

No 10856

EQUITY

IN THE
CIRCUIT COURT
UNION COUNTY

Meranda M Rizon

Plaintiff

vs

Lawrence B Rizon

Defendant

Docket _____ Page _____

E R Rengo

Attorney for Plaintiff

Attorney for Defendant

#721

In re proposed County
Road petitioned for by
James Barr et al

Devised June 6, 1929
Journal P page 582.

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:

Commencing at a point on the present county road 8.125 chains South of the Northeast corner of the Southeast Quarter of the North West Quarter of Section 33 in Township 2 North, Range 39 East Willamette Meridian; thence running in a northwesterly direction, following up a ravine, along the most practical route, to a point intersecting the present county road at or near the Northeast corner of the Northwest quarter of the Southwest quarter of Section 28 in said Township and range, being a distance of approximately three-quarters of a mile

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

NAMES:

NAMES:

James Darr
 Andrew Christensen
 J. W. Lewis
 Les Wickell
 W. P. Darr
 Earl Moore
 Roy Loussend
 W. W. Sanford
 Bill Townsend
 E. Moore
 George Darr
 Wesley Townsend
 J. J. Henry
 J. W. Gallaway
 Mrs. Rogers
 Chas. Hauf
 Wm. C. Alexander
 C. Jackson
 W. W. Townsend
 Delbert Darr

Simon East
 G. E. Bean
 G. H. Bean
 Jase Connor
 Alvin H. Brown
 S. E. Harris

BOND OF ROAD PETITIONERS.

Know All Men By These Presents, That we, Chas. E. Bean
and S. E. Harris 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 4th day of February A. D. 1929.

Now, the conditions of the above obligation are such, that whereas,

James Darr and others have petitioned the County Court of said County of Union, at the March term, 1929, thereof, for a County Road, described in the petition and notice hereto annexed, as follows:

Commencing at a point on the present county road 8.125 chains South of the Northeast corner of the Southeast Quarter of the North West Quarter of Section 33 in Township 2 North, Range 39 East Willamette Meridian, thence running in a northwesterly direction, following up a ravine, along the most practical route, to a point intersecting the present county road at or near the Northwest corner of the Northwest quarter of the Southwest quarter of Section 28 in said township and range, being a distance of approximately three-quarters of a mile.

Now, if the above named James Darr

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.

S. E. Harris (Seal.)

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

I, Chas. E. Bean and S. E. Harris 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.

Chas. E. Bean
S. E. Harris

Subscribed and sworn to before me this 4th day of February A. D. 1929.

Jesse Brown
NOTARY PUBLIC FOR OREGON
My Commission Expires Jan. 25, 1929

*Setting of
James D. Carr, et al
for Car Road*

Filed

FEB - 6 1929

C. K. McLaughlin, County Clerk

By *[Signature]* Deputy

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 6th day of March A. D., 1929, 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 at a point on the present county road 8.125 chains south of the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 33 in Township 2 North, Range 39 East Willamette Meridian, thence running in a northwesterly direction, following up a ravine, along the most practical route, to a point intersecting the present county road at or near the Northeast corner of the Northwest Quarter of the Southwest Quarter of Section 28 in said Township and range, being a distance of approximately three-quarters of a mile

Dated at Elgin Oregon, the 4th day of February A. D., 1929.

NAMES	NAMES
James Darr	Chas. Haefs
Andrew Christinsen	Wm. C. Alexander
J. W. Lewis	C. J. Eckstein
Leo Widell	D. W. Townsend
W. P. Darr	Delbert Darr
Earl Moore	Simon Gent
Roy Townsend	C. E. Bean
W. W. Binford	C. D. Bean
Bill Townsend	Jesse Crum
C. E. Moore	Nellie H. Crum
George Darr	S. E. Harris
Wesley Townsend	
H. J. Henry	
J. W. Galloway	
Geo. Rogers	

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

I, George Dan.

, 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 on a pine tree at the side of the present county road at the southern terminam of said proposed road, one on a pine tree at the side of the present county road at the northern terminal of said proposed road, and one at the big two barrel spring on fence post at corner of Wilson farm on south side of road on Gordon Creek

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 4th day of February 190²⁹, 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 La Grande, in the said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

George Dan

Subscribed and sworn to before me this

3

day of

March

1929

Jesse Crum

NOTARY PUBLIC FOR OREGON

My Commission Expires 2/24, 1933

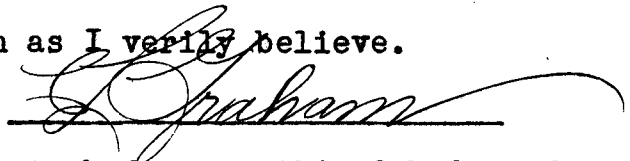
In re Edward
County Road
petitioned for by
James Beane et al

Officers of County
Practices

To
Filed Nov 4, 1929
at the County
Court

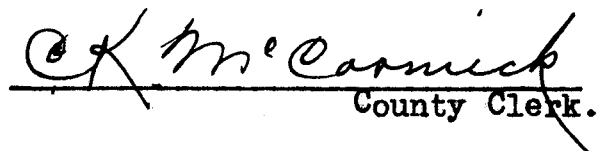
State of Oregon)
County of Union)^{ss}

I, C. L. Graham, being first duly sworn, say that I posted a notice, of which the notice hereunto attached is a true and correct copy, thirty days previous to the presentation of the road petition therein mentioned, to-wit: on the 4th day of February, 1929, on the front door of the Court House, in the city of La Grande, in Union County, Oregon, and that said notice remained posted thirty days previous to the presentation of said petition as I verily believe.



Subscribed and sworn to before me this 6th day of March,

A.D., 1929.


_____ County Clerk.

Post Office Department

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE
OF MAIL MATTER
IF OPENED

REGISTERED ARTICLE

No.

206

INSURED PARCEL

No.

Return to

Chas Beason

(PLEASE PRINT)

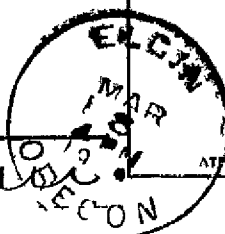
Street and Number }
or Post Office Box }

Post Office at

Elgin

State

Ill



RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card

By [Signature]
(Signature or name of addressee)

Mrs. C. [Signature]
(Signature of addressee agent)

Date of delivery

Mar 8 1929

Elgin, Oregon, March 7th. 1929.

Mr. Cy Rush,

Elgin, Oregon.

R.F.D.#2

Dear Sir:-

You are hereby notified according to law, that the petition for establishing of a county road across lands owned by you and being located in the Northeast quarter of the Northwest quarter of Section 33, in Township 2 North, Range 39 E. W. M., will be heard by the County Court of Union County, Oregon at their regular meeting on Thursday, April 4th. 1929, at their court chambers in the Court House in the City of LaGrande, Union County, Oregon.

Yours truly,

Chas. E. Bean

One of the petitioners.

STATE OF OREGON

SS.

COUNTY OF UNION

I, Chas. E. Bean, being first duly sworn, depose and say, " That I am a resident of Elgin, Union County, Oregon, and one of the signers on that certain road Petition of Geo Darr, et al, filed with the County Clerk of Union County, Oregon, and to be heard at the regular term of the county court for April, 1929. That on March 7th. 1929, I gave notice of such road petition and hearing on same, by registered mail to Cy Rush, one of the owners of land across which said proposed road will pass, as per copy of such letter hereto attached; that I demanded a return receipt from the postal department for the delivery of such letter and that I hereto attach to this affidavit the return receipt of Cy Rush, signed at the time of the delivery of such notification."

Chas E Bean

Subscribed and sworn to before me this 2nd. day of April, 1929.

J. J. [Signature]

NOTARY PUBLIC FOR OREGON
My Commission Expires 2124 1929

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

In the matter of the

~~The proposed County~~
Road petitioned for
by George Ham et al

Applicant of pending
Notice

FILED April 3 1929

Wm. Linnick
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 1st day of May, A. D., 1929, 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 U. G. Couch, County Judge,
W. W. Stevens, Commissioner,
W. R. Ledbetter, Commissioner,
C. K. McCormick, Clerk,
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 2nd day of May, A.D., 1929, or the 2nd 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 James Darr, et al.

Comes now James Darr, 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 a point on the present county road 8.125 chains South of the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 33 in Township 2 North, Range 39 East Willamette Meridian, thence running in a northwesterly direction, following up a ravine, along the most practical route, to a point inter-secting the present county road at or near the northeast corner of the Northwest Quarter of the Southwest Quarter of Section 28 in said Township and range, being a distance of approximately three-quarters of a mile.

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 on a pine tree at the side of the present county road at the southern terminal of said proposed road; one on a pine tree at the side of the present county road at the northern terminal of said proposed road; and one at the big two barrel spring on fence post at corner of Wilson farm on south side of road on Gordon Creek, 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 its present session 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 filed,

It is therefore ORDERED that S. B. Morgan, County Engineer, Chas. Playle, and J. A. McKenzie, constituting a Board of County Road Viewers, be and they are hereby directed to meet at Elgin, Oregon, on May 14th, 1929, at 10:00 A.M., or within ten days thereafter and proceed to survey, view, and lay out said proposed road according to law, and that said Board of County Road Viewers file its report with this Court not later than May 25th, 1929.

County Judge,

Commissioner,

Commissioner.

STATE OF OREGON)

County of Union) ^{SS}

- I, J. A. McKenzie, being first duly sworn, say that I will support the constitution of the United States and the Constitution and laws of the State of Oregon and will perform the duties of a member of a Board of Road Viewers in viewing that ~~petition~~ certain road petitioned for by James Darr, et al., to the best of my ability and understanding. So help me God.

J. A. McKenzie

Subscribed and sworn to before me this 22 day of

May, 1929.

[Signature]

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

In the matter of the

Edward Gray

petitioned for his

name be set

Case of J. A. McHenry
vs
Dennis

FILED May 23 1899

Wm L. Carnick
Clerk

Deputy

STATE OF OREGON)
County of Union)^{ss}

- I, Chas. Playle, being first duly sworn, say that I will support the constitution of the United States and the Constitution and laws of the State of Oregon and will perform the duties of a member of a Board of Road Viewers in viewing that ~~petition~~ certain road petitioned for by James Darr, et al., to the best of my ability and understanding. So help me God.

Chas Playle

Subscribed and sworn to before me this 22 day of
May, 1929.

W. B. Morgan

COUNTY COURT

James proposed

County Road petition
for the James Marshall

Out of the Service

James

FILED May 23 1929

Wm L. Conner

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.....2.....day of
.....May.....1929., 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 James Darr.....

.....et al., beg leave to report that on the.....22.....day of.....May....., 1929.,
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.....not.....be laid out.....nor.....established as a public high-
way of Union County, Oregon; that the same.....is.....im practicable and ~~would take~~.....

~~the expense of the householders residing in the vicinity thereof.~~ We therefore recommend that said
proposed road be.....not.....laid out.....nor.....declared a public highway of said county.....

The expence of building and maintaining this road is too great for
the benifit will be derived from it at this time.

.....
.....
.....
.....
.....

S'has Plagle
J. A. McKenna
W. Magan

} Board of County
Road Viewers.

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

In the matter of the

John W. Hayward & Co.

petitioned for by

James H. H. et al.

Receipt of Bonds returned

FILED May 23rd 1889

J. M. & Co. 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 June, A.D., 1929, 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 U. G. Couch, County Judge,
W. R. Ledbetter, Commissioner,
W. W. Stevens, Commissioner,
C. K. McCormick, Clerk,
Jesse Breshears, Sheriff.

WHEN, on Thursday, the 6th day of June, A.D., 1929, or the 2nd judicial day of said term, among others, the following proceedings were had, to-wit:

In the matter of the petition of James Darr, et al., for a county road.

Now at this time this matter comes on to be heard upon the report of the board of road viewers heretofore appointed to view said proposed road, and it appearing to the Court that the report of said viewers is unfavorable and said board recommends that the said proposed road be not constructed,

It is therefore CONSIDERED AND ORDERED that said petition be and the same is hereby denied, and that the petitioners or their bondsmen pay Union County the costs incurred in viewing said proposed road, to-wit: the sum of \$ _____.

U. G. Couch County Judge
W. W. Stevens Commissioner
W. R. Ledbetter Commissioner

SECOND JUDICIAL DAY

THURSDAY, MARCH 7th, 1929.

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.

Ch. G. Couch County Judge,
W. W. Stevens Commissioner,
H. R. Ledbetter Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of the monthly report of the County Treasurer and credits given her.

Comes now Florence Bacon, Treasurer of Union County, Oregon, and presents to the Court certain vouchers, warrants, and receipts showing that she has paid out of the various funds of the County certain sums of money. And it appearing to the Court from an examination of said vouchers and warrants that the sums have been duly paid out of the funds applicable thereto, that the warrants were regularly issued on the order of the Court, and that the Treasurer should have credit upon her account for the same,

It is therefore ORDERED that said vouchers, receipts, etc., be filed and the Treasurer be given credit therefor as follows:

150 General Fund Warrants	\$7,359.13
1 Dog Fund Warrant	30.48
66 Road Fund Warrants	4,736.49
28 Market Road Fund Warrants	1,161.56
1 Prohibition Enforcement Fund Receipt	52.60
1 County School Fund Receipt	19,358.48
1 Elementary School Fund Receipt	144.75
6 Special City receipts	9,884.81
40 Special School District receipts	<u>12,861.82</u>
	\$55,590.12

In the matter of the proposed County Road petitioned for by James Darr, et al.

Now at this time is presented to the Court the petition of James Darr, et al., for a county road, and it appearing to the Court that the affidavit of mailing of a copy of the notices of the road petition to Cy Rush, the owner of land across which said proposed road will pass, has not been filed as required by law,

It is therefore CONSIDERED AND ORDERED that said petition be and the same is hereby continued for the term for the purpose of enabling the petitioners to file said affidavit of mailing.

SECOND JUDICIAL DAY

THURSDAY, APRIL 4th, 1929.

In the matter of the proposed
County Road petitioned for by
George Darr, et al.

Now at this time it is ORDERED that the above entitled matter be and the same is
hereby continued for the term.

In the matter of the appropriation
for predatory animal control.

Now at this time, it appearing to the Court that an appropriation of \$500.00 was
made in the budget of Union County for 1929 to be used in co-operating with the State and
Federal Government in the destruction of predatory animals within Union County,

And it further appearing that the Bureau of Biological Survey is ready to
commence work within Union County as soon as the County's appropriation has been paid,

It is therefore CONSIDERED AND ORDERED that the County Clerk be, and he is hereby
authorized and directed to draw a warrant in favor of Hal E. Hoss, Secretary of State, to
be used in the control of predatory animals within Union County.

In the matter of the Claim

In the matter of the Claim
of S. B. Harrison for damages
for a horse alleged to have been
injured on a County Road.

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

Thereupon it was ORDERED that Court be now adjourned until Friday, April 5th,
1929, at 9:00 o'clock, A.M.

SECOND JUDICIAL DAY

THURSDAY, MAY 2nd, 1929.

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.

W. G. Couch County Judge,

W. W. Stevens Commissioner,

H. R. Ledbetter Commissioner.

Whereupon the following proceedings were had, to-wit:

In the matter of altering and re-establishing the Alicel-Lower Cove Road.

Now at this time it is ORDERED that the above entitled matter be and the same is hereby continued for the term.

In the matter of the proposed County Road petitioned for by James Darr, et al.

Comes now James Darr, 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 a point on the present county road 8.125 chains South of the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 33 in Township 2 North, Range 39 East Willamette Meridian, thence running in a northwesterly direction, following up a ravine, along the most practical route, to a point intersecting the present county road at or near the northeast corner of the Northwest Quarter of the Southwest Quarter of Section 23 in said Township and range, being a distance of approximately three quarters of a mile,

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 specified 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 on a pine tree at the side of the present county road at the southern terminal of said proposed road; one on a pine tree at the side of the present county road at the northern terminal of said proposed road; and one at the big two barrel spring on fence post at corner of Wilson farm on south side of road on Gordon Creek, 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 its present session 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 filed,

It is therefore ORDERED that S. B. Morgan, County Engineer, Chas. Playle, and J. A. McKenzie, constituting a Board of County Road Viewers, be and they are hereby directed to meet at Elgin, Oregon, on May 14th 1929, at 10:00 A.M., or within ten days thereafter and proceed to survey, view, and lay out said proposed road according to law, and that said Board of County Road Viewers file its report with this Court not later than May 25th, 1929.

SECOND JUDICIAL DAY

THURSDAY, JUNE 6th, 1929.

In the matter of altering, re-establishing and changing the direction of a portion of the Alicel-Lower Cove Road.

Now at this time this matter coming on for further consideration of the report of board of county road viewers appointed to view that portion of the Alicel-Lower Cove Market Road located on the Southeast quarter of Section 20, Township 2 South, Range 40, E.W.M., in Union County, Oregon, said report having been filed on the 22nd day of March, 1929, and it appearing that Ethel M. Kerns, the owner of said described quarter section has filed a claim for damages in the amount of \$3,000.00 in event said road is located on said described premises, said claim being filed on the 4th day of April, 1929; and the Court having considered the said report of said viewers and the claim filed by said Ethel M. Kerns are of the opinion that the said report is not equitable to all parties concerned and that the claim filed by said Ethel M. Kerns is excessive and the court being advised in the premises,

It is therefore CONSIDERED AND ORDERED that the claim of Ethel M. Kerns, be and the same is hereby rejected and the report of the said road viewers is hereby modified to read as follows: The County of Union will pay to the said Ethel M. Kerns the sum of \$336.70 for the right of way as now located upon and over the Southeast Quarter of Section 20, Township 2 South, Range 40 EWM; that the said County of Union construct, if desired by the said Ethel M. Kerns, a cattle pass under said road or in lieu thereof pay to her the sum of \$400.00. The above two amounts are to be taken as covering the value of the property taken and all damages of every kind or nature arising out of the taking of said property.

In the matter of the petition of James Darr, et al., for a county road.

Now at this time this matter comes on to be heard upon the report of the board of road viewers heretofore appointed to view said proposed road, and it appearing to the Court that the report of said viewers is unfavorable and said board recommends that the said proposed road be not constructed,

It is therefore CONSIDERED AND ORDERED that said petition be and the same is hereby denied, and that the petitioners or their bondsmen pay Union County the costs incurred in viewing said proposed road, to-wit: the sum of \$_____.

In the matter of the claim of Adam Beck for refund of money paid for personal property at tax sale.

Now at this time this matter comes on for consideration of the claim of Adam Beck in the sum of \$41.00 as refund for money paid to the Sheriff of Union County for one show case purchased at a tax sale held by said Sheriff which property the claimant alleges was recovered from him in a replevin suit instituted by the Webber Showcase and Fixture Company which case the defendant did not appear in or defend, and it appearing to the Court that in a similar case brought by the Webber Showcase and Fixture Company against the Red Cross Drug Store which involved similar facts as the case brought against the claimant, and it further appearing to the Court that the judgment in the case against the