

No

102

in

Circuit

Court

Carroll & Wilson

Plaintiff

vs

A Mitchell

Defendant

Action for

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

EVERETT B. BOGREN, ENGRAVER
1110 1/2 BROADWAY, NEW YORK 10
LAW OFFICE FOR THE
1911

Record of the Case

105

WITNESSES

1879
 Jan 9 Petition re Viewers app'd
 Journal B p 276
 Mch 5 Correction made Viewers re app'd
 Journal B p 276
 Apr 9 Let ready of report
 Journal B p 293
 Apr 10 Continuance
 Journal B p 299
 May 12 Report read 1st time
 Journal B p 302
 May 15 Ordered opened
 Journal B p 305

Road

Commencing near residence of Matt
 Nickles to intersect Co road to
 Holloway and to vacate a portion of
 present road



DIRECTIONS—Place papers on **TOP OF RUBBER**
 Fold ends first then sides Throw the rubber cords
 over the ends and package is complete

105

To the Honorable county-
Court of Union Co Oregon

In the matter of
a proposed line of county
road to wit

commencing at the E end
of the grade near Mott Nichols
Residence &c as per your order

We submit the following report
Met on the 21st Jan 1879 and
proceeded to view survey of Lay-
ant said proposed road as per ^{your} order
and as shown by survey ^(plot of) reaching the
distance of Thirty Miles touching the
N.W corner of the ~~E~~ W 1/4 of the N.W 1/4
of sec 16, T 7, N, R. 40, E. which corner
rests immediately on the the Mail Road
referred to in your order and further
your order recommends from that point
North 3/4 miles more or less to intersect

This same mail route which
runs in an N. Eastern direction
from said corner, which would
be as much of an impossibility
as to follow the point of the needle
and arrive in St Louis

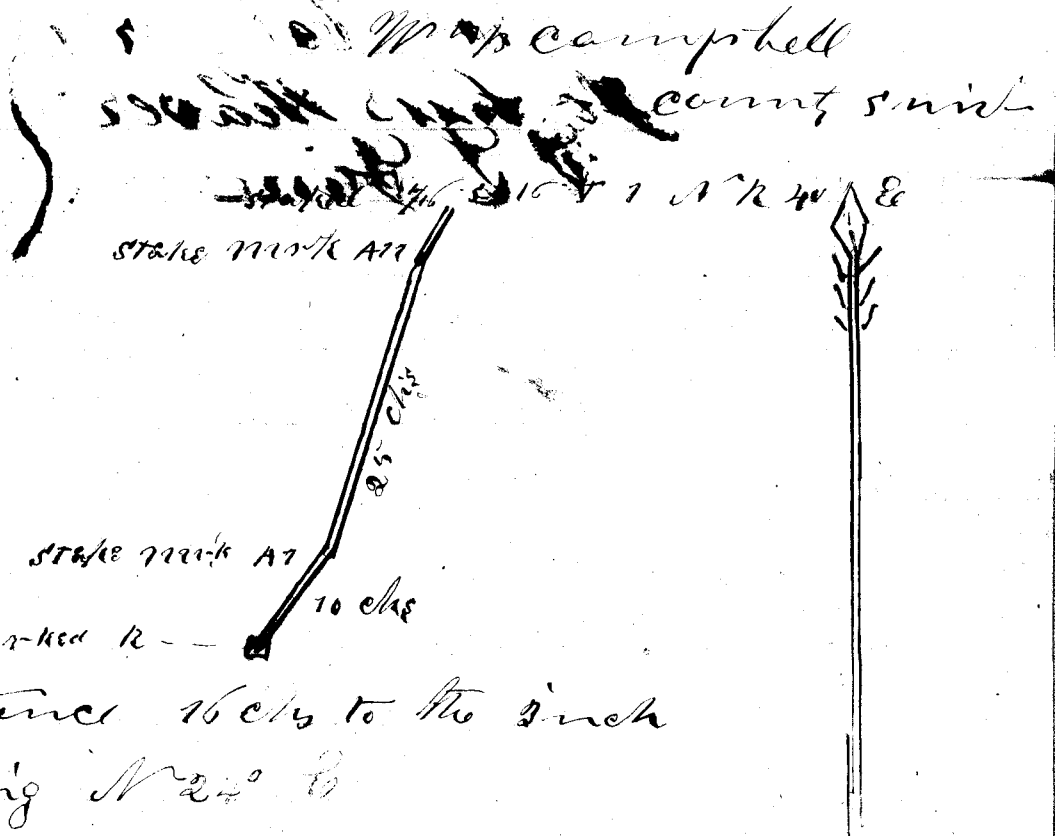
(keeping) (assumed there be some
mistake either in the petition
or your orders) until some
correction

Yours respectfully

Chas Hallgarth
~~Joshua Weaver~~
& L. Fine } Viewers

Jan 25th 1879
 Report to viewers of road
 to wit

Commencing at ^{a point which bears S57°E} ~~the east end of~~
 1892 feet from the center section corner of Section 17 - T₁N. R. 40E.
~~Grade at or near the~~ ~~North~~ ~~Nichols's~~
 Thence North 36° E ¹⁰ chs to stake mark A 7
 Thence North 17° E 25 chs to stake mark A 17
 Thence North 36° 30" E 4 chs to stake mark A 17
 being the N.W. corner of S.W. 1/4 of T₁N. R. 40E
 as named in your order &c
 the line of survey being from the grade to said
 corner a distance of 39 chs



Surveyors Report

Filed Feb 5th 1879

Wm. L. Smith

Co. Clerk

Notice to all persons concerned

is hereby

will be presented to the Court
County State of Oregon during
the year 1879. Praying for the

for the vacation of the same
beginning at the North
1/4 of Section No 11 T. 1. N. 10

Sumnerville. That
that part of the said road
the said road where a grade

west of the present residence
to the Eastern extremity
that instead thereof a new

road be laid out six feet to
100 yards East of the road
an Eastern direction to the

Section 11 T. 1. N. 10 &
Nine more or less
the said road to

practical Road
Valley all of it
Sumnerville

State of Oregon } 75
Circuit Court }

I Jesse Jewell being
duly sworn depy that the within notice
has been posted on the court house door in this
State and that 30 days previous to this
posted in three public places in the vicinity
of this proposed road according to law.

State of Oregon

Subscribed and sworn to
before me this 7th day of
Jan A.D. 1879
Jesse Jewell
Ed. Cole
Clk.

State of Oregon } Nov 18th A.D. 1878
County of Union

To The Honorable
County Court of Union County Oregon
Your petitioners undersigned would
respectfully pray That you vacate
that part of the County road running
from the N.E. corner of the N.W. 1/4 of
Sec 16 T 1 N R 40 E towards Sumner-
ville - Commencing at the East end
of the grade on the said road about
100 yards West of the residence of Mat
Meeks and running thence in an East-
erly direction to the terminus of the
said road. The length of the part you
are asked to vacate being about one mile.

Part of
road to
be va-
cated

And that instead thereof your
petitioners further pray that you estab-
lish a county road, - Commencing at
the East end of the said grade 100 yds
West of the residence of Mat Meeks -
So as to continue the County road
which would otherwise there terminate,
upon the vacation of that part of it
prayed for above - Thence to extend
in a North Easterly direction one fourth
mile more or less to the North West
corner of the S.W. 1/4 of the N.W. Quarter of
Sec 16 T 1 N R 40 East - Thence 3/4
mile East Thence 3/4 mile North
more or less to the present mail route
Thence in a north-easterly course along
said mail route 3/4 mile more or less to
the place where the said mail route
intersects the county road to Wallawa
All of which lies in the county and
State above mentioned

- W. Fine
 Jesse Powell
 W. B. Lindman
 J. H. Cullum
 J. J. Galloway
 D. Herritt
 J. J. Stubblefield
 L. M. Tucker
 E. H. Tucker
 Joseph Helfman
 Wm. Overbury
 W. M. Tice
 W. B. Knight
 S. Barnes
 Joseph Lemming
 Thomas Barber
 Joel Weaver
 John J. Linn
 John Ward
 Isaac Rambo

1
The Glasgow 1848

Miss A. B. B.
Glasgow

Know all Men by these Presents:

That ~~we~~ ^{we} Jesse Jewell & J W Tucker ~~are~~ ^{are}
held and firmly bound unto the county court
of Union County—Oregon in the sum of
Fifty Dollars Dollars,

lawful money of the United States, to be paid to the said Union County court
~~his Executors, Administrators or Assigns~~ for which payment, well and truly to be
made, ~~we~~ ^{myself} bind ~~ourselves~~ ^{myself}, and each of ~~our~~ ^{my} Heirs, Executors, Administrators
and Assigns, jointly and severally, firmly by these Presents.

Sealed with ~~our~~ ^{my} Seal. Dated this 8 day of January
one thousand eight hundred and seventy nine

The condition of the above obligation is such that Whereas a petition
has this day been presented to said court
for the vacation of the ~~existing~~
county road running from the North East
corner of the NW 1/4 of Sec 16 T. 1 N. 40. E. towards
summers, — commencing at the East end of the
grade in the said road about 100 feet west of the
evidence of Matt Wickles Pa. running thence in an
Easterly direction to the terminus of the said road,
that instead thereof the court establish a
county road; commencing at the East end
of the said grade 100 feet west of the residence of
Matt Wickles so as to continue the county
road which would otherwise there termi-
nate upon the vacation of that part of it
thence to extend in a Northwesterly Easterly
direction one fourth mile more or less to the
North west corner of the SW 1/4 of the NW 1/4 of Sec 16
T. 1 N. 40. E. thence 3/4 mile North, more or less
to the present main route thence in a North-
easterly course along said main route 3/4
mile more or less to the place where the
said main route intersects the county
road to Wilsons well in this county (see margin)

In case said petition is not granted then this obligation shall be
due and collectable or as much thereof as may be necessary to satisfy
all legitimate expenses incurred by virtue of said petition not to exceed \$50

Signed, Sealed and Delivered in Presence of

Ed Cleary

Jesse Jewell SEAL.
J W Tucker SEAL.



FROM

Jewell & Jackson

TO

Union County

Executed *187*

Filed *Jan 8* *187*

At *o'clock*, *M.*

Wm. S. Giff County Clerk.

B. S. Salter

Elko Flat, Jan 23rd 1879
Hon Willis Skiff

Dear Sir

That Summons is just received on the account of the blockade of the roads by snow the mail come in yesterday the first for ten days and to day is the day set for the meeting I could not serve the Summons anyway it is not a true copy of the Petition you will see that the 3/4 mile East called for in the Petition is not mentioned in the Summons the Summons would run the road into Overly's Field without any outlet to any road

you will have to put off the reweaving
of the road until this snow settles so that
a person ~~is~~ can travel

I Remain

Yours Truly
Jesse Jewell
Elm Flat
Oregon

Second Judicial day Jan 9th 1879.

Court met pursuant to adjournment.

Same officers present as of yesterday.

Due proclamation of the opening of court having been made. the proceedings of yesterday were read, approved and are now signed.

A. C. Craig

County Judge

Thereupon the following proceedings were had to wit:

In the matter of vacation

location of County Road.

Now at this time some comes J. W. Jewell and files his petition with that of more than 12 other resident house holders of Union County living along the route of or vicinity of a route they ask to be established as a county road as follows to wit:

commencing at the N.E. corner of the $\frac{1}{4}$ of Sec 16 T. 1, R. 40. E. running thence toward Summerville at the East end of the grade in the said road about 100 yards west of the residence of Matt Nickles and running thence in an Easterly direction to the terminus of the said road, in all about one mile in length.

Said petition also asks that there be established a county road to wit:

commencing at the East end of the said grade 100 yds. ^{west} of the of the residence of Matt Nickles, so as to continue the County road which would otherwise terminate upon the vacation as prayed for in petition, thence to extend in a North Easterly direction $\frac{1}{4}$ of mile more or less to the N.W. corner of S.W. $\frac{1}{4}$ of T. 1, R. 40. E. thence $\frac{1}{4}$ of mile East thence $\frac{3}{4}$ of mile North more or less to the present mail route,

thence in a North Easterly direction along said mail route $\frac{3}{4}$ ^{more} more or less to where the said mail route intersects the County Road to Morrow all in Union County State of Oregon.

And to the court from proofs filed herein that due notice of the pendency of these proceedings has been given, as by law required, and that a good and sufficient bond has been filed with the court, and that the proceedings herein have been regular and in conformity with the law in such cases made and provided.

It was therefore ordered that Thomas Fine, Lehart Holgarth, and Joshua Weaver be appointed viewers, and W. B. Campbell, Surveyor, to meet at the residence of Joshua Weaver on the 23rd day of Jan 1879 and after being duly qualified, proceed to view, survey and mark said proposed, and report the same to this court at the next regular term thereof.

In the matter
of
County Road

Now at this time comes W. H. Osborn and files his petition with that of more than twelve other resident householders of Union County Oregon and living along the vicinity of a route they ask to be established as a county road as follows to wit: Beginning on a line running north and south (according to the U.S. survey) through the center of Sec eight (8) of Township 3 S. R. 38 E where the La Grande and core county road cross the same and running thence south (according to the U.S. survey) about two hundred and fifty rods to a rock marked "A"

Thence in a southeasterly course about two miles to a rock marked "B" near Patterson & M. Whitley's old mill site.

And it appearing to the court that a good and sufficient bond has been filed according to law, and from proofs filed herein that due notice of the pendency of these

petition of Chas. Ludlow et al. and the court after due consideration overruled said motion and it appearing to the court that due notice of the pendency of these proceedings had been given as by law required and a good and sufficient bond having been filed and it further appearing that the proceedings herein have been regular and in conformity with law, It was ordered and adjudged that L. R. Bloom, A. Langloff and Thomas Williamson be and they are hereby appointed viewers and W. B. Campbell Surveyor to view locate and report upon said road and that they meet at the residence of John Beach on the 15th day of March A.D. 1879 and after being duly qualified proceed to view locate and survey said road and that they report their proceedings therein and in that behalf at the April term of this court - 1879.

In the matter }
 of }
 appointment of Road }
 Supervisor Dist No 21. } Now at this time it
 appearing that Road District No. 21 is vacant
 and without a supervisor It is therefore ordered
 that E. S. Taylor be and he is hereby appointed
 as Supervisor of roads for the District No 21

Thereupon the court adjourned for the day
 to meet at 9 o'clock tomorrow morning.

March 6th 1879

In the matter

New Road District } Now at this time it appears
 to the court that Road Districts Nos
 4 & 11 are too large for the convenience of
 all citizens concerned therein. It was
 therefore ordered that a new district be
 and is hereby instituted, composed of of
 parts of the above named districts and bounded
 as follows to-wit: Beginning at the center
 of the south line of S 24. T. 3 S. R. 38. E.
 thence North about four miles to Grande
 Ronde River which runs on the North side
 of what is known as the Island. Thence
 down Grande Ronde River to the West line
 of Section 2 T. 3. S. R. 39. E. Thence South
 about four miles to the South West corner of
 Sec. 23 Town 3 S. R. 39. E. thence West
 4 1/2 miles to the place of beginning. And it
 is further ordered that said district numbered
 and known as Road District No. 16. And
 it is further ordered that John Beach be
 and he is hereby appointed Road Supervisor
 of said road District for the year 1879.

In the matter

Road Petition } Now at this time it appears
 to the court that an error was made in
 the description of a road heretofore at the last
 term of this court, petitioned for by Jesse Jewell
 and Twelve others living along and in the
 vicinity of said proposed route. It was therefore
 ordered that said error be corrected and that
 the same appointments for viewers and surveyor
 be made and the same bond heretofore
 filed be considered and deemed necessary and
 that said viewers and surveyor meet at the
 residence of Joshua Weaver on the 21st day
 of March 1879 and proceed to view, survey
 and layout said route and report their

proceedings in that behalf at its spring term A.D. 1879.

In the matter of views report
and
Location of county road.

Now comes for a second reading the report of the views and surveyor heretofore appointed to view survey and report on a proposed road leading from an point at or near the S.E. corner of Section 31, T. 3, S. R. 40, E. on the road running from Union to the Cove thence running in a westerly direction about two miles to the S.W. corner of Sec 26 T. 3 S. R. 39, E. there to intersect the road running from Union to La Grande all of which points are in Union County and said views and surveyor having viewed and surveyed said proposed road, reports that said proposed route as prayed for in petition as a practicable route and recommends the same to be opened and established as a county road.

And it appearing to the satisfaction of the court that the proceedings herein have been regular and in conformity with the statute in such cases made and provided, and no person having filed complaint for damages or otherwise remonstrated against the location of said route as a public highway,

Therefore it is hereby ordered and adjudged that said route be established as a county road and that the same be opened as such county road according to the official plat and survey of said route, and filed notes thereof of which the following is a copy to wit:

(over)

April 9th
1849

Third Judicial Day April 9th 1849

Same Officers present - as of yesterday
and also L. R. Holmes and Wm. S. Hunter
County Commissioners.

Due proclamation of the opening of court
having been made the proceedings
of yesterday read approved and are
now signed.

County Judge

Thereupon the following proceedings were
had to-wit:

In the matter }
of }
Viewers report } Now at this time was
presented the viewers report on the
proposed County road from the
center of Section 5 town three
south Range 39 East - thence in
a westerly direction to intersect
the County Road at Island City -
which report was read the first
time and laid over until
tomorrow for further action.

In the matter }
of }
Viewers report } Now at this time was present-
ed the viewers report on a proposed change
in the County road asked for by Jesse Jewell
and others which report was read in open
court and laid over until tomorrow
for further action.

In the matter

Application of
P. M. Coffin for
deduction of his
assessment for the
year 1848

Now comes P. M. Coffin
and files his motion with the court
for a deduction from his assessment
in the sum of \$6,000⁰⁰, and after due
consideration of the court - the said
motion was overruled.

In the matter of
error of court in
viewers report -

Now on this day it
appearing that the court has been
in error in the matter of taking up
for consideration the viewers reports
of which mention is made in
yesterday's proceedings on this
journal. It was ordered that no
further action be taken upon said
petition reports until the next
regular term of this court.

In the matter of
George Starts ex-
Security Treasurer

Now at this time it
appearing that George Starts ex-
Treasurer of Union County was accus-
-ted to refund to his successor in
office the sum of \$1997⁹². ~~Gold coin~~
that being his default - as said Security
Treasurer. And it appearing that
said charge was made heretofore on
the 6th day of Sept- 1848 and that no
part of said amount has been paid
as demanded. It was ordered
that L. B. Iron be District Atty