EQUITY
LAW } No

In Circuit Court,

Union County

Plaintiff

vs

Defendant

Attorney for Plaintiff

Attorney for Defendant

526

Road
Sought to
be vacated by
petition
T R Monk
et al
petitioners
[illegible] W of
[illegible] T 38 6
and terminating about
6 rods S of NW Cor
of 6½ Sec 2 Tp 15 R 38

~~49 434, 413 473 48~~
~~493~~

By J R Monk.

J 135-150, 366 421 457 491 491

Presented ~~by~~ Aug 7 1900

Order to Vacate Sept 6 1901.

BOND OF ROAD PETITIONERS.

Know all Men by These Presents, *That we,* A. J. Colt *and* Anna Colt, *of the County of Union and State of Oregon, are held and firmly bound unto said County of Union 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 8 *day of* March *A. D.* 1901

Now, *the condition of the above obligation is such, That, whereas the above named* T. R. Monk ~~*and* ; *and others, have petitioned*~~ *the County Court of said County of Union, at the* May *Term,* ~~189~~ 1901 *thereof for* ~~*a County Road,*~~ the vacation of all that portion of a certain County Road described as follows, to wit: Commencing at a point about 50 rods west of the Southeast corner of Section 2 Township 1 South Range 38 E.W.M.; running thence in a North west direction and intersecting a County Road which runs north and south on a 1/4 Sec. line about 60 rods south of the NW corner of E1/2 of Sec. 2 Township 2 South Range 38 E.W.M.

NOW, if the above named A. J. Colt *and* Anna Colt *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.*

A. J. Colt (L. S.)
Anna Colt (L. S.)

STATE OF OREGON,
County of Union. } ss.

I, A. J. Colt and Anna Colt, each for himself, says, that I am worth the sum of One 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.

A. J. Colt
Anna Colt

Subscribed and sworn to before me this 9th *day of* May *A. D.* ~~189~~ 1901

M. A. Harrison
Notary Public for Oregon ~~County Clerk.~~

Board

In the matter of the vacation of the County Road petitioned for by T. R. Mouk. et al

Filed May 10. 1901
G. W. Benson
Co. Clerk

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

In the Matter of the Petition to Vacate a certain County Road petitioned for by Dr.T.R.Monk et al.	MOTION TO DISMISS.

Come now the Remonstrators in the above proceeding, by their attorney, Turner Oliver, and move the Court to dismiss this whole proceeding for the following reasons:-

Ist. The description of the Road sought to be vacated as set out in the petition is indefinite and uncertain and does not describe the point of beginning or the point of termination of the portion of said road sought to be vacated;

2nd. The notice posted does not describe the road sought to be vacated, and the Court has never acquired jurisdiction;

3rd. The Notice does not describe the same road as that described in the Petition, and there is a fatal variance between the Notice and the Petition;

4th. Neither the Petition nor Notice bears any date and it appears that they were filed in this Court over 16 months ago and not brought to final determination;

5th. At the time said Petition was presented to this Court there a Remonstrance presented that outnumbered the petition and on May 10th 1900 proof was made and filed that all of said remonstrators were householders and resided in the vicinity of the road sought to be vacated and on May 9th.1900 another remonstrance was filed against the vacation of said road, which remonstrance contained about twice the number of names as were on the petition and said remonstrance has not yet been acted upon by this Court;

6th. No bond was given in this proceeding as required by law, and the pretended bond filed on May 10th.1901 is conditioned on the vacation of a road therein described which has no existance and said description is an impossibility;

7th. In the long interval that has elapsed since the filing of the petition many of the petitioners have removed from the neigh-

borhood and the vicinity of the road and some are not new residents of the State of Oregon;

8th. These remonstrators filed their remonstrance herein on July 8th 1901 and the names on the same far outnumber the names on the petition, and for this reason the petition ought to be dismissed;

9th. The surveyor's plat and field notes filed herein do not describe the same road described in the petition, or in the notice, or in the bond, and show that the surveyor did not survey the road described in the petition, and that the viewers did not view or report on the road described in the petition.

Turner Oliver
Attorney for Remonstrators.

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

In the Matter of the Petition of
T.R.Monk et al. to Vacate a
County Road.

Motion to Dismiss

Filed September 5th.1901.
G.W.Benson
County Clerk.

In the County Court of the County of Union-State of Oregon-

In the Matter of the vacation of the
County Road petitioned for by T.R.Monk
and others.

Come now the undersigned the petitioners in the said matter and move-and apply to the court to strike out of the remonstrance filed-and not to consider therewith the names of W.Stacy-D.McMillen-D.Geqrhart-W.E.Germain-J.K.Sheak B.Gerder-Robert Frazell-P.C.Wright-J.W.Tuttle-and W.W.Gumee for the reason that they do not now nor did they or either of them when they signed the remonstrance reside in the vicinity of said road;that J.A.Murchison has signed said remonstrance twice--and the names of A.Wright-R.C.St John-Peter Pfleam-W.S Irwin-Geo.Ott-M.Rasmussen-Ben F.Hug-P.C.Wright-Walter R.Court I.W.Pentecost-J.O.Smith and John Neiderer-wright-C.W.Fisher-E.S.Logan-for the reason that they are single men and not householders as required by law to sign said and remonstrance. Also the names of John Hug-C.L.McKinnis are on the petition. This motion is based upon affidavit.

John McRae, Geo Lodd, H C Neff, A O Rogers, W Osborn, Russell, McRae, Joe Evans, Jos Rammell

Respectfully submitted-

C.H.Finn-Attorney for-and the said petitioners.

State of Oregon-

County of Union-SS:-I-- A. J. Colt being first duly sworn say:- That I am a resident of near Summerville, Union County, Oregon-and am well acquainted with the county road sought to be vacated upon petition of T.R.Monk and others-in that vicinity that I am well acquainted with the persons signing the petition as well as those signing the remonstrance against the same; that I say that Geo.Ott-W.S.Irwin, Peter Pfleame, R,C,St John, ~~G.A.St John-W.H.Sumner~~-A.Wright-M.Rasmussen-Ben F.Hug-P.C.Wright Walter R.Cortwright-C.W.Fisher-E.S.Logan and I.W.Penticost-and know them to be single men-and not head of families-or housholders; that W.Stacy-D.McMillan-D.Gearhart-W.E.German-J.K. Sheak-B.Carder-Robert Frizzell-P.C.Wright-J.W.Tuttle-~~H.H.Bliedge~~ Wm Mills, Grant Wilson, W.W. Gunnoe, John McRae, Geo. Todd, H.C. Weik, G.S. Rogers, W.W. Glenn and J.L.McKinnis-~~and that~~ neither of them is a resident within the vicinity of said road-for that J.L.McKinnis-lives near Elgin 5 to 6 miles from the road in question; ~~H.H.Bliedge-lives near Walla Walla, in Washington~~; J.K.Sheak in LaGrande-16 miles away; W.Stacy-near Imbler about 5 miles away; D.McMillan 8 to 9 miles away-D.Gearhart-8 to 9 miles away-W.E.Germane-6 to 7 miles off-B.Carlin-not in the country-Robert Frizzell-6 to 7 miles away-near Island City-P.C.Wright fully 4 miles away-J.W.Tuttle-near Elgin 6 to 7 miles away-and these people have no more use of said road than the general public-that further the said I.W. Penticost-J.O.Smith-Jno Neiderer-John Hug-and C.L.McKinnis-are on the petition-and that affiant says that none of these signers are qualified ~~pub~~ remonstrators in this case-and their names should not be considered-on said remonstrance.

John McRae
Geo Todd
H C Weik
G. J. Rogers
A Schuck.
R. McLaughlin
are 6 miles
away
W. W. Glenn
J A Evans.
Rasmussen
are 5 miles
away-and
Grant Wilson
Jno Neiderer
are 7 miles
away from
Sand road

A. J. Colt

Subscribed and sworn to before me this the 7th day of August 1901.

G W Benson Clerk
By O. Schow Depy

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

Motion in re
Vacation of Road
petitioned for by
F. R. Mank, et al

Filed Sept 6, 1901
G. W. Benson, Clerk
By [illegible]
Dep

Sep. 6

In the matter of the Vacation of
the Road petitioned for by T. ~~H.~~ R. Monk
et als-

~~And now at this time this matter came regularly on to be heard on the report of the viewers~~

And now at this time the report of the viewers came on for consideration-the same having been duly read two consec utive times and on two consecutive days in open court-and it appearing that there has been filed in this case-a motion to dismiss the petition, a remonstrance to said petition-and a motion and application to strike out and disregard the remon strance as to certain signers because of their disqualification to sign the same; supported by affidavit;-

And the court being fully advised in the premises:-
Finds that so much of the motion by the remonstrators-which asks the court to dismiss the petition on account of alleged defects therein-has been the subject of former motion decided by the court adversely thereto-should be disregarded-and the rest of said motion is hereby denied and overruled;

That there are a number of names on the remonstrance which should be stricken out-as the said persons are disqualified by being not householders-or residing in the vicinity of the road sought to be vacated-said motion of petitioners is sustained-; that there are more signers of the petition for such vacation of said road than legal remonstrators thereto:-and that the report of the viewers should be adopted; and now there being no petitions for damages filed

It is therefore ordered

That said report of the viewers be adopted:-
that the prayer of the ~~petion~~ petition for vacation of said road-be granted-and said road-being now a county road is hereby vacated and declared to be no longer a public highway or county road-and the supervisor of the road district in which it is situated is hereby ordered to close the same, and said report of viewers' ~~[illegible]~~ plat be ordered recorded.-

J R Mouk et al

In the matter of the
proposed vacation of
County road petitioned for
by J. R. Mouk et al

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

In the Matter of theRoad
sought to be Vacated by
A.J.Colt et. al.

Now at this time come G.Waelty and the other ,remonstrators by their attornies Turner Oliver and C. H. Marsh,and move the Court to dismiss the petition heretofore filed herein for the following reasons,

First, That the description of the road sought to be vacated is indefinite and uncertain and does not describe the point of beginning and the point of termination of said road;

Second, That the notice posted does not describe the road sought to be vacated;

Third,That there is a fatal variance between the petition as filed and the notice thereof as posted and filed;

Fourth; That neither the petition or the notice is dated.

Fifth; That No bond has been given as required by statute.

Sixth, That the petition and notice herein filed are insufficient to give the court jurisdiction in this matter.

Turner Oliver & C. H. Marsh
Attornies for the remonstrators.

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

In the Matter of the
Petition of Jacob Ohrn
et al

Motion & Order
Proceeding

Filed April 7th 1900
W. H. Bensell
Clerk
By R. Clark
Deputy

Lyman Ohrn
W. H. Marsh
Attys for
Remonstrators

To the Honorable County Court of the State of Oregon, for Union County

We the undersigned householders residing in the vicinity of the hereinafter described county road for the vacation of which Dr T R Monk, et al have petitioned, do most respectfully but urgently protest and remonstrate against ~~against~~ the granting of said petition or the vacation of said road, viz "Commencing at a point about 50 rods West of of the South-east corner of Section 2 Township 1 S R 38 E running thence in a North-west direction and ~~terminating~~ intersecting a Co road which runs N & S on a ¼ Sec line about 60 rods South of the N W Cor of E½ of Sec 2 town 2 S Range 38 E W M "

Names

H W Oliver
J H Rinehart
B D Hubers
J E [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
W S [illegible]
John McRae
J A [illegible]
J R [illegible]
[illegible]
John [illegible]
S A Jennings
[illegible]
[illegible]
[illegible]
W S Lacey
J W Pentecost

Names

R Wright
W H Glenn
J A [illegible]
M Rasmussen
Wm Wiley
J Wilson
Robert Engell
John Andrews
[illegible]
J M Hay
[illegible]
[illegible]
Walter R Boatright
[illegible]
[illegible]
J W Beals
[illegible]
H N Eldridge
C W Fisher

B E Cornwall
R C St John
W P Miller
[illegible]
[illegible] Glover
D Gearhart
[illegible] Hebich
J Buchanan
A C West
W E Jennings
[illegible]
J R Sheak
[illegible]
Henry Storm
J O Smith
N C Rinehart

Frank W E Thompson
J T Wooden
G Fitcher
E J Teel
E L [illegible]
J L Williams
J A Shepard
R McKenzie

Remonstrance
against road
petitioned for
J R Monk et al

Filed July 8 1901
G W Benson
Co Clerk

7500

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

In the matter of the petition of
Dr. T.R. Monk et al to vacate a
county road.

To the Honorable County Court,

We the undersigned householders of Union County, Oregon, do most respectfully remonstrate against vacating a portion of the county road described as "commencing at a point about fifty rods west of the S.E corner of Sec. 3, Township I S.R.38 E. running thence in a northwest direction and intersecting a county road which runs N. and S. on a ¼ Sec. line about 60 rods south of the N.W. cor. of E ½ of Sec. 2, T. 2 S.R 38 E.W.M." as petitioned for by Dr T R Monk et al These remonstrators all living in the vicinity of said road and all have to travel the same and so most respectfully urge the following reasons why said petition should not be allowed and why said road should not be vacated

1st. The road sought to be vacated has been the open, travelled, public county road for the past 33 years and during that time a large amount of labor has been expended in gravelling the road and the same is now one of the most substantial, permanent turnpikes of the county and it would require more than $500.00 to do the work that would be thus thrown away

2nd We doubt much whether the road to which it is sought to turn the travel is a legal county road, and if it were, it is not the usual width and runs through a springy, muddy ground and has only been traveled during the dry season It would cost no less than $600.00 to place said road in condition for travel during the wet season and it could never be as good a road as the one sought to be vacated.

3rd. The road sought to be vacated is a short route in which the whole community is interested and to vacate the same would increase the distance by at least a half mile every trip any of the people living north of same would take in going to town and all the people living south of same would take in going to the timber

We would respectfully represent to the Court that this is one of the most important roads of the county, It is the only road used by at least 300 people whose postoffice is Summerville, in going for their mail and in going to and from said town It is the principal road used by the people living in the whole North end of the valley in hauling wood, rails and lumber While there is now only one sawmill running there is usually three and this road the only outlet for the product It is impossible for your remonstrators to estimate the damage that would accrue to the people by closing this road, and no advantage would accrue to any one except a small advantage to A.J Colt and to the owners of the Anderson place and it is doubtful whether their personal advantage would not be more than offset by the disadvantages accruing to them In any event the road sought to be vacated was a public county road long before any of them owned this or any other land in Union County and they acquired these lands subject to the rights of the community in this road

For the foregoing reasons we ask the county court to set aside its former order and overrule and deny said petition.

Dated at Summerville, Oregon this 24th day of April A.D. 1900

Dated at Dallasville, Oregon this 4th day of April A D 1900

Names	Names
R Pate	
G L Mitchell	
Perry English	
E S [illegible]	J E Colcord
D J Powell	J F McDonald
[illegible] Kinney	Hugh J McDonald
[illegible] L McKenzie	Jas A Hutchison
A Wright	J W Tuttle
H W Broadshaw	H H Hug
John [illegible] Cae	Frank Smith
John Van [illegible]	
[illegible] Bretzinger	
John E Flacker	
George Ott	
E J Jack	
C W Olivier	
[illegible] Hathaway	
Angus Shaw	
R Gruhung	
J N Eckels	
[illegible]	
[illegible]	
[illegible]	
[illegible] Rinehart	
G W Wagner	
George Sigler	
[illegible] Rinehart	
M W Pace	
F. Slack	

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

In the matter of the petition of
Dr T.R. Monk et al to vacate a
county road.

To the Honorable County Court.

We, the undersigned householders of Union County, Oregon, do most respectfully remonstrate against vacating a portion of the county road described as commencing at a point about fifty rods west of the S/L corner of Sec 2, Township 1 S R 38 E running thence in a northwest direction and intersecting a county road which runs N and S. on the Sec. line about 60 rods south of the N W cor. of L. 1 of Sec 2 T 1 S R 38 E W M as petitioned for by Dr T R Monk et al. Those remonstrators all living in the vicinity of said road and all have to travel the same and we most respectfully urge the following reasons why said petition should not be allowed and why said road should not be vacated,

1st The road sought to be vacated has been the open, travelled, public county road for the past 65 years and during that time a large amount of labor has been expended in gravelling the road and the same is now one of the most substantial, permanent turnpikes of the county and it would require more than $500.00 to do the work that would be thus thrown away

2nd We doubt much whether the road to which it is sought to turn the travel is a legal county road, and, if it were, it is not the usual width and runs through a springy, muddy ground and has only been travelled during the dry season. It would cost not less than $500.00 to place said road in condition for travel during the wet season and it could never be as good a road as the one sought to be vacated.

3rd The road sought to be vacated is a short route in which the whole community is interested and to vacate the same would increase the distance by at least a mile to every one of the people living north of same would take in going to town and all the people living south of same would take in going to the timber

We would respectfully represent to the court that this is one of the most important roads of the county. It is the only road used by at least 200 people whose postoffice is Summerville, in going for their mail and in going to and from said town. It is the principal road used by the people living in the whole North end of the valley in hauling wood, rails and lumber. While there is now only one saw-mill running there is usually three and this road the only outlet for the product. It is impossible for your remonstrator to estimate the damage that would accrue to the people by closing this road, and no advantage would accrue to any one except a small advantage to A J Colt and to the owners of the Anderson place and it is doubtful whether their personal advantage would not be more than offset by the disadvantages accruing to them. In any event the road sought to be vacated was a public county road long before any of them owned this or any other land in Union County and they acquired these lands subject to the rights of the community in this road

Dated this April 7th 1900

For the foregoing reasons we pray the county court to set aside the former order and overrule and deny said petition

Dated at Summerville, Oregon this 4th day of April A D 1900

Names

Chas Sparrow
John Moeller
John Niederer
John McCoy

Please take my name of the petition
Please take my name off petition

Chas F. Crowell
Hiram McDonald
Enos Fisher
D W Pinkerton
H C Mitchell
E J Hathaway
E M Hathaway
E M Black
J E Emmons
Geo Hadley
H Olive
H H Ellsesser
W S Hamilton
Terry Tuttle
Ed B Tuttle
A R Nice
Thomas Blair
Jas M Eckards
Henry Rinehart

John Hacker
H W Oliver
E D Sarr

Filed May 9 1900
G W Benson
Co Clerk

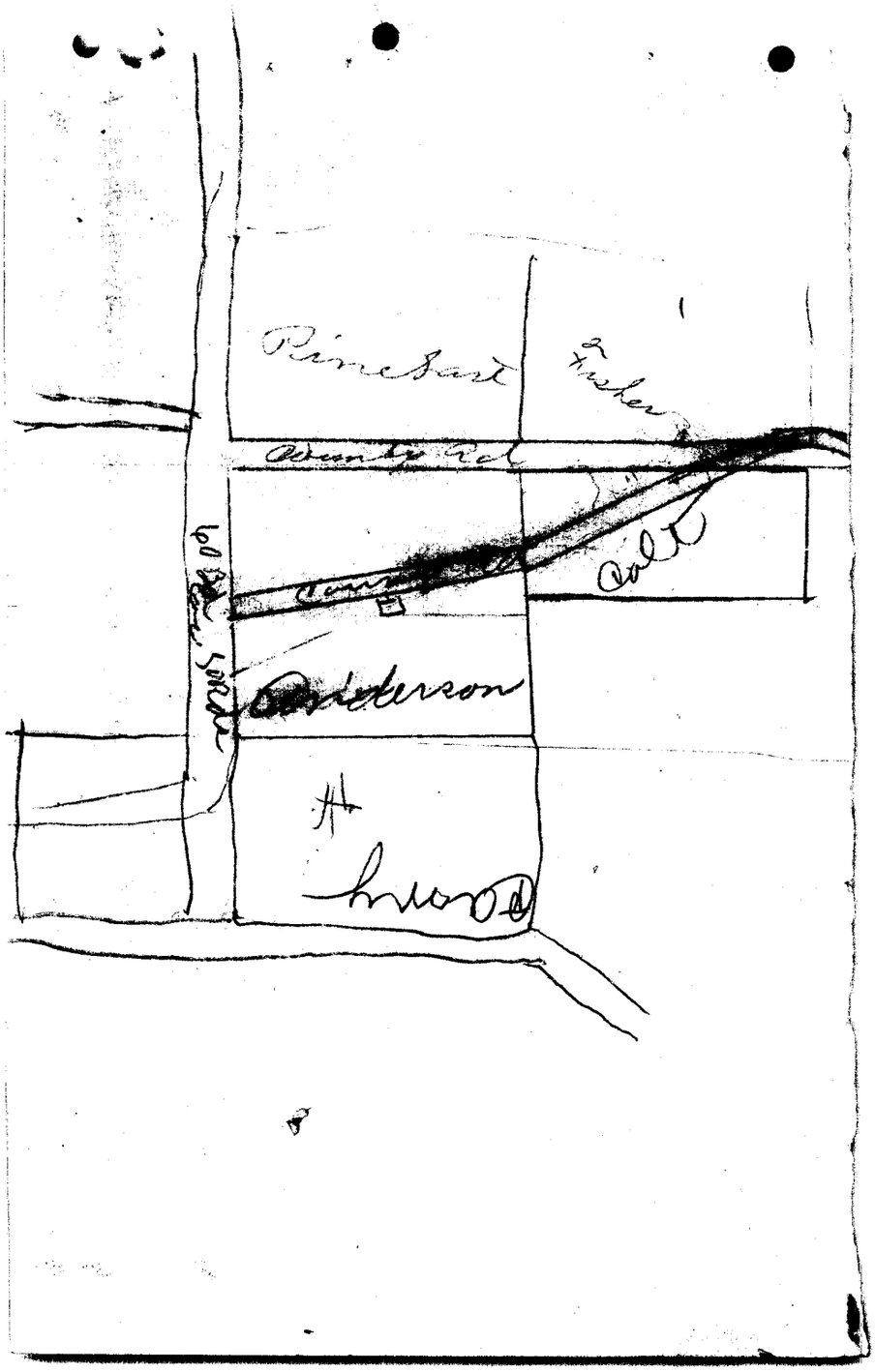
In the County Court of the State of Oregon
for Union County

In the Matter of the
Petition of et al
to Vacate a County Road

Comes now the remonstrators in the above entitled matter and move the Court to open up the proceedings herein and grant these remonstrators a rehearing.

Turner Oliver
Atty for Remonstrators

Filed april 18. 1900
G. W. Benem
Clerk


Pinebart
Fisher
County Rd
Anderson

Shawn McCarter not
J. H. Oliver not in county
O. Oswald not in county
H. L. Glenn
Charles Dunn
W. E. Woodell - not in county.
W. K. Parks
A. H. Cobb not household
G. Otis or both
S. D. Ticklin not in
H. E. Murchinson not h, h
A. C. Palmer Both
Bert Crawford

E. B. Jark
Hilly York on sidehill
C. E. Glenn lives in town
C. G. Eubanks no H. H.
Wm Mills Both
G. B. Courtwright
T. A. Choate
H. L. Tucke lives at Dour
E. B. Hathway Both school
D. Brown live at S. Shar
C. L. McSkinnis Both
T. A. Darvin
Marshall Oliver - not in county
J. L. McPherson

Summerville Ore
Apr 5, 1900

To the Honorable County Court of Union County Oregon

The road between the Anderson ranch and Rinehart ranch is full forty feet but between Fisher and Colt it is only forty to the center of the fences making the road thirty six feet Therefore we can not send affidavit but if you will consider mr Gressman's statement and close the road as per petition we will make the road the lawful width.

Very truly J. R. Gramone
A J Colt

Summerville Oregon
Apr 5-1900

To The Honerable County
Court of Union Co
State of Oregon

I having been Road
supervisor for five years
in this District ~~of~~ know
to a certainty that this
road runing between the
Anderson farm and J H
Rinehart's place had been
open for ten years and
that it is a passable road
and advise the Court
to close the road in and
petition and make this
road the traveled road
This being to the best in
terest to all concerned

Very truly Henry Gressman

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

In the matter of the vacation
of a road as petitioned for by
L. R. Monk, John Neider, Sm L. Ahin et.al.

Comes now W. W. Bradshaw W. E. Murchinso and others, remonstrators in the above named matter by their attorney C. H. Marsh and moves the court to strike from the files and to disallow said petition for the reason that said petition and the notices of the presentition thereof to this court are not dated.

C H Marsh
Atty. for remonstrators.

Filed April 7, 1900
E. W. Emerson
Clerk

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

In the Matter of the Road
sought to be vacated by
A.J.Colt et. al.

State of Oregon
ss.
Union County

We, J.T.Woodell and E.Fisher, being first duly sworn say that we are personally acquainted with most of the remonstrators whose names are subscribed to the remonstrance in the above entitled proceeding which was filed on the 7th. day of April 1900, that the following are all householders and live in the town of Summerville,to-wit: G.Waelty, J.A. Mc Rae,A.Wright, J.E.Collins, A.Shaw,J.C.Bennette, George Ott, Jas. A.Murchison, O.A.Rinehart,W.S.Hamilton, B.D.Hubers, W.W.Bradshaw, A.C.Palmer,W.I.Hunter Jacob Collins,G.A.Jarmagin, R.McKenzie, J.L.McKenzie,J.J.Palmer,J. Vanderpool, H.H.Elledge,and T.A.Marvin, which town is within a mile of the road sought to be vacated , and all of said remonstrators are compelled to frequently use said road.

H. W. Oliver is a house-holder and lives about two miles north of the road sought to be vacated that his post office address is Summervalle and he is compeled to use said road evry time he goes to town. J. M. Slack is a house holder residing Northwest of said road and is compeled to use the same evry he goes to the post office or town. S. D. Ficklin and F. Slack are both house holders and live West of said road.E. B. York and Wessley York are both house holders and live West of said road about one and ½ miles fro m said road. H. C. Rinehart is a house holder and lives within ¼ mile of said road and is compeled to use said road in hauling wood and lumber. Marshall Oliver is a house holder and lives about two miles West of said road . C. E. Glenn is a house holder and lives about four miles Southeast of said road and is compeled to use the same in hauling wood and lumber. M. Murchison is a house holder and lives between said road and Summerville and is obliged to use said road to haul wood and lumber. W. E. Woodell ,W. H. Glenn,and H. H. Elmer are all house holders and live within three miles of said road and all have to use said road in hauling their wood and lumber. W, N. Park is a house holder and lives within two miles of said road and is obliged to use the same in hauling his wood and lumber. J. W. Stevens is a house holder and lives Northwest of said road and is compeled to use the same in going to and from his post office. G. B. Courtright lives Northwest of said road,is a house holder and is compeled to use said road in going to and from his post office J. L. McKinnis is a house holder living about three miles from said road and is obliged to and does use said road in hauling his wood and lumber. Chas. Down and Peter Pflaum are both house holders and live North of said road and are are obliged to and do use the same in going to and from their post office. C. Oswald is a house holder and lives Northeast of said road about four miles.E. T. Hathaway is a house holder and lives about one mile from said road and uses the same at all times in going to and from his post office.E. S. Logan lives Northwest of said road and uses the same in going to and from his post office. Hiram McDonald is a house hol-

holder and lives about three miles from said road. A. G. Wealty is a house holder and lives about two miles West of said road. R. D. Brown and Frank McKinnis are both house holders and live North west of said road and are compeled to and do use the same in going to and from their post office. C. L. McKinnis lives North of said Road and is compeled to and does use the same in going to and from his post office and is a house holder. Perry English is and house holder and Ruben Pate is a house holder and live Northwest of said road and are compeled to and do use the same in going to and from their post office. and that they are house holders and live on said road and use the same

J. T. Wardell E. Fisher

Subscribed and sworn to before me this 18th day of May 1900.

C. H. Marsh
Notary Public in and for Oregon.

In the County Court
for Union County Ore

In the Matter of the
Road sought to be
vacated by Ry. Coll
Coal

Affidavit of
Fisher Wordell

Filed May 10th 1900

Clerk
By W. C. Wing

Tyner & Oliver &
C. H. Marsh attys
for Remonstrators

REPORT OF VIEWERS.

To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 5 day of August 1901, appointed 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 T. R. Monk, et. al., beg leave to report that on the 23 day of August, 1901, 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 opinions said proposed road ~~should~~ be ~~laid out~~ Vacated ~~established~~ as a public highway of Union county, Oregon. That the same practicable and would add to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be Vacated ~~laid out~~ and declared not a public highway of said county.

M. A. Harrison
Freeman Ladd
E. B. Long

Viewers.

FILED

SEP 3 1901

G. W. Benson

County Clerk

State of Oregon
County of Union } S.S

I hereby certify that in the matter of the County road petitioned for by T. R. Monk and others, that the viewers and each of them heretofore appointed by the court to view and vacate said road, were duly sworn by me to faithfully and impartially perform the the duties pertaining to the viewing and vacating of said road before entering upon the discharge of their said duties in that behalf.

Arthur Curtis
County Surveyor

FILED

SEP 3 1901

G. W. Benson

County Clerk

State of Oregon,
County of Union } ss

I hereby certify that in the matter of the County road to be Vacated, petitioned for by J. R. Monk et. al. that the field Notes accompanying the report of same, are true and correct and that the Plat is true and correct representation together with the Angles and distances

Arthur Curtis
County Surveyor

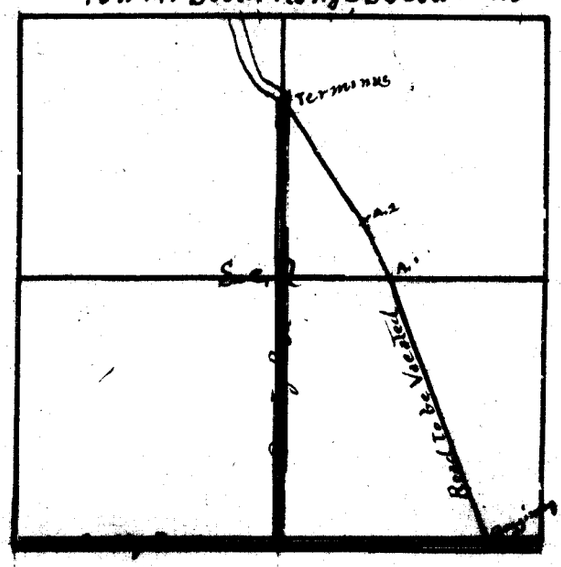
FILED

SEP 3 1901

G. W. Benson

County Clerk

Town. 1 South Range 38 East W.M



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 T. R. Munk *et al., beg leave to report that on the* 28 *day of* August ~~189~~ 1901, *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 point 8 Chs. West of the S.E. Cor. Sec. 2. T 1S. R. 38 E. W. M. at a Rock Marked R. Thence North 21° West 42.15 Chs. to Angle 1 a Rock Then North 31° West 10.06 Chs. to angle 2 a Rock Then North 35° West 21.50 Chs to Road Terminus a Rock marked R.T. set in center of County Road a point 12.34 Chs South of the 1/4 Sec. Cor. on the North side of Sec. 2. T 1S. R. 38 E. W. M.

Arthur Curtis
County Surveyor.

~~In the~~
County Court.
Union County. Oregon

~~In the matter of~~
~~the vacation of a~~
~~certain county road~~
~~Petitioned for by~~
J. R. Monk, et al

Report of Viewers
and Surveyor

Filed Sept. 3. 1901.
G. W. Benson
Co Clerk

Remonstrance

To the Honorable County Court of Union County State of Oregon

We the undersigned legal voters and taxpayers of Summerville precinct Union County Oregon respectfully remonstrate against the vacation of a certain county road in this precinct asked to be vacated by A. J. Colt and others and would most respectfully ask your Honorable body to refuse the same petition to vacate said road

G. Wacty
A. W. Coombs
J. A. McFie
C. A. Wright
J. E. Colt
A. Shaw
H. W. Colver
[illegible]
George Ott
Jas. A. Murchison
A. J. McSlack
O. A. Rinehart
W. S. Hamilton
S. D. Fickle
F. Slack
[illegible]
W. A. Bradshaw
W. E. Murchison
R. L. Parson
W. S. Hinsler
Jerry Crawford
Frank Collins
E. B. Clark
Wesley York
H. Pettibone
Marshall Olive
C. E. [illegible]
W. M. Chenoweth
H. Pennington
[illegible]
[illegible] Kenyon
J. J. Miller
[illegible]
W. H. Greene
W. H. Elmer
[illegible]
J. J. Palmer
W. N. Park
J. W. Stephens
[illegible]

[illegible]
A. L. McKamey
Charles L. [illegible]
Peter [illegible]

[illegible]

Brett Crawford
W. L. Tucker
J. Hamilton
H. M. Ellenger
E. J. Hathaway
E. L. Logan
Hiram McDonald
C. H. Hasley
J. Borger
[illegible]

We the Jurors to the County court
Please dismiss the petition and
count on the Remonstrance
Perry English
Robert [illegible]
Senior Esher
T. A. Tucker

Sixth Judicial Day Saturday April 7th 1900

and that the said petition be and the same is hereby disallowed whereupon the Court proceeded to hear and determine the issues joined upon all of the pleadings heretofore filed herein and to hear the testimony offered by the respective parties in said cause and after hearing the testimony offered by the respective parties herein and the argument of the respective counsel and the Court being fully advised in the premises it is therefore considered and ordered by the Court that the said motion of the remonstrators to strike from the files the said petition for the reason that there was no proper proof of publication be and the same is hereby overruled and denied, and that the said motion of the petitioner asking that the remonstrance be stricken from the files be and the same is hereby overruled and denied

And it is further considered ordered and adjudged by the Court that the said petitioner, Charles Keller be and he is hereby granted a license to sell spirituous, malt and vinous liquors in quantities less than one gallon in Eagle Valley precinct, Union County, Oregon, for a period of one year from the 9th day of April A.D. 1900 and the Clerk of this Court is hereby directed to issue said license

In the matter of the petition of Dr T.R. Monk for vacation of a certain County road in Section 2 Tp 1 S R 38 E W.M.

Now at this time this matter comes on to be heard upon the petition in the matter of the vacation of the county road described as follows, towit: Commencing at a point about 50 rods west of the S.E. corner of section 2, township 1 S.R. 38 E.; running thence in a northwest direction and intersecting a county road which runs north and south on a 1/4 section line about 60 rods south of the N.W. corner of the E 1/2 of Sec. 2 township 1 S.R. 38 E W.M.; and it appearing that a remonstrance against the vacation of said road has been filed by G.W. Kelty et al, legal voters and taxpayers of Summerville precinct, Union County, Oregon; and it also appearing that a motion has been filed herein by C.S. Marsh, attorney for remonstrators, for the dismissal of said petition, for the reason that the same is not dated, and that motion is also filed herein to dismiss said petition, and the court having duly considered said motions and the said remonstrance and the said petition

Sixth Judicial Day — Saturday April 7th 1900

and it appearing that due notice of the presentation of said petition has been given as required by law as shown by the affidavits of J. R. Olvis and A. J. Colt, filed herein, and it appearing that the said remonstrances to said petition are not such as is contemplated by statute, and do not appear upon the face of the remonstrances to be householders residing in the vicinity of the road proposed to be vacated; It is therefore hereby considered and ordered that said motions and each of them be and the same are hereby overruled and that said remonstrance be and the same is hereby denied.

Thereupon the journal of today proceedings was read approved and is here now signed and it is ordered that Court be now adjourned for the term

B. F. Wilson
County Judge
Commissioner
Commissioner

Fourth Judicial Day — Thursday May 10th 1900

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

R. F. Wilson
County Judge
Commissioner
Commissioner

Thereupon the following proceedings were had towit;

In the matter of creating a new Justice of the Peace and Constable District to be known as Iron Dyke J.P. and Constable District

It appearing to the Court at this time that at the January term of this Court, the Court neglected to establish a Justice of the Peace and constable district to be known as Iron Dyke J.P. & Constable district, that the Iron Dyke precinct ought to be constituted a J.P. and Constable district for the convenience of the people of said precinct It is therefore considered and ordered that the said Iron Dyke precinct be and the same is hereby constituted a Justice of the Peace and constable district to be known as Iron Dyke Justice of the Peace and Constable district It is further ordered that this order be made and entered nunc pro tunc as of January 5th 1900

In the matter of the Road petitioned for by T.R. Monk et. al.

This matter came on to be heard at this time on the motion of the remonstrators to open up and set aside the order of the Court heretofore made at the April term of this Court granting the petition to close a certain piece of County as petitioned for by T.R. Monk et. al. and the Court having heard the argument of counsel in behalf of said motion and being now fully advised in the premises It is considered and ordered

Fourth Judicial Day — Thursday May 10th 1900

that said motion be overruled and denied

In the matter of the application of Amy Howrell for an additional allowance from the County

This matter came on to be heard at this time on the application of Amy Howrell for an additional allowance from the County and the Court being now fully advised in the premises it is considered and ordered that said application be denied

In the matter of the proposed County Road petitioned for by E. O. Crandall et. al.

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

In the matter of the application of S W Beers to redeem lot 3 Blk 16 in the town of Cornucopia Oregon

This matter came on to be heard at this time on the application of S W Beers to redeem lot 3 block 16 in the town of Cornucopia from sale for delinquent taxes for the year 1896 and it appearing to the Court from said application that the said S. W. Beers is the owner of said property that the amount of taxes on said property was $2 50/100 and the costs charged upon the delinquent tax sales record amounted to $14 24/100 making a total for which the property was sold of $17 26/100 and it appearing that the Sheriff in levying on the property charged constructive milage that a just and equitable amount to be collected for the redemption of said property is 5 00/100 which the petitioner has paid to the Clerk of this Court It is therefore ordered that the Clerk be directed to accept the said tender in full redemption of said lot for said year 1896

Wednesday, Third Judicial Day March 6, 1901.

Court that this matter be and the same is hereby continued for the term.

In the matter of the road petitioned for by T.R. Mond, et al

This matter came on to be heard at this time upon the motion of C.N. Ferrin, Attorney for petitioners to vacate and set aside a certain order made by this Court on April 7, 1900, in the matter of vacating a certain County Road in Sec 2, Tp 1 S.R 38, E.W.M. and all subsequent orders, and after due consideration by the Court and the Court being fully advised in the premises, it is ordered that said motion be and the same is hereby granted and that all the orders heretofore made herein be and the same are set aside and vacated.

In the Matter of the Appointment of a Stock Inspector

This matter came on to be heard at this time on the petition of D. A. McAlister and thirty-one other good and responsible citizens of the county, asking for the appointment of Thomas Sherwood to the office of Stock Inspector, and it appearing to the court that the present incumbent, John Fraser is a resident of that portion of Union county annexed to Baker County by the late Act of the Legislature, and it further appearing to the court that the said Thomas Sherwood is a suitable person for said office, it is therefore considered and ordered by the court that the said Thomas Sherwood be and he is hereby appointed Stock Inspector of Union County, to serve as such until his successor is appointed and qualified

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

Be it Remembered, That at a regular term of the County Court of Union County, State of Oregon, begun and held at the Court House in Union, said County and State, on Wednesday, the 5th day of June, A.D. 1901, the same being the first Wednesday in said month and time fixed by law for holding a regular term of said Court, when were present:

Hon R.S. Wilson, County Judge.
Hon Henry Hug, Commissioner
G.W. Benson, Clerk
M.K. Dearing, Sheriff.

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

In the matter of the proposed vacation of County Road petitioned for by T.R. Mank, et al

Comes now T.R. Mank 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 vacation of a County Road, described as follows, to wit: To vacate all that part of a certain public road as follows: Commencing at a point about 50 rods west of S6 corner of Sec 2, Township 1 S. R 38 EWM, running thence west in a northwest dir. and intersecting a Co. road which runs N. & S. on ¼ section line about 60 rods south of the N10 corner of E½ of Sec 2, Township 2 S. Range 38 EWM.

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 corner of the fence at the beginning of the road sought to be vacated; one on a tree near the center of said road and one at the South end of terminus of said road on a board nailed to the fence for more than thirty immediately days 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

First Judicial Day Wednesday, June 5, 1901.

petitioners, and that a bond for the costs of this proceeding has been duly given. It is therefore ordered that T. T. Elson, Wm Bull and E B Long be appointed viewers of said road and that they meet at Rinehart's Mill on the 22nd day of June, 1901, 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 petition of Charles G Baker for a liquor License for Cove Precinct

This matter came on to be heard at this time on the petition of Charles G Baker for a license to sell spirituous vinous and malt liquors in less quantities than one gallon in Cove Precinct, Union County Oregon, for a period of six months, and also upon the remonstrance filed against said petition as well as upon the affidavits and counter affidavits herein and the motion to quash the service of the notice of the presentation of said petition. The petitioner appearing by J W Knowles of Counsel and the remonstrators appearing by L. J. Davis of Counsel, and after arguments of counsel and the Court being fully advised in the premises, It is considered and ordered by the Court that said motion be and the same is hereby denied. Whereupon the petitioner introduced evidence as to the qualifications of the persons signing the petition and the remonstrators introduced evidence as to the qualifications of the persons signing the remonstrance, and after listening to such evidence and reading said affidavits and not being fully advised in the premises, the Court takes said matter under advisement until tomorrow.

In the matter of the application of Andrew Martin for aid

This matter came on to be heard at this time on petition of Andrew Martin for County aid, from which it appears that the applicant is an old man, unable to work; that he has an invalid wife who requires all his time and attention. It is therefore considered and ordered that the Clerk of this Court issue a warrant in favor of the petitioner for the sum of $12.50 relief for the month of June

Fourth Judicial Day Wednesday, July 10, 1901.

Court met pursuant to adjournment.

Present same officials as on yesterday.

The proclamation of the opening of Court having been made and the journal of yesterdays proceedings were, read, approved, and is here now signed.

B. F. Wilson County Judge
Commissioner

Thereupon the following proceedings was had, to wit;

In the matter of the petition of J B Thomson and C. S. M. Comas to have Catherine Creek between certain points declared navigable, etc

At this time it is ordered by the Court that this matter be and the same is hereby continued for the term

In the matter of the appointment of a Supervisor for Rd # 23

This matter came on to be heard at this time for the appointment of a Road Supervisor for Road District No 23, and it appearing to the Court that M L Carter heretofore Supervisor of said Road District No 23, is disqualified to act as such Supervisor by reason of nonresidence within said road District. And it further appearing to the Court that J. A. Moore is a resident of said Road District and is a fit and proper person for such appointment. It is therefore considered and ordered that said J. A. Moore be and he is hereby appointed Supervisor of Road District No 23, to act as such during the ensuing term.

In the matter of the road petitioned for by T. R. Hanks, et al

At this time it was ordered by the Court that this matter be and the same is hereby continued for the term.

Be it Remembered, That at a regular term of the County Court of Union County, State of Oregon begun and held at the Court House in Union, said County and State on Wednesday the 7th day of August, A.D. 1901, the same being the first Wednesday in said month and time fixed by law for holding a regular term of said Court, when were present:

Hon. P. F. Wilson. County Judge
Hon Henry Hug Commissioner
G. W. Benson. Clerk.
D. H. Deering, Sheriff.

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

In the matter of the petition of J. R. Thomson and E. S. McCamas to have Catherine Creek between declared navigable.

At this time it is ordered by the Court that this matter be and the same is hereby continued for the term.

In the matter of the proposed vacation of County road petitioned for by T. R. Mank et al.

It appearing to the Court that the viewers appointed at the June term, 1901, of this Court, viz, T. T. Glenn, Wm Bull and E. E. Long, to view the proposed road sought to be vacated by T. R. Mank, et al, failed to meet, qualify or to report on the condition of said road.

It is therefore ordered that said viewers be discharged and that new viewers be appointed.

In the matter of the proposed vacation of County road petitioned for by T. R. Mank, et al.

Comes now T. R. Mank one of the petitioners for vacation of the above named County road, and presents to the Court the petition of himself and others, praying for the vacation of a County road described as follows, to wit:

To vacate all that part of a certain Public road, located

First Judicial Day — Wednesday, Aug 7. 1901

as follows, to wit: Commencing at a point about 50 rods West of SE corner of Sec 2, Tp 1 S. R 38, E.W.M., running thence W in a northwest direction and intersecting a County road which runs North and South on 1/4 Sec line about 60 rods South of NW corner of E/2 Sec 2, Tp 2 S R 38 E.W.M. And it appearing to the Court that said petition is signed by more than 12 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, also in three public places in the vicinity of said proposed road, to wit: One on the corner of the fence at the beginning of the road sought to be vacated; one on a tree near the center of said road, and one at the South terminus of said road on a board nailed to fence, 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 the Court at the present session of this Court, and that the notices so posted were in due form and duly signed by the petitioners, ~~and that the notices so posted were in due form and duly signed by the petitioners~~, and that a bond for the cost of this proceeding has been duly given. It is therefore ordered that M. A. Harrison, E. P. Long and Freeman Ladd be appointed Viewers of said road, and that Arthur Curtis be appointed Surveyor of said road, and that they meet at the residence of A. J. Colt on the 19th day of August, 1901 at the hour of 10 o'clock A.M. and after qualifying, to view the proposed road sought to be vacated.

In the matter of the road petitioned for by W. F. Owsley, et al } At this time it is ordered by the Court that this matter be and the same is hereby dismissed

First Judicial Day Wednesday, Sept 4th, 1901.

that she has several small children dependant upon her for support; that she has no relatives or friends who are able or willing to render any assistance; that she is in need of assistance. It is therefore considered and ordered that the Clerk of this Court be instructed to issue a warrant in favor of the said applicant in the sum of $12.00 and forward same to her address at Elgin, Oregon.

In the matter of the proposed County Road petitioned for by G.M. Teal, et al

This matter came on to be heard at this time on the report of the Viewers and Surveyor for first reading and said report having been read in open Court as required by law. It is ordered that said report be laid over for a second reading on some day of this term of Court

In the matter of the proposed County road petitioned for by D. Calchina, et al

This matter came on to be heard at this time on the report of the Viewers and surveyor for first reading, and said report having been read in open Court as required by law, It is ordered that said report be laid over for a second reading on some other day of this term of Courts.

In the matter of the road petitioned for by L.B. Renehart et al.

This matter came on to be heard at this time on the report of the viewers and surveyor for first reading, and said report having been read in open Court as by law required. It is ordered that said report be laid over for a second reading on some other day of this term of Court.

In the matter of the vacation of the proposed County road petitioned for by T.R. Monk, et al

This matter came on to be heard at this time on the report of the viewers and surveyor for first reading, and said report having been read in open Court as by law required, It is

First Judicial Day Wednesday, Sept. 4, 1901.

that said report be laid over for a second reading on some other day of this term.

In the matter of the sale of lands and parcels heretofore sold for delinquent taxes

It appearing to the Court that in the construction of the law requiring the sale of lands and parcels heretofore sold for delinquent taxes that it would be equitable and just and in accordance with the spirit of the law to permit redemptions or purchase by the person in possession of any tract or parcel as the owner thereof by paying the amount of taxes and costs due thereon, and, It also appearing to the Court that during the progress of the sale now pending, the person in possession as owner of a number of tracts were required by competitive bidding to bid in excess of the amount of taxes and costs due, and It also appearing to the Court that there are a large number of tracts bid for during said sale in which the amount of the bid has not been paid to the Sheriff, and It further appearing to the Court that there has been a question raised as to whether or not the notice of such sale complied with the spirit of the law, It is therefore considered by the Court that the Sheriff may permit redemptions or purchase of all tracts and parcels not already sold, by the person in the possession as owner for the next 60 days by making payment to the sheriff of the amount of taxes and costs due upon such tracts and parcels respectively and to issue receipts therefor stating therein the purpose thereof and is requested to make report to the Court at the next term following such redemptions or purchase of all such persons together with the descriptions of lands involved and the amount paid on redemption or purchase. And, it is further considered by the Court that in all cases where there has been competitive bidding for tracts against the person in possession as owner so that he has been compelled to bid a sum in excess of the amount of taxes and costs due thereon, the Sheriff may remit to such person the difference between the amount so bid and the amount of the taxes and costs due and accept from such person only the amount of taxes and costs so due in full redemption or purchase of such tract or parcels and report the same to the Court as above indicated, And, it is further considered by the Court, that in all cases where the persons bidding at such sale have failed to make good their bid by payment to the Sheriff of the amount bid, that

Second Judicial Day — Thursday, Sept 5, 1901.

not be laid out and established as a public highway of Union County, Oregon. That the same is not practicable and would add nothing to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be not laid out and declared a public highway of said County.

Thos Prasher
J. J. Odale
J. Fickle
} Viewers.

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 this term of Court, and it appearing to the Court that said viewers report unfavorably thereon. It is therefore considered and ordered by the Court that the petition herein be and the same is hereby dismissed.

In the matter of the proposed vacation of County road petitioned for by T. R. Monk, et al

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, whereupon said reports were read in open Court and the Court being not fully advised in the premises, it is hereby ordered that same be and same is hereby continued for the further consideration of the Court until tomorrow.

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

Third Judicial Day — Friday, Sept 6, 1901.

In the matter of the Vacation of road petitioned for by L. P. Hand, et al

And now at this time the report of the viewers came on for consideration, the same having been duly read two consecutive days in open Court, and it appearing that there has been filed, in this case, a motion to dismiss the petition, a remonstrance to said petition, and a motion and application to strike out and disregard the remonstrance as to certain signers because of their disqualification to sign the same, supported by affidavit:

And the Court being fully advised in the premises; finds that so much of the motion by the remonstrators, which asks the Court to dismiss the petition on account of alleged defects therein, has been the subject of former motion decided by the Court adversely thereto, should be disregarded, and the rest of said motion is hereby denied and overruled; That there are a number of names on the remonstrance which should be stricken out, as the said persons are disqualified by being not householders, or residing in the vicinity of the road sought to be vacated, said motion of petitioners is sustained; that there are more signers of the petition for such vacation of said road than legal remonstrators thereto, and that the report of the viewers should be adopted, and now there being no petition for damages filed. It is therefore ordered. That said report of the viewers be adopted; that the prayer of the petition for vacation of said road be granted, and said road, being now a County road is hereby vacated and declared to be no longer a public highway or County road, and the Supervisor of the road district in which it is situated is hereby ordered to close the same, and said report of viewers and surveyor & plat is ordered recorded.

In the matter of the application of George W. Bartness for a satisfaction of judgment

Now at this time this cause coming on regularly to be heard upon the motion of George W. Bartness for satisfaction of a judgment against him in favor of the State of Oregon, rendered, October 10, 1898, in the sum of $602.20, of which the Supreme Court Costs were $140.60 and those of the Circuit Court $461.60; said Bartness appearing by Dunbar & Cherry, his attorneys, and