

No

L 106

in

Circuit

Court

J Zuber

Plaintiff

vs

Oliver Shafer

Defendant

Baker + Baker

Attorney for Plaintiff

Attorney for Defendant

Petition filed Mch 10

Viewers appointed J n' F' P 199

Orders road Supervisor P 255

" " Co Commissioners " P 307

409

Petitioned for by  
E F Roberts

Commencing at a point on  
Co road <sup>on the N. W. corner of Lot 1</sup> where it intersects

Lot 1 in Sec 2 Tp 1 N R 40 E

and terminating at a point  
<sup>on</sup> said road where it intersects  
the N line of said Lot 1

In the County Court of  
the State of Oregon for  
Union County.

In the matter of the application  
of E. H. Roberts to change  
location of county road  
through his premises.

To the Honorable County Court  
of Union County, Oregon.

Based upon my affidavit now  
on file in this behalf, I re-  
spectfully petition your Honors  
to permit me to turn the county  
road leading from Elgin to Wallava  
Bridge where the same runs  
through my said land as follows:

Beginning at a point where said  
road intersects the west line of  
lot 1 (one) in sec. 2 (two) in Twp.  
1 N. of R. 40 E. M. M. thence running  
north on my said lot 1 along the  
west line thereof to the N. W. corner  
of said lot 1, thence east on my  
said lot 1 along the N. line thereof  
to a point where said road in-  
tersects the N. line of said lot  
1, and on as good ground as that  
where said road now runs, and  
without materially increasing the  
distance to the injury of the public.

1 And your petitioner will ever  
2 pray.

E. F. Roberts.

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  
32

of  
the State of Oregon  
for Union County.

In Re: Petition of  
E. F. Roberts for  
Change of Road  
through his Land.

FILED.

MAR 10 1892

James Sloan

County Clerk

E. F. Roberts  
Petitioner.

In the County Court of the State of Oregon  
for Union County.

In the matter of the Petition  
Of E. F. Roberts for leave to make an  
immaterial change in the Elgin  
Wallowa Road.

State of Oregon,           ss.  
County of Union,

I, E. F. Roberts, being first duly sworn, on my oath say:

I am the owner in fee simple of Lot No. 4 and the S.W. 1/4 of the N.W. 1/4 of sec. 1, and Lot No. 1 and the S.E. 1/4 of the N.E. 1/4 of sec. 2 in Tp. 1 N. of R. 40 E. W. 1/2 in Union County, Oregon.

The county road from Elgin to the Wallowa Bridge cuts across a small corner of the north west corner of my Lot one, above described; so as to render my land on the north west side of said road wholly useless to me although the same is good agricultural land.

If I should be permitted to fence in my said Lot one so as to turn the said road around my said north west corner it would increase the distance on said road not to exceed about 125 yards, and the grade of said road would be almost as good and I believe quite as good as it now is.

It would cost me about as much as the said small corner of land is worth to get up a regular petition and to have the necessary proceedings taken to have the said change in the said road made in the usual manner of vacating or establishing roads.

The said change, if allowed, would be a small and immaterial change in the said road, but would be of great benefit to me.

Should the change be allowed the road would be fully as good a road as it now is.

Should the change be allowed I hereby promise and agree to do any thing which may or might be required of me by the road supervisor of that district to be done upon the said road where changed to make the condition of the said road satisfactory to the said supervisor.

*E. F. Roberts*

Subscribed and sworn to before me this 9th day of March, 1892.

*J. Nat. Hudson,*  
Notary Public for Oregon.



In the County Court  
of the State of Oregon  
for Wasco County.

In the Petition of

L. H. Roberts com-  
carrying Atgins  
Wagon Road.

FILED.

MAR 10 1892

James Davis

County Clerk

J. W. Anderson  
Attorney at Law

In the County Court of the State of Oregon  
for Union County.

In Re. Petition of F. F. Roberts  
for change of county road  
through his land.

State of Oregon,  
County of Union, ss.

*J. G. Smith* and *W. R. Henderson*  
being first duly sworn, say upon oath: I am personally acquainted with  
that part of the county road passing through the land of F. F. Roberts in  
Union County, Oregon, on the north west corner of Lot one in Sec. 2, Tp. 4  
N. of R. 40 E. V. M. and with that part of said road as proposed to be changed  
to run around the E. V. corner of said Lot one and upon said land.

I have made personal examination of said road upon said proposed change  
of route, and have passed over the same and examined it carefully and the  
said road has been opened the legal width, to-wit, sixty feet, throughout  
the entire length of said proposed change, and said proposed new road has  
been in all respects made equal to the old road for the convenience of  
travelers thereupon.

*J. G. Smith*  
*W. R. Henderson*

Subscribed and sworn to before me this 10<sup>th</sup> day of April, 1902.

*J. W. Anderson,*  
Notary Public for Oregon.



In the County Court  
of the State of Oregon  
for Union County.

In Re.

Petition of W. H. M.

Roberts for

change of road through  
his land.

Applicant of

New Road.

FILED.

APR 20 1892

James Olson  
County Clerk

W. H. M. Roberts  
Applicant

In the County Court of the State of Oregon  
for Union County.

In Re. Petition of  
E. F. Roberts for change  
of public road on his land.

Report of Reviewers.

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

We, the undersigned, beg leave to submit this our report in the above  
entitled matter:

First. Before entering upon our duties as reviewers herein, we and each of  
us severally took an oath that he would support the Constitution of the  
United States, the Constitution of the State of Oregon, and faithfully  
discharge the duties of reviewer in the above entitled matter to the  
best of his ability, so help him God.

Second. On Saturday, the 28th day of March, 1902, the same being the day ap-  
pointed on which we were to meet, we met at the residence of E. F. Roberts  
in Union County, Oregon, and proceeded to review and survey the ground  
over which the said road is proposed to be turned, and to ascertain the  
distance such road will be increased by the proposed alteration: thereupon  
we found that the distance from where the said road intersects the west  
line of Lot one in sec. two, T. 1 N. of R. 40 E. W. M. in Union County, Oregon,  
to where said road intersects the north line of said Lot one, to be  
<sup>506</sup> yards: and the distance from said first mentioned  
point along and near the west line of said Lot one and on said Lot one  
to the N.W. corner of said Lot one, thence along and near the north line  
of said Lot one and on said Lot one to the point on said road secondly  
above mentioned, to be <sup>687 1/2</sup> yards.

Third. That the distance on said road will be increased by the said proposed  
change, a distance of <sup>181 1/2</sup> yards.

Fourth. That in our opinion the making of such proposed alteration would be  
of much utility.

Fifth. The prayer of the petitioner E. F. Roberts in the matter is reasonable  
and should be granted.

All of which is most respectfully submitted.

Dated in Union County, Oregon, this 28th day of March, 1902.

*W. D. Brown*  
*John C. Mickelson*

Reviewers.

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

The People

Petition of W. H.  
Roberts

for change of road.

Report  
of

Surveyors

**FILED**

MAR 31 1892

James Owen  
County Clerk

W. H. Roberts  
Attorney

KNOW ALL MEN BY THESE PRESENTS, that we, E.F. Roberts, as principal, and  
*N. Darou* and *Jas. Henderson*  
as sureties, are held and firmly bound unto the County of Union, State of Or-  
egon, in the penal sum of One Hundred Dollars, for the payment whereof well  
and truly to be made unto the said County of Union, we and each of us do here-  
by bind ourselves, our and each of our heirs, executors and administrators,  
jointly and severally, firmly by these presents.

Sealed with our seals and dated this 15<sup>th</sup> day of March, 1892.

Now the conditions of the foregoing obligation are such, that whereas  
the above bounded E.F. Roberts has filed his petition with the County Court  
of the State of Oregon for the County of Union praying permission to change  
the location of the County Road upon his land as in said petition prayed for;  
therefore, if the said E.F. Roberts shall well and truly pay or cause to be  
paid the costs and expense to be incurred thereby, then in such case this  
bond to be null and void; otherwise to remain in full force and effect.

Witness our hands and seals this 15<sup>th</sup> day of March, 1892.

*E. F. Roberts* SEAL.  
*N. Darou* SEAL.  
*Jas Henderson* SEAL.

State of Oregon, ss.  
County of Union,

I, *N. Darou* and I, *Jas. Henderson*,  
being first duly sworn, say in oath: I am a resident and householder in Union  
County, State of Oregon, and am neither an attorney or counselor at law, sheriff,  
clerk of any court, nor other officer of any court: I am a surety in the fore-  
going undertaking and amount to the sum of One Hundred Dollars over and above  
all my debts and liabilities and exclusive of property exempt from execution

*N. Darou*  
*Jas Henderson*

Subscribed and sworn to before me this 15th day of March, 1892.

*J. Nat. Hudson*  
Notary Public for Oregon.

In the County Court  
of the State of Oregon  
for Union County.

In Re,

Wreck Petition

H. F. Roberts,

Respondent.

**FILLED.**

MAR 16 1892

James Oliver

County Clerk

J. W. Appleton  
Attorney at Law

Fourth Judicial Day

Thursday March 10<sup>th</sup> 1892

Court met pursuant to adjournment

The same officers were present as on yesterday

Due proclamation of the opening of Court having been made the Journal of yesterdays proceedings was read approved and is here now signed

J. V. Sanders  
County Judge

Thereupon the following proceedings were had, to wit:

In the Matter of the Road )  
petitioned for by E. J. Roberts )  
in his own right

Comes now E. J. Roberts and files his duly verified petition to change the County Road on his own land and at his own expense from which it appears that E. J. Roberts is the owner of Lot 4 and the SW<sup>4</sup> of NW<sup>4</sup> of Sec 1, and Lot No 1 and the SE<sup>4</sup> of the NE<sup>4</sup> of Sec 2, in Tp 1 N. of R. 40 E. 1/2 M. in Union County Ore. across a portion of which the present traveled County Road extends, and petitioner asks the Court to be permitted to change the present County road on his own land and at his own expense as follows; to wit; Beginning at a point where said road intersects the West line of Lot 1 in Sec 2 in Tp 1 N. R. 40 E. 1/2 M.; thence running N. on said lot No 1 along the West line thereof to the NW corner of said Lot No 1; thence East on said Lot No 1 along the N. line thereof to a point where said road intersects the N. line of said Lot No 1, the whole width of said road to be on the lands of the petitioner and on as good ground as that where said road now is. And the petitioner alleges that he is the owner in fee simple of all the lands occupied by the present County road between the points named, of all the lands that would be occupied by the proposed road as changed. That the County Road would not be materially lengthened to the detriment of the public. It is therefore considered and ordered by the Court that N. Daron, John O. Mickelson and Joe Woods be appointed Viewers to meet on Saturday March 26<sup>th</sup> 1892 at the

Fourth Judicial Day

Thursday March 10<sup>th</sup> 1892

the residence of E J Roberts and after qualifying, to view and lay out said road according to law and render their report to this Court at the next regular meeting thereof.

In the Matter of proposed  
County Road petitioned for by  
John Allen et al }

Comes now John Allen, one of the petitioners for the above named proposed County Road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County Road, described as follows, to wit: Commencing at the SE corner of Sec 17 Twp 3 S R 40 E N M; then running North on Sec line between Sections 17, 16, 8, 9, 4 & 5 in said Twp and range and between Sections 32, 33, 28 and 29 Twp 2 S R 40 E N M to the NE corner of Sec 29 Twp 2 S R 40 E N M and it appearing to the Court that said petition is signed by more than twelve householders of this County residing in vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to wit: At the Court House door in the town of Union, County of Union State of Oregon and also in three public places in the vicinity of said proposed road, to wit:

One at the end of a rail of the worm fence on the east side of the road at the beginning, one on the P. O. building at the Cove Oregon and one on a board tacked to the fence on the east side of the road near the house of V Kennedy for more than thirty 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 notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been duly given. That the remonstrance heretofore filed herein has been overruled and denied. It is therefore ordered that E J Couper, Geo W Ruckman and R M Oliver be appointed Viewers of said road, and that L J Curtis be appointed Surveyor of said road, and that they meet at the Cove Oregon on the 1<sup>st</sup> day of April 1892 at the hour of 10 o'clock A.M., and after qualifying, to view, survey

Third Judicial Day

Wednesday April 6 "1892

on the Report of Viewers and Surveyor heretofore appointed herein for first reading and said report having been read in open Court for the first time is now laid over for further reading on some other day of this term of Court

In the Matter of Change in Road petitioned for by E. J. Roberts }

This matter came on to be heard at this time on the Report of Viewers heretofore appointed herein for a first reading, and said report having been read in open Court. It is ordered that said report be laid over for second reading on some other day of this term

In the Matter of the Road petitioned for by J. A. Ducker et al. }

Comes now J. A. Ducker, one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County Road, described as follows to-wit: Commencing at the SE corner of SW<sup>4</sup> of SW<sup>4</sup> Sec. 6 T8S R 42 E.W.M. on County Road, running thence in an Easterly and South Easterly direction through Sec 7 to the NW corner of SE<sup>4</sup> of NE<sup>4</sup> of Sec 7, thence East 1/4 mile, thence in a South Easterly direction through Secs 8 and 17 in Tp 8 S R 42 E.W.M. and terminating on County Road at the mouth of the lane near Keating's Bridge and Keating School House on the NE<sup>4</sup> of NE<sup>4</sup> Sec. 17 Tp 8 S R 42 E.W.M. and to discontinue the old road from a point at SE corner of SW<sup>4</sup> of SW<sup>4</sup> Sec. 6 to a point where the proposed changed road will terminate on the NE<sup>4</sup> of NE<sup>4</sup> Sec 17 Tp 8 S R 42 E.W.M.

And it appearing to the Court that said petition is signed by more than twelve householders of this County, residing in the vicinity of said proposed road and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the court that notice has been given by advertisement posted at the place of holding County Court, to-wit: at the Court House, in the town of Union, County of Union, State of Oregon and also in three public places in the vicinity of said proposed road, to-wit: One at the place of beginning,



Fourth Judicial Day

Thursday April 7<sup>th</sup> 1892

Court met pursuant to adjournment

The same officers were present as on yesterday

Due proclamation of the opening of Court having been made the Journal of yesterdays proceedings was read approved and is here now signed.

County Commissioners

Whereupon the following proceedings were had, to wit:

In the Matter of the proposed change in County Road petitioned for by E. F. Roberts in his own right and on his own land

This matter came on to be heard at this time on the report of the Viewers 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 Hon. County Court of Union County, Oregon:

We, the undersigned, beg leave to submit this our report in the above entitled matter:

First, Before entering upon our duties as reviewers herein, we and each of us severally took an oath that he would support the constitution of the United States, the constitution of the State of Oregon, and faithfully discharge the duties of reviewer in the above entitled matter to the best of his ability, so help him God.

Second, on Saturday the 28<sup>th</sup> day of March 1892, the same being the day appointed on which we were to meet, we met at the residence of E. F. Roberts in Union County, Oregon, and proceeded to view and survey the ground over which the said road is proposed to be turned, and to ascertain the distance such road will be increased by the proposed alteration thereupon we found that the distance from where the said road intersects the West line of Lot one in Sec. 2 T<sup>4</sup>P. 1 N. of R. 40. E. 1/4 N. in Union County, Oregon, to where said road intersects the

Town Judicial Day

Thursday April 7<sup>th</sup> 1892

the North line of said Lot one to be 506 yards; and the distance from said first mentioned point along and near the west line of said Lot one and on said Lot one to the NW corner of said Lot one, thence along and near the north line of said Lot one and on said Lot one to the point on said road secondly above mentioned, to be 687½ yards.

Third. That the distance on said road will be increased by the said proposed change a distance of 181½ yards

Fourth. That in our opinion the making of such proposed alteration would be of much utility.

Fifth. The prayer of the petitioner E. J. Roberts in the matter is reasonable and should be granted.

All of which is most respectfully submitted

Dated in Union County, Oregon, this 26<sup>th</sup> day of March 1892

At Darou

John O. Mickelson

Reviewers

And said report of 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 viewers report favorably thereon, and recommend that said proposed road be established as a County road and 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 said proposed road should not be declared a public highway and said old road closed. And the Court being satisfied from the report of viewers that such road will be of public utility and not materially lengthen the public highway to the detriment of the public. It is therefore considered and ordered by the Court that said report of viewers be adopted by the Court. It is further ordered that a copy of this decree be furnished the petitioner E. J. Roberts and the road supervisor of the Road District in which said road is located and when said petitioner, E. J. Roberts, at his own expense shall have opened up said road and placed the same in good condition for travel as good as the old road sought to be vacated that said old road may be closed and said new road accepted as a public County Road

Fifth Judicial Day

Thursday April 21 1892

Road District No 39	Alexander Thompson, Supervisor	100 <sup>00</sup>
do 40	J. O. Corbett do	50 <sup>00</sup>
do 41	J. A. Holmes do	50 <sup>00</sup>
do 42	W. H. Stafford do	50 <sup>00</sup>
do 43	B. Peters do	50 <sup>00</sup>
do 44	H. B. W. Brown do	100 <sup>00</sup>
do 46	Peter McShain do	100 <sup>00</sup>
do 47	D. M. Carter do	100 <sup>00</sup>

In the Matter of Overpay-  
ment of Liquor Licenses

This matter came on to be heard at this time on the claims of Comroy & Co., B. W. Bartholomew, E. L. Cochran, Henry Green and John McNeely for a rebate on overpayment of liquor licenses and no showing having been made by any of the claimants herein. It is considered and ordered by the Court that said claims be dismissed.

In the Matter of the Road  
petitioned for by E. F. Roberts

This matter came on to be heard at this time on the affidavit heretofore filed herein from which it appears that the road heretofore petitioned for by E. F. Roberts in his own right has been opened up and placed in as good repair and condition for travel as the old road sought to be vacated. It is therefore considered and ordered that the Road Supervisor of Road District No 37, to-wit: A. J. Woods be instructed to examine said road and if it is in as good condition as the old road to allow said old road to be vacated and closed.

In the Matter of the pur-  
chase of Road Tools

At this time it appearing to the Court that there are not enough road scrapers and plows for the use of Road Supervisors in Union County. It is therefore considered and ordered by the Court that John M. Donald County Commissioner be instructed to purchase 6 Road plows and 6 Road scrapers for the use of the Road Supervisors.

Thereupon it was ordered that Court be now adjourned till 9 o'clock tomorrow morning.

Fifth Judicial Day

Thursday June 23<sup>rd</sup> 1892

In the Matter of Liquor  
License petitioned for by  
Elisha Estes

This matter came on to be heard at this time on the petition of Elisha Estes for license to sell spirituous, malt and vinous liquors in less quantities than one gallon in the precinct of Cornucopia for the period of three months and it appearing to the Court that said petition is signed by an actual majority of all the legal voters in said precinct; that the same was published as provided by law proof of which has been filed herein; that a good and sufficient undertaking has been filed herein which has been approved by the Court; that all the proceedings have been regular herein and according to law; That said applicant has paid the County Treasurer \$100<sup>00</sup> and filed his receipt for the same with the Clerk of this Court It is therefore considered and ordered that said petition be granted and that license issue to the said Elisha Estes to sell spirituous, malt and vinous liquors in less quantities than one gallon in Cornucopia Precinct for the period of three months from July 1<sup>st</sup> 1892

In the Matter of Salary  
of J. L. Carter for June

It appearing to the Court at this time that the County School Superintendent, J. L. Carter, wants to attend the State Teachers Educational Association at Portland Oregon and is in need of money to bear his expenses It is ordered that the Clerk issue a warrant for 83<sup>03</sup> the amount of salary that would have been due him on July 1<sup>st</sup> 1892

In the Matter of the Road  
petitioned for by E. F. Roberts

At this time it appearing to the Court that the Road heretofore petitioned for by E. F. Roberts in his own right is in very bad condition and ought to be looked after It is therefore considered and ordered that John M<sup>rs</sup> Donald County Commissioner go and examine said road and find out if said

Fifth Judicial Day

Thursday June 23<sup>rd</sup> 1892

road can be placed in as good condition for travel as the old road sought to be vacated

In the Matter of Bill  
of A. E. Johnson for shop  
for Election purposes }

This matter came on to be heard at this time on the claim of A. E. Johnson for the use of his shop on Election day and it appearing to the Court that the County has never yet paid rent for buildings to hold Elections in, and that A. E. Johnson was one of the petitioners asking for the establishment of the Alice Precinct It is therefore considered and ordered that said petition and claim be overruled and denied

In the Matter of the Road  
Petitioned for by R. E. Stevenson et al. }

This matter came on to be heard at this time on the report of the Viewers and Surveyor herein, for a first reading as provided by law, and upon the report of the appraisers heretofore appointed to appraise the damages that would accrue to certain claimants therein named. And said reports of Viewers and Surveyor having been read in open Court for the first time, we laid over for further consideration on some other day of this Court, and it appearing to the Court, that the appraisers have reported that the premises of the claimants would be rendered more valuable by the establishment of said proposed road and that they would not be damaged at all, It is therefore considered and ordered that said appraisers report be approved and that the claims for damages heretofore filed herein be dismissed

In the Matter of repairing the  
County Road North of Chip's Point }

It appearing to the Court at this time that the road north of Chip's Point near the red bridge across Mill Creek is in a very dangerous condition and ought

Third Judicial Day

Wednesday July 6<sup>th</sup> 1892

to view, survey and lay out said road according to law

In the Matter of the Road  
petitioned for by E. J. Roberts  
in his own right

This matter came on to be heard at this time on the complaints heretofore made herein and on the statement of facts submitted by John M. Donald and it appearing to the Court that heretofore this Court granted the petitioner E. J. Roberts license to change a certain piece of County Road on his own land and at his own expense the petitioner having alleged in his petition that the change sought would place the County road on as good ground as the old road sought to be vacated and would not materially lengthen the County road to the detriment of the public and the petitioner was notified by the Court to place the new road in as good condition and repair for travel as the old road sought to be vacated and the Supervisor was instructed to permit said old road to be closed only when the new road was placed in as good condition for travel and it appearing to the Court from the facts submitted that said new road does materially increase the length of road to the detriment of the travelling public, that the same is not on as good ground and can never be made as good a road as the old one It is therefore considered and ordered by the Court that said former proceeding herein be cancelled, set aside and held for naught and that A. J. Woods Supervisor of Road Dist No 37 be instructed to open up said old road and remove all encroachments made upon the County road by said E. J. Roberts or any other person in his Road Dist within 30 days from this date.

In the Matter of the Cancel-  
lation of County Warrant of  
Mrs Matt Moore

It appearing to the Court at this time that the County Warrant heretofore issued in favor of Mrs Matt Moore