

No 7 Equity

— IN —

CIRCUIT COURT,

UNION COUNTY OREGON

Lighthouse Cottages

Plaintiff

vs

Union County, L E

Ryder et al

Defendant

Action for Review

Doel et

Page

James D. Glaser
Attorney for Plaintiff

Attorney for Defendant

THIS ENVELOPE ALREADY PAID TELE ENVELOPE

SI D NO 1001 - PERMIT

11 BY CEN D BURNARD & CO

ST LOUIS

500

Petitioned for by
Fred J. Holmes
et al

9 194-298-314-319-

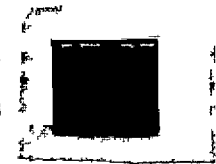
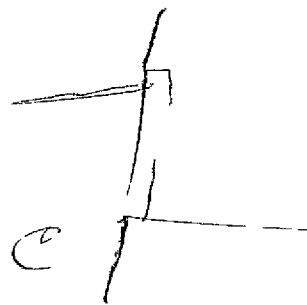
Presented Sept 7, 1898
Order of spec of Oct 6, 1898



Commencing at a point about
240 feet due east from the
east end of the road run-
ning east and west in
Mead Park and terminating
at a point between 140 & 250
feet north of the D-line
of tract J in Williamson
tract -

see 4, 3 & 34 above

Platted
Note Sec Range 38 for this
Road, & verify to surveyor



Petition for County Road.

To the Honorable County Court, For Union County, Oregon.

The undersigned householders of Union County, Oregon, residing in the vicinity where the hereinafter described road is 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 at the center of the County road running from La Grande to Island City at a point about 240 feet due east from the east end of the road running east and west in May Park Addition. Thence running west 30 feet on each side of said point to the east end of the road running east and west in said May Park Addition, thence, west along said road, 40 feet in width to the east side of the east line of the W. 1/2 of the W. 1/2 of Sec. 4 in Twp. 3. S. R. 38. E. M. 1 to a point 140 feet north from the south east corner of Tract C. of the Williamson Tract, on said line. Thence north 60 feet, in width, to the north side of said Tract C. in Williamson Tract. Thence, west sixty feet in width along the north side of said tract C. of Williamson Tract. to the west side of the road running north and south through the said Williamson Tract. Thence, across tracts K. and J. of said Williamson Tract, sixty feet in width in a northwesterly direction to a point between 140 and 250 feet north of the south line of Tract J. in said Williamson Tract.

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

Dated at Island City this 26th day of July 1898

NAMES:

NAMES:

Fred J. Kohler
 H. J. Gurgis
 Chas. Goodrough
 W. G. Hurst
 E. P. Staples
 J. M. McCall
 Joseph Anney
 C. G. Couch
 O. J. Kirkpatrick
 H. A. Thomas
 R. J. Childers
 John McCall
 James Linnland
 Thomas Wade
 James S. Peach

Geo. Kiddle
 J. A. Garity
 Alice Cochran
 Fred Kiddle
 E. R. Holmes
 J. J. Snider
 C. G. Smith
 William Thompson
 William Hall
 C. M. Kiddle
 J. L. Lawrence
 J. S. Stanton
 D. J. Plunk
 George H. Kelly
 John D. Clark

FILED

SEP 7 1898

W. H. Benson

County Cl.

STATE OF OREGON, } ss.
County of Union.

I, J. Oliver being first duly sworn, say that I posted ~~three several notices, of~~
~~which the notice herunto attached is a true and correct copy, in three public places in said County in the vicinity of the pro-~~
~~posed road therein described, to-wit: One~~

~~Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the~~ day
~~of~~ 18 and that thereafter and thirty days previous to the presentation of said road petition
therein mentioned, to-wit: On the 8th day of August 1898, I posted ~~a true and correct copy~~ ^{the hereto attached}
~~of said notice at the place of holding Court for Union County, Oregon, to-wit: On the~~ ^{bulletin board at 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 7th day of September 1898.

J. A. Oliver
G. W. Peterson
Clerk

W. H. Johnson
County Clerk

FILED
SEP 7 1898

FILED

SEP 7 1898

W. H. Benson
County Clerk

STATE OF OREGON, } ss.
County of Union.

I, W. G. Hunter 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 pro-

posed road therein described, to-wit: One ^{proposed} at the commencement of the Road on the Fair ground fence, ^{on the south side of the proposed road} one on a fence post on the line of the proposed road across the street, ^{in a south easterly direction} from the dwelling house of N. H. Miller, and one on a gate post on the line of said proposed road at the north west corner of Tract C. of the Williamson Tract of land.

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 6th day of August 1898, and that thereafter and thirty days previous to the presentation of said road petition

therein mentioned, to-wit: On the day of 18 , 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 7th day of September 1898
W. G. Hunter
G. W. Benson, Clerk

FILED

SEP 7 1898

Wm. Benson
County Clerk

Bond of Road Petitioners.

Know All Men by These Presents, That we, W. G. Hunter
 and _____ of the County of Union and State of Oregon,
 are held and firmly bound unto said County in the sum of One Hundred Dollars,
 the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and
 administrators firmly by these presents.

Signed this 7th day of September A. D., 1898

Now, the condition of the above obligation is such, that, ~~whereas~~, the above-named
W. G. Hunter and _____ and others
 have petitioned the County Court of Union County, at the September term, 1898,
 thereof, for a County road, described in the notice hereto attached.

Now, if the above-named W. G. Hunter and others
 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 said petitioners be not granted
 or allowed, then that this obligation shall be void, otherwise to remain in full force and
 virtue.

W. G. Hunter (Seal.)
 _____ (Seal.)

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

I, W. G. Hunter, say that I am
 worth the sum of Two Hundred Dollars, over and above all debts and
 liabilities and property exempt from execution; that I am a resident and householder in
 said County and State

Subscribed and sworn to before me this 7th day of Sept 1898
G. W. Pearson County Clerk.

By _____ Deputy.

Bond of Road Petitioners.

Road Petitioned for by

Jess. Holme et al.

Approved

County Judge.

Filed *Sept 7* 189*8*

G. W. Benson

County Clerk.

By _____ Deputy.

Read 2 line

Sept 8 1898

& Rebr McDonald

Jakey Conley - V

Jaines Rebeck

Winters + Arthur

Surveyor to meet

at commencement

of road on 5th

1898 at 10 o'clock

am etc.

Mr. G. Miller - Will claim damages
to the amount of six hundred dollars
if the road is opened as petitioned for.

Copy of Petition for road.

Commencing at a point - at the center of the County road running from La Grande to Island City at a point - about 240 feet due east - from the east end of the road running east and west - in May Park Addition. Thence running west 30 feet - on each side of the said point to the east end of the road running east and west; in said May Park Addition.

Thence west - along said road forty feet in width to the east side of the east line of the west half of the west half of sec. 4 in Twp. 39, Range 38. E. W. M. to a point 140 feet north from the south east corner of Tract C. of the Williamson Tract on said line.

Thence north 60 feet in width to the north side of said Tract C. in Williamson Tract.

Thence west - 60 feet in width along north side of said Tract C. of the Williamson Tract to the west side of the road, running north and south through the Williamson Tract.

Thence across, Tracts K. & J. of said Williamson Tract; 60 feet in width in a north westerly direction to a point between 140 & 250 north of the north line of Tract J. in said Williamson Tract.

To the Honorable County Court
for Union County, Oregon.

Gentlemen:-

We the undersigned do hereby protest against the
granting of the road asked for by W.G. Hunter et al, for the
reason that the same is not practical and we will be damaged
thereby.

J. Frank Nelson	
By J. Scribn agent	
J. Scribn	
Jos. P. Gunn	
O. Kala tor	Guardian
B. Stephanson	J. A. McWhirter
L. Kimmelhart	S. J. White
John Anthony	J. A. Boskowitz
J. O. McArthur	M. Clark
Jas. B. Smith	E. E. Willard
J. C. Foster	Jacobs & Morgan
J. H. Murphy	J. H. Marshall & Co
W. A. Mester	Henry Ferris
W. O. Mule	J. J. Mars
W. O. Bohmstamm	A. Peterson
J. G. Kuntzer	F. J. Simon
J. C. Hamilton	A. Jackson
W. R. Hamilton	W. Williams
J. L. Hany	U. Lotter
J. H. Millering	
A. S. Lavana	
C. P. Davis	

J. P. Atkinson. Will claim Damages to the
Amount of Six Hundred Dollars if the
Road is opened as Petitioned for
W. E. Cherry

We the Honorable County Court
for Union County, Georgia.

Order:-

We the undersigned do hereby protect against the
granting of the road asked for by W.B. Hunter et al, for the
reason that the same is a public road and we will be damaged

thereby.

[Faint handwritten signature]

Wm. B. Hunter
County Clerk

FILED
SEP 7 1898

To The Honorable County Court of Union County Oregon.

We the undersigned, respectfully ask that our names, be erased and withdrawn, from The Demonstration, against the petition, circulated by J. S. Caviness, et al, for County Road, running from near Fairground to sugar factory. To be presented at the September term of Court.

Names:

~~J. S. Caviness~~
 J. S. Palmer
 H. Scriber
 J. N. Murphy
 J. B. Cook
 W. R. Hamilton
 E. C. Willard
 G. H. Miller
 J. C. Foley
 J. C. Hamilton

Names.

O. Kalston.
 Guardian of McDonald

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 5 day of September, 1898 appointed to view and lay out and alter the proposed county road, of which the survey hereto attached is a true and correct description, as petitioned for by Fred J. Holmes, et al, beg leave to report that on the 17 day of Sept., 1898, 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 that in our opinion said proposed road should be laid out and established as a public highway of Union County, Oregon; that the same is practicable and would greatly 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.

Peter McDonald
J. J. Conley
James D. Beach
 VIEWERS.

2/10/98

Great Britain

51

2/10/98

2

100

W. H. Harrison
County Cl

FILED
OCT 4 1898

State of Oregon
County of Union S.S

I hereby certify that
in the matter of the County road petitioned for
by Fred J. Holmes and others that the viewers
and each of them heretofore appointed by the
court to view and lay out said road, were
duly sworn by me to faithfully and impartially
perform the duties pertaining to the view-
ing laying out and establishing of said
road before entering upon the discharge
of their said duties in that behalf

Arthur Curtis
County Surveyor

F I L E D

OCT 4 1898

W. H. Johnson
County Clerk

State of Oregon
County of Union S.S.

I hereby certify that
The foregoing field notes made by me in the
survey of the county road petitioned for by
Fred J. Holmes and others are True and correct
and that the plat accompanying the same is a
True and correct representation of the course
of said road together with the angles and
distances

Arthur Curtis
County Surveyor

FILED

OCT 4 1898

W. H. Brown
County Clerk

REPORT OF SURVEYOR, Co. Union, Or. Form No. 111

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 Fred J. Holmes et al., beg leave to report that on the 17 day of Sept, 1898, in pursuance of said appointment and order, I Surveyed said proposed road for the whole distance thereof, the following being the field notes of said survey:

Commencing at a point in center of County Road running from La Grande to Island City 65.0 Chs East 7.50 South of the N. East Cor. of South West $\frac{1}{4}$ of North East $\frac{1}{4}$ of Sec 4, T. 3 S., R. 38 E., W. 7 M. Then West 60 feet in width 6.50 Chs. to East end of road in May Park Ad. Then West 40 feet in width 20.45 Chs. to Angle 1. Then North 7.50 Chains to Angle 2. Then West 10. Chs. to Angle 3; Then North 74° West 2.40 Chains to Angle 4; Then North 44° West 3.75 Chs to A 5; Then West 4.60 Chs. to R. T. 2.40 Chs North of the S. W Cor. of N. W $\frac{1}{4}$ of N. W $\frac{1}{4}$ of Sec. 4 T. 3 S. R. 38 E. W 7 M

Arthur Curtis
County Surveyor.

In the County Court of the
State of Oregon for Multnomah County

In the matter of the
petition for by F. J. Williams et al

Report of Receivers and Managers

Oct 4. 1898

F. J. Williams, Clerk

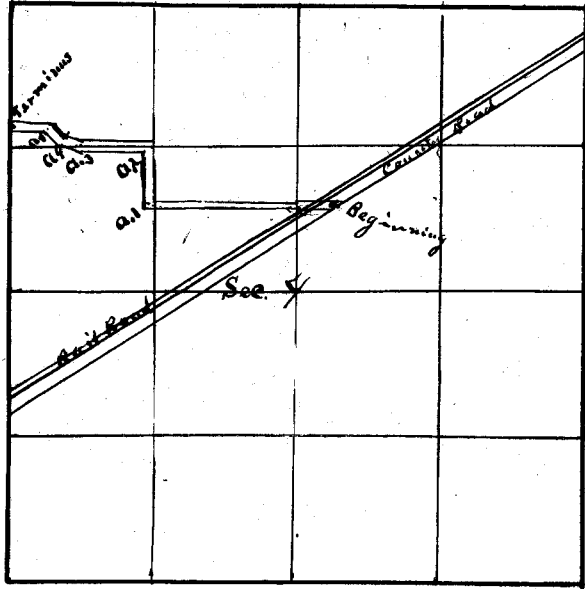
Read and approved
11/11/98
9 approved

FILED

OCT 4 1898

F. J. Williams
County Clerk

T. 3 S. R. 39 E. W. 7 M



Note This is platted in Plat Book in accordance with the survey notes which gives the road as being located in Range 38 and not 39 as given by this plat. Feb. 7, 1913 C.T. Darby Co. surveyor.

W. H. Benson
County Cl.

FILED
OCT 4 1898

Thurs. Judicial Day

Wednesday Sept 7th 1898

Klion Kufe	Steel Combination with pier bent foundation	44500
do	" 3rd condition	4400
San Francisco Bridge Co	Wrought Steel 130ft low cylinder piers	4900
do	134" Wrought Steel	6500
The Buller Bridge Co.	Bid No 1 for the sum of 2250 ⁰⁰ per sheet # 170	
do	2 2400	80
do	3 2600	78
do	4 2500	169
do	5 2900	79
do	6 3150	77
do	7 2450	8
do	8 2500	114
do	9 3200	111
do	10 2750	215

and the court having considered the various bids at length and not being fully advised in the premises it was ordered that the letting of contract herein be continued until tomorrow morning at 11 o'clock

In the matter of the proposed
County Road, petitioned for by
Fred J. Holmes et al

Comes now W. G. Hunter 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 a point at the center of the county road running from La Grande to Island City at a point about 240 feet due east from the east end of the road running east and west in May Park addition; thence running west 50 feet on each side of said point to the east end of the road running east and west in said May Park addition; thence west along said road 40 feet in width to the east side of the east line of the $\frac{1}{2}$ of the $\frac{1}{2}$ of sec 4 in Twp 3 S R 58 E N. M. to a point 140 feet north from the south east corner of tract C of the Williamson tract on said line thence north 60 feet in width to the north side of said tract C in Williamson tract; thence west sixty feet in width along the north side of said tract C of Williamson tract to the west side of the road running north and south through the said Williamson tract thence across tracts H and J of said Williamson tract sixty feet in width in

Third Judicial Day

Wednesday Sept 7th 1898

a north westerly direction to a point between 140 and 250 feet north of the south line of tract J in said Williamson tract
and it appearing to the Court that there has been a remonstrance filed herein against the said proposed road being opened, that the petition herein is signed by a larger number of the citizens and taxpayers residing in the vicinity of the said proposed road than the remonstrance it is therefore considered and ordered that the remonstrance herein be overruled and dismissed and it is further ordered that the appointment of viewers and surveyor herein be continued until tomorrow morning at 9 o'clock

In the matter of the
application of Nels Holmerson
for a liquor license

This matter came on to be heard at this time on the petition of Nels Holmerson for a license to sell spirituous malt and vinous liquors in less quantities than one gallon in Helgard Precinct and it appearing to the Court that said petition is signed by an actual majority of all the legal voters residing in said precinct, that notice has been published herein for four consecutive weeks as by law required proof of which has been filed herein, that said Nels Holmerson has paid into the County Treasury the sum of \$200 and filed his receipt therefor with the Clerk of this Court, that he has given a good and sufficient bond herein in the sum of \$500⁰⁰ which has been approved by the Judge of this Court, that there has been no remonstrance filed herein or cause shown why said petition should not be granted it is therefore considered and ordered that said petition be granted and that license issue to the said Nels Holmerson for a period of six months from the 10th day of Sept 1898.

In the matter of the
application of Elisha Ester
for a liquor license

It appearing to the Court at this time that the petitioner herein has not filed his bond as by law required it is ordered that this matter be continued for the term

Fourth Judicial Day

Thursday Sept 8th 1898

Cour. met pursuant to adjournment—

The same officers were present as on yesterday

The proclamation of the opening of Court having been made the journal of yesterday's proceedings was read approved and is here now signed

B. L. Wilson
C. Judge

In the matter of the
Road petitioned for by
Fred J. Holmes et al

Come now W. G. Hunter 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 a point at the center of the County road running from La Grande to Island City at a point about 240 feet due east from the east end of the road running east and west in May Park addition; thence running west 30 feet on each side of said point to the east end of the road running east and west in said May Park addition; thence west along said road 40 feet in width to the east side of the east line of the $\frac{1}{2}$ of the $\frac{1}{2}$ of Sec 4, in Twp 3 S, R 38 E, N 1/2 to a point 140 feet north from the south east corner of tract C of the Williamson tract on said line; thence north 60 feet in width to the north side of said tract C in Williamson tract thence west sixty feet in width along the north side of said tract C of Williamson tract to the west side of the road running north and south through the said Williamson tract; thence across tracts K and J of said Williamson tract sixty feet in width in a north westerly direction to a point between 140 and 250 feet north of the south line of tract J in said Williamson tract

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 commencement of the proposed road on the fair ground fence on the south side of the proposed road, one on

Fourth Judicial Day

Thursday Sept. 8th 1898

a fence post on the line of the proposed road across the street in a south easterly direction from the dwelling house of H. G. Miller and one on a gate post on the line of said proposed road at the north west corner of tract C of the Williamson tract of land 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 the notices so posted were in due form and duly signed by the petitioner and that a bond for the cost of this proceeding has been duly given. It is therefore ordered that Peter McDonald, Jabez Conley and James Beach be appointed Viewers of said road and that Arthur Curtis be appointed Surveyor of said road and that they meet at the commencement of the road on the 17 day of September 1898 at the hour of 10 o'clock A.M. and after qualifying to view survey and lay out said road according to law.

In the matter of the application of Phil Kearny Post No 66 for County aid for William Smith an Indigent Soldier

It appearing to the Court that William Smith an indigent soldier belonging to Phil Kearny Post No 66 is sick and destitute and that his said Post has expended the sum of \$17 in taking care of him. It is therefore ordered that the bill of said Post for \$17⁰⁰ be allowed.

In the matter of the application of W. O. Linna Kuhn to redeem Lot 1 of BK 5-5 Chapin ad to L. S.

Comes now W. O. Kuhn and by petition shows that for the year 1892 Lot 1 of BK 5-5 Chapin addition to LaGrange was assessed for the year 1892 to unknown together with Lot 2 in said block and that said lots were sold together for the delinquent taxes & costs amounting to the sum of \$4.19 that the taxes have been paid each year since 1892 on said property, that W. O. and Linna Kuhn are the owners of said lot and were not aware of its having been sold until recently and they now ask that they be allowed to redeem by paying the sum of \$4.19 and the Court having fully considered the matter

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 in said County and State on Monday the 3rd day of October A.D. 1898 and from day to day thereafter during the continuance of said term when were present:

The Hon B.F. Wilson County Judge
 R.T. Langrell Commissioner
 Henry Bug Commissioner
 G.W. Benson Clerk
 W.G. K. Dering Sheriff

Due proclamation of the opening of Court having been made the following proceedings were had, to-wit:

In the matter of the application
 of
 C. H. Marsh for leave to collect
 delinquent Taxes

This matter came on to be heard at this time on the application of C. H. Marsh for an assignment of the Contract of J. S. Austin heretofore entered into for the collection of delinquent Tax Sums and the Court not being fully advised it was ordered that this matter be continued for the term

In the matter of the
 Road petitions for by
 Fred J. Holmes et al

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

In the matter of the petition
 of
 C. L. Melquist for Liquor License

This matter came on to be heard at this time on the petition of C. L. Melquist for a license to sell spirituous, malt

Fourth Judicial Day

Thursday Oct 6th 1898

since the order of the Court was made for opening said road
It is therefore considered and ordered that the said road petition
for by W York et al has by virtue of the Statutes in such cases
made and provided become vacated by reason of the failure to
open the same for the period of four years and It is further
ordered that the Road Supervisor of the road district in which
said road is situated, Town: Road Dist No 11 be and he is
hereby ordered to forthwith open up the old County road for
travel which was so illegally closed up

In the matter of the
Road petitioned for by
Fred J. Holmes et al }

This matter came to be heard at this time
on the report 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:
The undersigned viewers heretofore on the 5th day of September 1898
appointed to view and lay out and alter the proposed county road
of which the survey hereto attached is a true and correct descrip-
tion as petitioned for by Fred J. Holmes et al. by law to report that
on the 17 day of September 1898 in pursuance with said appoint-
ment and order after being duly sworn to faithfully and impartially
discharge the duties of said appointment, we proceeded to view and
said proposed road for the whole distance thereof and that in our opin-
ions 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

Peter McDonald

J. J. Conley

James S. Peach

and said report of the viewers and the report of the surveyors
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 pro-

Fourth Judicial Day

Thursday Oct 6th 1898

posed 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 ^{except what has been heretofore disposed of} 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 report of the viewers and surveyor be approved and adopted by the court 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. 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 John E. Hough, Road Supervisor of road District No 44 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 application of the
Union, Cove and Valley Railway Company
for right to lay track over and along
a certain County road in Cove precinct
Union County, Oregon

Now at this time is presented to the Court the application of the Union, Cove and Valley Railway Company for the right and privilege of laying its track along and over certain County road situated in Cove, Union County, Oregon, for a distance of 1900 feet on the line as surveyed and staked out thereon by the said Railway Company, to-wit:

That certain County road described as follows: commencing at a point 1520 feet due West of the S.E. corner of the S.E. 1/4 of Sec 16, Twp. 3 South Range 40 East and running thence north on the line between the East half and the West half of the S.E. 1/4 of said Sec. 16 said application being for the right and privilege of laying the track of said railway for a distance