

No

IN THE

CIRCUIT COURT

UNION COUNTY OREGON

EQUITY

A. L. Shaper

Plaintiff

vs

Alis Shaper

Defendant

Docket

Page

~~477~~
S-9

Chambers & Clark
Attorney for Plaintiff

Attorney for Defendant

646

Road petitioned
for by
W R Jasper et al

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said ~~County and State~~ ^{Thursday} ~~County and State~~, on ~~Wednesday~~ ^{Thursday}, the 2nd day of January, A. D., ~~(Monday having been a non-judicial Day)~~ ^{Thursday} 1913, the same being the first ~~Wednesday~~ ^{Thursday} of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J. C. Henry, County Judge,
C. A. Galloway, Commissioner,
J. F. Hutchinson, Commissioner,
Ed Wright, Clerk,
F. P. Childers, Sheriff.

WHEN, on ~~Thursday~~ ^{Thursday}, the 9th day of January, A. D. 1913, or the 3rd Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the proposed county road petitioned for by W.R. Jasper et al.

Comes now W. R. Jasper, one of the petitioners for the above named proposed County Road and presents to the Court the petition of himself and others, praying for the location and establishment of a county road, described as follows, to-wit:

Commencing at the county road at the center of Sec. Twenty-eight (28) in Tp. Two (2) South of Range Thirty-nine (39) E.W.M. and running thence north One and one-half miles to the county road at the northeast corner of the northwest quarter (NW $\frac{1}{4}$) of Sec. Twenty-one (21) in said township and range.

And it appearing to the court that said petition is signed by more than twelve freeholders of this county, residing in the 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 City of La Grande, Union County, Oregon, and also in three public places in the vicinity of said proposed road, to-wit: One nailed to a post by the side of the County road at the Valleria School house, one nailed to a board which was nailed to a fence post by the side of the county road at the point of beginning of the proposed road, and one on a board nailed to a

fence post by the side of the county road at the terminal point 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 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 C. T. Darley, County Surveyor, and Thomas Brasher and E. A. Wills, constituting the Board of County Road Viewers, be, and they are hereby directed to meet at the W. R. M. Hasper Farm on the 20th day of January, 1913, at the hour of 10 o'clock A.M., or within five days thereafter and proceed to survey, view and lay out said road according to law.

(Signed) J. C. Henry, County Judge.

C. A. Galloway, Commissioner

Attest:

County Clerk.

W. P. Jasper

Faint, illegible text, possibly bleed-through from the reverse side of the page.

Faint, illegible text at the bottom of the page.

TO THE HONORABLE COUNTY COURT OF UNION COUNTY, OREGON:

We, the undersigned freeholders of Union County, Oregon, residing within the road district where the hereinafter described road is proposed to be, do hereby petition your honorable body to lay out and establish a county road, forty feet wide, within said road district in Union County, Oregon, on the following line or route, to-wit: Commencing at the county road at the center of Sec. Twenty-eight (28) in Tp. Two (2) ^{South of} Range Thirty-nine (39) E. W. M., and running thence north ^{one} and One-half miles to the county road at the Northeast ^{corner} of the Northwest quarter (NW $\frac{1}{4}$) of Sec. Twenty-one (21) in said township and range, and in duty bound we will ever pray:

Dated at Island City Oregon November 26th 1912.

W. R. Jasper
H. B. Charr
J. P. DeLong
L. F. Wright
J. W. Lytle
James Moss
J. A. Howell
W. J. Case
W. M. Murphy
Homer Littleton
A. M. Kinzie
E. E. Hughes
W. L. Carter
F. P. Amadio
Evertt Wallinger

[Handwritten notes and signatures on the right margin, including "South of" and "corner" written vertically.]

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 ^{1st} ~~6th~~ day of ^{January} ~~November~~, A. D. 191~~2~~³, respectfully present to said court a petition praying said court to lay out, and establish a County Road within said county, on the following line, or route, to-wit:

Commencing at the county road at the center of Sec. Twenty Eight (28) in Tp. Two (2) South of Range Thirty-nine (39) E. W. M., and running thence north One and One-half miles to the county road at the Northeast corner of the Northwest quarter (NW $\frac{1}{4}$) of Sec. Twenty-one (21) in said township and range.

Dated at Island City Oregon, the 26th day of November A. D. 1912.

NAMES:

NAMES:

- E. D. Jasper
- W. R. Jasper
- H. B. Charn
- J. P. DeLong
- L. F. Wright
- J. W. Gyle
- [Signature]
- W. J. Dase
- E. M. Murphy
- Harri Littleton
- Stricklin
- E. E. Hughes
- M. L. Carter
- F. R. [Signature]
- [Signature]

Everett Wallinger

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

I, C. D. Jasper 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 nailed to a post by the side of the County road at the Valleria School house, one nailed to a board which was nailed to a fence post by the side of the County road at the point of beginning of the proposed road and one on a board nailed to a fence post by the side of the County road at the terminal point of the proposed road.

Thirty days previous to the presentation of the road petition therein mentioned to-wit: On the 30th day of November 1912, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the day of 190, I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door in the City of Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Subscribed and sworn to before me this 3rd day of January 1913.

C. D. Jasper
Notary Public for Oregon

Filed Jan 4 1919.
Ed. Wright to Clerk
By Chas. D. Cornick
Deputy

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

I, W. B. Lindsey being first duly sworn, say that I posted ~~three several~~² 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~~^{more than} and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 26th day of November 1912, I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: ^{bulletin board on} On the front of the Court House door, in the City of Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

Subscribed and sworn to before me this 30th day of January 1912.
W. B. Lindsey
Notary Public for Oregon

Filed Jan 4 - 1913
L. Wright Co Clerk
By Anna Alexander
ccy



BOND OF ROAD PETITIONERS.

KNOW ALL MEN BY THESE PRESENTS, That ~~J. R. Joseph~~ and James Oliver, 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 ourselves, our heirs, executors and administrators firmly by these presents.

Signed this 9th day of January, A. D., 1903

Now, the conditions of the above obligation is such, that whereas N. R. Joseph and others, have petitioned the County Court of said county of Union, at the January term, 1903, thereof, for a County Road, described in the petition and notice hereto annexed, as follows:

Commencing at the center of section 28 T2 R39 E N. M. and running thence North 1/2 miles to the county road at the N.E. corner of N.W. 1/4 Sec 20 in said township and range

Now, if the above named N. R. Joseph and et al 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.

James Oliver (Seal.) (Seal.)

STATE OF OREGON,)
COUNTY OF UNION,) SS.

I, James Oliver 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,

James Oliver

Subscribed and sworn to before me this 9th day of January A. D., 1903

Joel Green Notary Public for Oregon

Filed Jan 9th 1913
Ed. Wright to Clerk
By C. McCormick
Berry

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 Thursday 9th day of January 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 M. R. Jasper et al., beg leave to report that on the 21st day of January 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~~ is practicable and would add much 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 there are damage bills filed with the Board (one written by Tho. Wallenig, and one verbal by Geo. E. Wells) Wallenig's Bill is attached herewith. He estimates the damage at \$100⁰⁰ per acre for each party.

H. T. Darley
G. R. Wells
H. T. Darley

Board of County
Road Viewers.

✓ Alcega Diaz Jan 18th 1912
To the Board of Road
viewers of Union County
where as there is a certain
Road Petitioned for by Jasper
and others paralleling my Castles
for one half mile necessitating
my building fence the full length
besides sacrificing one ~~one~~ Fourth
acres of land at the market
value of \$100⁰⁰ Per acre, and
where as the road is to benefit
only one man now a resident
and others simply for speculative
purposes to enable them to
sell their lands in allotments

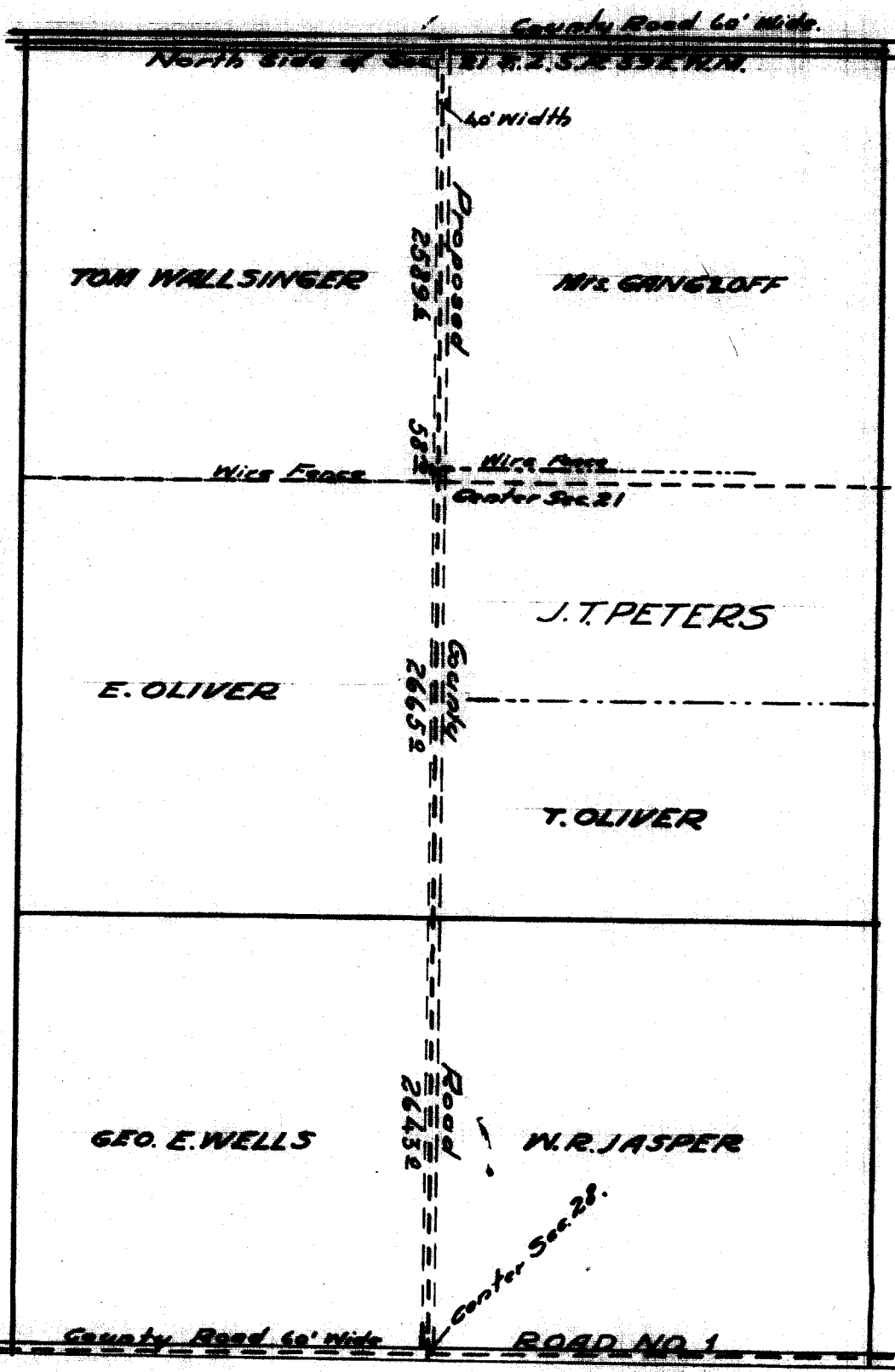
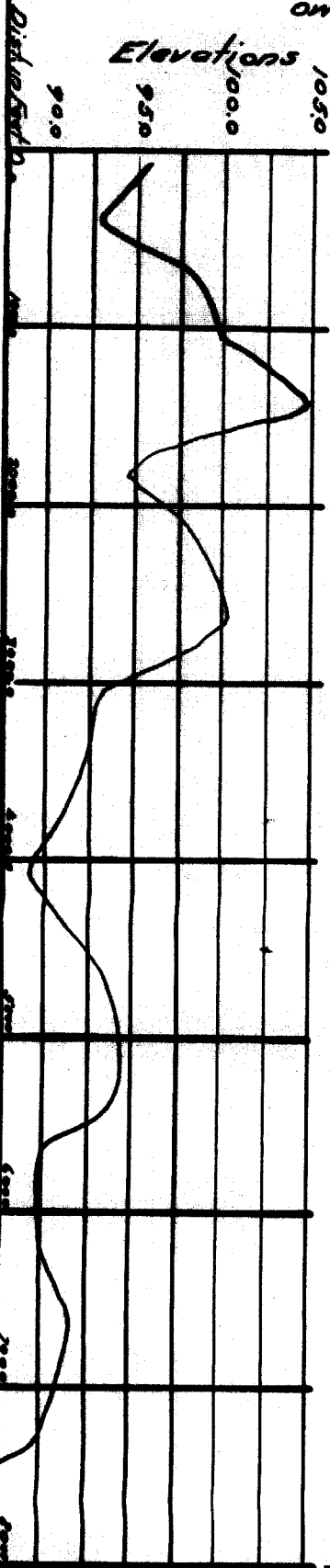
while they have a road now
running along the East end
of their land.

and the said road will
not be of any benefit to
me but a damage, as it
will cut off some lands
that I have rented that is
now being my own place
I feel that it would be no
more than right that I should
recover damages to the amount
of the reasonable price of the
land at a hundred dollars
per acre totaling one hundred &
twenty five dollars. yours resp/ly
William T. Wallinger

MAP AND PROFILE Road No. 1

Giving Location With Reference to present ownership and existing Public Roads.

Scale 1 inch = 1000 Feet.



C.T. Darley, County Surveyor.

LaGrande, Oregon, Feby. 3, 1913.

To The Hon. County Judge and Commissioners of
Union County Oregon.

Gentlemen;-

Attached herewith please find the report of the Board of County Road Viewers for the "Jasper Road", also a tracing showing the alignment and profile of above said road.

It is also necessary to state at this time that we were not able to place any permanent road monuments at this time because of the fact that the snow has drifted to a depth of from three to five feet deep at the points where there are at present permanent monuments in that vicinity.

I wish also to give to you a verbal report of the records of the County Surveyors as I have found them.

Very respectfully submitted by,



County Surveyor.

Report of Heirs
Jasper Wood

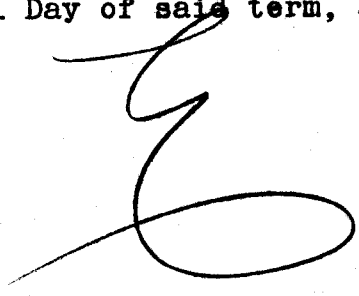
Filed May 5 1913
For Registry to Clerk
By Anna Alexander
Deputy

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BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 5th day of February, A. D., 1913, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J.C. Henry, County Judge,
C.A. Galloway, Commissioner,
J.F. Hutchinson, Commissioner,
Ed Wright, Clerk,
August Hug, Sheriff.

WHEN, on Wednesday, the 5th day of February, A. D. 1913, or the 1st Judicial Day of said term, among others the following proceedings were had, to-wit:



In the matter of the proposed county road petitioned for by W. R. Jasper et al.

Now at this time this matter came on to be heard upon the Report of the Board of County Road Viewers for a first reading as provided by law. And the said report having now been read in open court, the same is laid over for a second reading upon another day of this term of court.

(Signed) J.C. Henry, County Judge,
C.A. Galloway, Commissioner,
J.F. Hutchinson, Commissioner.

Be it Remembered, That at a regular term of the County Court of the State of Oregon, for the County of Union, begun and held at the Court House, in the City of Union, said County and State, on Wednesday, the 5th day of February 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 to-wit:

The Hon. J.C. Henry Judge, Presiding.

The Hon. C.A. Galloway County Commissioner.

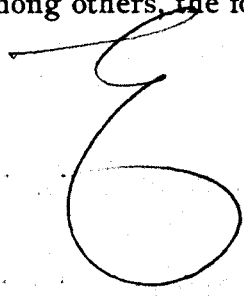
The Hon. J.F. Hutchinson County Commissioner.

Ed Wright Clerk.

August Hug Sheriff.

When on Thurs day, the 6th day of February A. D. 1903, or the second Judicial day of said term, among others, the following proceedings were had, to-wit:

In the Matter of the Proposed County Road Petitioned
for by W. R. Jasper et al.



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 Thursday 9th day of January 1913 ~~190~~, 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 W.R. Jasper et al., beg leave to report that on the 21st day of January, 1913 ~~190x~~, 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 Much 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 there are damage bills filed with the Board (one written by Thos. Wallsinger and one verbal by Geo. E. Wells) Wallsinger's bill is attached herewith) We estimate the damage at \$100.00 per acre for each party.

(Sgd) C.T. Darley

E.A. Wells

H.T. Darley

} Board of County 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 appearing 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 and according to law, and no remonstrance ~~of claim for~~

~~damages~~ having been filed herein and the Board of County Road Viewers having allowed damages at the rate of \$100.00 per acre for Thos. Walsinger and Geo. E. Wells, and it further appearing that said Thos. Walsinger and Geo. E. Wells are deprived of the use of 1.21 acres of land and that their damages as fixed by the Board of County Road Viewers amount to the sum of \$121.00 each

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 favorable 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 surveyor's 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 ~~upon the payment by the petitioners to Thos. Walsinger and Geo. E. Wells damages in the sum of \$121.00 each~~ ordered opened up and placed in repair for travel according to law, and that

J. F. Campbell Road Supervisor of Road District No. 3, 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.

(Signed) J. C. Henry
County Judge.

C. A. Galloway
Commissioner.

J. F. Hutchinson
Commissioner.

STATE OF OREGON, }
COUNTY OF UNION, } ss.

I, _____, Clerk of the County Court of the State of Oregon for the County of Union, do hereby certify that the foregoing copy of Journal Entry has been by me compared with the original entry made in the above entitled proceedings, now remaining of record in my office; that it is a correct transcript therefrom, and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said court this _____ day of _____ A. D. 190__.

Clerk.
By _____
Deputy.

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, sitting for the transaction of County business, begun and held at the Court House in the City of La Grande, in said County and State, on Wednesday, the 5th day of April, A. D., 1916, the same being the first Wednesday of said month and the time fixed by law for holding a regular term of said Court, when were present:

The Honorable J. F. Phy, County Judge,
C.A. Galloway, Commissioner,
W. J. Townly, Commissioner,
Ed Wright, Clerk,
August Hug, Sheriff.

WHEN, on Thursday, the 6th day of April, A. D. 1916, or the second Judicial Day of said term, among others the following proceedings were had, to-wit:

In the matter of the county road petitioned for by W.R. Jasper, and others.

7698

Now at this time this matter came on for hearing upon the application of I.U. Temple for the vacation of said above described road, and it appearing to the Court that on Thursday, the 6th day of February, 1913, after due and regular proceeding in the above road matter, a road as petitioned for in the petition therein was declared to be a public highway and ordered opened for public travel upon the payment by the petitioners of the amount of damages assessed in said road matter, and that said petitioners have failed, neglected and refused to pay the amount of damages so assessed, and that three years has elapsed since such order was made by this Court, and that no effort has been made on the part of petitioners to comply with said order, and that said order should be revoked and rescinded,

It is therefore CONSIDERED AND ORDERED that said order in said above road matter ~~be~~ duly made and entered on Thursday the 6th day of February, 1913, be and the same is hereby revoked, set aside, and held for naught, and that said road so pretended to be declared a public highway by such order be and the same is hereby vacated, and that all proceedings heretofore held and had in said road matter be and

COCHRAN & EBERHARD
ATTORNEYS
ROOMS 14, 15, 16, 17, LA GRANDE NATIONAL BANK BUILDING
LA GRANDE, OREGON

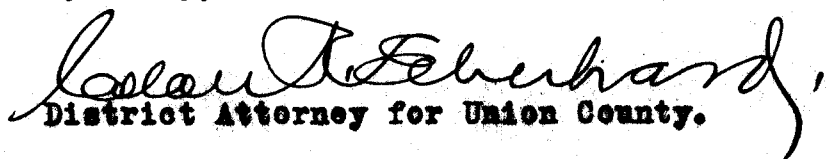
July 6, 1916.

To the Honorable County Court
of the County of Union:

Based upon the case of *Ree vs. Union County*, 19 Or. 315, 319, which holds that conditional orders opening ~~roads~~ roads, whereby damages are to be assessed to and paid by petitioners, must be complied with by the payment of such damages during the term, I advise that the order of Feb. 5th., 1915, in the matter of the road petitioned for by W. R. Jasper et. al. became and was void upon the expiration of that term without payment of the damages, as required by its own provisions. Being void, the court has inherent power at any time, without notice to anyone, to purge its records of such, and hence I advise that the order of this court made and entered April 6, 1916, was and is valid.

Denial of the petition filed June 7th., 1916, by Turner Oliver, to vacate the last order mentioned above is therefore respectfully advised and recommended.

Yours very truly,


District Attorney for Union County.

CRB

1 IN THE COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY

2

3 In the Matter of the Road petitioned for
4 by E. D. Jasper et al.

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5 Comes now Turner Oliver and petitions the court to
6 set aside and annul the order made by this court on April 6, 1916,
7 at request of Dr. I. U. Temple, vacating and cancelling the road
8 established by this court on Feb. 6, 1913, as petitioned for by
9 E.D.Jasper et al. And this petitioner represents to the court
10 that the above entitled county road extends along one end of this
11 petitioners lands and that without the same his lands will be en-
12 tirely shut in and he will not have access from any public road
13 to 120 acres thereof lying west of the State Ditch.

13

14 Petitioner further alleges and shows to the court that
15 the county court has no power to vacate a county road without first
16 having the same petitioned for with the same formality as in open-
17 ing up a road in the first instance, and the court had no juris-
18 diction to make the order of April 6th, 1916.

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19 Turner Oliver
20 Petitioner.

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TURNER OLIVER
ATTORNEY-AT-LAW
LA GRANDE, OREGON

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for the County of Union, in probate sitting, begun and held at the Court House in the City of La Grande, in said County and State, on Monday, the..... day of..... A. D., 191....., the same being the first Monday of said month and the time fixed by law for holding a regular term of said court, when were present:

The Honorable J. F. PHY, County Judge.
ED. WRIGHT, Clerk.
AUGUST HUGG, Sheriff.

WHEN, on Wednesday, the 7th day of June A. D., 1916 or the..... Judicial Day of said term, among others the following proceedings were had, to-wit:

In the Matter of the Road petitioned for by E. D. Jasper et al.

This matter came on to be heard on the petition and motion of Turner Oliver asking that the order made by this court on Feb. April 6, 1916 vacating and canceling the road established by this court on February 6, 1913, as petitioned for by E.D.Jasper et al., be canceled and held for naught; and it appearing to the court that this court had no power or jurisdiction to enter the order of April 6, 1916, and that a road can be vacated only on proper petition and notice to the parties interested, which was not given in this case, it is therefore **CONSIDERED AND ORDERED BY THE COURT** that said order made on April 6, 1916 be set aside and held for naught, and that the order made on February 6, 1913 opening and establishing said road be ratified and confirmed.

County Judge.

County Commissioner,

County Commissioner.

Be it Remembered, That at a regular term of the County Court of the State of Oregon, for the County of Union, begun and held at the Court House, in the City of Union, said County and State, on Wednesday, the 5th day of February 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 to-wit:

The Hon. J.C. Henry Judge, Presiding.
The Hon. C.A. Galloway County Commissioner.
The Hon. J.F. Hutchinson County Commissioner.
Ed Wright Clerk.
August Hug Sheriff.

When on Thurs day, the 6th day of February A. D. 1903, or the second Judicial day of said term, among others, the following proceedings were had, to-wit:

In the Matter of the Proposed County Road Petitioned
for by W. R. Jasper et al.

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 Thursday 9th day of January 1913 ~~190~~, 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 W.R. Jasper et al., beg leave to report that on the 21st day of January, 1913 ~~190~~, 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 much 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 there are damage bills filed with the Board (one written by Thos. Wallsinger and one verbal by Geo. E. Wells) Wallsinger's bill is attached herewith) We estimate the damage at \$100.00 per acre for each party.

(Sgd) C.T. Darley
F.A. Wills
H.T. Darley

Board of County
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 appearing 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 and according to law, and no remonstrance or ~~claim~~

~~damages~~ having been filed herein and the Board of County Road Viewers having allowed damages at the rate of \$100.00 per acre for Thos. Walsinger and Geo. E. Wells, and it further appearing that said Thos. Walsinger and Geo. E. Wells are deprived of the use of 1.21 acres of land and that their damages as fixed by the Board of County Road Viewers amount to the sum of \$121.00 each

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 favorable 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 surveyor's 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 ~~upon the payment by the petitioners to Thos. Walsinger and Geo. E. Wells damages in the sum of \$121.00 each~~ ordered opened up and placed in repair for travel according to law, and that

J. F. Campbell Road Supervisor of Road District No. 3, 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.

(Signed) J. C. Henry
County Judge.

C. A. Galloway
Commissioner.

J. F. Hutchinson
Commissioner.

STATE OF OREGON, }
COUNTY OF UNION, } ss.

I, _____, Clerk of the County Court of the State of Oregon for the County of Union, do hereby certify that the foregoing copy of Journal Entry has been by me compared with the original entry made in the above entitled proceedings, now remaining of record in my office; that it is a correct transcript therefrom, and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said court this

_____ day of _____ A. D. 190_____

Clerk.

By _____
Deputy.

THIRD JUDICIAL DAY.

THURSDAY, JANUARY 9th, 1913.

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 the last day's proceedings was read, approved and is here now signed.

J. L. Keamy County Judge.
G. A. McIlwain Commissioner.
J. H. Hutchinson Commissioner.

Thereupon the following proceedings were had, to-wit:

In the matter of the proposed county road petitioned for by W. R. Jasper et al.

Comes now W. R. Jasper, one of the petitioners for the above named proposed county road, and presents to the court the petition of himself and others, praying for the location and establishment of a county road, described as follows, to-wit:

Commencing at the county road at the center of Sec. Twenty-eight (28) in Tp. Two (2) South of Range Thirty-nine (39) E.W.M. and running thence north one and one-half miles to the county road at the northeast corner of the northwest quarter (NW $\frac{1}{4}$) of Sec. Twenty-one (21) in said township and range.

And it appearing to the court that said petition is signed by more than twelve freeholders of this county, residing in the 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 City of La Grande, Union County, Oregon, and also in three public places in the vicinity of said proposed road, to-wit: one nailed to a post by the side of the county road at the Valleria School house, one nailed to a board which was nailed to a fence post by the side of the county road at the point of beginning of the proposed road, and one on a board nailed to a fence post by the side of the county road at the terminal point 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 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 C. T. Darley, County Surveyor and Thomas Brasher and E. A. Wills, constituting the Board of County Road Viewers, be, and they are hereby directed to meet at the W. R. Jasper farm on the 20th day of January, 1913, at the hour of 10 o'clock A.M.; or within five days thereafter and proceed to survey, view and lay out said road according to law.

FIRST JUDICIAL DAY.

WEDNESDAY, FEBRUARY 5th, 1913.

<u>Number.</u>	<u>To Whom Issued.</u>	<u>For What Drawn.</u>	<u>Amount.</u>
A 4599	Mrs. Lillie Nelson,	Relief,	\$ 15.00
A 4600	W. L. Clark,	Relief,	5.00
A 4601	J. L. Caviness,	In lieu of lost warrant A 3621,	102.80
A 4602	J. A. Matott,	Services as Grand Jury Bailiff Feby term	12.00

ROAD FUND.

<u>Class.</u>	<u>Number.</u>	<u>To Whom Issued.</u>	<u>For What Drawn.</u>	<u>Amount.</u>
B	6301	F. L. Lilly,	Supplies as per bill,	\$ 2.00
B	6302	Wm. Wiglesworth,	Work in R.D. 27 & 31,	4.50
B	6303	J. A. Devore,	do	1.25
B	6304	L. E. Standley,	Work in R. D. 37,	4.50
B	6305	A. R. Hunter,	do	44.00
B	6306	J. B. Breshears,	Work in R. D. 4,	7.50
B	6307	Clyde L. Kiddle,	Supplies as per bill,	.45
B	6308	Medy Bouchard,	Work in R. D. 33,	6.00
B	6309	P. B. Smith,	Work in R. D. 30,	42.50
B	6310	Will Pearson,	do	34.80
B	6311	Lelan Wright,	do	30.00
B	6312	Will Brant,	do	86.00
B	6313	Royal Box & Lbr. Co.	Lumber as per bill,	31.67
B	6314	Grant Dalton,	Hauling gravel,	10.00
B	6315	A.B. Hudelson & Son,	Supplies as per bill,	90.35
B	6316	L.C. Smith,	Auto hire,	4.00
B	6317	J. K. Sheak,	Work on road roller,	61.00
B	6318	J. F. Campbell,	Part payment on Peach Bridge,	600.00
B	6319	R.A. Masterson,	Blacksmithing as per bill,	15.50
B	6320	J.J. Quinland Co.	do	15.10

INDIGENT SOLDIERS FUND.

<u>Number.</u>	<u>To Whom Issued.</u>	<u>For What Drawn.</u>	<u>Amount.</u>
91	I. W. Faulk,	Relief as per bill,	\$ 39.65

In the matter of the proposed County road petitioned for by W. R. Jasper et al.

Now at this time this matter came on to be heard upon the Report of the Board of County road Viewers for a first reading as provided by law. And the said report having now been read in open court, the same is laid over for a second reading upon another day of this term of court.

Thereupon it was ORDERED that Court be now adjourned until tomorrow, February 6th, 1913, at 9 o'clock A.M.

SECOND JUDICIAL DAY.

THURSDAY, FEBRUARY 6th, 1913.

In the matter of the application of J.L.Caviness for reissuance of a lost warrant.

Now at this time this matter came on for hearing upon the application of J.L.Caviness for the reissuance of County warrant No. A 3621 for the sum of \$102.80, and it appearing to the court from said application that General fund warrant No. A 3621 was heretofore on the 4th day of September, 1912 issued to said J.L.Caviness in payment of a bill duly presented and allowed against the said county, and that said warrant has been since its issuance lost or destroyed and has not been presented for payment, and that said J.L.Caviness has received no payment, and it further appearing that the said J.L.Caviness has filed in this court an indemnity bond as required by law in double the amount of said warrant.

It is therefore CONSIDERED and ORDERED that the County Clerk be and he is hereby authorized and directed to issue a warrant on the General Fund of the county in favor of said J.L.Caviness for the sum of \$102.80 in lieu and instead of said lost warrant.

In the matter of the application of E. E. Grout for leave to construct part of building on county road.

Now at this time this matter came on for hearing upon the application of E.E.Grout to be allowed permission to construct a milk house, a part of which will project over and upon the county road, and it appearing to the court that said milk house will in no way interfere with the travel or obstruct the said county road and that said application should be granted,

It is therefore CONSIDERED and ORDERED that said application be granted and that said applicant E.E.Grout be and he is hereby granted permission to construct his milk house as applied for.

In the matter of designating official County Newspapers for the year 1913.

It appearing to the court that now is the proper time for designating the official county newspapers, for the year 1913, said matter having been continued from the last term of this court, and it appearing to the court that the La Grande Evening Observer and the Eastern Oregon Republican are newspapers printed and published in Union County, Oregon, and having the largest circulation therein,

It is therefore ORDERED that the La Grande Evening Observer and the Eastern Oregon Republican be and they are hereby designated as the county official newspapers for the year 1913.

In the matter of the proposed county road petitioned for by W.R.Jasper et al.

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:

SECOND JUDICIAL DAY.

THURSDAY, FEBRUARY 6th, 1913.

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 Thursday 9th day of January, 1913, 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 W.R. Jasper, et al., beg leave to report that on the 21st day of January, 1913, 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 much 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 there are damage bills filed with the Board (one written by Thos. Wallsinger and one verbal by Geo. E. Wells) Wallsinger's bill is attached herewith) We estimate the damage at \$100.00 per acre for each party.

(Sgd) C. T. Darley) Board of County
 E. A. Wills)
 H. T. Darley) 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 appearing 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 and according to law, and no remonstrance having been filed herein and the Board of County road viewers having allowed damages at the rate of \$100.00 per acre for Thos. Wallsinger and Geo. E. Wells, and it further appearing that said Thos. Wallsinger and Geo. E. Wells are deprived of the use of 1.21 acres of land and that their damages as fixed by the Board of County Road Viewers amount to the sum of \$121.00 each, 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 favorable 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 surveyor's 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, upon the payment by the petitioners to Thos. Wallsinger and Geo. E. Wells damages in the sum of \$121.00 each, and that J.F. Campbell, Road Supervisor of Road District No. 3, 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.

SECOND JUDICIAL DAY

THURSDAY, APRIL 6th, 1916.

In the matter of the application of Fred Geibel for reissuance of lost warrant.

Now at this time this matter came on for hearing, upon the petition of Fred Geibel for re-issuance of lost warrant, from which petition it appears that Warrant No. 620, Series 1916, in the sum of \$4.20, was drawn by the County Clerk in favor of Fred Geibel for services as witness in the Circuit Court, and that said warrant was received by the said Fred Geibel and thereafter destroyed; that the warrant is not now in the possession of said petitioner; and that his claim for services as witness has not been paid; and that said application should be granted.

It is therefore CONSIDERED and ORDERED that the County Clerk be and he is hereby authorized and directed to draw a warrant on the General Fund of the County in the sum of \$4.20 in lieu of said Warrant No. 620, Series 1916, so destroyed, and that said Warrant No. 620, Series 1916, be cancelled by said Clerk.

In the matter of the County Road petitioned for by W. R. Jasper, et al.

Now at this time this matter came on for hearing upon the application of I. U. Temple for the vacation of said above described road, and it appearing to the Court that on Thursday, the 6th day of February, 1913, after due and regular proceeding in the above road matter, a road as petitioned for in the petition therein was declared to be a public highway and ordered opened for public travel upon the payment by the petitioners of the amount of damages assessed in said road matter, and that said petitioners have failed, neglected and refused to pay the amount of damages so assessed, and that three years have elapsed since such order was made by this Court, and that no effort has been made on the part of petitioners to comply with said order and that said order should be revoked and rescinded. It is therefore CONSIDERED and ORDERED that said order in said above road matter duly made and entered on Thursday the 6th day of February, 1913, be and the same is hereby revoked, set aside and held for naught, and that said road so pretended to be declared a public highway by such order be and the same is hereby vacated, and that all proceedings heretofore held and had in said road matter be and the same are hereby set aside and held for naught.

In the matter of the proposed County Road petitioned for by A. J. Vandevanter et al.

Comes now A. J. Vandevanter, 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:

Beginnin at a point which is east 268 feet from the northwest corner of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27 in Tp. 5, S. R. 41, E. W. M., in Oregon, and running southerly approximately 1 $\frac{3}{4}$ miles to a point which bears west 965 feet, thence north 20 degrees west 800 feet, thence north 14 degrees west 1100 feet from the southeast corner of Section 34 in Tp. 5, S. R. 41, East in Oregon all of which lies within Sections 34