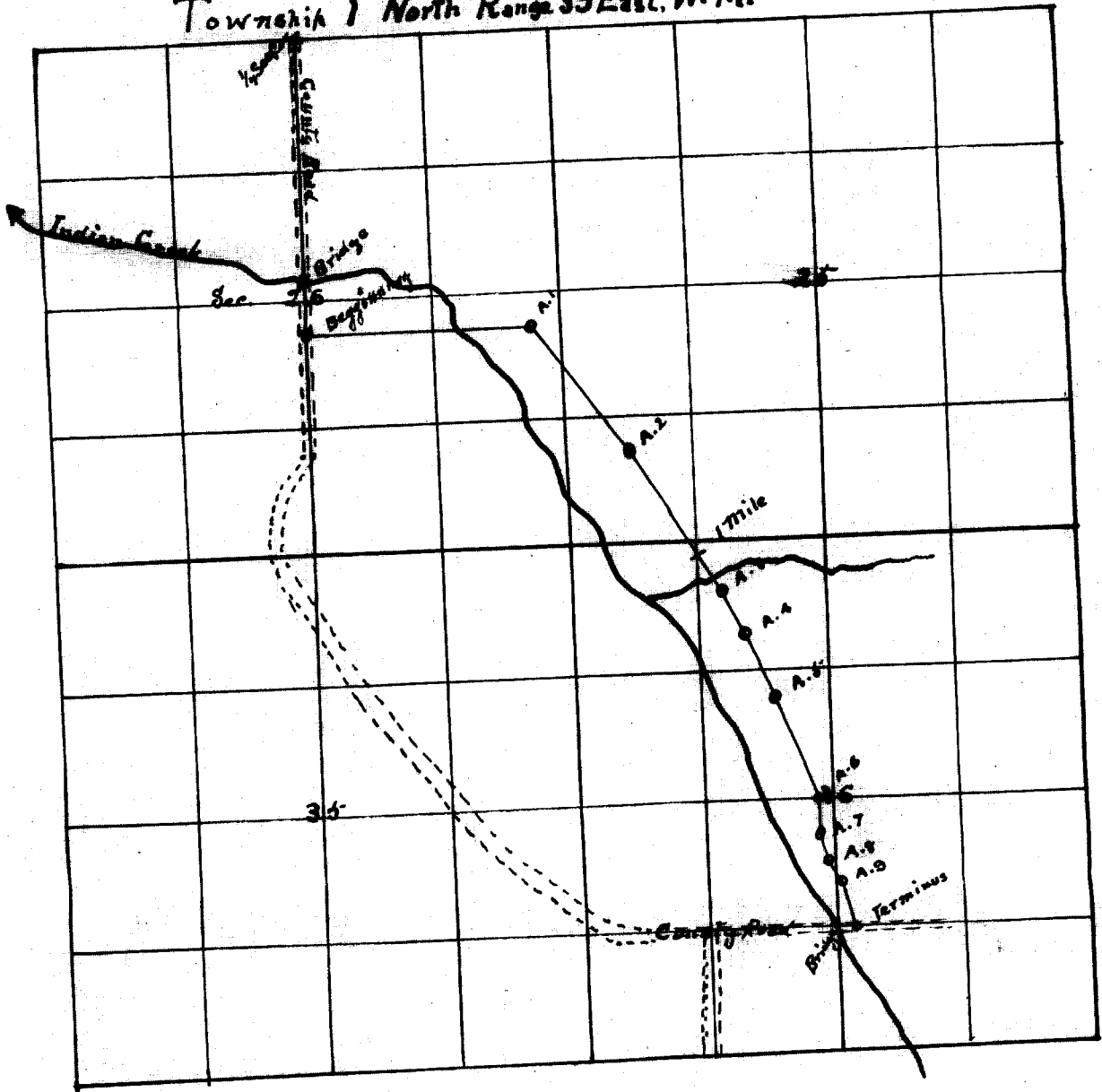
Cloud
A

J. H. Cummins
et al

950 36 J 171 R, 39 Elora

Road Positioned for by J. W. Gummine. et. al.

Township 1 North Range 39 East, W. M.



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 J. W. Cummings et al., beg leave to report that on the 22nd day of September 1903, 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 point 45.75 chs South of the S. E. Cor. on the North line of Sec. 26 T. 1 N. R. 39 E. W. M., at a point 8.75 chs. South of Indian Creek bridge at a Rock marked R. dimension 24" x 12 x 8. Then North 89° East 23 chs Indian Co 35.75 chs to Angle 1 Rock 16" x 8" x 7" Then South 37° 15' East 24.75 chs. to Angle 2 a Rock 16" x 14" x 10" Then South 32° East 19.50 chs to 1 Mile Rock 14" x 8" x 4" Then South 32° East 7.00 to A. 3 Rock 14" x 12" x 5" Then South 24° 30' East 7.50 chs. to A. 4 a Rock 12" x 12" x 9" Then South 18° 45' East 11.25 chs. to A. 5 a Rock 16" x 12" x 10"; Then South 22° 30' East 18.25 chs. to A. 6 a Rock 20" x 14" x 6 Then South 1° East 5.00 chs. to A. 7 Rock 18" x 12" x 12"; Then South 4° 30' East 4.30 Chs. to Angle 8 a rock 16" x 10" x 8" Then South 25° 45' East 3.85 chains to Angle 9 a rock 16" x 12" x 8"; Then South 16° East 8.25 chs to Road Terminus a rock marked R. T. 18" x 12" x 12" set in center County Road at a point 2.50 chs East of the S. W. Cor of the North West quarter of the South East quarter Sec. 36 T. 1 N. R. 39 E. W. M. all points named in Petition was met by the Survey

A. O. Curtis
County Surveyor.

State of Oregon }
County of Union } ss

I hereby certify in the matter
of the county road as petitioned for by J. W. Cummins
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 both together in angles and distances

Arthur Curtis
County Surveyor

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 6th day of September 1905, 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 J. W. Cummins et al., beg leave to report that on the 22nd day of September 1905, 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 not be laid out and established as a public highway of Union County, Oregon; that the same is not practicable and would add nothing to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be not laid out and not declared a public highway of said county and that the part petitioned to be vacated should not be vacated

Arthur Curtis
B. Logsdon
E. A. Morlock

} Board of County
 Road Viewers.

In the Matter of the Road
 Petitioned for by J W Commins et al
 La Grande Ore Oct 2nd 1905

To the Honorable County Court
 of Union County Oregon

I herewith submit supplementary
 report in the matter of the Road
 petitioned for by J W Commins et al.

My reasons for reporting
 adversely as shown above
 - First Because the ground over
 the proposed route is of a swampy
 character and would be too
 expensive of construction
 and that the Damages to
 I farm over would be heavy.

and in my opinion amount to
 about the following

Three 3 mile Fencing — \$300.00

Twelve acres poor farm
 land valued at \$40.00 per acre — 480.00

also a damage to the farm
 in a general way by
 passing through in the
 manner in which it

would to the amount of \$750.00

Total Fifteen hundred and thirty dollars \$1530.00

Besides there would have
 to be a bridge about 60 ft in
 length built across Indian Creek.

Also the last 100 rods or near that
 at the termination of said road would
 be expensive to build as it is very
 rocky. Therefore I conclude

that it is not advisable to

recommend the opening of the

said proposed road and the

vacating the one described
 in petition as I do not think
 it to the ^{best} interest of the

County to do so

Respectfully submitted
 B Logsdon
 Member Board of Road
 Commissioners for Union Co Oregon

In the matter of the Road Petitioned for by J. W. Cummins et al
To the Honorable County Court for Union County, Oregon

I have surveyed the Road as Petitioned for by J. W. Cummins and others along the line as Petitioned and in my opinion the route as petitioned is not the most practicable route and would add very little more convenience to the horse holders residing in the vicinity thereof than the present road they have, the damages accruing therefrom would build ^{the Road} and buy the right of way on the other side of the creek saving one bridge and not increasing the grade any. The damages to Mr. Sumner property would in any estimation be Twelve Hundred and Fifty Dollars (\$1250⁰⁰) along the line as petitioned for.

And the part to be vacated as ~~petitioned for~~ should not be vacated until they have some better Route, if there ^{was} no road upon this part and I was sent as one of the board to view I would report unfavorable to ~~it~~ as it climbs the hill to go down again

Respectfully Submitted
Member Board Road Viewers for Union County Arthur Curtis
Oregon County Surveyor

IN THE

Circuit Court

OF THE

State of Oregon

For the County of Union

*In re proposed road
Petition for book*

*J. H. Cummins
Att*

Report of Viewers

Filed Oct 25-1905

*J. B. Gilham
Clerk*

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for Union County, begun and held at the Court House in the City of La Grande, in said county and state, on Wednesday, the **Sixth** day of **September** A. D. 190⁵, the same being the first Wednesday in said month and the time fixed by law for holding a regular term of said Court,

Present;

- The Honorable M. A. HARRISON, County Judge.
- ROBERT BLUMENSTEIN, Commissioner,
- J. M. SELDER, Commissioner.
- J. B. GILHAM, Clerk,
- C. C. PENINGTON, Sheriff.

WHEN, on **Thursday**, the **Seventh** day of **September** A. D. 190⁵, or the **Second** Judicial Day of said term, among others proceedings the following were had, to-wit:

In the Matter of the proposed *
 County Road petitioned for by *
 J.W. Cummins, or al. *
 *

Ent

Now at this time this matter came on for hearing upon the report of T.H. Crawford, Deputy District Attorney, who has informed this Court that all the proceedings herein have been regular and in the manner required by law. 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 it satisfactorily appearing to the Court that notice has been given by advertisement for more than 30 days immediately prior to the presentation of 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 in the sum of \$100.00 for the Cost of this proceeding has been given and is approved by this Court,

IT IS THEREFORE ORDERED that Arthur Curtis, County Surveyor and B. Logsdon and E.B. Morelock constituting the Board of County Road Viewers, be and they are hereby directed to meet at the beginning of said proposed road on the 22nd day of September, 1905, or within five days thereafter, and proceed to survey, view and lay out said road according to law.

(Signed) M.A. Harrison, County Judge.
 Robert Blumenstein, Commissioner.
 J.M. Selder, Commissioner.

STATE OF OREGON, }
County of Union. } ss

I, J. B. Gilham, county clerk of Union County, Oregon, and ex-officio clerk of the County Court of said county and State, do hereby certify that the foregoing transcript of Journal Entry has been by me compared with the original entry in said matter, and that it is a true and correct copy of said original Journal Entry, and the whole thereof, as the same appears of record in my office and custody.

WITNESS my hand and the seal of said Court this
.....day of..... A. D. 190 .

..... County Clerk

By Deputy

State of Oregon

SS.

County of Union

I, Milton Bennett, being first duly sworn say that I am a resident of Elgin Dist. Union County Oregon, residing in the immediate vicinity of the proposed road petitioned for by J.W. Cummins etals, almost daily travelling along the public highway from the initial point on said proposed road to Elgin, That the notice posted at the place of the beginning of the said proposed county road was down flat to the ground having been broken down or having fallen down and that it remained in that condition for a week or two weeks time before some one hung it up again, and then it was all torn, and could not be read, at least not the discription on it, That I saw another paper posted at the place or near the place of termination of the said proposed road, which I supposed was a notice of said proposed county road and that that was all the notices I ever saw in any place of said proposed county road,

Dated at Elgin Oregon this 5th. day of August A.D. 1905

Milton Bennett

Subscribed and sworn to before me this 5th. day of August A.D. 1905

W. R. Wood
Notary public for Oregon.

STATE OF OREGON
COUNTY OF UNION SS.

I, Charles Hallgarth, James Masterson
& James Terwillegar, being each first duly sworn say, That we have
carefully examined the premises of D. Sommer, ^{commonly known as the Weaver Place} and the location of the
proposed County Road petitioned for by J.W. Cummins etals. through
the said premises of D. Sommer, That it is not practical to lay out and
establish the proposed County road without an expense greatly exceeding
the aggrigate benefits to be derived therefrom.

That the lands of D. Sommer would be damaged in the sum of \$ 2000.00
^{or more,}
by reason of the establishment of the said proposed road,

Charles Hallgarth
James Masterson
J.W. Terwillegar

Subscribed and sworn to before me this 3rd. day of August A.D. 1905

W. M. Head
Notary public for Oregon.

State of Oregon

SS.

County of Union

I, Sam Marshall being first duly sworn say that I am a resident of Elgin Dist. Union County Oregon, That I frequently travelled along the County Road hawling lumber nearly every day from Weavers & Cummins saw mill to Elgin, along the points where the notices of County road-proposed to located and established by petition of J.W. Cummins etals.- were supposed to have been posted, That I never saw any notice of said proposed road posted except two, which were posted at the following places, to wit:- one posted on D. Sommers fence near the place of beginning, and the other posted at or near the corner of the Lands of J.L. Hindman, That I never saw any other notice of said proposed road posted if there was any other, and I was in a position to see it if it had been posted in a conspicuous place,

S. Marshall

Subscribed and sworn to before me this 3rd. day of August A.D. 1905

M. W. Head

Notary public for Oregon.

State of Oregon

SS.

County of Union

I, Martin Bennett being first duly sworn say that I am a resident of Elgin District Union County Oregon residing about 6 miles south east from Elgin Or. that I frequently travel over the road leading from Elgin to my home and along the route of the proposed road mentioned for by J.W. Summins and others. That I never saw one notice of said proposed road posted, and that the one I saw which was purported to have been posted was at the Indian creek bridge that the notice was torn not more than one third of it left, and that the said notice remained torn ~~at~~ at said place for some few ~~days~~ when it entirely disappeared and I did not notice it any more.

Dated at Elgin Oregon this 7th. day of August A.D. 1905

Martin Bennett

Subscribed and sworn to before me this 7th. day of August A.D. 1905

J.R. McHead

Notary public for Oregon.

For the County of Union
 State of Oregon
 County Clerk
 J. R. McHead

IN THE
County Court
OF THE
State of Oregon
For the County of Union

In the matter of
the personal and
real estate of
D. C. Summers
et al
Official
of the
State of Oregon
Sept 17-1900
D. C. Summers
et al

D. C. Summers

LaGrande, Oregon, Sept. 6th, 1905.

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

We have examined carefully the papers in the road case petitioned for by Cummings and others, and have come to the conclusion that the description of the proposed road and its termini are sufficiently definite and certain to give the Court jurisdiction to entertain the petition for the laying out of the road. The affidavit of posting the notices is somewhat defective in the showing made upon the question as to whether or not the notices posted were in public places within the meaning of the statute. It is our view that the petitioners ought to be required to show their proof of posting the notices, so as to show if the facts will bar the same out that these notices were in fact posted in three public places within the vicinity of the road.

Other than these suggestions the papers appear to be regular and sufficient to give the Court jurisdiction to act in the matter.

Yours very truly,

Clarence H. Crawford
Dist. Attorney
By J. H. Crawford
Deputy

Cummings Road

In the County Court of Union County-Oregon-

In the matter of the road

petitioned for by J.W.Cummins

and others-

Comes now D.Sommer named in the petition and affected by said proposed road and objects to the said location and establishment of said road for the reasons-


- (1) That the neither the petition or notice of filing the same conform to the requirements of the statute in this:-

The petition does not specify the place of beginning- nor the intermediate points nor the place of termination of said road;

- (2) The petition does not state positively the distances from any points of commencement or intermediate points or termination of said proposed road-but uses the words "about" and instead of fixing any particular line of route says "over the most practicable route across the lands of D.Sommer"

- (3) The proof of posting notices does not follow the requirements of the statute-in particularity. ~~That petition does not contain enough names of bona fide resident freeholders to entitle the proposed road and herewith attaches affidavit and application of those withdrawing therefrom.~~

D.Sommer-



attorney

In the County Court of Union County, Oregon

of the matter of the road
petitioned for by A. B. Williams

and others

Whereas J. D. Brown named in the petition and attached

has proposed road and objects to the said location and establishment

of said road for the reasons

1. That the petition and notice of filing is not correct

form in the requirements of the statute in that:-

The petition does not specify the place of beginning

nor the intermediate points nor the place of termination

of said road;

The petition does not state positively the distance between

points of beginning and intermediate points or termination

of said proposed road and does not state "beginning and proposed

points of beginning and termination" over the land petitioned

for and owned by J. D. Brown

and the proposed location of said road does not follow the requirements

of the statute in particularity. This petition does not contain
this amount of bond. The amount of bond is not sufficient to entitle
the proposed road and petition to be established and applica-
tion of these will be given therefor.

J. D. Brown

Handwritten notes and signatures:
- "J. D. Brown" (written vertically)
- "A. B. Williams" (written vertically)
- "J. D. Brown" (written vertically)
- "A. B. Williams" (written vertically)
- "J. D. Brown" (written vertically)
- "A. B. Williams" (written vertically)

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

I, J. W. Cummins, 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

One of said notices in the County road in plain view of passers by, about 4-1/2 feet from the ground, on a board driven into the ground near the fence on the East side of the county road at the beginning of the said proposed road; one of said notices in the County road in plain view of passers by about 4-1/2 ft. from the ground on a board nailed to the fence at the South West corner of the intersection of the County roads at the South West corner of the North West quarter of the South West quarter of sec 36 twp 1. north, Range 39, E.W.M.; And one of said notices in the County road in plain view of passers by, about four feet from the ground on a board nailed to the fence on the West side of the County road at the terminus of said proposed road.

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 3rd day of July, 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 September, 1903.

J. W. Cummins
T. H. Lloyd
Notary Public for Oregon

IN THE

County Court

OF THE

State of Oregon

For the County of Union

Dr.

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 2nd day of August, A. D. 1905 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 in the county road running north and south on or about the center line of Section 26 in Township One North of Range 39 E.W.M. in Union County, Oregon, between the lands of D. Sommer on the East and J.H. Hindman on the West at a point in the center of said County road 35 rods South of the center of the county bridge across Indian Creek where said creek crosses said road near the center of said Section 26, thence running in a general southeasterly direction over the most practicable route upon the lands of D. Sommer a distance of about 135 rods to a point two rods east of the east bank of the irrigating ditch upon the land of the said D. Sommer, thence in a general southeasterly direction over the most practicable route across the lands of the said D. Sommer to a point One Hundred feet west of the center of Section 36 in Township I, N. R. 39 E.W.M., thence continuing in a southeasterly direction to a point in the county road ten rods east of the southwest corner of the northwest quarter of the southeast quarter of said section 36 in Township I., N.R. 39 E.W.M.

Also to vacate all that portion of the county road between a point in the center of said county road 35 rods south of the center of the county bridge across Indian Creek where said creek crosses said county road near the center of Section 26 in Township I N. R. 39 E.W.M., and a point in said county road at the southwest corner of the northwest quarter of the southwest quarter of Section 36 in Township I N.R. 39 E.W.M. in Union County, Oregon.

Dated this 3rd day of July, 1905.

NAMES:

NAMES:

J. W. Cummings,
 J. M. Croghan,
 J. C. Magruder,
 A. R. Thompson,
 W. E. Gordon,
 John Kerr,
 Ed. Wormstapf,
 L. R. Evans,
 E. W. Bonds,
 H. C. Miller,
 J. H. Burman,
 J. M. Woodard,
 B. A. Bennett,
 John Mayfield,
 John Hallins,
 E. W. Bennett.

J. A. Brown,
 J. K. Tuckers,
 C. F. Martin,
 W. H. Robbins,
 W. W. Weaver,
 A. E. Palmer,
 A. J. Wiegman,
 H. J. Scherer,
 W. L. Bennett.

IN THE
County Court
OF THE

State of Oregon

For the County of Union

*In the matter of the
County Road
petitioned for by*

*J. H. Cummins
et al*

Filed Sept. 6-1905

*J. B. Johnson
Clerk*
*R. H. Johnson
Deputy*

To the County Court--Union County, Oregon--

After considering the matter and looking into the case fully--I find that I ought not have signed the petition of John Cummins and others for the establishment of a county road in District 35--and over the land of D. Sommer. I believe that it is of not sufficient importance to warrant its establishment--and will damage the land of said Sommer to such an extent as to call for the payment of considerable money. I therefore ask that my name be stricken from said petition--and be considered on the remonstrance. Dated this *July 7th* 1905.

G. W. Lusk

To the County Court—Union County, Oregon—

After considering the matter and looking into the case fully—I find that I ought not have signed the petition of John Cummins and others for the establishment of a county road in District 35—and over the land of D. Sommer. I believe that it is of not sufficient importance to warrant its establishment—and will damage the land of said Sommer to such an extent as to call for the payment of considerable money. I therefore ask that my name be stricken from said petition—and be considered on the remonstrance. Dated this July 14th 1905.

W. M. Ballino

To the Hon. County Court,

Union County, Oregon-

The undersigned having heretofore signed the petition recently circulated by John Cummins for a County Road to be established and laid out through and over the lands of D. Sommer in the matter of the road petitioned for by said Cummins and others, and now after fully considering the location of the said road and deeming it unnecessary for the use of the traveling public and extremely damaging to the lands of the said D. Sommer-I do now ask that my name be stricken from the said petition and not counted as a petitioner thereon-but that my name be counted as a remonstrator against the establishment of said road.

Dated at Elgin, Oregon- July 18th 1905.

John Rollins

To the Hon. County Court,

Union County, Oregon-

The undersigned having heretofore signed the petition recently circulated by John Gummans for a County Road to be established and laid out through and over the lands of D. Sommer in the matter of the road petitioned for by said Gummans and others, and now after fully considering the location of the said road and deeming it unnecessary for the use of the traveling public and extremely damaging to the lands of the said D. Sommer-I do now ask that my name be stricken from the said petition and not counted as a petitioner thereon-but that my name be counted as a remonstrator against the establishment of said road.

Dated at Elgin, Oregon July 8th 1905.

Milton Bennett

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

In the Matter of the road petitioned for)
by J.W.Cummins and others-)

State of Oregon-

County of Union-SS:- I--D.Sommer being first duly sworn say:-

That I am owner of property over which said proposed road is sought to be established; that I am acquainted with most of the petitioners and their residence and their holdings of real property; that the following named petitioners for said road and whose names appear on said petition are not freeholders-own no lands whatever-viz:-J.C.Magruder, J.W.Wisdom, B.A.Bennett, John Mayfield, C.F.Martin and W.W.Weaver. That J.C.Magruder resides in Elgin, Union County, Oregon-not in the road district in which the proposed road is situated and therefore not a resident freeholder of said road district. And I am ready to offer proof of the foregoing statement in addition to this affidavit to the satisfaction of the court. And I ask that their names be stricken from said road petition as incompetent.

D. Sommer

Subscribed and sworn to before me this the 2nd day of August A.D.1905.

C. H. Finn

Notary Public for Oregon.

La County Court
Huron County

Drsgn

Dear Priend
petition of
McDermott

vs
State

Attack on
petition

Filed Oct. 25-1915

J. B. Williams
Clerk

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 in the county road running north and south on or about the center line of Section 26 in Township One North of Range 39 E.W.M. in Union County, Oregon, between the lands of D.Sommer on the east and J. L.Hindman on the west at a point in the center of said county road 35 rods south of the county bridge across Indian Creek where said creek crosses said road near the center of said section 26, running thence in a general easterly direction over the most practicable route upon the land of D? Sommer a distance of about 135 rods to a point two rods east of the east bank of the irrigating ditch upon the lands of the said D.Sommer, thence in a general southeasterly direction over the most practicable route across the lands of the said D.Sommer to a point One Hundred feet west of the center of Section 36 in Township 1, N.R.39, E.W.M., thence continuing in a southeasterly direction to a point in the county road ten rods east of the southwest corner of the northwest quarter of the southeast quarter said Section 36 in Township 1 N.R.39, E.W.M.

Also to vacate all that portion of the county road between a point in the center of said county road 35 rods south of the center of the county bridge across Indian Creek where said creek crosses said county road near the center of Section 26 in Township 1 N.R.39 E.W.M., and a point in said county road at the southwest corner of the northwest quarter of the southwest quarter of Section 36 in Township 1 N.R.39 E.W.M. in Union County, Oregon.

Dated this 3rd day of July, 1905.

NAMES:

NAMES:

<p><i>J. M. ...</i> <i>J. M. ...</i> <i>J. E. Magruder</i> <i>W. B. Thompson</i> <i>John ...</i> <i>Prof. Woodstock</i> <i>J. E. ...</i> <i>E. W. Gand-</i></p>	<p><i>J. A. ...</i> <i>J. W. Tucker</i> <i>J. S. ...</i> <i>W. W. ...</i> <i>W. W. ...</i> <i>St. J. ...</i> <i>St. J. ...</i></p>
<p><i>J. W. ...</i> <i>J. W. ...</i> <i>John ...</i> <i>E. W. ...</i></p>	

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

I, J. W. Cummins 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 of said notices at the beginning of said proposed road; one of said notices at the terminus of said proposed road, and one of said notices at the County road at the southwest corner of the Northwest quarter of the Southwest quarter of Section 36 in Township 5 N., North Range 39, E. W. M.

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 3rd day of July 1905, ~~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 2 day of Aug 1905
J. W. Cummins
J. B. Gilman
Clerk

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 2nd day of August A. D. 1905 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 in the county road running north and south on or about the center line of Section 26 in Township One North of Range 39 E.W.M. in Union County, Oregon, between the lands of D. Sommer on the east and J. L. Hindman on the west at a point in the center of said county road 35 rods south of the center of the county bridge across Indian Creek where said creek crosses said road near the center of said Section 26, thence running in a general southeasterly direction over the most practicable route upon the lands of D. Sommer a distance of about 135 rods to a point two rods east of the east bank of the irrigating ditch upon the land of the said D. Sommer, thence in a general southeasterly direction over the most practicable route across the lands of the said D. Sommer to a point ~~two~~ hundred feet west of the center of Section 36 in Township 1, N.R.39 E.W.M., thence continuing in a southeasterly direction to a point in the county road ten rods east of the southwest corner of the northwest quarter of the southeast quarter of said section 36 in Township 1 N.R.39 E. W.M.

Also to vacate all that portion of the county road between a point in the center of said county road 35 rods south of the center of the county bridge across Indian Creek where said creek crosses said county road near the center of Section 26 in Township 1 N.R.39 E.W.M., and a point in said county road at the southwest corner of the northwest quarter of the southwest quarter of Section 36 in Township 1 N.R.39 E.W.M. in Union County, Oregon.

Dated this 3rd day of July, 1905.

NAMES:

NAMES:

J. W. Lammiman
 J. M. Dragman
 John Kerr
 J. B. M...
 A. B. Thompson
 W. E. Gader
 Ed. W. Mustaff
 G. G. Cross
 C. W. Sand
 J. M. Burnaugh
 J. M. Madom
 J. M. Bennett
 John Mayfield
 John Ballins
 E. W. Bennett

J. A. Brown
 J. B. Tucker
 J. F. Martin
 W. M. Ballin
 W. W. Weaver
 J. J. Tolson
 A. J. Wisdom
 H. J. Schroll
 Milton Bennett

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

I, Ed. Wright 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 _____ day of _____ 190...~~ On the 30th day of July, 1905, I posted a true and correct copy of ~~said notice~~ ^{the notice hereto attached} at the place of holding Court for Union County, Oregon, to-wit: ^{bulletin board at the} ~~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 2 day of Aug 1905

Ed Wright
J. B. Gillham

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 2nd day of August A. D. 1905, 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 in the county road running north and south on or about the center line of Section 26 in Township One North of Range 39 E.W.M. in Union County, Oregon, between the lands of D. Sommer on the east and J. L. Hindman on the west at a point in the center of said county road 35 rods south of the center of the county bridge across Indian Creek where said creek crosses said road near the center of said Section 26, thence running in a general southeasterly direction over the most practicable route upon the lands of D. Sommer a distance of about 135 rods to a point two rods east of the east bank of the irrigating ditch upon the land of the said D. Sommer, thence in a general southeasterly direction over the most practicable route across the lands of the said D. Sommer to a point one hundred feet west of the center of Section 36 in Township 1, N.R. 39 E.W.M., thence continuing in a southeasterly direction to a point in the county road ten rods east of the southwest corner of the northwest quarter of the southeast quarter of said section 36 in Township 1 N.R. 39 E. W.M.

Also to vacate all that portion of the county road between a point in the center of said county road 35 rods south of the center of the county bridge across Indian Creek where said creek crosses said county road near the center of Section 26 in Township 1 N.R. 39 E.W.M., and a point in said county road at the southwest corner of the northwest quarter of the southeast quarter of Section 36 in Township 1 N.R. 39 E.W.M. in Union County, Oregon.

Dated this 3rd day of July, 1905.

NAMES:

NAMES:

J. V. ...
W. M. ...
John Kerr
J. E. ...
A. K. ...
E. J. ...
E. J. ...
E. W. ...

J. M. ...
J. M. ...
B. G. ...
John ...
John ...
E. W. ...

J. A. ...
J. De ...
D. F. ...
W. M. ...
W. H. ...
A. E. ...
A. J. ...
H. M. ...
Milton ...

BOND OF ROAD PETITIONERS.



KNOW ALL MEN BY THESE PRESENTS, That we, L. J.W. Cummins
and _____, 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 2nd day of August, A. D., 1905.

Now, the conditions of the above obligation is such, that whereas J.W. Cummins
_____ and others, have petitioned the County Court of said
county of Union, at the August term, 1905, thereof, for a County Road, de-
scribed in the petition and notice hereto annexed, as follows:

Commencing in the county road running north and south on or about
the center line of Section 26 in Township One North of Range 39 E.W.M.
in Union County, Oregon, between the lands of D. Sommer on the east and
J.L.Hindman on the west at a point in the center of said county road 35
rods south of the center of the county bridge across Indian Creek where
said creek crosses said road near the center of said Section 26, running
thence in a general easterly direction over the most practicable route
upon the land of D.Sommer a distance of about 135 rods to a point two
rods east of the east bank of the irrigating ditch upon the lands of the
said D. Sommer, thence in a general southeasterly direction over the most
practicable route across the lands of the said D.Sommer to a point One
Hundred feet west of the center of Section 36 in Township 1 N.R.39, E.W.M.,
thence continuing in a southeasterly direction to a point in the county
road ten rods east of the southwest corner of the northwest quarter of
the southeast quarter of said Section 36 in Township 1 N.R.39, E.W.M.

Also to vacate all that portion of the county road between a point
in the center of said county road 35 rods south of the center of the
county bridge across Indian Creek where said creek crosses said county
road near the center of Section 26 in Township 1 N.R.39 E.W.M., and a
point in said county road at the southwest corner of the northwest quarter
of the southwest quarter of Section 36 in Township 1 N.R.39 E.W.M. in
Union County, Oregon.

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

I, J. W. Cummins and _____, 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,

Approved 9/7/05

M. A. Harrison
County Judge

Robert Blumenthal Com.
J. M. Selcher

J. W. Cummins

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

August A. D., 1905,

J. B. Gibson
Co. Clerk

IN THE
County Court

OF THE

State of Oregon

For the County of Union

Deceitful and
lawful Road
detainers for
Mrs. J. C. Cummings
et al.

“Wednesday” 1905

H. B. Hickman
Clerk

REMONS TRANCE.

To the Honorable County Court,

Union County, Oregon.

We, the undersigned, freeholders of Union County, Oregon, and residing in the road district where the road petitioned for by J.W. Cummins and others-- being partly in Section # 26 Township # 1 North of Range # 39 E. W. M., and on land of D. Sommer, in said County and State, is proposed to be situated, which petition was filed in the County Clerks office of Union County July 3rd 1905, do hereby remonstrate and object to the establishment of said proposed road as being wholly unnecessary as well as the vacation of the road named in said petition as also unnecessary and not of sufficient public benefit to warrant the expense of either step.

Names	Names
W. Terwilliger	W. H. Bennett
J. K. Linshammer	James W. Steig
Chas. Hallgarth	B. S. Riggs
E. W. Lamb	Milton Bennett
S. J. J. J.	John Rogers
Laura Elliott	Jean Elliott
J. W. Tuttle	C. H. Fisher
G. W. Bade	W. L. Bell
J. H. Conner	Lutha Ryder
Meed Elliott	E. H. Hibbard
Robert E. Elliott	R. R. Hill
Geo. H. Donald	L. E. Ryder

J. A. Hug was Ballin
John Riggs John Ballin
and Land

IN THE
Circuit Court
OF THE

State of Oregon

For the County of Union

In re Proposed
Paul Peterson
Trust
of St. Lawrence.
et al

Remonstrance

Filed Oct. 4-1905

J. B. Graham
Clerk

FIRST JUDICIAL DAY.

WEDNESDAY, AUGUST 2nd, 1905.

read in open Court,

IT IS THEREFORE ORDERED that the same be laid on the table to be read upon another day of this term of Court.

In the Matter of the proposed
County Road petitioned for by
Dillie Randall, et al.

Now at this time this matter came on to be heard upon the report of the Board of County Roadviewers ^{for a fresh reading} as required by law, and said report having been read in open Court,

IT IS THEREFORE ORDERED that the same be laid on the table to be read upon another day of this term.

In the Matter of the proposed
County Road petitioned for by
J.W. Cummins, et al.

Comes now J.W. Cummins, 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 in the County Road running North and South on or about the center line of Section 26, in Township One North of Range 39, E.W.M. in Union County, Oregon, between the lands of D. Sommer on the East and J.L. Hindman on the west at a point in the center of said County Road 35 rods South of the center of the County bridge across Indian Creek where said creek crosses said road near the center of said section 26; running thence in a general easterly direction over the most practicable route upon the land of D.Sommer a distance of about 135 rods to a point two rods east of the east bank of the irrigating ditch upon the lands of the said D. Sommer, thence in a general southeasterly direction over the most practicable route across the lands of the said D. Sommer to a point One Hundred feet west of the center of Section 36 in Township 1, N.R. 39, E.W.M., thence continuing in a southeasterly direction to a point in the county road ten rods east of the southwest corner of the northwest quarter of the southeast quarter said Section 36 in Township 1 N.R. 39, E.W.M.

Also to vacate all that portion of the county road between a point in the center of said County road 35 rods south of the center of the county bridge across Indian Creek where said creek crosses said county road near the center of Section 26 in Township 1, N. R. 39, E.W.M., and a point in said county road at the southwest corner of the northwest quarter of the southwest quarter of Section 36, in Township 1 N.R. 39, E.W.M., in Union County, Oregon. And also appeared at the same time D. Sommer, through C.H. Finn, his attorney, objects to the location and establishment of the said proposed road for the following reasons: That the proof of posting notices was insufficient; that the description of the road in both petition and notice were insufficient. And now said matter having come on for argument before the Court, the petitioners appearing by R.H. Lloyd, their attorney, and the objector appearing by C.H. Finn, his attorney, and said matter having been argued and submitted and the hour being late,

IT IS THEREFORE ORDERED that this matter be and the same is hereby continued until tomorrow morning at Nine o'clock, A.M.

Thereupon it was ordered that Court be now adjourned until tomorrow morning, August 3rd, 1905, at 10 o'clock.

SECOND JUDICIAL DAY.

THURSDAY, AUGUST 3rd, 1905.

Oregon and presents their bond in the sum of Four Thousand Dollars, (\$4000.00) for storing grain at Alicel, Oregon for the year 1905. And it appearing to the Court that the bond is in proper form and the sureties thereon have justified in the proper amount,

IT IS THEREFORE CONSIDERED AND ORDERED BY THE COURT that the bond be approved and ordered filed and that the same be recorded in the Record of Bonds of Union County, Oregon.

In the Matter of the approval of the bond of the Pacific Coast Elevator Company for storing grain at Conley station.

Now at this time comes the Pacific Coast Elevator Company of Portland, Oregon and presents their bond in the sum of Fifteen Hundred Dollars (\$1500.00) for storing grain at Conley Station for the year 1905. And it appearing to the Court that the bond is in proper form and that the sureties thereon have justified in the proper amounts,

IT IS THEREFORE CONSIDERED AND ORDERED BY THE COURT that the bond be approved and ordered filed and that the same be recorded in the Record of Bonds of Union County, Oregon.

In the Matter of the approval of the bond of the Pacific Coast Elevator Company for storing grain at Imbler.

Now at this time comes the Pacific Coast Elevator Company of Portland, Oregon, and presents their bond in the sum of Three Thousand Dollars (\$3000.00) for storing grain at Imbler, Oregon, for the year 1905. And it appearing to the Court that the bond is in proper form and that the sureties thereon have justified in the proper amount,

IT IS THEREFORE CONSIDERED AND ORDERED BY THE COURT that the bond be approved and ordered filed and that the Same be recorded in the Record of Bonds of Union County, Oregon.

In the Matter of the proposed County Road petitioned for by J.W. Cummins, et al.

This matter came on for further hearing on this day and

SECOND JUDICIAL DAY.

THURSDAY, AUGUST 3rd, 1905.

there appeared same parties as on yesterday and after due consideration and the Court being not fully advised in the matter,

IT IS HEREBY CONSIDERED AND ORDERED that all papers in this matter be referred to T.H. Crawford, Deputy District Attorney, for his inspection, and that this matter be and the same is hereby continued for the term.

Thereupon it was ordered that Court be now adjourned for the term.

M. A. Harrison County Judge.
Robert B. Livingston Commissioner.
J. M. Selder Commissioner.

SECOND JUDICIAL DAY.

THURSDAY, SEPTEMBER 7th, 1905.

of beginning.

And it appearing to the Court that heretofore at the August term of this Court J.H. Morton, County Assessor and Arthur Curtis, County Surveyor, were appointed to investigate said petition and find that no one except the La Grande Real Estate Association would be effected by the vacation of said streets, and that said land is situated on the mountain side and said report being considered and accepted, and the Court being now fully advised in the premises,

IT IS THEREFORE CONSIDERED AND ORDERED that the petition be and the Same is hereby granted.

In the Matter of the Petition
of C.M. Ramsdall to change location
of certain roads.

At this time it is ordered by the Court that this matter be and the same is hereby continued for the term.

In the Matter of the proposed
County Road petitioned for by
J.W. Cummins, et al.

Now at this time this matter came on for hearing upon the report of T.H. Crawford, Deputy District Attorney, who has informed this Court that all the proceedings herein have been regular and in the manner required by law. And it appearing to the Court that said petition is signed by more than twelve free holders of this County, residing in the road district where the hereinbefore described road is proposed to be, and it satisfactorily appearing to the Court that notice has been given by advertisement for more than 30 days immediately prior to the presentation of 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 in the sum of \$100.00 for the Cost of this proceeding has been given and is approved by this Court,

IT IS THEREFORE ORDERED that Arthur Curtis, County Surveyor and B. Logsdon and E.B. Morelock constituting the Board of County Road Viewers, be and they are hereby directed to meet at the beginning of said proposed road on the 22nd day of September, 1905, or within five days thereafter, and proceed to survey, view and lay out said road according to law.

SECOND JUDICIAL DAY.

THURSDAY, OCTOBER 5th, 1905.

Court met pursuant to adjournment

Present: Same officers as on last Judicial Day.

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. H. Harrison County Judge.
Robert Blumenten Commissioner.
J. M. Selder Commissioner.

Thereupon the following proceedings were had, to-wit:

In the Matter of the Claim of
 J. H. Hutchinson for damages.

Now at this time this matter came on to be heard upon the filing of the claim for damages by J. H. Hutchinson, claimed to have been caused by some person or persons in the employ of the County, wrongfully and negligently starting fires along the public highway situated in Section 28, Township 5, S. R. 39, E. W. M. and permitting the same to remain without care or attention and allowing said fires so started to spread and extend to the lands of said claimant thereby causing the above named to be damaged, and said claimant so damaged, asks that Union County reimburse him for said loss in the sum of \$2108.00. And now after due consideration, the Court being fully advised as to the facts herein, believes that Union County was not at fault,

It is therefore ORDERED that the claim for damages be and the same is hereby denied.

In the Matter of the proposed County
 Road petitioned for by J. W. Cummins, et al.

This matter came on to be heard at this time 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 6th day of September, 1905, 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 J. W. Cummins, et al, beg leave to report that on the 22nd day of September, 1905, 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 not be laid out and as a public highway of Union County, Oregon; that the same is not practicable and

SECOND JUDICIAL DAY.

THURSDAY, OCTOBER 5th, 1905.

would add nothing to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be not laid out and not declared a public highway of said county and that the part petitioned to be vacated should not be vacated.

(Signed) Arthur Curtis,)
Board of)
B. Logsdon,) County Road
Viewers.
E.B. Morelock,)

"EXHIBIT. A."

In the Matter of the road peti-)
tioned for by J.W. Cummins, et al.)
.....)

La Grande, Ore. Oct. 2nd, 1905.

To the Honorable County Court of Union County, Oregon: Gentlemen:

I herewith submit supplemental report in the Matter of the Road petitioned for by J.W. Cummins, et al.

My reasons for reporting adversley as shown above: First: Because the ground over the proposed route is of a swampy character and would be too expensive of construction 2nd. That the damages to D. Sommer would be heavy and in my opinion amount to about the following:

Three (3) Miles Fencing,	\$500.00
Twelve acres good Farm Land valued at \$40.00 per acre,	480.00
Also a damage to the Farm in a general way by passing through in the manner in which it would , to the amount of	750.00
Total Fifteen Hundred and thirty Dollars,	\$1530.00

Besides there would have to be a Bridge about 60 ft. in length built across Indian Creek. Also the last 100 rods or near that at the terminus of said road would be expensive to build as it is very rocky. Therefore I would consider that it is not advisable to recommend the opening of the said proposed road and the vacating the one described in petition as I do not think it to the best interest of the County to do so.

Respectfully submitted,
B. Logsdon.

Member: Board of Road Viewers
for Union Co. Oregon.

"EXHIBIT B."

In the Matter of the Road Petitioned)
for by J.W. Cummins, et al.)
.....)

To the Honorable County Court for Union County, Oregon:

I have surveyed the Road petitioned for by J.W. Cummins and others along the line, as petitioned and in my opinion the route as petitioned is not the most practicable route and would add very little more convenience to the house holders residing in the vicinity thereof than the present road they have. The damages accruing thereof would build the road, and buy the right of way on the other side of the creek, saving one bridge

SECOND JUDICIAL DAY.

THURSDAY, OCTOBER 5th, 1905.

and not increasing the grade any. The damages to Mr. Sommer property would in my estimation be Twelve Hundred and Fifty Dollars (\$1250.00) along the line as petitioned for.

And the part to be vacated as petitioned for should not be vacated until they have some better route. If there was no road upon this part and I was sent as one of the Board to view, I would report unfavorable to it, as it climbs the hill to go down again.

Respectfully submitted,

Arthur Curtis,

County Surveyor.

Member Board Road Viewers for Union County, Oregon.

And said report of the Board of County Road Viewers having been now publicly read in open Court in two several days of the present term of the Court, and it appearing to the Court that the said Board of County Road Viewers report unfavorably thereon, and recommend that said proposed road be not established as a County Road, and it further appearing to the Court that all the proceedings herein have been regular and in the manner provided by law,

It is Therefore ORDERED that the petition be dismissed and that the Clerk of this Court be and he is hereby instructed to recover from the petitioners' sureties herein the expenses incurred in viewing said proposed road.

In the Matter of the monthly report of the Secretary of County Board of Health.

Now at this time comes C.E. Saunders, M.D., Secretary of the County Board of Health and files his report as such as required by law, and said report having been examined by the Court, is here now approved and ORDERED filed.

In the Matter of the vacation of a public road situated in Sections 22 and 27, Tp. 1, N.R. 38, E.W.M. petitioned for by H. H. Huron.

Now at this time it is ordered by the Court that this matter be and the same is hereby continued for the term.