

796  
796

CIRCUIT COURT,  
UNION COUNTY, OREGON

EQUITY

*A Sommer*

Plaintiff

vs

*Union County  
Oregon*

Defendant

Docket

Page

*C. H. Finn*

Attorney for Plaintiff

Attorney for Defendant

601-611  
Presented January 1 1904  
Ordered by ed Feb 12 1904

606  
New Road  
606

County Road  
Petitioned for  
by E. E. Hall  
et al

Sec 471 SR. 38E. 1314

606

# 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:

Beginning at the South-east corner of the South-west quarter (1/4) of the South-east quarter (1/4) of Sec. Four (4) Township One (1) South of Range Thirty-eight (38) East, Willamette Meridian; thence West one-fourth (1/4) mile; thence South one-fourth (1/4) mile; thence West three-fourths (3/4) of a mile to the South-east corner of the North-west quarter (1/4) of the North-east quarter (1/4) of Sec. Eight (8) Township One (1) South of Range Thirty-eight (38) East, Willamette Meridian.

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

NAMES:

NAMES:

Mrs Clara Wardike  
T. A. Jones  
S. B. Cantrell  
E. S. Hill  
L. W. Gannon  
W. A. Baker  
G. L. Baker  
G. S. Bayou  
J. J. Jurel  
J. P. Hill  
C. H. Arnoldus  
C. H. Stevenson  
Joseph Hill  
W. B. Bull  
Avery Draper  
J. M. Lindsay  
E. N. Smith  
W. R. Frizzell  
Mrs Lizzie Robbs

# BOND OF ROAD PETITIONERS.

Know All Men By These Presents, That we, W. A. Baker  
and S. N. Smith 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, executors and administrators firmly by these presents.

Signed this 6 day of January A. D. 1908.

Now, the conditions of the above obligation are such, that whereas, E. E. Hale  
and others have petitioned the County Court of said County of Union, at the January term, 1908, thereof, for a County Road, described

in the petition and notice hereto annexed, as follows: Beginning at the South-east corner of the Southwest quarter (1/4) of the South-east quarter (1/4) of Sec. Four (4), Township One (1) South of Range Thirty-eight (38) East, Willamette Meridian; Thence West one-fourth (1/4) mile; Thence South one-fourth (1/4) mile; Thence West three-fourths (3/4) of a mile to South-east corner of the South-west quarter (1/4) of the North-east quarter (1/4) of Sec. Six (6) East, Township One (1) South of Range Thirty-eight (38) East, Willamette Meridian.

Now, if the above named E. E. Hale 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.

W. A. Baker (Seal.)  
S. N. Smith (Seal.)

STATE OF OREGON, } ss.  
COUNTY OF UNION,

I, W. A. Baker and S. N. Smith 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.

W. A. Baker  
S. N. Smith

Subscribed and sworn to before me this 6 day of January A. D. 1908.

E. N. Rogers  
Notary Public

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

I, S. N. Smith, 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 11th day of November 1907, 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 La Grande, in the said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

S. N. Smith

Subscribed and sworn to before me this 7th day of January, 1908

J. B. Gilham  
County Clerk

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

I, E. E. Hale, being first duly sworn, say that I posted three several notices, of which the notice hereunto attached is a true and correct copy, in three public places in said county in the vicinity of the proposed road therein described, to-wit: One at the beginning of said proposed County Road, one at the intermediate point, and one at the terminis of said proposed County Road, all notices being posted in plain view of the traveling public.

~~Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 11th day of November, 1907, 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 La Grande, in the said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.~~

E E Hale

Subscribed and sworn to before me this 7th day of January 190 8

J. B. Shelton  
County Clerk.



County Court  
Union Co

or

John Ferguson  
County Road  
petitioner for  
buy of State  
road

Filed Jan 7 1908

J. B. Giddens  
Clerk



## REPORT OF BOARD OF COUNTY ROAD VIEWERS.

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

The undersigned Board of County Road Viewers, heretofore on the 2<sup>nd</sup> day of January 1908, 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 E. E. Hale et al., beg leave to report that on the 14 day of January 1908, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county and they would be no damages accruing by the location of the same

<p><u>Arthur Curtis</u>  <u>Thos. Brasher</u>  <u>E. W. Dence</u></p>	<p>Board of County Road Viewers.</p>
---	--

State of Oregon  
County of Union ss

I hereby certify that in the matter of the County road as petitioned for by E. E. Hale and others, that the Field Notes made by me are true and correct and that the Plat accompanying is a true and correct representation of said road both together in angles and distances

Arthur Curtis  
County Surveyor

## Report of Surveyor.

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

I, the undersigned, County Surveyor, appointed to survey the county road proposed by  
E. E. Hale et al., beg leave to report that  
on the 14<sup>th</sup> day of Jan. 1908, in pursuance of said appointment  
and order, I Surveyed said proposed road for the whole distance thereof, the following being  
the field notes of said survey:

Commencing at the S. E. Cor. of the S. W. 1/4 of the S. E. 1/4 Sec. 4 T. 1 S., R. 38 E. W. 7 N.  
at a rock marked R; Thence West 20.00 chs. to Angle 1, a rock  
Thence South 20.00 chs. to Angle 2, a rock; Thence West  
40.00 to 1 Mile tree. Same Course 20.00 to the Road Terminus  
marked a tree at the S. E. Cor. of the N. W. 1/4 of the N. E. 1/4 Sec. 8  
T. 1 S., R. 38 E. W. 7 N., all points named on petitioned was  
met on the survey

Arthur Curtis  
County Surveyor.

Road Petitioned for by E. E. Hale et. al.

Town. 1 South Range 38 E. W. M.

			Terminus	1 Mile		A. 1	Beginning
						A. 2	
		8				9	

Arthur Curtis  
County Surveyor

IN THE

# County Court

OF THE

State of Oregon

For the County of Union

*Have purchased  
 as per attachment  
 as per my etc  
 shall etal*

*Report of Viewers*

*Witness my  
 Hand & Seal  
 Clerk*

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, begun and held at the Court House in the City of La Grande, in said County and State, on ~~Thursday~~, the \_\_\_\_\_ day of ~~Wednesday~~ ~~having been a non-judicial day~~ the first ~~Thursday~~ of said month and ~~January~~ the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J. C. HENRY, County Judge,  
J. M. SELDER, COMMISSIONER,  
Ben Brown, Commissioner,  
J. B. Gilham, Clerk,  
F. P. CHILDERS, Sheriff.

WHEN, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 190\_\_\_\_, or the \_\_\_\_\_ Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the proposed County Road  
petitioned for by E. H. Hale, et al.,.

Now at this time comes E. H. Hale, one of the petitioners for the above named 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:-

Beginning at the ~~SE~~ corner of the SW 1/4 of the SE 1/4, Sec 4, Tp 1, S. R. 38, E. W. N., thence west 1/4 mile, thence South 1/4 mile, thence West 3/4 mile to the SE corner of the NW 1/4 of the NE 1/4, Sec 8, Tp. 1, S. R. 38, E. W. N.,

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 more 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 City of La Grande, Union County, Oregon, and also in three public places in the vicinity of said proposed road, for more than thirty days immediately prior to the presentation of said petition to the Court, notifying all persons concerned that application would be made to this Court, at the present term thereof,

and that the jettices so posted were in due form and duly signed by the petitioners, and that a bond for the Cost of this proceeding has been given by the petitioners with S. N. Smith as surety, which said bond is now approved.

IT IS THEREFORE ORDERED by the Court, that Arthur Curtis, County Surveyor, and Thos Braasher and B. Legden, constituting the Board of County Road Viewers, be, and they are hereby directed to meet at the house of S. N. Smith, one of the petitioners herein, on the Fourteenth day of January, at the hour of ten o'clock in the forenoon of said day, or within five days thereafter and proceed to survey, view and lay out said road according to law.

(Signed) J. C. Henry, County Judge,  
J. M. Selder, Commissioner,  
Ben Brown, Commissioner.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

IN THE COUNTY COURT OF UNION COUNTY OREGON;  
IN THE MATTER OF THE HIGHWAY PETITIONED  
FOR BY CLARA VANDIKE et al

Comes now Phebe Hale and shows to the Court that she is the owner and in possession of the S.E.1/4 of S.W.1/4 of Section Four in Township One South of Range 38.E.W.M.in Union County Oregon.

That the highway petitioned for by Clara Van Dike et al if established will occupy and take a portion of the said land; that said tract of land above described will if said public road be laid out and established be rendered less valuable in the sum of \$50.00

Wherefore the undersigned claims damages to her said land for the location of said road over her said land in the sum of \$50.00

Mrs Phebe Hale



In Council Court  
Pleasant County

By your

John W. [unclear]  
of the [unclear]

Attorney for  
James [unclear]

of the [unclear]

of the [unclear]



Given under my hand  
and seal of office  
this 20th day of  
April 1908

J. [unclear]  
Clerk

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

IN THE COUNTY COURT OF UNION COUNTY OREGON.  
IN THE MATTER OF THE HIGHWAY PETITIONED )  
FOR BY CLARA VAN DIKE et al. )

---

Comes now W'L.Hale and shows to the Hon County Court of Union County Oregon that he is the owner and in possession of the S1/2 of N.W.1/4 of Sec 9 Township One South of Range 38 E.W.M; that the highway petitioned to be laid out by Clara Van Dike and others will if located as petitioned for pass along the north side of said land and a portion thereof be taken for said highway; that by the location of said highway the above named tract of land will be rendered less valuable in the sum of \$100.00.

Wherefore the undersigned claims damages for the location of said highway over his land in the sum of \$100.00.

W L Hale

*[Faint, illegible handwritten text]*

Es County Court  
Main Court

Order

In the Matter  
of the Property  
of the Estate of  
John S. Hall  
deceased

Order for  
payment by  
W. S. Hall

Filed Jan 20, 1908

J. S. Hall  
Clerk

**Be it Remembered,** That at a regular term of the County Court of the State of Oregon, for the County of Union, begun and held at the Court House, in the City of Union, said County and State, on Wednesday, the 5th day of February A. D. 1908, the same being the first Wednesday in said month and the time fixed by law for holding a regular term of said Court, when were present to-wit:

The Hon. J. C. Henry, Judge, Presiding.

The Hon. J. M. Selder, County Commissioner.

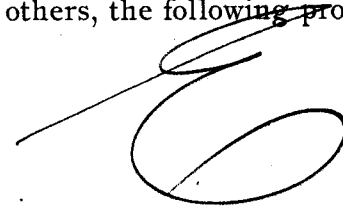
The Hon. Ben Brown, County Commissioner.

J. B. Gilham, Clerk.

F. P. Childers, Sheriff.

When on Wednesday day, the 12th day of February A. D. 1908, or the Fourth Judicial day of said term, among others, the following proceedings were had, to-wit:

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



This matter came 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 of 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 county road, of which the survey hereto attached is a true and correct description, as petitioned for by E. E. Hale et al., beg leave to report that on the 14 day of January, 1908, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county and they would be no damages accruing by the location of the same.

(Signed) Arthur Curtis

Thos. Brasher

E. W. Devine

} Board of County  
Road Viewers.

And said report of the Board of County Road Viewers having been now publicly read in open court on two several days of the present term of the court, and it appearing to the court that said Board of County Road Viewers report favorably thereon, and recommend that said proposed road be established as a county road and be declared a public highway of Union County, Oregon, and all the

proceedings herein having been regular and according to law, and no remonstrance or claim for damages having been filed herein ~~except the claim of W.L.Hale for \$100.00 damages caused by the location of said highway passing over his said lands, which claim is here now overruled and denied by the Court.~~

and there having been no cause shown why this proposed road should not be declared a public highway and ordered open according to law, and the court being satisfied from the report of the Board of County Road Viewers that such road will be of public utility; the report of the viewers being favorable thereto, and all the files and records of said proceedings having been submitted to the District Attorney, who has advised this court as to the legality of said proceedings, it is therefore considered and ordered by the court that the report of the Board of County Road Viewers be placed on record in this journal, and that the surveyor's profile and plat of the proposed road, and his field-notes of the survey thereof be placed on record in the Book of Plats of County Roads of Union County, Oregon, and that said proposed road be declared a public highway of Union County, Oregon, and ordered opened up and placed in repair for travel according to law, and that

F. A. Eames Road Supervisor of Road District No. 9, the same being the road district in which said road is located, be furnished with a copy of the petition herein, and a copy of this decree and ordered to open up said road and place the same in repair for travel.

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

(Signed) J. C. Henry  
County Judge.

J. M. Selder,  
Commissioner.

Ben Brown.  
Commissioner.

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

I, J. B. Gilham, Clerk of the County Court of the State of Oregon for the County of Union, do hereby certify that the foregoing copy of Journal Entry has been by me compared with the original entry made in the above entitled proceedings, now remaining of record in my office; that it is a correct transcript therefrom, and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said court this First day of March A. D. 1908.

\_\_\_\_\_  
Clerk.

By \_\_\_\_\_  
Deputy.

FIFTH JUDICIAL DAY

TUESDAY, JANUARY 7th, 1908.

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 the last day's proceedings was read, approved and is here now signed.

*J. B. Henry* County Judge.  
*J. M. Selder* Commissioner.  
*Ben Brown* Commissioner.

Thereupon the following proceedings were had, to-wit:

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

Now at this time comes E. E. Hale, one of the petitioners for the above named 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:

Beginning at the S.E. corner of the S.W. 1/4 of the S.E. 1/4 Sec. 4, Tp. 1, S.R. 38, E.W.M. thence west 1/4 mile, thence south 1/4 mile, thence west 3/4 mile to the S.E. corner of the N.W. 1/4 of the N.E. 1/4, Sec. 8, Tp. 1, S.R. 38, E.W.M.,

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 more 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 City of La Grande, Union County, Oregon, and also in three public places in the vicinity of said proposed road, for more than thirty days immediately prior to the presentation of said petition to the Court, notifying all persons concerned that application would be made to this Court at the present term thereof, 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 given by the petitioners with S. N. Smith as surety, which said bond is now approved.

It is therefore ORDERED by the Court, that Arthur Curtis, County Surveyor, and Thos. Brasher and B. Logsdon, constituting the Board of County Road Viewers, be, and they are hereby directed to meet at the house of S. N. Smith, one of the petitioners herein, on the Fourteenth day of January, at the hour of ten o'clock in the forenoon of said day, or within five days thereafter, and proceed to survey, view and lay-out said road according to law.

In the Matter of the Application of R. C. Mays, for a refundment of taxes paid on property assessed for the year 1906.

Now at this time this matter came on for hearing upon the application of R. C. Mays

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



FOURTH JUDICIAL DAY.

WEDNESDAY, FEBRUARY 12th, 1908.

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 of 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 county road, of which the survey hereto attached is a true and correct description, as petitioned for by E. E. Hale et al, beg leave to report that on the 14 day of January, 1908, in pursuance with said order, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinions said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would add greatly to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county and they would be no damages accruing by the location of the same.

(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 publicly read in open court on two several days of the present term of the court, and it appearing to the court that said Board of County Road Viewers report favorably thereon, and recommend that said proposed road be established as a county road and be declared a public highway of Union County, Oregon, and all the proceedings herein having been regular and according to law, and no remonstrance or claim for damages having been filed herein except the claim of W.L. Hale for \$100.00 damages caused by the location of said highway over his said lands, which claim is here now overruled and denied by the Court, and there having been no cause shown why this proposed road should not be declared a public highway and ordered open according to law, and the court being satisfied from the report of the Board of County Road Viewers that such road will be of public utility; the report of the Viewers being favorable thereto, and all the files and records of said proceedings having been submitted to the District Attorney, who has advised this court as to the legality of said proceedings,

It is therefore CONSIDERED and ORDERED by the court that the report of the Board of County Road Viewers be placed on record in this journal, and that the surveyor's profile and plat of the proposed road, and his field-notes of the survey thereof be placed on record in the Book of Plats of County Roads of Union County, Oregon, and that said proposed road be declared a public highway of Union County, Oregon, and ordered opened up and placed in repair for travel according to law, and that F.A. Eames, Road Supervisor of Road District No. 9, the same being the road district in which said road is located, be furnished with a copy of the petition herein, and a copy of this decree and ordered to open up said road and place the same in repair for travel.

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