

No. _____

EQUITY

IN THE
CIRCUIT COURT
UNION COUNTY

M. G. Newell

Plaintiff

Anna Newell vs.

Defendant

Docket _____

Page *M-8*

R. J. Kitchin

Attorney for Plaintiff

Attorney for Defendant

MADE BY
KILHAM STATIONERY & PRINTING CO.
FIFTH AVE. AND OAK ST., PORTLAND, ORE.

142215

727

In as proposed.
County Road petitioned
for by A. B. Sussarata

Ordered opened July 3, 1930
Com. Journal. Q page 14

PETITION FOR COUNTY ROAD.

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

The undersigned freeholders, of Union county, Oregon, residing in the Road District where the hereinafter described road is proposed to be, respectfully petition your honorable body to lay out, alter and establish a County Road within said county, on the following line or route, to-wit :

Commencing at a point on the present county road near the Southeast corner of the Northeast quarter of Section 1, in Twp. 1 South, Range 39 E. W. M. thence running in a Northwesterly direction following down Shaw Creek along the most feasible route to a point where the present County road crosses Shaw Creek, being a distance of approximately One half mile.

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

NAMES:

NAMES:

A. H. Bussard
H. S. Sommer

O. H. Granger
J. F. Beaman
Carl Houghton
M. A. Gard
J. F. Geiger

Edward Scott
Mrs J. Bussard
Vernice M. Horn
Belle Heberer
Dick Boswell
J. P. B. Gardner
Hugh Little
Joe Hallgarth
Frank C. Hooker

STATE OF OREGON SS.
COUNTY OF UNION

I, J. L. Geiger, being first duly sworn depose and say, That I am a resident of Elgin, Union County, Oregon, that on the 31st day of May, 1930, I mailed under registered letter to Mrs. Martha Cross, and also to Mrs. Virginia Dutton, Notices of the proposed county road being petitioned for along Shaw Creek, and that same would be heard at the regular term of the County Court for Union County, Oregon, at LaGrande, on June 4th. 1930.

That attached hereto are the registration receipts showing the addresses received said notices.

J. L. Geiger.

Subscribed and sworn to before me this 31st. day of May, 1930

Jesse Brown
Notary Public for Oregon.

Commission expires Feb. 24, 1933.

NOTARY PUBLIC FOR OREGON

My Commission Expires

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE
No. 201

INSURED PARCEL
No. _____

POSTMARK OF DELIVERING OFFICE

AND DATE OF DELIVERY

Return to J. L. Geiger
(NAME OF SENDER)

Street and Number, or Post Office Box, _____

Post Office at Elgin

State Ill

Rev. 3-24 05-6116

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE
No. 200

INSURED PARCEL
No. _____

POSTMARK OF DELIVERING OFFICE

AND DATE OF DELIVERY

Return to J. L. Geiger
(NAME OF SENDER)

Street and Number, or Post Office Box, _____

Post Office at Elgin

State Ill

Rev. 3-24 05-6116

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Martha A Cross
(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, _____, 192

Form 3811

GOVERNMENT PRINTING OFFICE

• 5-6116

RETURN RECEIPT.

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

[Handwritten Signature]
(Signature or name of addressee.)

(Signature of addressee's agent.)

Date of delivery, _____, 192

Form 3811

GOVERNMENT PRINTING OFFICE

• 5-6116

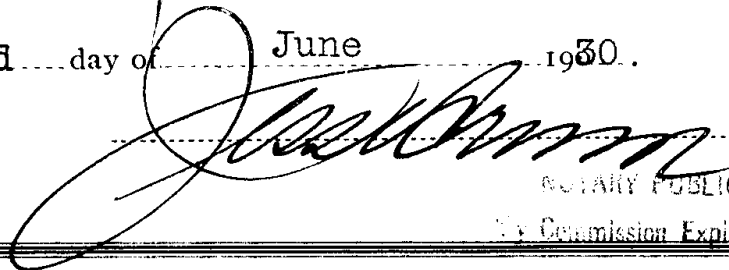
STATE OF OREGON, }
County of Union: } ss.

I, Nora A. Bussear 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 on a large Pine tree at the mouth of Shaw Creek and at the northwestern terminal of said proposed road, and one on a pine tree along side the county road at the southern end of said proposed road

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 2nd day of May 1930, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 2nd day of May 1930, I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door, in the City of Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Subscribed and sworn to before me this 2nd day of June 1930.

Nora A. Bussear


NOTARY PUBLIC FOR OREGON
My Commission Expires 2.31.1933

BOND OF ROAD PETITIONERS

Know All Men By These Presents, That we, _____ principal, and _____ as sureties, residents of Union County, State of Oregon, are held and firmly bound unto the said County of Union in the penal sum of Two Hundred Dollars (\$200) lawful money of the United States, for the payment of which well and truly to me made we bind ourselves, our heirs, executors, administrators, and assigns forever firmly by these presents.

The condition of the above obligation is such that whereas, _____ and others have petitioned the County Court of said County of Union, at the _____ June _____ term, 1920, thereof, for a County Road, described in the petition and notice hereto annexed, as follows:

~~Commencing at a point on the present county road near the Southeast corner of the Northeast quarter of Section 1, in Twp. 1 South, Range 39 E. W. M., thence running in a Northwesterly direction following down Shaw Creek along the most feasible route to a point where the present county road crosses Shaw Creek, being a distance of approximately one half mile,~~

Now, if the above named _____ or the petitioners for said road shall well and truly pay or cause to be paid to the said County of Union, all costs and expenses that may be incurred by the said County of Union 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.

Witness our hands and seals this _____ 2nd _____ day of _____ June, _____ 1920.

Signed, sealed and delivered in

the presence of:

A. H. Bussear (Seal)
Frank A. Tobrocks (Seal)
Nora A. Bussear (Seal)

State of Oregon,)
County of Union) ss.

We, *Frank A. Tobrocks* and *Nora A. Bussear* being duly sworn, depose and say each for himself,

that I am a resident of said County and State, and a householder therein, and am worth the sum of Four Hundred Dollars (\$400) over and above all my just debts and legal liabilities, and exclusive of property exempt from execution. So help me God.

Frank A. Tobrocks
Nora A. Bussear

Subscribed and sworn to before me this _____ 2nd _____ day of _____ June, _____ 1920.

Petition of
A. D. Bussear, et al
for County Road.

Filed June 2 - 1930
C. K. [unclear] County Clerk
By [Signature]

BE IT REMEMBERED, that at a regular term of the County Court of the state of Oregon, for the county of Union, sitting for the transaction of county business, begun and held at the court house in the city of La Grande, in said county and state, on Wednesday, the 4 day of June A.D., 1930, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said court, when were present:

The Honorable U. G. Couch, County Judge,

W. W. Stevens, Commissioner,

W. R. Ledbetter, Commissioner,

C. K. McCormick, Clerk,

Jesse Breshears, Sheriff.

WHEN, on Thursday, the 5th day of June A.D., 1930, or the 2nd 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 A. D. Bussear, et al.

Comes now A. D. Bussear, 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: Commencing at a point on the present county road near the southeast corner of the northeast quarter, section 1, Twp 1 South, Range 39, EWM, thence running in a northwesterly direction following down Shaw Creek along a more favorable route to a point where the present county road crosses Shaw Creek, being a distance of approximately a half mile,

And it appearing to the Court that said petition is signed by more than 12 freeholders of the county residing in the road district where the hereinbefore described road is to be located and that said petition properly specifies the beginning and terminus of said road, and it satisfactorily appearing from the affidavit of J. L. Geiger, one of the petitioners, that copies of notices that said petition for said proposed road would be presented to the court at this time were mailed by registered mail to Mrs Martha Cross and Mrs Virginia Dutton, persons whose land would be affected by the opening of said proposed road, and it further appearing to the court that from the affidavit of Nora A Bussear, that notices of the presentation of said petition for said proposed road have been given by advertisement posted at the place of holding county court, to-wit: at the courthouse in the city of La Grande, Union County, Oregon, and also in three public places in the vicinity of said proposed road, to-wit: one on a large pine tree at the mouth of Shaw Creek; one at the northwestern terminal of said proposed road and one on a pine tree at the side of the county road at the south end of said proposed road for more than 30 days immediately prior to this date, and that said notices so posted were in due form and duly signed by the petitioners, and that a bond for the costs of this proceeding has been filed,

It is therefore ORDERED that Roscoe Neal, County Surveyor, and Charles Playle and J. A. McKenzie be appointed as a Board of County Road Viewers, and ~~that~~ they are hereby directed to meet at the beginning of said proposed road on June 11th, 1930, and proceed to survey and view said road according to law and file their report not later than 10 days before the July term of this Court.

(sd)

U. G. Couch, County Judge,
W. W. Stevens, Commissioner,
W. R. Ledbetter, Commissioner.

State of Oregon)
County of Union) ^{ss}

I, J. A. McKinzie, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Oregon and will perform my duties as road viewer in viewing and laying out that certain road petitioned for by A. D. Bussear, et al., to the best of my ability and understanding. So help me God.

J. A. McKinzie

Subscribed and sworn to before me this 2 day of June, 1930.

C. K. McCornick, County Clerk,
By J. Graham Deputy.

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

In the matter of the

Proposed County Road
petitioned for by
A. D. Buscar et al.

Oath of Steamer

June 12 1920
A. M. Connick
Clerk

Trinity

State of Oregon)
County of Union)^{ss}

I, Charles Playle, do solemnly swear that I will support the Constitution of the United States and the Constitution and laws of the State of Oregon and will perform my duties as road viewer in viewing and laying out that certain road petitioned for by A. D. Bussear, et al., to the best of my ability and understanding. So help me God.

Charles Playle

Subscribed and sworn to before me this 12 day of June, 1930.

C. K. McCormick, County Clerk,
By J. Graham Deputy.

Filed June 12, 1930
C. K. McCormick
County Clerk

REPORT OF BOARD OF COUNTY ROAD VIEWERS.

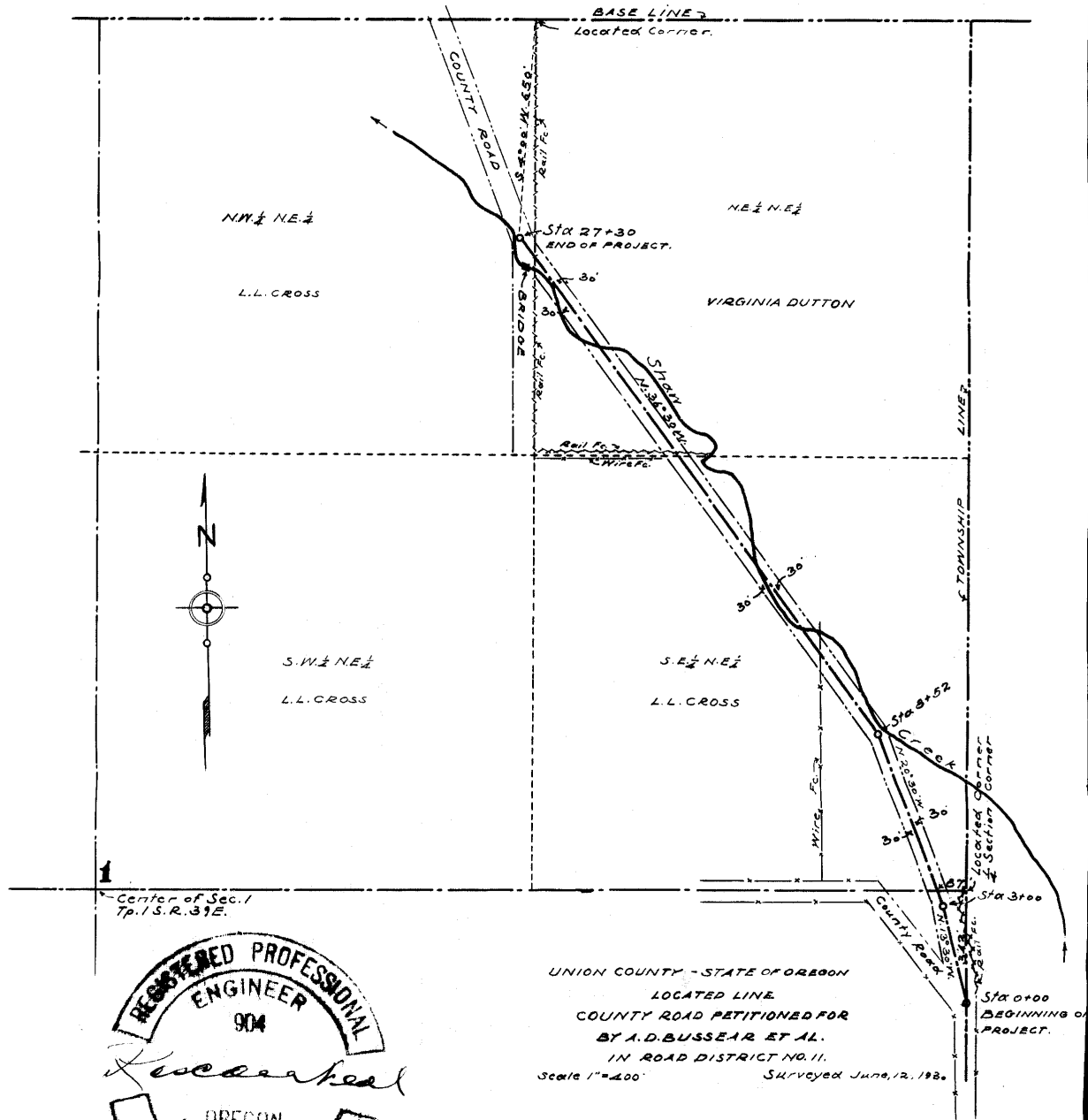
TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned Board of County Road Viewers, heretofore on the 5th day of June 19130, 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 A. D. Bussear, et al., beg leave to report that on the 12th day of June, 19130, 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 to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county and that L. L. Cross and Virginia Dutton be paid \$75.00 per acre for the land required for a right-of-way for said proposed road. We further ~~recomend that the County construct a cattle pass for each of said parties if they wish such passes constructed.~~

Charles Playler
J. A. McKenzie
Roscoe Neal

Board of County
 Road Viewers.

Filed June 12, 1930
C. H. McCormick
County Clerk



REGISTERED PROFESSIONAL
ENGINEER
904
Roscoe Neal
OREGON
DEC. 31, 1919
ROSCOE NEAL

UNION COUNTY - STATE OF OREGON
LOCATED LINE
COUNTY ROAD PETITIONED FOR
BY A. D. BUSSEAR ET AL.
IN ROAD DISTRICT NO. 11.
Scale 1"=400' Surveyed June, 12, 1920.

REPORT OF SURVEYOR

To the Honorable County Court,

Union County Oregon.

I, the undersigned County Surveyor, appointed to survey the county road proposed by A. D. Bussear et al., beg leave to report that on the 12th day of June, 1930, in persuance 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 Sta 0/00 a point located in the center of the present county road 342 feet South from the $\frac{1}{4}$ Section corner between section 1 Tp. 1 S. R. 39 E. W. M. and section 6 Tp. 1 S. R. 40 E. W. M. and running thence

N. 13 Deg. 30 Min. W	300 Ft.	to Sta 3/00
" N. 20 " 30 " W	552 " "	8/52
" N. 36 " 30 " W	1878 " "	27/30

a point which is located S. 4 Deg. 00 Min. W. 650 feet more or less from the N. W. corner of the N. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of said section 1 in Tp. 1 S. R. 39 E. W. M.

Signed June 14th., 1930

A. D. Bussear
County Surveyor

Filed June 12, 1930
C. M. McCormick
County Clerk

BE IT REMEMBERED, That at a regular term of the County Court of the state of Oregon, for the county of Union, sitting for the transaction of county business, begun and held at the Court House in the city of La Grande, in said county and state, on Wednesday, the 2nd day of July A.D., 1930, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable U. G. Couch, County Judge,
, Commissioner,
, Commissioner,
C. K. McCormick, Clerk,
Jesse Breshears, Sheriff.

WHEN, on Thursday the 3rd day of July A.D., 1930, or the 2nd 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 A D Bussear, et al.,

Now at this time the above entitled matter comes on to be heard for action on the report of the board of county road viewers heretofore appointed to view the above entitled road, said report being in words and figures as follows, 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 5th day of June, 1930, 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 A. D. Bussear, et al., beg leave to report that on the 12th day of June, 1930, 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 to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county and that L. L. Cross and Virginia Dutton be paid \$75.00 per acre for the land required for a right-of-way for said proposed road. We further recommend that the county construct a cattle pass for each of said parties if they wish such passes constructed.

(sd) Chas Playle
J. A. McKenzie
Roscoe Neal,
Board of County Road Viewers"

and said report having been read in open court on 2 separate days of the present term prior to this date, and it appearing to the court that the report of the Board of Road Viewers is favorable to the allowance of said petition and that said report recommends that said proposed road be established as a county road and declared a public highway of Union County, Oregon, and all the proceedings herein appearing to be regular and according to law and no remonstrance or claim for damages having been filed herein and there

having been n o cause shown why said proposed road should not be established, and the Court being satisfied from said report of the viewers that said road will be of public utility,

It is therefore CONSIDERED AND ORDERED that the report of the Board of Road Viewers be placed on record and that the surveyor's profile and plat of said proposed road and the field notes of the survey thereof be placed on record in the book of plats of Union County, Oregon, and the said proposed road declared to be a public highway of Union County, and opened up and placed in condition for travel upon the payment by the petitioners of the value of the land required for said road and the clearing and fencing of the right of way and the construction of cattle passes for L. L. Cross and Virginia Dutton as recommended by the Board of County Road Viewers in the event that said persons request the construction of such cattle passes.

(sd) U. G. Couch, County Judge,

W. W. Stevens, Commissioner,

W. R. Ledbetter, Commissioner.

SECOND JUDICIAL DAY

THURSDAY, JUNE 15th 1930,

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.

H. A. Burch County Judge,

W. W. Stevens Commissioner,

M. R. Ledbetter Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of the monthly report of the County Treasurer and credits given her.

Comes now Florence Bacon, Treasurer of Union County, Oregon, and presents to the Court certain vouchers, warrants, and receipts showing that she has paid out of the various funds of the county certain sums of money. And it appearing to the Court from an examination of said vouchers and warrants that the sums have been duly paid out of the funds applicable thereto, that the warrants were regularly issued on the order of the Court, and that the Treasurer should have credit upon her account for the same,

It is therefore ORDERED that said vouchers, receipts, etc., be filed and the Treasurer be given credit therefor as follows:

3 Receipts (State Tax)	\$42,091.42
154 General Fund Warrants	7,396.38
175 Road Fund Warrants	10,302.71
101 Market Road Fund Warrants	4,873.43
1 Law Library Fund Warrant	.50
1 Dog Fund Warrants	194.00
2 Prohi. Enf. Fund Receipts	115.00
13 Spl Tax receipts, Cities	27,144.77
86 Spl Tax receipts, School Dist.	<u>102,069.54</u>
	\$194,187.75

In the matter of the application of H. H. Hug for cancellation of the penalty and interest on certain taxes.

Now at this time it is ORDERED that the above entitled matter be and the same is hereby continued for the term.

In the matter of advertising for bids for steel for the Wallsinger Bridge.

Now at this time it is ORDERED that the County Engineer be and he is hereby authorized and directed to prepare plans and specifications for steel for use in the construction of what is known as the Wallsinger bridge on the Alicel-Lower Cove Market Road and advertise for bids for the furnishing of said steel, said bids to be filed not later than June 21st, 1930.

In the matter of the proposed County Road petitioned for By A.D. Bussear, et al.,

Comes now A. D. Bussear, one of the petitioners for the above-named proposed

SECOND JUDICIAL DAY

THURSDAY, JUNE 5th, 1930.

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: Commencing at a point on the present county road near the Southeast corner of the Northeast Quarter, section 1 Twp 1 South, Range 39 EWM, thence running in a northwesterly direction following down Shaw Creek along a more favorable route to a point where the present county road crosses Shaw Creek, being a distance of approximately a half mile,

And it appearing to the Court that said petition is signed by more than 12 freeholders of the county residing in the road district where the hereinbefore described road is to be located and that said petition properly specifies the beginning and terminus of said road, and it satisfactorily appearing from the affidavit of J. L. Geiger, one of the petitioners, that copies of notices that said petition for said proposed road would be presented to the Court at this time were mailed by registered mail to Mrs. Martha Cross and Mrs. Virginia Dutton, persons whose land would be affected by the opening of said proposed road, and it further appearing to the Court that from the affidavit of Nora A. Bussear, that notices of the presentation of said petition for said proposed road have been given by advertisement posted at the place of holding County Court, to-wit: At the Courthouse in the city of La Grande, Union County, Oregon, and also in three public places in the vicinity of said proposed road, to-wit: one on a large pine tree at the mouth of Shaw Creek; one at the northwestern terminal of said proposed road and one on a pine tree at the side of the County Road at the south end of said proposed road for more than 30 days immediately prior to this date, and that said notices so posted were in due form and duly signed by the petitioners, and that a bond for the costs of this proceeding has been filed,

It is therefore ORDERED that Roscoe Neal, County Surveyor, and Charles Playle and J. A. McKenzie be appointed as a Board of County Roadviewers, and they are hereby directed to meet at the beginning of said proposed road on June 11th, 1930, and proceed to survey and view said road according to law and file their report not later than 10 days before the July term of this Court.

In the matter of authorizing the Sheriff to sell certain lands bid in by Union County for Taxes.

Now at this time, it is ORDERED that the Sheriff of Union County be, and he is, hereby authorized and directed to advertise as provided by law and to sell all real estate heretofore acquired by the County for delinquent taxes.

It is FURTHER ORDERED that the minimum price to be accepted by the Sheriff for said lands is the amount of the original tax together with the accrued interest and penalty as shown by the tax rolls at the time of sale.

In the matter of the petition of F. E. Wood, et al., to eliminate a dangerous corner at the Northwest corner of the City Park.

Now at this time is presented to the Court the petition of F. E. Wood, et al., to eliminate a dangerous corner at the northwest corner of the city park, and it appearing to the court, after fully considering said petition, that the County has a long time before the presentation of said petition placed signs at said corner warning the public of any danger that might exist and it appearing to the Court that it has no further jurisdiction

SECOND JUDICIAL DAY

THURSDAY, JULY 3rd, 1930

inclusive, and the Court having considered said petition,

It is CONSIDERED AND ORDERED that the Sheriff be and he is hereby authorized and directed to cancel the penalty and interest on the taxes assessed against the above described land for the years 1921 to 1927 inclusive, on condition that all taxes together with penalty and interest on taxes due for all other years are paid in full.

727
In the matter of the proposed county road petitioned for by A. D. Bussear, et al.

Now at this time the above entitled matter comes on to be heard for action on the report of the board of county road viewers heretofore appointed to view the above entitled road, said report being in words and figures as follows, 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 5th day of June, 1930, 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 A. D. Bussear, et al., beg leave to report that on the 12th day of June, 1930, 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 to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county and that L. L. Cross and Virginia Dutton be paid \$75.00 per acre for the land required for a right-of-way for said proposed road. We further recommend that the county construct a cattle pass for each of said parties if they wish such passes constructed.

Chas. Playle
J. A. McKenzie
Roscoe Neal,
Board of County Road Viewers"

and said report having been read in open court on 2 separate days of the present term prior to this date, and it appearing to the Court that the report of the Board of Road Viewers is favorable to the allowance of said petition and that said report recommends that said proposed road be established as a county road and declared a public highway of Union County, Oregon, and all the proceedings herein appearing to be regular and according to law and no remonstrance or claim for damages having been filed herein and there having been no cause shown why said proposed road should not be established, and the Court being satisfied from said report of the viewers that said road will be of public utility,

It is therefore CONSIDERED AND ORDERED that the report of the Board of Road Viewers be placed on record and that the surveyor's profile and plat of said proposed road and the field notes of the survey thereof be placed on record in the book of plats of Union County, Oregon, and the said proposed road declared to be a public highway of Union County, and opened up and placed in condition for travel upon the payment by the petitioners of the value of the land required for said road and the clearing and fencing of the right-of-way and the construction of cattle passes for L. L. Cross and Virginia Dutton as recommended by the Board of County Road Viewers in the event that said persons request the construction of such cattle passes.

728 A
In the matter of the vacation of a portion of County Road No. 480.

Now at this time, the above entitled matter comes on for hearing upon the report of the County Roadmaster on the proposed vacation of a portion of County Road No. 480, more particularly described as follows, to-wit: Beginning 1320 feet east of the Section Corner common to sections 19 and 30 Township 2 North, Range 40 EWM, and Sections