

Viewers Appointed Inl E 511

Ordered Opened 572

" Re Consider 600

1 Re Consider increased 78

Re Consider was dismissed  
Petition dismissed

397 ✓

Petitioned for by Jesse Imbler

Commencing at the NE corner of  
SW<sup>4</sup> Sec 20 T15R39E4M  
South to SE corner of SW<sup>7</sup>  
Sec 20

RECORDED & INDEXED  
BY THE COUNTY CLERK  
1897  
100 W. 1st St. Ft. Collins, CO.  
2000

Plat and Field Notes  
of Survey of County Road as Petchword  
for by Jessie Imbler

Done on July 22<sup>nd</sup> 1891

Commencing at the N E corner of the  
S 20<sup>th</sup> of Sec 20 T. 1. S. Range 39 East  
and running South on a line  $N 20^{\circ}$  East

40 06 Chs and Terminating at the NE sec  
corner between Sec 20 and 29 T. 1. S.  
Range 39 East Distance 160 Rods and 6 lks

J L Curtis

#397

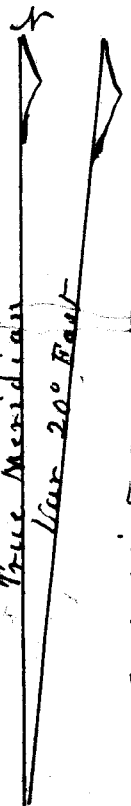
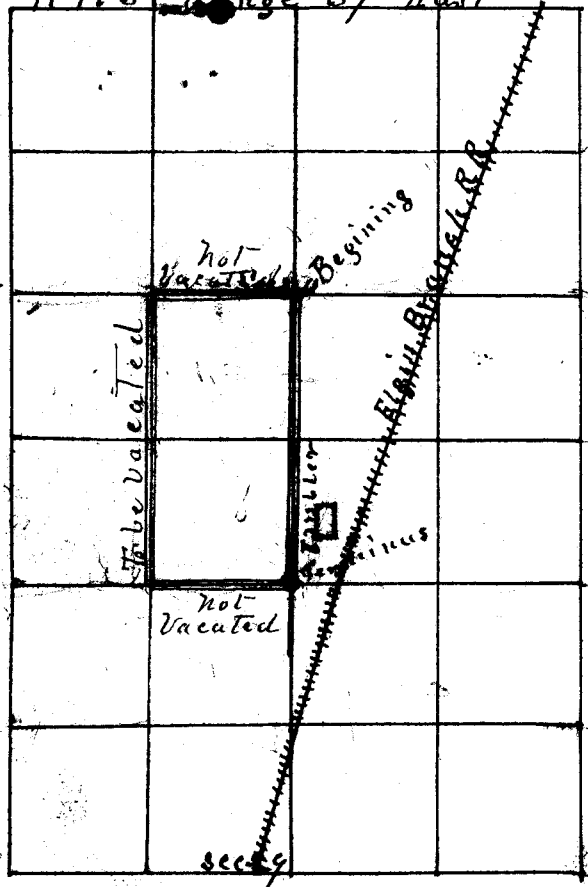
Received  
for  
James Owen

PAID

JUL 4 1891

James Owen  
County Clerk

T. 1. S. Range 39 East



# 397

FILED.

AUG 5 1891

*James Oliver*  
County Clerk.

IA the County Court of the State of Oregon,

For Union County.

In the matter of a change of a County

Road through the lands of

Jesse Imbler.

Now comes Jesse Imbler and represents to the Court that he is the owner of the following described lands, viz: the East half of The South West quarter, and the West half and of the South East quarter of Sec. 20, in Township 1 South of Range # 39 East W.M. A<sup>11</sup> in Union County. Oregon.

That there now exists a County Road described as follows vzy From the North East corner of the East half of the South West quarter of said Sec. 20, extending West 80 rods, thence South half a mile, thence East on the Sec. line 80 rods to the South East cor. of the East half of the South West quarter of said sec. 20.

And your petitioner hereby prays the Court that he be permitted to turn the said road through his said premises, viz: on a direct line from the Said North east cor. of the the South West quarter of said sec. 20 South to the South East cor. of the said South West quarter of said sec. and that the said County Road as it now exists, above described, may be vacated. That the said Ground upon which Petitioner desires to change and put said road is as good ground as the old road, and does not increase the distance of travel, but shortens it one half. And this your petitioner will ever pray.

Union Ore.

*Jesse Imbler*

July 1<sup>st</sup>. 1891.

State of Oregon

County of Union ss. } I, Jesse Imbler being first duly sworn say that I am the Petitioner herein, that the foregoing Petition is true as I verily believe.

Subscribed and sworn to before me this:

7<sup>th</sup>. day of July. 1891.

*Jesse Oliver*  
Clerk

*Petition for Change  
of Board,  
by Jesse Smith*

**FILLED**

JUL 8 1891

*James Davis*  
County Clerk

In the County Court of the State of Oregon

for Union County.

In the matter of a change of a County Road through the lands of Jesse Imbler.

Where as Jesse Imbler has petitioned the above entitled Court for a Change of a County Road through his lands in Sec. 20 T. 1 S. of R. 39 East. W.M.

Now therefore We Jesse Imbler, principal and surety hereby undertake that ~~that~~ that the said Jesse Imbler will pay all the Costs and expenses ~~incurred~~ incurred in the change and establishment of the said road through his said lands.

Witness our hands this 8th. day of July 1891.

*Jesse Imbler*

JUSTIFICATION—Printed and for Sale at the Gazette Office, La Grande.

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

....., being first duly sworn, says: I am a resident and *house* holder within the State of Oregon; that I am worth the sum of *Two Hundred* Dollars, over and above all my just debts and liabilities and exclusive of property exempt from execution. *Jesse Imbler*

Subscribed and sworn to before me this *8* day of *July* A. D. 18*91*

*Superior*  
*Clute*

*Sam Brooks*  
*V. J. Danner*  
*W. H. Hill*



*Underwriting for  
Change of Bond*

**PAID.**

JUL 8 1891

*James Owen*

County Clerk

To the Honorable County Court of  
Union County Oregon

We the undersigned  
viewers heretofore appointed on the 8<sup>th</sup> Day  
of July 1891 to view out a proposed change  
in County road as petitioned for by Jesse  
Amblers Report - that we met on the 22<sup>nd</sup> Day  
of July 1891 with J. L. Curtis as Surveyor  
and <sup>(after being duly sworn)</sup> proceeded to view out said road &  
the whole thereof in accordance with  
the enclosed plat & field notes of the  
Survey. We further report the ground to be  
good ~~and~~ the proposed road, the distance  
160 rods, and would recommend that  
the road be established, and further Report  
and recommend that so much of the old  
road running parallel with the new  
road, in a North & South Direction be vac-  
-ated and those portions running in  
an East & West Direction be not vacated  
viewers. Wm. Hull W. S. Daviner

**FILLED.**

AUG 5 1891

*James Oliver*  
County Clerk.

In the County Court of the State of Oregon  
for Union

In the Matter of the Road  
petitioned for by Jesse  
Embler in his own right

To the Hon County Court of Union  
County Oregon. The undersigned citizen  
of Union County would respectfully represent  
to your Honorable body as follows:

1<sup>st</sup> That I am the owner of the N.M. Sec 20 T1SR398  
N.M. and that my house is built on the S.M.  
of said N.M. of said Sec 20.

2<sup>nd</sup> That there is a County road extending South from  
the S.E. corner of N.M. of said T1SR398 and  
is the road that I use in going to all points South  
and South-west, West and North-west.

3<sup>rd</sup> That without giving notice to me or Jesse Embler  
sought by a proceeding in this Court to change  
the County road on his own land at his own ex-  
pense and to vacate said County road leading  
South from my house, and actually obtained  
an order of this Court vacating said road.

5<sup>th</sup> That said road is on the line between the  
lands of Jesse Embler and O.S. Davines and  
one half thereof or 30 feet being on the lands of  
said O.S. Davines and is not all on the lands  
of said Jesse Embler.

6<sup>th</sup> That if said road is vacated, I would be  
compelled to travel East  $\frac{1}{4}$  of a mile, and the  
same distance West again, or  $\frac{1}{2}$  mile extra  
every time I go from or return to my home  
& or from all points South, West or North West  
and that nearly all of my business is done at

1 points in these directions. And I would be  
2 greatly damaged by being compelled to travel  
3 so much in getting out from, or returning  
4 to my home. And besides the lanes run-  
5 ning East West drift full of snow much  
6 more quickly in the Winter months and  
7 I would have to travel this extra mile  
8 in going out and returning to my home  
9 over worse roads than at present on  
10 this account. And

11 Based on the foregoing facts petitioner  
12 asks the Court to open up the proceeding  
13 in the Matter of a Road petitioned for by Jesse  
14 Dumbler in his own right" and besides  
15 the order heretofore made declaring said  
16 road a public highway and vacating the  
17 said road south from my house and  
18 that the same maybe heard on the facts  
19 above stated, And that on said hearing  
20 the same maybe dismissed for the rea-  
21 son that this Court has no jurisdiction  
22 under said petition of Jesse Dumbler, of the  
23 road sought to be vacated.

24 Joseph Oliver

25 State of Oregon

26 Union County

27 I Joseph Oliver being duly  
28 sworn say that I am the petitioner above  
29 named, and that the facts stated in the foregoing  
30 petition are true as I verily believe.

31 Joseph Oliver

32 Subscribed and sworn to before  
me this Sept 8th 1891

Turner Oliver  
Clerk.

PAID

SEP 8 1891

*James Oliver*  
County Clerk

First Judicial Day.

Wednesday July 8<sup>th</sup> 1891

Road is lands, town:  $6\frac{1}{2}$  x  $2\frac{1}{4}$  and  $10\frac{1}{2}$  x  $2\frac{1}{4}$  Sec 4 and  $2\frac{1}{4}$  x  $2\frac{1}{4}$  Sec 9 in Twp 2 N, in Range 39 East W. M.; that the said road is crooked, inconvenient and would be located on better ground if changed as follows: Commencing at the N<sup>W</sup> corner of the  $2\frac{1}{4}$  x  $2\frac{1}{4}$  of Sec 4 Twp 2 N R. 39 E. W. M.; thence running south to the southeast corner of the  $2\frac{1}{4}$  x  $2\frac{1}{4}$  of Sec 9 in same Twp and Range where it intersects the County Road petitioned for by Clark Oliver et al, and to vacate all that road now located and reestablished in the  $2\frac{1}{4}$  x  $2\frac{1}{4}$  and  $10\frac{1}{2}$  x  $2\frac{1}{4}$  Sec 4 and also  $2\frac{1}{4}$  x  $2\frac{1}{4}$  Sec 9 Twp 2 N R. 39 E. W. M.; that he will give the land for the road proposed in lieu of the land on which the road is located which is proposed to be vacated, and said petitioner having entered into a good and sufficient undertaking as provided by Law. It is therefore considered and ordered by the Court that Sam Brooks, V. S. D. armer and W. M. Hull be appointed Viewers and J. L. Curtis Surveyor to meet at the beginning of the proposed change in the Road on July 22<sup>nd</sup> 1891 at 10 o'clock A. M. and after qualifying, to view, survey and lay out said Road according to Law and to report whether said Road would be on as good ground as the portion sought to be vacated, and whether the length would be materially increased to the detriment of the Public.

In the matter of a change  
of a County Road through  
the lands of Jesse Imbler

Comes now Jesse Imbler and petitions the Court for permission to change the Road on his own lands and at his own expense. And it appears to the Court from said petition that the said Jesse Imbler is the owner of the following described Real Estate, across which said County Road extends, to-wit: The East half of



First Judicial day.

Wednesday July 5<sup>th</sup> 1891.

the southwest quarter and the west half of the southeast quarter of Sec 20 in Township 1 South of Range 39 East. N. M. That there now exists a County Road described as follows, viz: From the northeast corner of the east half of the southwest quarter of said Sec 20 extending west 80 rods; thence south half a mile; thence east on the fee line 80 rods to the southeast cor. of the east half of the southwest quarter of said Sec 20. And petitioner asks that he be permitted to turn the said road through his said premises, viz: On a direct line from the said northeast cor. of the southwest quarter of said Sec 20 south to the southeast cor. of said southwest quarter of said Sec 20 and that the said County Road as it now exists may be vacated, And it further appearing to <sup>the Court that</sup> the ground upon which petitioner desires to change and put said road is as good ground as the old road and does not increase the distance of travel but shortens it. It was said petitioner having filed a good and sufficient undertaking as provided by Law. It is therefore considered and ordered by the Court that Sam Brooks, V. S. Danner and Wm Hull be appointed Viewers and J. P. Curtis, Surveyor to meet at Embury, Or. on July 22<sup>nd</sup> 1891. at 9 o'c. AM. and after qualifying, to view, survey and lay out said Road according to Law and to report whether said Road would be on as good ground as the portion sought to be vacated.

In the matter of cancelling certain County Warrants. }

At this time comes the Clerk in open Court and presents to the Court a certified list of County Warrants which have been issued more than seven years and which have remained in his office and never been called for, which Warrants amount in the



First Judicial Day

Wednesday Aug 5<sup>th</sup> 1891.

and the petitioners who file counter affidavits, and after hearing the testimony of several witnesses on behalf of petitioners and promoters the Court finds that there fourteen legal householders living in the vicinity of the proposed road represented on the petition and only twelve on the remonstrance. It is therefore considered and ordered by the Court that said remonstrance be dismissed.

In the matter of the Road petitioned for by J. W. Hallinger et al }

This matter came on to be heard at this time on the reports of the viewers and surveyor heretofore appointed herein, and said reports having been read in open Court for the first time, are laid over for further consideration on some other day of this term.

In the matter of the road petitioned for by Jesse Doubler in his own right }

This matter came on to be heard at this time on the reports of the Viewers and Surveyor heretofore appointed herein, and said reports having been read in open Court for the first time, are laid over for further consideration on some other day of this term.

In the matter of the road petitioned for by John Miller et al }

This matter came on to be heard at this time on the reports of the Viewers and Surveyor heretofore appointed herein, and said reports having been read in open Court for the first time, are laid over for further consideration on some other

Second Judicial Day

Thursday Aug 6<sup>th</sup> 1891

It is further ordered that the report of the viewers be placed on record in this journal, and that the surveyors 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 James H. Riggs Road Supervisor of road District No 3.6 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.

In the Matter of the proposed County  
Road petitioned for by Jesse Embler et al

This matter came to be heard at this time on the reports of the viewers and surveyor heretofore appointed herein for a second reading as provided by law, and the Report of Viewers being in words following, to wit:

Report of Viewers

To the Honorable County Court for Union County Oregon:  
We the undersigned viewers heretofore on the 8<sup>th</sup> day of July 1891 appointed to view and lay out a proposed change in County road, of which the survey hereto attached is a true and correct description as petitioned for by Jesse Embler et al, beg leave to report that on the 22<sup>nd</sup> day of July 1891 in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment we proceeded to view out said proposed road for the whole distance thereof, and, 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 we further recommend that so much of the old road running parallel with

Second Judicial Day

Thursday Aug 6<sup>th</sup> 1891

the new road in a North and South direction be vacated and those portions running in an East and West direction be not vacated.

U.S. Davison

Wm Hull

And said report of the viewers and the report of the surveyor 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 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 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 viewers that such road will be of public utility it is therefore considered and ordered by the court that said reports of the viewers and surveyor be approved and adopted by the court and that said proposed road be declared a public highway of Union Co Oregon, and ordered opened up and placed in repair for travel according to law. It is further ordered that the report of the viewers be placed on record in this Journal and that the surveyor's 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 Ed Gann Road Supervisor of road District No 10 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.



First Judicial Day

Wednesday Sept 9<sup>th</sup> 1891

In the Matter of the Road }  
petitioned for by Jesse Imbler in  
his own right }

This Matter came on to be heard at this time on the motion and showing of Joseph Oliver to have the order heretofore made opening up the road and allowing other roads to be vacated set aside and it appearing to the Court from said showing that a part of said road ordered vacated was not on the land of petitioner and the said Joseph Oliver having asked that the matter be opened up and that he might have a hearing it is therefore considered and ordered that said former order declaring said road a public highway be set aside and that the matter be opened up and set for hearing at the next regular term of this Court to wit: Oct 7<sup>th</sup> 1891 at 7 o'clock P.M. and that the Clerk notify the Road Supervisor accordingly

In the Matter of the Road pe- }  
titioned for by R D Buckman in his own right }

This Matter came on to be heard at this time on the Motion of C H Finn atty for the petitioner asking that the former order of this Court dismissing this matter be set aside, that the matter be opened up and that he be allowed a hearing and the same having been argued in open Court It is considered and ordered that said matter be opened up and set for hearing at the next regular term to wit Oct 7<sup>th</sup> 1891 at 7 o'clock P.M. and that the Clerk notify E J Couper accordingly

Thereupon it was ordered that Court be adjourned until tomorrow morning at 9 o'clock

First Judicial Day

Wednesday Oct 7<sup>th</sup> 1891

## Report of Viewers.

To the Honorable County Court for Union County Oregon.

We the undersigned viewers heretofore on the 26 day of September appointed to view out and assess the damages claimed by G. M. Walk in the matter of the proposed County road, petitioned for by L. S. Kelsey et al. We beg leave to report that on the 26 day of Sept. 1891, we, after being duly sworn to discharge our duty faithfully and impartially, proceeded to view said proposed road, the whole distance through the premises of G. M. Walk, Complainant, and to assess and determine how much less valuable said premises of said Complainant would be rendered by the opening of said road, and we find the premises of said Complainant G. M. Walk would be rendered \$207.<sup>50</sup> less valuable, and that the premises of Complainant G. M. Walk would be rendered \$207.<sup>50</sup> less valuable, and the premises of the Complainant G. M. Walk would be rendered \$207.<sup>50</sup> less valuable by the laying out and establishment of said proposed road as a public Highway of said County, and recommend that \$207.<sup>50</sup> be paid to said Complainant before laying out and establishing said road as a public highway.

G. L. Blakelock

M. T. Carroll

M. S. Warren

And said report appearing reasonable it is ordered that the same be approved by the Court, And it appearing to the Court that this is a road of great public utility and ought to be opened up as soon as convenient It is ordered that said damages be paid out of the County Treasury and and the Clerk is ordered to issue a warrant on the Treasurer for the same. Thereupon the Viewers report was read in open Court for the first time at this term And it is ordered that the same be laid over for a second reading on some other day of this term of Court.

In the matter of the  
proposed change in  
the County road petitioned  
for by Jesse Hubler

This matter came on to be heard at this time on the motion of Joseph Oliver to dismiss the proceeding, the same having been heretofore opened up and set for

First Judicial Day

Wednesday Oct 7<sup>th</sup> 1891

hearing at this time, the petitioners appearing by R. Eakin of Counsel and the Objector appearing by J. W. Crawford of Counsel and after argument of Counsel and the Court being fully advised, in the premises It is considered and ordered that said motion be sustained and that this proceeding be dismissed.

In the Matter of the Road  
petitioned for by John W.  
Cowan and others

At this time it appearing to the Court that the appraisers heretofore appointed by this Court to assess the damages that would accrue to Geo. S. Foster by reason of the establishment of said proposed road have not yet made a report of their doings as such appraisers. It is ordered that this matter be continued for the term.

In the Matter of the proposed  
Logging roads petitioned for by  
the Grand Ronde Lumber Co.

This matter came on to be heard at this time on the reports of the viewers heretofore appointed herein, and it appearing to the Court that only two of said viewers have signed said report, on motion of C. W. Finn, atty for petitioners, It is considered and ordered that petitioners be allowed until tomorrow to have the third viewer sign said report. Thereupon the Remonstrators J. N. Hunter and L. B. Fox by J. W. Crawford, their attorney file their motion to dismiss this proceeding for want of jurisdiction of the Court herein, and said proceeding came on for argument on said motion, the petitioners appearing by C. W. Finn of Counsel and the Remonstrators appearing by J. W. Crawford of Counsel and after argument of Counsel, and the Court being fully advised in the premises, It is considered and ordered that said motion be overruled and denied.

In the Matter of the proposed  
County road petitioned for  
by R. D. Ruckman.

This matter came on to be heard at this time on the motion of E. J. Cooper to dismiss this proceeding for the want of jurisdiction of this Court, the petitioners appearing by C. W. Finn