

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, ENYER  
ATTORNEY AT LAW  
1401 1/2 ST. N. W.  
MINNAPOLIS, MINN.

**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 21<sup>st</sup> Jan 1879 and  
proceeded to view survey of Lay-  
ant said proposed road as per <sup>your</sup> order  
and as shown by survey <sup>(plot of)</sup> 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

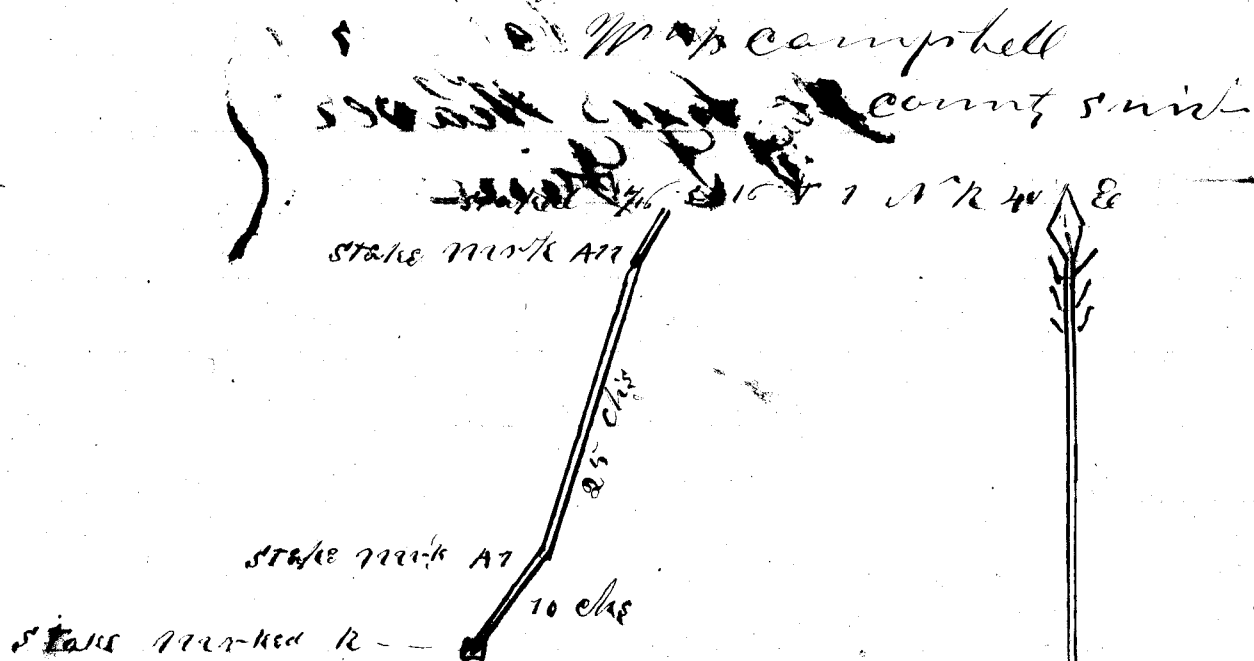
(keeping) (assumed there be some  
mistake either in the petition  
or your orders) until some  
correction

Yours respectfully

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

Jan 25<sup>th</sup> 1879  
Report to viewers of Road  
to wit

Commencing at a point which bears S57°E  
1892 feet from the center section corner of Section 17-T.P. 1 N.R. 49 E.  
~~Grade at or near the~~ ~~Point~~ ~~Michael's~~  
Thence North 36° E 10 chs to stake mark A7  
Thence North 17° E 25 Chs to stake mark A77  
Thence North 36° 30' E 4 Chs ...  
Being the N.W. corner of S.W. 1/4 of Twp 14 S. R. 20  
as named in your order &c  
The line of survey being from the grade to said  
corner a distance of 39 chs



Scale of distance 10 chs to the inch  
Entire orig Map to

Surveyors Report

Filed Feb 5<sup>th</sup> 1879

Wm. L. Shuff

Co. Clerk

Notice to all persons concerned

is hereby

will be presented in the  
 county State of Oregon during  
 the year 1879. Praying for  
 for the vacation of the same  
 beginning at the North  
 1/4 of Section No 11 T. 1. N. 10  
 Town Merrill. The  
 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  
 grade be laid out for a  
 100 yards East of the  
 an Eastern direction to  
 Sec 16 T. 1. N. R. 70 &  
 Mile more or less  
 the said road to  
 practical road  
 Valley all of it  
 Union Co.

State of Oregon } 75  
Chas. Rowley }

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 8<sup>th</sup> day of  
Jan A.D. 1879  
Jesse Jewell  
Notary Public  
Clatsop



State of Oregon } Nov 18<sup>th</sup> 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.W. 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 then 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. Culligan  
 J. J. Galloway  
 D. Herritt  
 J. J. Stubblefield  
 L. M. Tucker  
 E. R. Tucker  
 Joseph Helfman  
 Wm. Overbury  
 W. M. Phelps  
 W. B. Knight  
 S. Barnes  
 Joseph Lemming  
 Thomas Barber  
 Joel Weaver  
 John J. Linn  
 John Ward  
 Isaac Rambo

1  
The Glasgow 1848

Miss Abby  
Cochran

# Know all Men by these Presents:

That ~~we~~ <sup>we</sup> Jesse Jewell & J W Tucker  
 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, I bind ~~myself~~ <sup>myself</sup> and each of ~~my~~ <sup>my</sup> Heirs, Executors, Administrators  
 and Assigns, jointly and severally, firmly by these Presents.

Sealed with ~~my~~ <sup>my</sup> 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  
 praying for the location of the ~~county~~  
 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  
 residence of Matt Wickley Jr. 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 Wickley so as to continue the county  
 road which would otherwise there termi-  
 nate upon the location 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 (in margin)

Signed, Sealed and Delivered in Presence of

Ed Cleary

Jesse Jewell SEAL.

J W Tucker SEAL.

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



FROM

*Jewell & Jackson*

TO

*Union County*

Executed *187*

Filed *Jan 8* *187*

At *o'clock*, *M.*

*Wm. Smith* County Clerk.

*B. Salento*

Elko Flat, Jan 23<sup>rd</sup> 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  $\frac{3}{4}$  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 9<sup>th</sup> 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. 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. N. 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. <sup>west</sup> 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  $\frac{1}{4}$  Sec 16. T. 1. N. R. 40. E. thence  $\frac{3}{4}$  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  $\frac{3}{4}$  <sup>more</sup> 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 23<sup>rd</sup> 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 Roads

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 15<sup>th</sup> 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 6<sup>th</sup> 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. 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 21<sup>st</sup> 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  
<sup>and</sup>  
 Location of county road.

Now comes for a second reading the report of the views <sup>and</sup> 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 9<sup>th</sup>  
1849

Third Judicial Day April 9<sup>th</sup> 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 \$6,000<sup>00</sup>, 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 \$1997<sup>92</sup>. ~~Gold coin~~  
that being his default - as said Security  
Treasurer. And it appearing that  
said charge was made heretofore on  
the 6<sup>th</sup> 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

May 14<sup>th</sup>  
1879

At a regular term of the County Court for Union County, State of Oregon begun and held at the court house in said county on Monday the 12<sup>th</sup> day of May A.D. 1879 and from day to day thereafter during the continuance of said term, there was present on Wednesday the 14<sup>th</sup> day of May, it being the first day of the Commissioners Court, the following officers were present to wit:

Hon A. C. Craig County Judge, L. R. Holmes & Wm S Hunter County Commissioners, S. P. Swad-hammer Sheriff by A Chancey Bailiff and Willis Skiff Clerk by Wm. C. Calk Deputy

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

### Viewers Report

In the matter of

Viewers Report } Now at this time was read  
in open court for the first time  
the report of viewers appointed to view a  
proposed <sup>Cherokee</sup> County Road petitioned for by Jesse  
Jewell et al

In the matter of

Viewers Report

Now was read for the first  
time in open court the report of viewers ap-  
pointed to view a proposed county road from Sum-  
merville to Wallawa.

In the matter of  
Viewers Report

Now at this time was read for  
the first time in open court the report of  
viewers appointed to view a proposed commencing  
at South West corner of John Huffamans' ranch and  
running in a North East direction about 7 miles to  
a tree marked "J"

In the matter of  
Viewers' Report

Now was read for the first time in open court - report of viewers appointed to view a proposed change in county road known as Smith's county road, And also viewers report on road from Summersville to Hendershott Point.

In the matter of  
Viewers' Report

Now was read for first time in open court - the report of viewers appointed to view a proposed county road from the center of Sec 5 T3 S R 38 E Mathamette Meridian to Island City

In the matter  
of  
Change in County road

Now at this time comes J. B. & Green and presents his petition praying for a change in the county road running from Union to LaGrand as follows: commencing at a post near the residence of Taylor Green west of the Hot Lake and running west  $\frac{1}{2}$  mile, thence North to intersect the road as now located, and for the vacation of so much of said road as may be embraced in said change; and the said Taylor Green having filed his bond as provided by law, and giving satisfactory proof that notices had been duly posted according to law. It was therefore ordered that Ed. Banton, Robt. Shaw and John Howard be, and the same are hereby appointed as viewers to view, and W. B. Campbell surveyors to view, survey and report upon said proposed change, and that they meet at the residence of John Green near the Hot Lake on the 24<sup>th</sup> day of May A. D. 1879 at 9 o'clock and after being duly sworn and qualified to proceed to view, survey and layout the said change prayed for and to report at the next regular term of this court. Thereupon the court adjourned until tomorrow morning at 9 o'clock A. M.



In the matter of } Change  
 } In Elk Flat Road.  
 Viewers Report } Locating same  
 Now at this time was <sup>read</sup> in  
 open court for the second time Viewers Report  
 as follows: Elk Flat Mar. 21<sup>st</sup> - 1875

In consideration of a change in county road as petitioned for by Jesse Jewell and twelve others. We as cited in your order met on the 2<sup>nd</sup> day of March, as required in your order, and after first being sworn proceeded to view, locate and lay out said road as shown by surveyors report; and we clearly recommended the change as petitioned for and the same to be opened; therefore we submit this with surveyors plat as our report -

J L Fine }  
 Joshua Weaver } viewers

And it appearing to the satisfaction of the court that the proceedings herein have been according to law and there being no remonstrance against the change as prayed for and no one having filed any claim for damages by reason of the change.

It is therefore ordered and adjudged by the court that said route and change as prayed for be established and that the same be opened in accordance with the Official Plat of the survey, of which the following is a copy together with the field notes to-wit:

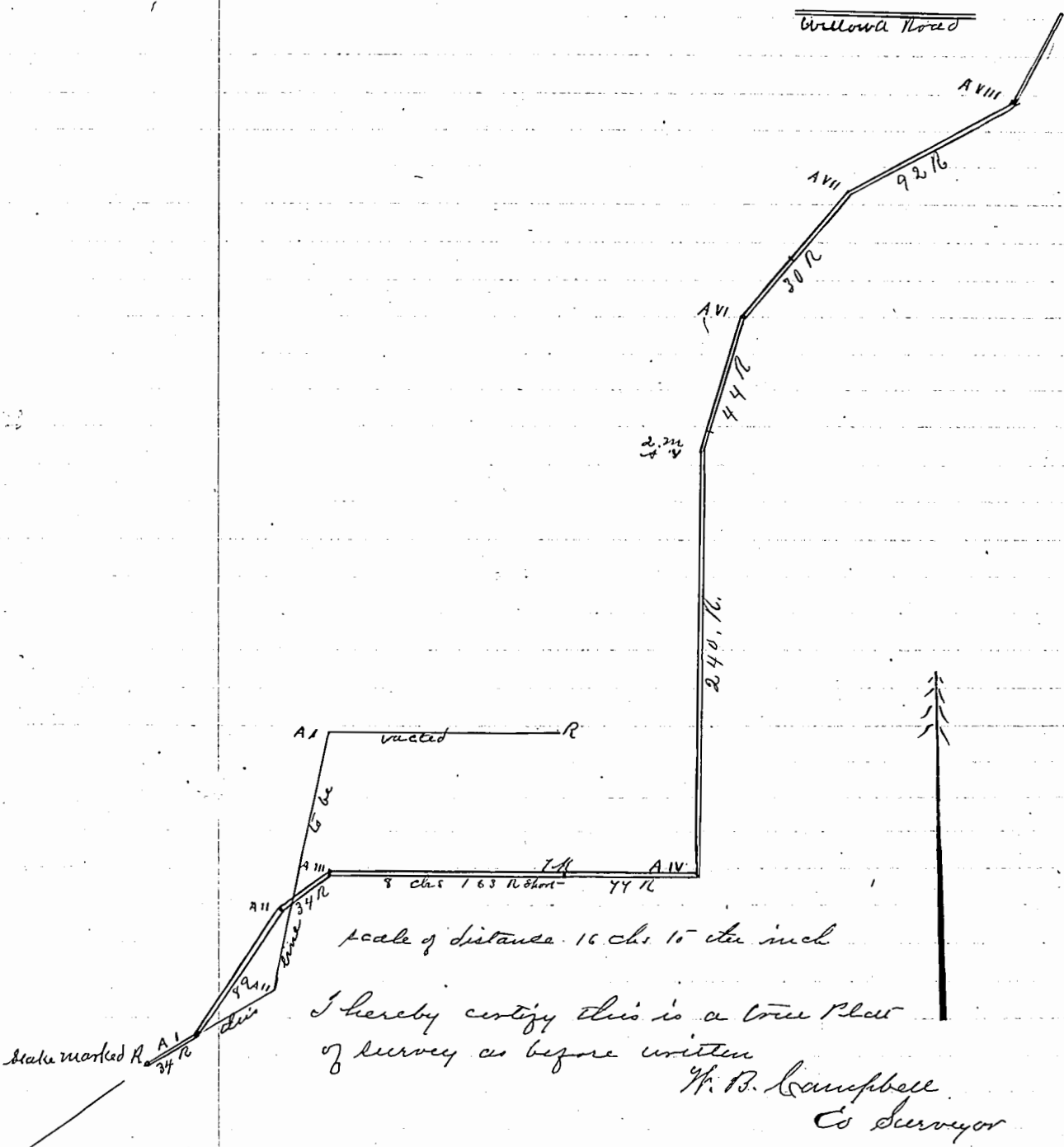
Road Survey. Mar 21 1879  
 To the Hon Viewers of Road, to-wit -  
 commencing at the East end of grade near  
 Mat Nickles as mentioned in your order  
 from the court. Thence

E.	30° N	34	R	to stake marked	A I -	thence
N.	35° E.	89	R	to "	A II -	"
E	"	N 34	"	"	A III	"
E.		163	"	"	"	I M
E	"	77	"	"	"	A IV
N	"	240	"	"	"	2 M AV
N	14° E	44	"	"	"	A VI
N	18° "	30	"	"	"	A VII
"	43 "	92	"	"	"	A VIII
E	30 N	110	"	"	"	A IX



A 29° E. 44 R. to State Marked 3 M.  
 " " " " " " " " " " " " " " R. T.  
 " " " " " " " " " " " " " " R. T.  
 Whole distance 3 M + 3 chs. I herewith  
 submit the above with Plat as my  
 report to your Hon body and I hereby  
 certify the above to be the true field notes  
 of survey

W. B. Campbell  
 County Surveyor



scale of distance 16 chs to the inch

I hereby certify this is a true Plat  
 of survey as before written

W. B. Campbell  
 Co Surveyor