

#6

No

27

IN THE
CIRCUIT COURT,
UNION COUNTY, OREGON

~~EQUITY~~

The Oregon Railroad
and Navigation
Company *Plaintiff*

^{vs}
Yallow Valley
Railroad Company
Miller and Wife
Defendant

Docket

Page

Estlin, Corner and Crawford
Attorney for Plaintiff

Ramsay and Oliver
Attorney for Defendant

6th 1913

Presented by 77 1913

Ordered by Nov 2 1913

10 5 8 7
Road of

John L. Ross

10 27 1 21 3 5 7 9

THE IN

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

2
3 In the Matter of the Road)
4 of Public Easement of) Petition.
5 Private Necessity of John L. Ross-)
6

7 To the Honorable County Court
8 of Union County, Oregon-

9 Comes now John L. Ross and represents:-

10 That he is the owner in fee of the south half of the southwest qr of
11 Sec.27 in Township 1 north of Range 38 E.W.M. and in Union County,
12 Oregon and has his residence thereon;

13 That his said residence on said land is not reached by any convenient
14 public road heretofore provided by law or otherwise;

15 That it is necessary that the public and your petitioner-John L. Ross
16 shall have ingress and egress from the residence of said John L. Ross
17 so situated on said described land; that your petitioner has a dwelling
18 and barn and other buildings on said lands-and that about sixty acres
19 of said lands are in cultivation; and that your petitioner is required
20 to appeal to the kindness of others for a private way across their
21 lands to get out to a public highway;

22 That his said land is within eighty rods of a public highway on the
23 east and that a good road could be maintained across the land of Bert
24 Slack-being the southeast qr of said Section 27 in Township 1 north
25 of Range 38 E.W.M.-from your petitioner's said northeast corner of
26 his said land-directly east and on the north line of the south half
27 of said S.E. $\frac{1}{4}$ Sec.27 -to the public highway running northwest and
28 southeast-and across the east part thereof-running from Summerville
29 Union County, Oregon-to Walla Walla, Washington-

30 Wherefore your petitioner prays you to order a road of public easemen
31 or private necessity 25 feet wide from the northeast corner of the S $\frac{1}{2}$
SW $\frac{1}{4}$ Sec.27 in Twp 1 N-Rge 38 E.W.M. in Union County, Oregon-directly
east across the land of Bert Slack-and intersection the public highway
at or near northeast corner-of the S $\frac{1}{2}$ SE $\frac{1}{4}$ Sec.27-Twp 1 N-Rge 38 E.W.M.
your petitioner paying the damage thereof.

Dated this September 6th 1905.

John L. Ross
Petitioner.

State of Oregon-

County of Union-SS:- I--John L. Ross being first duly sworn say:-

That I am the foregoing petitioner for a road of public easement or private necessity--and that the foregoing my petition is true as I verily believe.

John L. Ross

Subscribed and sworn to before me this the 6th day of September A.D. 1905.

C. H. Finner

Notary Public for Oregon.

In the County Court of
Union County
Oregon

Petition for
Road of Public
Easement by
John S. Ross,

Filed Sept. 6-1905

J. B. Vickman
Clerk

By J. H. Finn
attorney

FROM THE LAW OFFICE OF
C. H. FINN,
LA GRANDE, OREGON.

Attorney for Petitioner

REPORT OF VIEWERS.



To the Honorable County Court for Union County, Oregon:

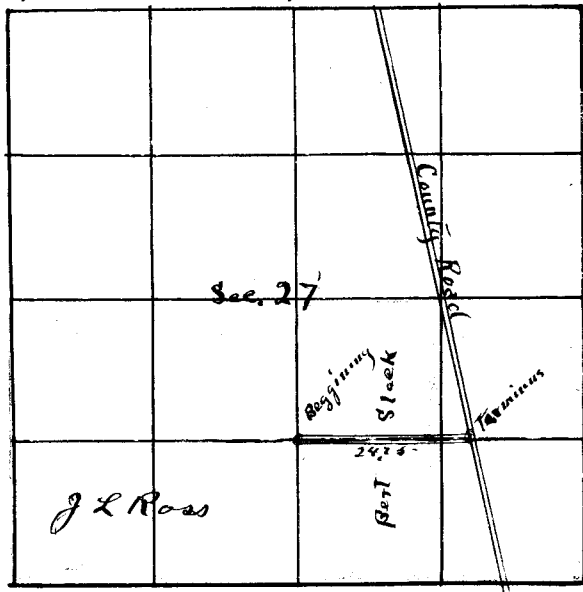
The undersigned viewers heretofore on the 6th day of September 1905, appointed to view, lay out and alter the proposed county road, ^{of Public Easement} of which the survey hereto attached is a true and correct description, as petitioned for by John L. Ross, ~~et al.~~, beg leave to report that on the 23rd day of September, 1905, 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 ^{of Public Easement} for the whole distance thereof, and that in our opinions said proposed road should be laid out 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 ^{of Public Easement} be laid out and

declared a public highway of said county. ^{and that by the location of said Road 20 ft wide there will be a damage to the property owners to the amount of} \$100⁰⁰/₁₀₀ (One hundred) Arthur Curtis
\$100⁰⁰/₁₀₀ - - - - - B. Logsdon
Two hundred Dollars E. B. Morelock
 Damage

Board of County
Road
Viewers.

Road of Public Easement
Petitioned for by John L. Ross

Town 1 North Range 38 E. W. M.



State of Oregon
County of Union } s.s.

I hereby certify in the matter
of the road of Public Easement Petitioned for by
John L. Ross that the field Notes made by me
are True and correct and that the Plat accompanying
the same is True and correct

Arthur Curtis
County Surveyor

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
John L. Koss et al., beg leave to report that
 on the *23* day of *September 1920*, 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 the North East Cor. of the South Half of
 the South West 1/4 Sec. 27 Town 1 North Range 38 East
 W. M. at a stake marked R set in Mound. Then East
 24.25 Chs set stake in mound marked R. T. for terminus
 said road to be 20 feet wide, stakes are set in center of
 road.*

Arthur Curtis
 County Surveyor.

SECOND JUDICIAL DAY.

THURSDAY, SEPTEMBER 7th, 1905.

In the Matter of the Road of Public

✓ Easement of private necessity
of John L. Ross.

Comes now John L. Ross, the petitioner for the above named proposed road of easement, and presents to the Court the petition of himself, praying for the location and establishment of a road of public easement of private necessity described as follows to-wit:

Commencing at the N.E. Corner of the South half, S.W. 1/4, Sec. 27, Township 1, N.R. 38, E.W.M., running directly east across the land of Bert Slack, and intersecting the public highway of or near the N.E. Corner of the South half, S.E. 1/4 Sec. 27, Township 1, N.R. 38, E.W.M. Said road to be 25 feet wide.

It appears from the petition herein that J.L. Ross is the owner in fee of the S. half of the S.W. 1/4 Section 27, Tp. 1, N.R. 38, E.W.M., having his residence thereon, and that his residence is not reached by any public highway, but he is required to pass across the lands of Bert Slack to get to the public highway, and that the petitioner's land hereinbefore described is situated within 80 rods of a public highway on the east, and that a good road could be maintained across the land of Bert Slack, said land being described as follows, to-wit: S.E. 1/4 of Sec. 27, Tp. 1, N.R. 38, E.W.M.

And it further appearing to the Court that the proposed public easement is necessary and would add greatly to the convenience of said petitioner,

IT IS THEREFORE ORDERED that Arthur Curtis, County Surveyor, and B. Logsdon and E.B. Morelock, constituting the Board of County Road Viewers, be and they are hereby directed to meet at the beginning of said proposed public easement on the 23rd day of September, 1905, or within five days thereafter, and proceed to survey, view and lay out said road according to law.

Thereupon it was ordered that Court be now adjourned until tomorrow morning, September 8th, 1905, at 10 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 La Grande, in said County and state, on Wednesday, the 4th day of October, A.D., 1905, the same being the first Wednesday in said month and the time fixed by law for holding a regular term of said Court.

Present:

The Honorable M.A. Harrison, County Judge,

Robert Blumenstein, Commissioner,

J.M. Selder, Commissioner,

J.B. Gilham, Clerk.

C.C. Penington, Sheriff.

Thereupon the following proceedings were had, to-wit:

In the Matter of the allowance of miscellaneous bills against the County, and the issuance of warrants in payment of the same.

This matter comes on to be heard at this time upon the presentation of miscellaneous bills against the County. It appearing that each of said bills is a proper claim against the County for the purpose therein mentioned, and that the Court has passed upon and audited each of said bills separately, as appears from the signature of the Court thereon,

IT IS THEREFORE CONSIDERED AND ORDERED that each of said bills be allowed, and the Clerk be instructed to draw a warrant upon the several funds of the County applicable thereto in payment of the same as follows, to-wit;

Class. Number.	To Whom issued.	For What drawn.	Amount.
NN. 999	J.B. Gilham,	Salary for September, 1905.	150.00 ✓
NN. 1000.	F.C. Bramwell,	Salary for September, 1905.	100.00 ✓
1.	Muriel Goodnough,	Salary for September, 1905.	75.00 ✓
2.	M.A. Harrison,	Salary for Sept. 1905, County Judge.	100.00 ✓
3.	C.C. Penington,	Salary for Sept. 1905.	208.33 ✓
4.	T.B. Johnson,	Salary for Sept, 1905.	100.00 ✓
5.	J.F. Phyl,	Salary for Sept., 1905.	175.00 ✓
6.	C.C. Penington,	Prisoners Board for Sept. 1905.	130.70 ✓
7.	Ed. Wright,	Work in Clerk's office.	78.00 ✓
8.	John Frawley,	Salary for Sept. 1905.	83.33 ✓
9.	B. Chancey,	Work on Assessment Roll.	78.00 ✓
10.	J.H. Morton,	Salary for Sept. 1905.	125.00 ✓
11.	D.H. Proctor,	Salary for Sept., 1905.	125.00 ✓
12.	E.E. Proctor,	Salary for Sept. 1905.	66.66 ✓

115.00

SECOND JUDICIAL DAY.

THURSDAY, NOVEMBER 2nd, 1905.

County, his costs and disbursements herein.

Now Therefore, in accordance with the said order of the Circuit Court of the State of Oregon for the County of Union, made in said cause, it is Hereby ORDERED that the Orders and Decrees made and entered in said cause on the 8th day of June, 1905, ordering P.A. McDonald, Road Supervisor of Road District No. 37, to open up said road and place the same in repair for travel upon the payment into this Court by the petitioners the sum of Twenty-five Dollars damages as assessed by the Board of County Road Viewers and the order made and entered in said cause on the 9th day of June, A.D., 1905, accepting Twenty Five Dollars from the petitioners damages assessed by the Board of County Road Viewers and declaring that said proposed road to be a public highway of Union County, Oregon, be and they are hereby set aside and declared null and void. And it is further ORDERED and DECREED that the said cause be and is hereby placed upon the Docket of this Court for consideration herein.

In the Matter of the Proposed Road of Public Easement, petitioned for by J.L. Ross.

This matter came 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 6th day of September, 1905, instructed to view, lay out and alter the proposed county road of public easement of which the survey hereto attached is a true and correct description, as petitioned for by J.L. Ross, beg leave to report that on the 23rd day of September, 1905, in pursuance with said order, we proceeded to view out said proposed road of public easement 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 of public easement be laid out and declared a public highway of said county and that by the location of said road 25 feet wide there will be a damage to the property owners to the amount of \$200.00.

(Signed) Arthur Curtis,)
B. Logsdon,) Board of County
E.B. Morelock,) Road Viewers.

And said report of the Board of County Road Viewers having been now publicly read in open court on two several days of the present term of the Court, and it appear-

SECOND JUDICIAL DAY.

THURSDAY, NOVEMBER 2nd, 1905.

ing to the Court that said Board of County Road Viewers report favorably thereon, and recommend that said proposed road be established as a County road and be declared a public highway of Union County, Oregon, and all the proceedings herein having been regular according to law.

It is Therefore CONSIDERED and ORDERED by the Court that upon the petitioner, J. L. Ross, paying into this Court the sum of \$200.00, the amount of damages sustained by Bert Slack as assessed by the Board of County Road Viewers, that the proposed road of public easement be opened up for travel.

In the Matter of awarding contract for insuring City Hall.

This matter came on to be heard at this time upon the awarding the contract for insuring the City Hall for a term of three years.

It appearing to the Court that said bids were as follows, to-wit: C.J. Scriber \$1.40 per hundred for one year or \$2.80 per hundred for a term of three years; J.R. Oliver \$1.40 per hundred for one year or \$2.80 per hundred for a term of three years; Wm.B. Sargent, \$1.40 per hundred for one year or \$2.80 per hundred for a term of three years; Church & Newlin, \$1.40 per hundred for one year or \$2.80 per hundred for a term of three years; Williams Bros. \$1.40 per hundred for one year or \$2.80 per hundred for a term of three years; J.W. Oliver, \$.70 per hundred for four years. Mr. Oliver also verbally stating that his company would not place more than \$4000.00 of insurance upon one piece of property. And upon due consideration the Court now decides to place \$14,000.00 of insurance upon the building. And it further appearing to the Court that the bid of J.W. Oliver is the lowest and best bid offered, that the insurance Company he represents will not permit a larger amount than \$4000 of insurance to be placed upon one building,

It is Hereby CONSIDERED and ORDERED that J.W. Oliver be awarded the contract of writing \$4000 of insurance upon the City Hall for a period of three years on the terms and conditions above specified. And it further appearing to the Court that all other bids were the same, being \$1.40 per hundred or \$2.80 per hundred for a term of three years,

It is Therefore CONSIDERED and ORDERED that the balance of insurance to be placed upon the City Hall, to-wit: \$10,000, be and the same is hereby divided equally between the following named agents, to-wit: C.J. Scriber \$2000; W.B. Sargent, \$2000; J.R. Oliver \$2000; Church & Newlin \$2000 and Williams Bros. \$2000.

In the Matter of Laying out and establishing precincts and polling places.

Now at this time it is ORDERED by the Court that this be and the same is hereby continued for the term.

THIRD JUDICIAL DAY.

FRIDAY, JANUARY 5th, 1906.

Court met pursuant to adjournment.

Present: Same officers as on Last Judicial Day.

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 Blumentein</i>	Commissioner.
<i>J. M. Selzer</i>	Commissioner.

Thereupon the following proceedings were had, to-wit:

In the Matter of the Road of Public Easement
petitioned for by John L. Ross, et al.

Now 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 County Road
petitioned for by Dillie Randall et als.

Now at this time this cause came on for hearing upon the motion of petitioners, appearing by J.D. Slater of counsel, their attorney, for an order substituting copies of the original petition, notice and affidavits of posting in place of the lost originals thereof; and it appearing to the Court that the original petition, filed on the 5th day of April 1905, the notice of road petition with two affidavits of posting filed on April 5th, 1905, have been mislaid and lost from the proper files and cannot be found; and it also appearing that copies of said petition, notice and affidavits are now of record in the Circuit Court of the State of Oregon for Union County in the case of Dillie Randall vs. Union County, in which case the records of this cause including such petition, notice and affidavits were certified to the said Circuit Court by the Clerk of this Court; and it also appearing that petitioners now offer for filing and substitution in place of such originals, copies thereof; It is therefore ORDERED that the said copies of the said original petition, notice of Road petition, and affidavits showing posting of such notice be and the same are hereby substituted in place of the lost originals.

And this cause coming on at this time for final determination of the court upon the Report of the County Road Viewers in this cause and it appearing to the Court that said report is favorable and recommends the establishment of said proposed Road as surveyed and laid out as a public highway, the petitioners to pay the damages in the sum of \$100.00 assessed by the Board to and in favor of George Miller; and it further appearing that all the proceedings herein have been and are regular and that the same have been examined and approved by the District Attorney, and that said proposed road is not of sufficient public utility to warrant the Court in ordering said damages to be paid by the County; It is