

EQUITY.

No 18

In CIRCUIT COURT

UNION COUNTY

Lulu Markusen

Plaintiff

vs

E E Markusen

Defendant

Imulson & Cherry

Attorney for Plaintiff

Attorney for Defendant

THE IRWIN HOBSON COMPANY P L

R N

N 307 7

No 576

County Road

J. S. Wilson

27-28 73 RR 34 Iowa

PETITION FOR COUNTY ROAD.



TO THE HONORABLE COUNTY COURT, FOR UNION COUNTY, OREGON:

The undersigned freeholders, of Union county, Oregon, residing in the road district where the hereinafter described road is proposed 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:

Requining at a point on the County road leading from the City of Union to LaGrande known as the Valley Road, at the SE corner of the NE¹/₄ of Sec. 27 Tp. 3 SR. 39 E. 10 M. running thence west through the center of Secs 27 and 28 Tp. 3 SR. 39 E. 10 M. to a stake about 1/4 of a mile east of the SW corner of the NW¹/₄ of Sec. 28 Tp. 3 SR. 39 E. 10 M. thence northwesterly about 7/16 of a mile to a stake on the Sec. line between Secs 28 and 29 Tp. 3 SR. 39 E. 10 M. about 1/7 of a mile north of said SW corner of the NW¹/₄ of Sec. 28 Tp. 3 SR. 39 E. 10 M. thence north on the Sec. line between said Secs. 28 and 29 to the NW cor. of said Sec. 28 Tp. 3 SR. 39 E. 10 M. intersecting County road No. 215 at said NW corner of said Sec. 28 and there terminating. And to vacate all that portion of County roads Nos. 51 and 215 between the SE corner of the NE¹/₄ of Sec. 27 and the NW corner of Sec. 28 Tp. 3 SR. 39 E. 10 M.

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

NAMES:

NAMES:

- F. S. Wilson*
- B. Wilson*
- A. B. Hempe*
- Frank Hempe*
- J. H. Samuel*
- J. G. Donnelly*
- B. M. Wilson*
- A. J. Knight*
- C. D. Apple*
- H. C. James*
- Gas Galley*
- Mrs. Craig*
- C. D. Hindlister*
- Jacob Kohler*

- J. Horn*
- James England*
- J. W. [unclear]*
- W. J. [unclear]*
- Michael Conset*

PITTSFIELD
NOV 4 1903

John W. Cunningham
COUNTY CLERK

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

I, G. W. Benson 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~~

~~Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the~~ day
~~of~~ 190. ~~and that thereafter and thirty days previous to the presentation of said road~~

petition therein mentioned, to-wit: On the 3rd day of October 1903, I ^{saw the} posted a ~~true and~~
~~correct copy of said notice~~ ^{hereto attached} 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. ^{That the said notice was posted by G. A. Nichols in my}
^{presence and that I have personal knowledge thereof}

Subscribed and sworn to before me this 4th day of Nov 1903.

G. W. Benson
J. A. Muir Co. Clerk
By E. P. Schow Deputy

FILED
NOV 4 1903

J. W. ...
COUNTY CLERK

Notice of Road Petition.

TO ALL PERSONS CONCERNED: You and each and all of you, will take notice that the undersigned freeholders, of Union county, Oregon, residing in the road district 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 4th day of November A. D. 1903 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:

Beginning at a point on the County road leading from the City of Union to LaGrande known as the Valley Road at the SE corner of the NE 1/4 of Sec. 27 Tp. 3 SR. 39 E. 1/4 W. running thence west through the center of secs. 27 and 28 Tp. 3 SR. 39 E. 1/4 W. to a stake about 1/4 of a mile east of the SW corner of the NW 1/4 of Sec. 28 Tp. 3 SR. 39 E. 1/4 W. thence northwesterly about 7/16 of a mile to a stake on the Sec. line between Secs. 28 and 29 Tp. 3 SR. 39 E. 1/4 W. about 1/7 of a mile north of said SW corner of the NW 1/4 of Sec. 28 Tp. 3 SR. 39 E. 1/4 W. thence north on the Sec. line between ^{said} Secs. 28 and 29 to the NW cor. of Sec. 28 Tp. 3 SR. 39 E. 1/4 W. intersecting County Road No. 215 at said NW corner of said Sec. 28 and there terminating.
And to vacate all that portion of County roads Nos. 51 and 215 between the SE corner of the NE 1/4 of Sec. 27 and the NW corner of Sec. 28 Tp. 3 SR. 39 E. 1/4 W.

Dated at Union Oregon, the 3rd day of Oct, A. D.

1903

NAMES:

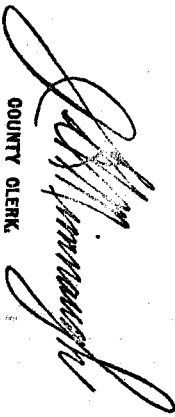
NAMES:

*F. J. Wilson
 B. F. Wilson
 A. B. Hempe
 Frank Hempe
 J. H. Samuel
 J. C. Legumally
 J. M. Admire
 A. J. Stenight
 A. D. Webb
 Dick James
 J. S. Galley
 Mrs. Craig
 C. D. Brindley
 Jacob Kohler*

*J. J. Dowd
 James England
 J. J. Sipe
 T. J. Phin
 Michael Gouset*

FILED
NOV 4 1903

COUNTY CLERK



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

I, J. F. Weaver being first duly sworn, say that I, ^{saw} 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 on a board nailed to F. S. Wilson's east fence near his house and the gate opening into his field at the commencement of the proposed road, One on a board nailed to a willow tree near the east bank of Catherine Creek on the line of the proposed road, and one on a board nailed to Thomas Wickhuson's gate at the terminus of the proposed road

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 4th day of October 1903, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the _____ day of _____ 1903, 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.

That each and all of said notices were posted by G. A. Nichols in my presence and that I have personal knowledge thereof

Subscribed and sworn to before me this 4th day of November 1903

J. H. Minnigh Co Clerk
By E. L. Shaw Deputy

[Handwritten Signature]
COUNTY CLERK

FILED
NOV 4 1903

BOND OF ROAD PETITIONERS.



KNOW ALL MEN BY THESE PRESENTS, That we, J. F. Weaver
and _____, of the County of Union and State of Oregon, are
held and firmly bound unto said county of Union, in the full sum of ONE HUNDRED DOLLARS
(\$100.00) the payment of which, well and truly to be made, we bind myself my ourselves, our heirs, exec-
utors and administrators firmly by these presents.

Signed this 4th day of November, A. D., 1903.

Now, the conditions of the above obligation is such, that whereas F. J. Wilson
_____ and others, have petitioned the County Court of said

county of Union, at the November term, 1903, thereof, for a County Road, de-
scribed in the petition and notice hereto annexed, as follows: Requently at a petition the County

road leading from the City of Union to La Grande known as the Valley road at the SE
corner of the NW 1/4 of Sec. 27 T. 3 R. 39 E. 1/4 W. running thence west through the
center of Secs. 27 and 28 T. 3 R. 39 E. 1/4 W. to a stake about 1/4 of a mile
east of the SW corner of the NW 1/4 of Sec. 28 T. 3 R. 39 E. 1/4 W. thence
north westerly about 1/4 of a mile to a stake on the Sec. line between
Secs. 28 and 29 T. 3 R. 39 E. 1/4 W. about 1/2 of a mile north of said SW
corner of the NW 1/4 of Sec. 28 T. 3 R. 39 E. 1/4 W. thence north on the Sec. line
between said Secs. 28 and 29 to the NW cor. of said Sec. 28 T. 3 R.
39 E. 1/4 W. intersecting County road No. 215 at said NW corner of
said Sec. 28 and thence terminating
and to vacate all that portion of County roads Nos. 51 and 215 between
the SE corner of the NW 1/4 of said Sec. 27 and the NW corner of Sec. 28
T. 3 R. 39 E. 1/4 W.

Now, if the above named J. F. Weaver and _____
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 the petitioners be not granted or
allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

J. F. Weaver (Seal.)

(Seal.)

STATE OF OREGON, } ss.
COUNTY OF UNION,

I, J. F. Weaver and _____, each for himself, say
I am worth the sum of TWO HUNDRED DOLLARS (\$200.00) over and above all debts and
liabilities and property exempt from execution; that I am a resident householder in said county
and state,

J. F. Weaver

Subscribed and sworn to before me this 4th day of
Nov, A. D., 1903

J. H. Murrain Clerk
By C. Schow
Alper

Bonds

- of -

Road Petitioners

In the matter of the
road petitions for by

J. S. Wilson, et al

Approved this 11th day of Nov
1903

W. A. Harrison Co. J.

West Blumington Com

J. A. Pilcher "

This Nov 11 1903.

W. A. Harrison
Co. Clerk

J. A. Pilcher
Deputy

REPORT OF BOARD OF COUNTY ROAD VIEWERS.

To the Honorable County Court for Union County, Oregon :

The undersigned Board of County Road Viewers, heretofore on the 4th day of Nov, 1903, instructed 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 F. S. Wilson et al., beg leave to report that on the 23 day of November 1903, in pursuance with said order, 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 and established as a public highway of Union County, Oregon; that the same is practicable and would add _____ to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said county and that portion of County Road No 514 215 between the S corner of the NW 1/4 of Sec 2, T 7 N, R 39 E, be located.

Arthur Curtis
B. Legendon
L. L. McKinnon

Board of County
 Road Viewers.

State of Oregon
County of Union 1895.

I hereby certify in the matter
of the county road petitioned for by F. S.
Wilson and others, that the field notes made
by me are true and correct, and that the
Plat accompanying the same is a true and
correct representation of said road together
in angles and distances

Arthur Curtis
County Surveyor

BAKER CITY, OREGON, Dec. 17th, 1903.

To the County Court of Union County:-

I have examined the papers in the road matter petitioned for by F. S. Wilson, and beg leave to report that the same seem to be in all things regular and legal.

Very truly yours,


District Attorney.

Dist.

Report of Surveyor.

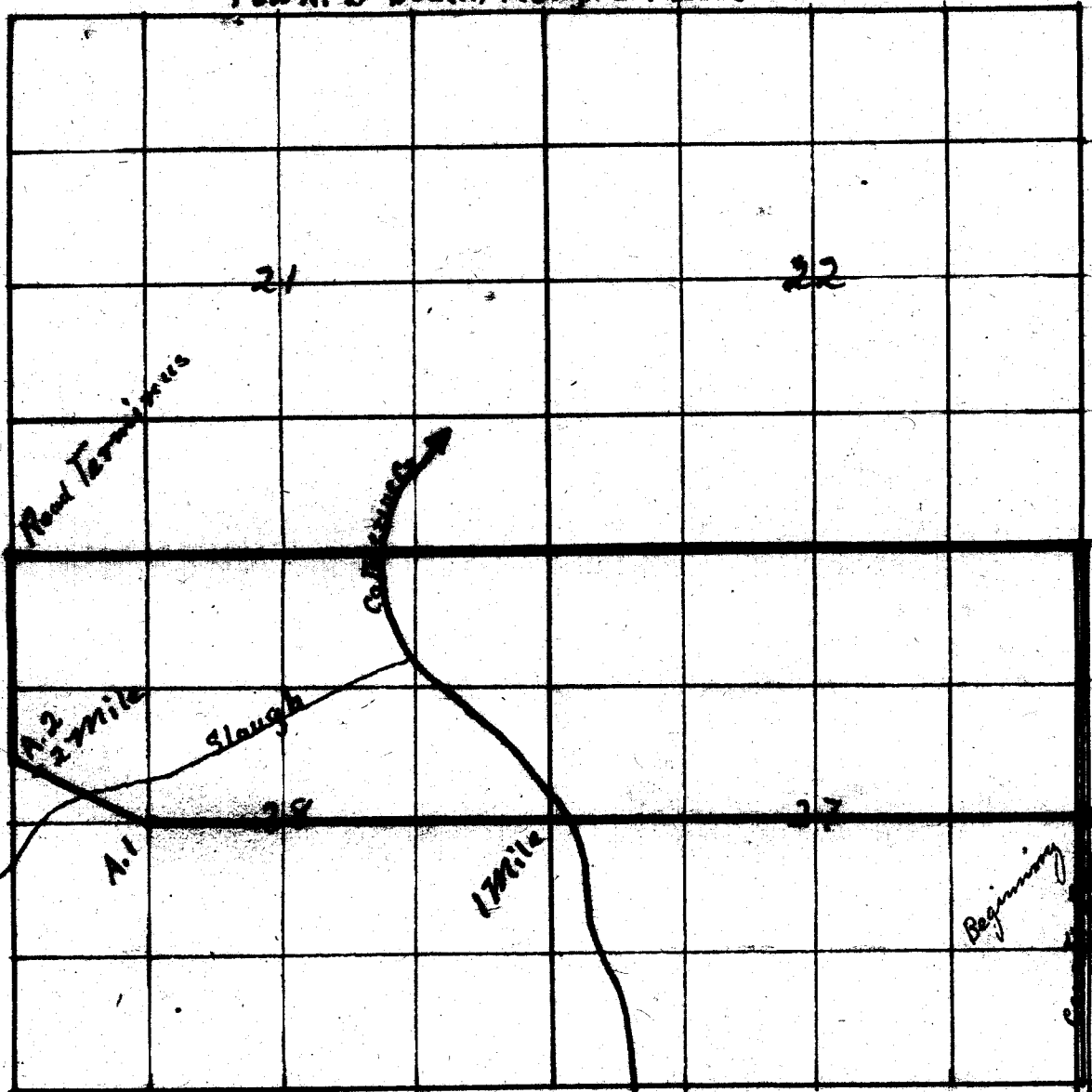
To the Hon. County Court of Union County, Oregon:

I, the undersigned, County Surveyor, appointed to survey the county road proposed by J. S. Wilson et al., beg leave to report that on the 23 day of November ¹⁹⁰³~~189~~, in pursuance of said appointment and order, I Surveyed said proposed road for the whole distance thereof, the following being field notes of said survey:

Beginning at a stake marked R. set at a point 30 feet West of the S.E. Cor. of the N.E. 1/4 of Sec. 27, T. 3 S. R. 39 E. W.M. Thence West 80 chains set 1 Mile post. Then West 60 chains to Angle 1 a stake Then North 64° West, 23 chains to angle 2 a stake Then North on S. ee. line 30.07 to N.W. Cor. Sec. 28 T. 3 S. R. 39 E. W.M. a rock set in ground marked R.T. and terminate, all points in petitioned were met by survey of road

Arthur Curtis
County Surveyor.

Town. 3 South, Range 39 East W. M.



Transmitted for
by *[Signature]*, et al

PTT, FID
DEC 2 1903

[Signature]
COUNTY CLERK

Appearance 12/4/03

M. Robinson, County Clerk

Robert Munsterlin,

Jos. A. P. S. S. S.

FIRST JUDICIAL DAY.

WEDNESDAY, OCTOBER 4, 1903.

In the matter of the proposed County Road petitioned for by F. S. Wilson, et al.

Comes now F. S. Wilson, 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:

Beginning at a point on the County road leading from the City of Union to La Grande, known as the Valley road, at the SE corner of the NE 1/4 of Sec. 27, Tp 3 S. R. 39, E, W. M., running thence west through the center of Sec. 27 and 28, Tp 3 S. R. 39, E., W. M., to a stake about 1/4 of a mile east of the SW corner of the NW 1/4 of Sec 28, Tp 3 S. R. 39, E., W.M., thence northwesterly about 5/16 of a mile to a stake on section line between sections 28 and 29, Tp 3 S. R. 39, E., W. M., about 1/7 of a mile north of said SW corner of the NW 1/4 of Sec 28, Tpn 3 S. R. 39, E., W. M., thence north on section line between said sections 28 & 29 to the NW corner of said section 28, Tp 3 S. R. 39, E., W. M., intersecting County road #215 at said Nw corner of said section 28 and thence terminating and to vacate all that portion of County roads No's 51 and 215 between the SE corner of the NE 1/4 of Sec 27 and the Nw corner of Sec 28, Tp 3 S. R. 39, E., W. M.,

And it appearing to the Court that said petition is signed by more than twelve freeholders of this County, residing in said road district where the hereinbefore described road is proposed to be, 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, State of Oregon, and also in three public places in the vicinity of said proposed road, to-wit: One on a board nailed to F. S. Wilson's east fence near his house and the gate opening into his field at the commencement of the proposed road, one on a board nailed to a willow tree near the east bank of Catherine Creek on line of proposed road and one on a board nailed to Thomas Wilkinson's gate at the terminus of said proposed road for more than thirty days immediately prior to the presentation of 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 petitioners, and that a bond for the cost of this proceeding has been duly given.

IT IS THEREFORE ORDERED, That Arthur Curtis, County Surveyor and B. Logsdan and L. L. McKennon constituting the Board of County Road Viewers, be, and they are hereby directed to meet at the residence of F. S. Wilson at commencement of said proposed road on Monday the 23rd day of November, 1903, at the hour of ten o'clock A.M., or within five days thereafter and proceed to survey, view and lay out said road according to law. And to vacate that portion of County Roads No's 51 and 215 between the points as prayed for in the petition.

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 the State of Oregon, for Union County, begun and held at the Court House in the City of Union, said County and State, on Wednesday the 2nd day of December A.D., 1903, the same being the first Wednesday in said month and the time fixed by law for holding a regular term of said Court, When were present:

- The Hon. M. A. Harrison, County Judge.
- The Hon. Robert Blumenstein, Commissioner.
- The Hon. Jas. A. Pilcher, Commissioner,
- J. H. Minnaugh, Clerk.
- C. C. Penington, Sheriff

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

In the matter of the settlement with Simon Woodell, Supervisor of R. D. # 8.

At this time is presented to the Court the annual report of Simon Woodell as Supervisor of R.D.#8, and the Court having examined said report and found the same to be correct. It is therefore ordered that said report be approved and filed in the office of the Clerk of this Court.

In the matter of the County Road petitioned for by F. S. Wilson, et al.

This matter came on to be heard on a first reading on the report of the County Board of Viewers and the said report having been read in open Court as provided by law

IT IS THEREFORE ORDERED, That said report be laid on the table to be read a second time on some other day of this term of Court.

In the matter of the proposed right of way petitioned for by Nellie L. Johnson.

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

In the matter of the application of E. M. Armacost for admission to the County Hospital.

This matter came on to be heard at this time on the application of E.M. Armacost for admission to the County Hospital; from which it appears that the applicant is a

THIRD JUDICIAL DAY.

FRIDAY, DECEMBER 4, 1903.

Court met pursuant to adjournment.

Present. Same officers as on yesterday.

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

| | |
|-----------------------------|---------------|
| <i>M. A. Harrison</i> | County Judge. |
| <i>Robert Blumentstein.</i> | Commissioner. |
| <i>Gas. A. Pilcher</i> | Commissioner. |

Thereupon the following proceeding were had, to-wit:

In the matter of the proposed County Road
petitioned for by F.S. Wilson, et al.

This matter came on to be heard at this time on the report of the Board of County Road Viewers for a second reading, as provided by law, said report being in words following, to-wit:

Report of Board of County Road Viewers.

To the Honorable County Court of Union County, Oregon.

The undersigned Board of County Road Viewers heretofore on the 4th day of November 1903, instructed to view, lay out and alter the proposed County road petitioned for by F. S. Wilson, et al, beg leave to report that on the 23 day of November, 1903, in pursuance with said order, 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 and established as a public highway of Union County, Oregon; that the same is practicable and would add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be laid out and declared a public highway of said County and that portion of County roads Nos. 51 and 215 between the SE corner of the NE 1/4 of Sec. 27, and NW corner of Sec 28, Tp 3 S. R. 39, E. W. M., be vacated.

| | |
|-----------------|---|
| Arthur Curtis, |) Board of { County Road { Viewers. |
| B. Logsdan | |
| L. L. McKennon, | |

And said report of the Board of County Road Viewers having been publicly read in open Court on two several days of this term of Court, and it appearing to the Court that said Board of County Road Viewers report favorably thereon, and recommend that said proposed be established as a County Road and be declared a public highway of Union County, Oregon and all the proceedings herein having been regular and according to law, and no remonstrance or claim for damages having been filed herein and there having been no cause shown why this proposed road should not be declared a public highway and ordered open according to law, and the Court being satisfied from the report of the Board of County Road Viewers that such road will be of public utility; the report of the Viewers being

THIRD JUDICIAL DAY.

FRIDAY, DECEMBER 4, 1903.

favorably thereto, and all the files and records of said proceedings having been submitted to the District Attorney, who has advised this Court as to the legality of said proceedings, IT IS THEREFORE CONSIDERED AND ORDERED by the Court that the report of the Board of County Road Viewers be placed on record in this journal, and that the surveyors profile and 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 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 and that Frank Hempe, Road Supervisor of Road District No. 28, 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.

Thereupon the journal of today's proceedings was read, approved and is here now signed and it was further ordered that Court be now adjourned until the term.

M. A. Harrison County Judge.
Robert Blumentstein Commissioner.
Gas. a. Pilcher Commissioner.