

over ruled

~~WIT~~ EQUITY } No 8

In Circuit Court,

Union County

*Grande Ponde Lumber
Co*

Plaintiff

*Peter Sprink and
E J Jones*

Defendant

C H Funn

Attorney for Plaintiff

Attorney for Defendant

ROAD No 579

Road petitioned for by
L B Rinehart, et al

Commencing on the Union
and Comusopia Road at a
point where the said road
crosses the N line of New
Sec 17 T 5 S R 4 E, the following
SE along said road to a
point about 100 feet west of the
dwelling on the Rinehart place,
thence etc (see petition)

457 57
457
456-461-190
Presented Aug 7 1901
Ordered D. Russell Sept 1, 1901

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 on the Union and Cornucopia road at a point where the said road crosses the north line of the north west quarter of Sec/ 17 in Tp. 5 S. R. 41 E. W. M., thence following S. E. along said road to a point about 100 feet west of the dwelling on the Rinehart place in Sec. 17 Tp. 5 S. R. 41 E. W. M., thence angling nearly south along the west side of Eaton creek over the most practicable route about 400 yards, thence bearing southeasterly on the most practicable route to a point where the said proposed road intersects the south line of said section 17 near the quarter corner, thence east on said section line or near the said line over the most practicable route to where it intersects the Union and Cornucopia road at or near the S. E. corner of said Sec. 17 and there terminate. And we hereby ask that the old road between said points be closed, or vacated. And in duty bound your petitioners will ever pray, &c.

Dated at Union Oregon this 1 day of July 1861

NAMES:

W B Rinehart
Geo F Hall
Joe Lane
J. B. Staker
R Staker
Enoch South
Single Coffman
W E Turner
J H Jean
C. C. Sherman
Thomas Graham
J B Thurman
Char Wilson
S. J. Benson
S A Purcell

NAMES:

John G Meluhill
Dan Gaper
Owen Kustin
W H Kay Sr

Recd Aug. 7, 1901.

Gen. Purser

Colbert

Notice of Road Petition.

To All Persons Concerned: You, and each and all of you, will take notice that the undersigned, householders for Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, will, at the next session of the County Court for Union County, Oregon, to-wit: On Wednesday, the 7th day of August, A. D. 1901, respectfully present to said Court a petition praying said Court to lay out, alter and establish a County road within said County, on the following line or route, to-wit:

Commencing on the Union and Cornucopia road at a point where the said road crosses the north line of the north west quarter of Sec. 17 in Tp. 5 S. R. 41 E. W. M., thence following S. E. along said road to a point about 100 feet west of the dwelling on the Rinehart place in Sec. 17 Tp. 5 S. R. 41, E. W. M., thence angling nearly south along the west side of Eaton creek over the most practicable route about 400 yards, thence bearing south easterly on the most practicable route to a point where the said proposed road intersects the south line of said section 17 near the quarter corner, thence east on said section line ^{Or near the said line} over the most practicable route to where it intersects the Union and Cornucopia road at or near the S. E. corner of said Sec. 17 and there terminate.

And we hereby ask that the old road between said points be closed or vacated.

Dated at Union, Oregon, the 1 day of July, A. D. 1901.

NAMES

W. B. Rinehart
Geo. F. Hall
Joe Lore
J. H. Baker
R. Staker
Enoch South
Geigle Chapman
W. E. Turner

NAMES.

S. A. Puseel
John J. Mulehill
Dan Gaper
Owen Busie
F. H. Kayser

J. H. Dean
C. C. Sherman
Thomas Graham
J. B. Thurman
Chas. Nelson
S. J. Benson

Patd July 11, 1901

Albany, N. Y. 1901.
W. W. Bennett
Clerk

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

I, C. E. Sherman being first duly sworn, say that I posted three several notices, of which the notice hereunto attached is a true and correct copy, in three public places in said county in the vicinity of the proposed road therein described, to-wit: One at the beginning of the proposed road nailed to a pine tree, near the terminus of the proposed road nailed to a pine tree and one on the Reichart grade nailed to a pine tree on the line of the proposed road

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 2nd day of July 1901, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 1st day of July 1901, 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 ^{door} 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 August 1901.

C. E. Sherman
G. W. Benson
County Clerk

Albany, N. Y., 1901.

Geo. Bennett

Director

BOND OF ROAD PETITIONERS.

Know all Men by These Presents, That we, L.B. Rinehart and Geo. J. Hall, 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 7 day of June A. D. ~~188~~ 1901

Now, the condition of the above obligation is such, That, whereas the above named L.B. Rinehart and Geo. J. Hall, and others, have petitioned the County Court of said County of Union, at the August Term, 1901 thereof for a County Road, as described in the notice hereto attached, to-wit: Commencing at

the Northeast Corner of the N.W. $\frac{1}{4}$ Sec. 16, Tp. 5, S.R. 40 E. W. M. running thence south between the N.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ and N.W. $\frac{1}{4}$ $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of said Section 16, about 60 rods, Thence in a Southwesterly direction about 80 rods to the line running north and south between the S.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ and the S.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Said Section 16, thence South along said line about 60 rods to a point where the same intersect what is known as the "Ashby Wood Road" thence in a southerly direction through the N.W. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ and the N.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ of said Section 16, and the N.E. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ and S.E. $\frac{1}{4}$ of S.W. $\frac{1}{4}$ and the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 17, said township and range, and terminating at a point where the same intersects the County Road leading from Union to Baker City, where the said County road crosses the line running east and west between section 17 and 30, said township and rangem and to vacate that part of what is known as the County Road No. 516/ petitioned for by J. E. Wilkison, et al: Beginning 20 rods North of S.E. Corner of N.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ of Section 16, Tp. 5, R. 40, terminating at the S.E. Corner of N.W. $\frac{1}{4}$ of S.E. $\frac{1}{4}$ of Section 20, Tp/ 5 S.R. 40, E. W. M.

NOW, if the above named L.B. Rinehart and Geo. J. Hall 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.

Geo. J. Hall (L. S.)
(L. S.)

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

I, Geo. J. Hall being first duly sworn and each for himself, says, 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.

Geo. J. Hall

Subscribed and sworn to before me this 3rd day of August 1901. A. D. 1901.

Geo. W. Beison
County Clerk.

In the matter of the proposed
County road petitioned for by

L. B. RINEHART ET. AL.

BOND FOR COSTS

Filed Aug. 7, 1901.

G. W. Benson
Clerk

Report of Surveyor.

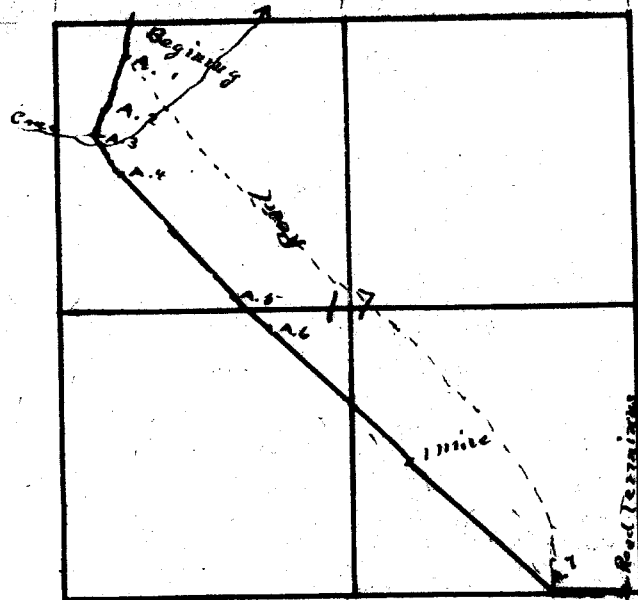
To the Hon. County Court of Union County, Oregon:

I, the undersigned, County Surveyor, appointed to survey the county road proposed by L. B. Rinehart et al., beg leave to report that on the 2 day of September ¹⁹⁰¹~~189~~, 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 pine tree marked "R." at a point 10.80 Chs. East of the N.W. Cor. of Sec. 17 T. 38 R. 41 E. Thence South 10° West 4.30 Chs to Angle 1 a Rock Then South $17^{\circ}30'$ West 7.90 Chs. to Angle 2 a Pine Tree Then South 28° West 5.30 Chs. to Angle 3 a Tree, Then South 38° E. 6.80 Chs. to A. 4 a tree, Then South 43° East 22.50 Chs. to A. 5 a Tree, then South 52° East 6.20 Chs. to A. 6 a tree Then South 48° East 26.80 Chs. to 1 Mile Tree Same Course 20.08 to Angle 7 a tree on Sec Line Then East 9.10 Chs. to R. T. a Pine Tree on Corner pine Road

Arthur Curtis
County Surveyor.

Town 5 South Range 41 East



State of Oregon } ss
County of Union }

I hereby certify that in the matter
of the County road petitioned for by L.B. Rimehart
and others, that the field notes made by me are
true and correct, and that the Plot accompanying
the same is a true and correct representation
of said road together with the angles and
distances

Arthur Curtis
County Surveyor

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 L. B. Rinehart, et. al., beg leave to report that on the 2 day of September, 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 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. Brasher
J. J. Odole
J. J. Pickle

} Viewers.

State of Oregon }
County of Union } 33

I hereby certify that in the matter of the
County road petitioned for by L. B. Rinehart 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 viewing laying
out and establishing of said road before entering upon
the discharge of their said duties in that
behalf

A. Arthur Curtis
County Surveyor

Since Ross afterwards
for by J B Richardson
at all.

At
at all Sept 4, 1901.

By M. B. Brown.

to all
at all

First Judicial Day

Wednesday, Aug 7, 1901

In the matter of the resignation
of Louis Colomb, as Supervisor
of Road District No 14

This matter came on to be heard at this time on the resignation of Louis Colomb, as Supervisor of Road District No 14, and it appearing to the Court that said resignation should be accepted, It is therefore considered and ordered by the Court that said resignation be accepted upon said Louis Colomb filing receipt, showing delivery of all road tools, and upon the filing of his final report,

In the matter of the appointment
of Supervisor for Road District #14

This matter came on to be heard at this time for the appointment of a Supervisor for road district #14 and it appearing to the Court that Louis Colomb the duly appointed and acting Supervisor of said Road District No 14, has tendered to this Court his written resignation as Supervisor of said district, which resignation has been accepted by the Court upon his filing his final report and receipt of his successors showing delivery of all road tools in his possession owned by Union County. And it further appearing to the Court that R. Smith is a fit and proper person for such appointment, It is therefore considered and ordered by the Court that the said R. Smith be and he is hereby appointed Supervisor of Road District No 14, to serve as such during the ensuing term, upon his filing receipt, showing delivery of all road tools, etc, belonging to the County in care and custody of his predecessors.

In the matter of the
proposed County Road
petitioned for by L. Pinchard, et al

Came now L. J. Pinchard, one of the petitioners for the above named proposed 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 on the Union and Conmucopia road at a point where the said road crosses the north line of the Northwest quarter of Sec 17, in T. 5 S. R. 41 E. N. 1, thence following the said road to a point about 100 feet west of the

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Wednesday, Aug 7, 1901.

dwelling on the Pinchert place in Sec 17, Tp 5 S. R 4, E 4 W, thence angling nearly south along the west side of Eaton Creek over the most practicable route about 400 yards, where the said proposed road intersects the south line of said section 17, near the quarter corner, thence east on said section line or near the said line over the most practicable route to where it intersects the Union and Commocopia road at or near the NE corner of said section 17, and there terminate, and that the old road between said points be closed or vacated.

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 beginning of the proposed road nailed to a pine tree, one at the terminus of the proposed road nailed to a pine tree, and one on the Pinchert grade nailed to a pine tree on the line of the proposed road, 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. It is therefore ordered that Jackson Fickle, Thomas Prasher, and J. J. Dale be appointed viewers of said road and that Arthur Curtis be appointed surveyor of said road, and that the meet at Pinchert House near beginning of road on the 20th day of August, 1901, at the hour of 9 o'clock A.M. and after qualifying, to view, survey and lay out said road according to law.

In the matter of obstructions and injuries }
to highways by stock driven over same }

It appearing to the Court that

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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. Taal, 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 A. Calchini, 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 S. B. Rinchert 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. P. Hank, 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

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Thursday, Sept 5, 1904.

according to law, and no remuneration or claim for damages having been filed herein and there having been no case 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 books of Acts of County Roads of Union County, Oregon, and that W. T. Epiden and W. M. Thomas, road supervisors of road districts Nos 20 and 13, respectively, the same being the road districts in which said road is located, be furnished with a copy of this decree and ordered to open up said road and place the same in repair for travel.

In the matter of the proposed County }
road petitioned for by L. B. Rincher, 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 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 August, 1904, 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 L. B. Rincher, et al, beg leave to report that on the 25 day of September, 1904, 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 said proposed road for the whole distance thereof, and that in our opinion said proposed road should

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Thursday, Sept 5, 1901.

not be laid out and established as a public highway of Union County, Oregon. That the same is not practical 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 } Viewers.
J. F. Fickler }

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. B. Mont, 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.