

No 612

ⁱⁿ
Circuit Court

Mrs. Wurzweiler

Plaintiff

^{vs}
E. T. Rouse

Defendant

Action ^{on} for appeal

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

RECEIVED
F. B. GARDNER ENTER. CO. N. Y. 19
MAY 10 1930
NEW YORK

Record of the Case

1879
 July 9 Petition rec Viewers appntd
 Journal B of 330
 Sept 3 1st reading of Report
 Journal B of 344
 Sept 4 ordered opened
 Journal B of 345

118

WITNESSES.

Road

Commencing at E terminus of
 Union Holbrook's Mill Road
 to Cove & Big Creek Road



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

118

Surveyors Report

Union July 18th 1875

To the Hon Viewers of Road (viz)

Licklin Blakley & Hethinway

Meas^r I submit the ^{following} as my report of

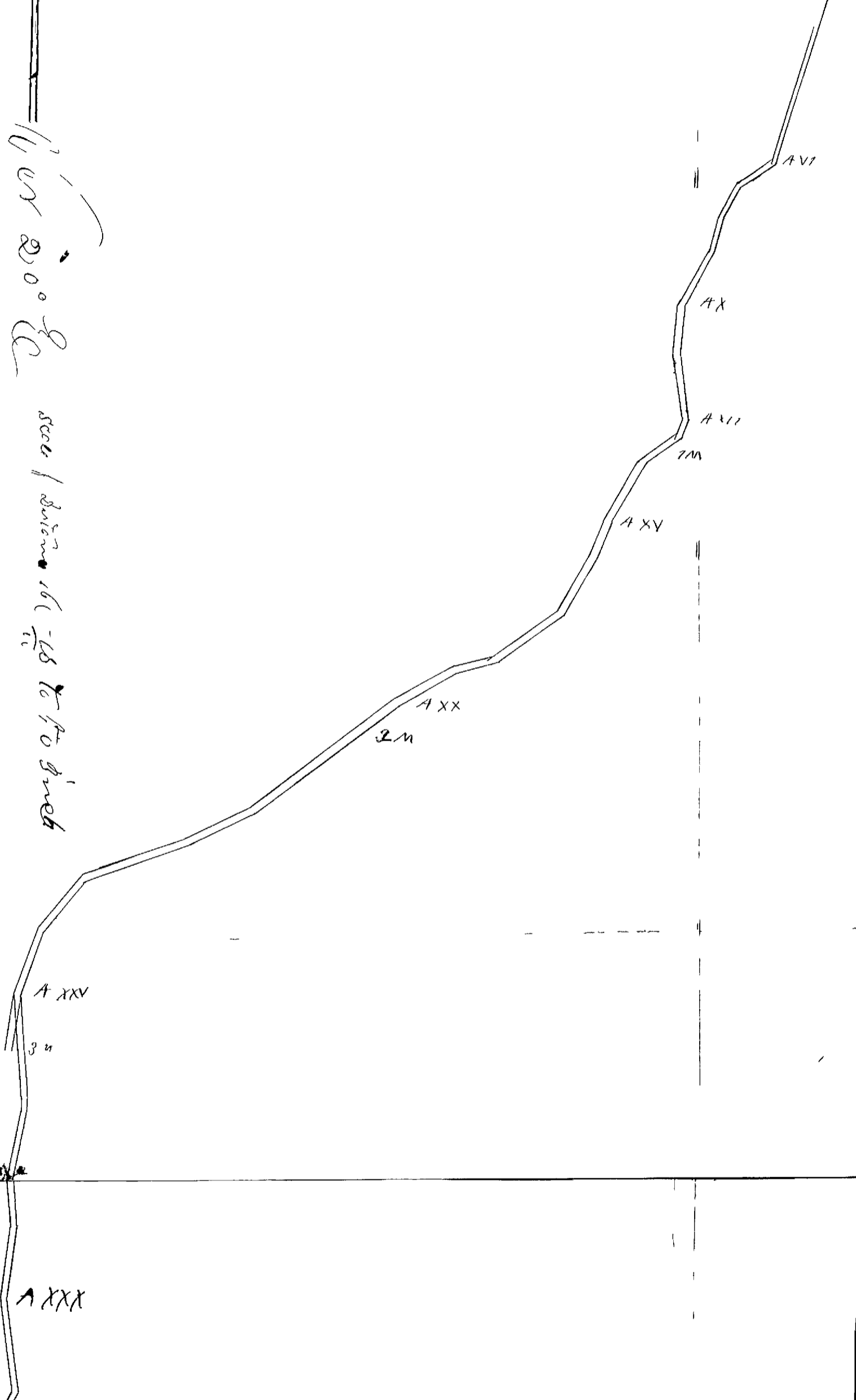
Survey July 18th 75 to wit

commencing at post near Hethinway (mils)

South	50°	E	4 1/4	chs	
N	85°	E	10	"	
N	75°	E	5 1/4	"	
N	86°	E	4	"	
	69°	E	23	"	
	87°	E	4	"	
	36°	E	6	"	
	58°	E	5 1/2	"	
	74°	E	5	"	
	61° 30'	E	9	chs	AX
	85°	E	7 1/2	"	
	84°	E	10	"	
	74°	E	3	"	
	85°	E	3 1/2	"	7 M
	31°	E	2 1/2	"	
	61°	E	10	"	
	68°	E	6	"	
	50°	E	9	"	
	40°	E	6 1/2	"	
	36°	E	6	"	
	77°	E	6 1/2	"	
	28°	E	9 1/2	"	
	36°	E	6	"	3 M
	36°	E	9	"	
	38°	E	7 1/2	"	
	28°	E	8 1/2	"	
	20°	E	12 1/2	"	
	52°	E	10	"	
	70°	E	10 1/2	"	
	85°	E	8 1/2	"	3 M
	85°	E	6 1/2	"	
	88°	E	2	"	
	75°	E	10 1/2	"	
	84°	E	10	"	
	83°	E	11	"	
	80°	E	14	"	
	60°	E	4 1/2	"	RT

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160° 20' E
see diagram 161 - 16 to 170 3/4



at what distance three miles 1/2 E 1/2 S 1/2 W

Union July 18th
 Union carry in act
 With surveying parties to wit
 (Road survey from Halbrouck Mill to intersect
 county road from cave to Big-creek)

To	W. J. Licklin Viewer	one day \$2.00	ten miles \$2.40	\$4.40
to	A. J. Blakesley Viewer	one day \$2.00	ten miles \$2.00	\$4.00
		use of day ^{day}		2.50
To	W. H. Halloway Viewer	one day \$2.00	eleven miles \$2.20	\$4.20
To	Sam Hains Chm Man	one day		\$2.00
To	Geo Henny Chm Man	one day		\$2.00
to	M. J. Halbrouck flag man	one day		\$2.00
to	Wm. P. Campbell Sura	one day \$4.00	man \$2.00	{ 6.00 4.40 2.50 5.00 = \$12.40 11.80
	Mileage (Twenty four way)			
	plat 1.50	recor 1.00		
	two affidavits			

I hereby certify the above Bill is correct
 as to ~~facts~~ ^{facts} believe
 Wm. P. Campbell
 County Surveyor

Viewers Report
Given July 18th 1879
To the Hon county court of
Union County Oregon
We the undersigned, appointed Viewers
Met on 18th July 1879
The day mentioned in your
order and after being sworn
and in company with your surveyor
proceeded to view survey & layout
the road as described in your order
and as shown by surveyors plat
of survey, in his report, herewith
submitted, after due consideration
we are entirely satisfied, therefore
shall have to report of view
your humble servants

C. J. Blakely } Viewers
W. H. Hathaway }
W. J. Fickler }

1879
W. H. Hathaway
C. J. Blakely
W. J. Fickler
1879
W. H. Hathaway
C. J. Blakely
W. J. Fickler

STATE OF OREGON,

County of Union } ss

I, M. F. Holbrook being first duly sworn, on oath say, that I posted three notices (a copy of which is hereunto annexed) of the proposed road, in the vicinity of said proposed road, ~~and one at the Court House door, in~~ in said Union County and State of Oregon, thirty days prior to the presentation of petition herein, and that twelve of said petitioners are householders, residing in the vicinity of said proposed road in said Union County and State of Oregon.

M. F. Holbrook

Subscribed and sworn to before me, this

9th day of July-

A. D. 1879

Willis Skiff
Clerk

Remere

1848

Samuel Knicker

A. C. Leach

Ed. La Fay

met at M. J. Holbrook's

1848
1848
1848

Know all Men by these Presents:

THAT WE J. M. H. Holbrook

Union
and _____, of the County of ~~Union~~ Union and

State of Oregon, are held and firmly bound unto the said County of ~~Union~~ Union in the sum of Fifty Dollars, 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 July A. D. 1879

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by M. H. Holbrook and others, and presented

at the July term, 1879, of the County Court of said ~~Union~~ Union county, commencing

at the Eastern terminus of the County Road leading to Holbrook's Mill thence to intersect the County Road running from Love to Big Creek

be located and established, then this obligation to be void; otherwise to remain in full force and virtue in law.

M. H. Holbrook

know all Men by these Presents

that I have sold

Five July 9th
1879

1879

Willis Skiff

Leibel

W. J. Jackson

~~John Jackson~~

J. L. Blalock

W. L. Hartway

To The Hon County Court of Union
 County State of Oregon -

We the undersigned Citizens of Union
 County, living within the vicinity
 of the proposed road respectfully
 petition your Honorable Body to have
 to be surveyed, viewed, located and
 established, a County Road com-
 mencing at the Eastern Terminus
 of the County Road running from
 Union to Holbrooks mill on
 Leatherne Creek, thence running
 in an Easterly direction along the
 course of Leatherne Creek on the
 most practical route to intersect
 the County Road running from the
 Town of Love to Big Creek
 Settlement near the point where
 said Road crosses Leatherne Creek.

Names	Names
M ^{rs} H. Holbrook	Sam. L. Moore
J. C. Cookney	Geo. Steele
J. C. Tucker	Francis M. Ash

Hall Mapper
L. H. Prescott

J. W. Thomas

Thomson

A. J. Benson

George Wright

W. F. Eastman

Wm. Wilson

Thomas P. Benson

J. B. Eaton Jr.

J. Miller

W. H. Bowman

W. J. Carroll

Barney Lee & Co

Greg Bar

J. A. Baskin

M. Baskin

Ed. Brand

S. A. Russell

J. O. Swathmore

R. Egan

H. Berette

H. J. Ke

S. B. Styles

John Burns

John H. Bates

Gas Wright

Jacob Block

Geo. Sparker

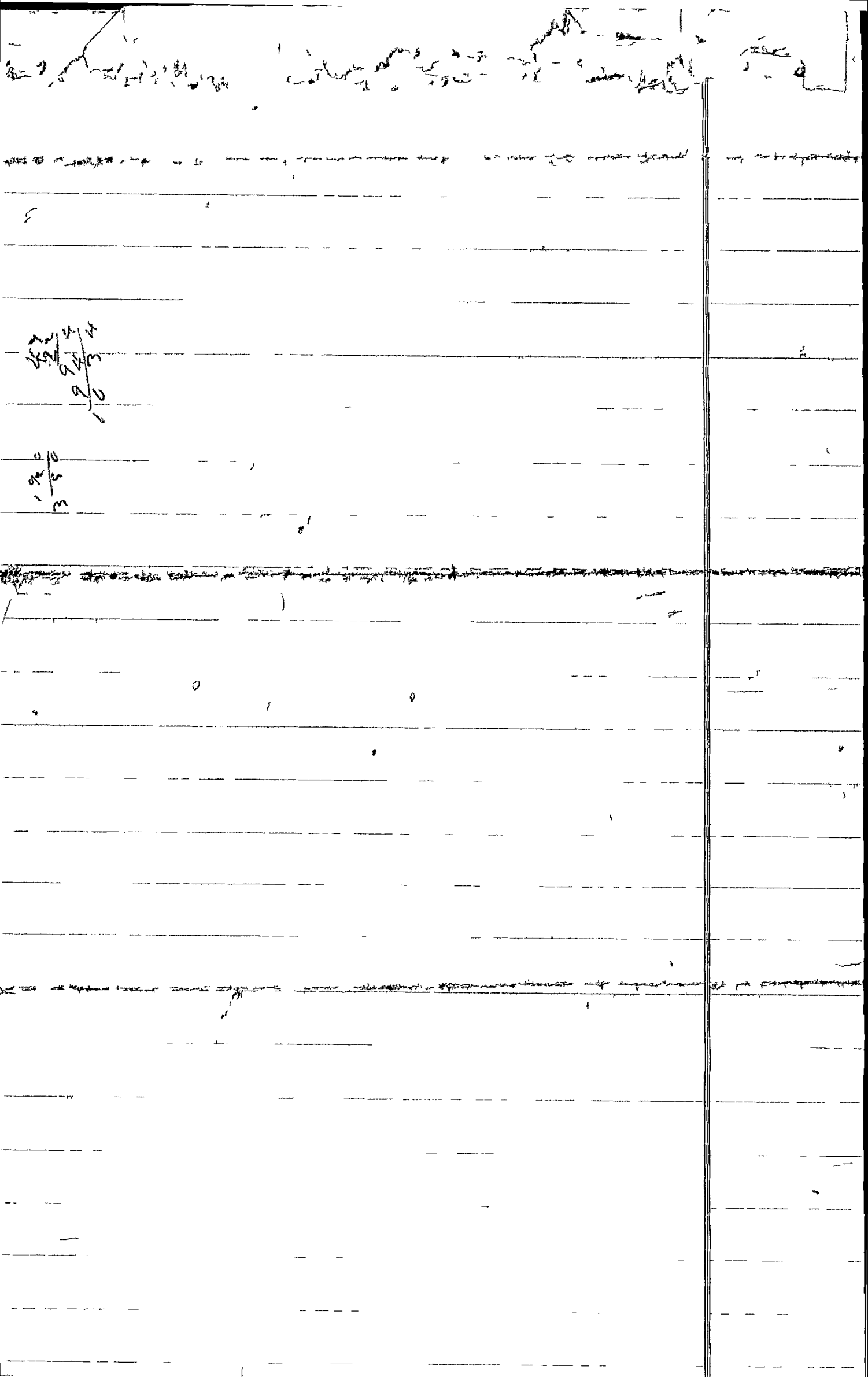
J. W. Thomas

E. Eaton

E. Lafave

Perly Rosaw

Budwin Overret



$$\begin{array}{r} 4 \\ 9 \\ 9 \\ \hline 10 \end{array}$$

$$\begin{array}{r} 1 \\ 9 \\ 5 \\ \hline 3 \end{array}$$

Handwritten text in cursive script, likely a letter or document, covering the upper portion of the page. The text is partially obscured by a diagonal crease or fold.

1879



July 9th 1849

In the matter of }
 Road petition of }
 M. F. Holbrook et al }

Now at this time was presented the petition of M. F. Holbrook and several others living along and in the vicinity of a route they pray to be established as a County Road as follows to wit: Commencing at the Eastern terminus of the County Road running from Union to Holbrooks Mill on Catherine Creek to intersect the County Road running from the town of Dove to Big Creek settlement, and it appearing to the court that due notice of the pendency of these proceedings had been given,

It was ordered adjudged and decreed that M. F. Ficklin, C. D. Blakeslee and Warden Hathaway be and they are hereby appointed to view and M. B. Campbell to survey said Road, and that they meet at the home of M. F. Holbrook on the 18th day of July 1849 and qualifying proceed to survey view and locate said route and that they report their proceedings thereon at the September Term of this Court 1849.

In the matter of }
 Road petition of }
 John McCall et al }

Now at this time was presented the petition of John McCall et al asking the location of a County Road as follows, to wit: Commencing at or near James Cocher's house thence in a S. E. direction about 1/2 mile to S. W. corner of Buers Ranch thence in a S. E. direction about 1 mile to a bridge on Hurricane Creek thence in an easterly about one mile to the ford on the Lake prong of the Willowa River known as James Wright's

Sept 3rd / 79

In the matter of }
Viewers Report. }
}

Now at this ^{day} came on for the first reading the report of the viewers heretofore appointed to view and report on a proposed Co Road from La Grande to Stearkey Ranch.

In the matter of }
Viewers Report. }
}

Now at this time was read for the first time the report of the viewers heretofore appointed to view and report on a proposed Co Road from Hobrooks Saw Mill to intersect the Road running from Lerne to Big Creek,

In the matter of }
Viewers Report. }
}

Now at this time was read the second time the report of the viewers heretofore appointed to view, layout and report on a proposed Locumity road from or near the N.W. corner of the N.E. 1/4 of the N.E. 1/4 of Sec 31. T. 3. S. 13. E. 38. East to the old mill site of W. J. Smokey.

In the matter of }
Viewers Report. }
}

Now at this time was read the first time the report of the viewers heretofore appointed to view and report on a proposed change in the Locumity Road at or near the mouth of the Ladd Canyon.

Whereupon the court adjourned until 9 o'clock tomorrow morning

Second Judicial Day Sept. 4th A.D. 1849

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. Craig,
County-Judge

In the matter of }
Viewers Report. }

Now at this time was presented and read the second time the report of the viewers, heretofore appointed to view and lay out a proposed County Road running from La Grande to Statkays Ranch and it appearing that said report was not in due form it was ordered that said report be laid over until the next regular Term of this Court for correction.

In the matter of }
Viewers Report. }

Now at this time was read the second time the report of the viewers heretofore appointed to view locate and lay out a proposed County Road leading from Holbrooks Saw Mill to intersect with the County Road leading from Levee to Pig Creek which is as follows, to wit:

Union July 18th 1849

To the Hon County-Court of Union County, Oregon

We the undersigned viewers met on 18th day July 1849, the day mentioned in your order and after being sworn and in company with your Surveyor proceeded to view, survey, and lay out the Road as described in your order as above by Surveyors Plat of Survey

in his report herewith submitted, after due consideration we are entirely satisfied, therefore shall have to report favorable.

Your humble servants,
 E. D. Blackledge
 Wm. Hathaway } Viewers
 W. F. Fieldin }

And it appearing that the proceedings herein have been regular and in conformity with law, and there being no remonstrance filed in this court against the granting and locating of said road, and no person appearing and filing claim for damages in consequence thereof. It also appearing that said Road is a public necessity, and would be of great public benefit. It was considered, ordered, and adjudged that said Road be and the same is hereby made and established as a public highway, and that the same be opened in accordance with the survey thereof as appears from the Plot thereof as returned to this court by the surveyor thereof of which the following is a copy, to-wit:

Surveyors Report

Union July 18th 1879

To the Hon Viewers of Road viz: Fieldin Hathaway & Blackledge.

Alfred: I submit the following as my report of survey July 18th /79 to-wit:

Commencing at post near Holbrooks Mill,

South	50°	E.	4 1/2	chains	
North	89°	"	10	"	
"	79°	"	5 1/4	"	
"	86°	"	4	"	
S.	69°	"	23	"	
N	81°	"	4	"	
S	36°	"	6	"	
S.	58°	"	5 1/2	"	
S	74°	"	5	"	
S	61° 30'	"	9	"	A X
S	85°	"	7 1/2	"	
N	84°	"	10	"	
S	74°	"	3	"	
S	38°	"	3 1/2	"	7 777

S	31° E.	2 1/2	chains	
"	61° "	10	"	
S	68° "	6	"	
"	50° "	9	"	
"	40° "	6 1/2	"	
"	36° "	6	"	
"	14° "	6 1/2	"	
"	28° 30" "	9 1/2	"	
"	36° 30" "	6	"	2, M.
"	36° 30' "	9	"	
"	38	"	16	"
"	28	"	8 1/2	"
"	20	"	17 1/2	"
"	52	"	10	"
"	70	"	10 1/2	"
N	85	"	8 1/2	"
"	85	"	6 1/2	"
S.	88	"	2	"
"	79	"	10 1/2	"
N	84	"	10	"
S	83	"	11	"
N	80	"	14	"
S	60°	"	4 1/2	"

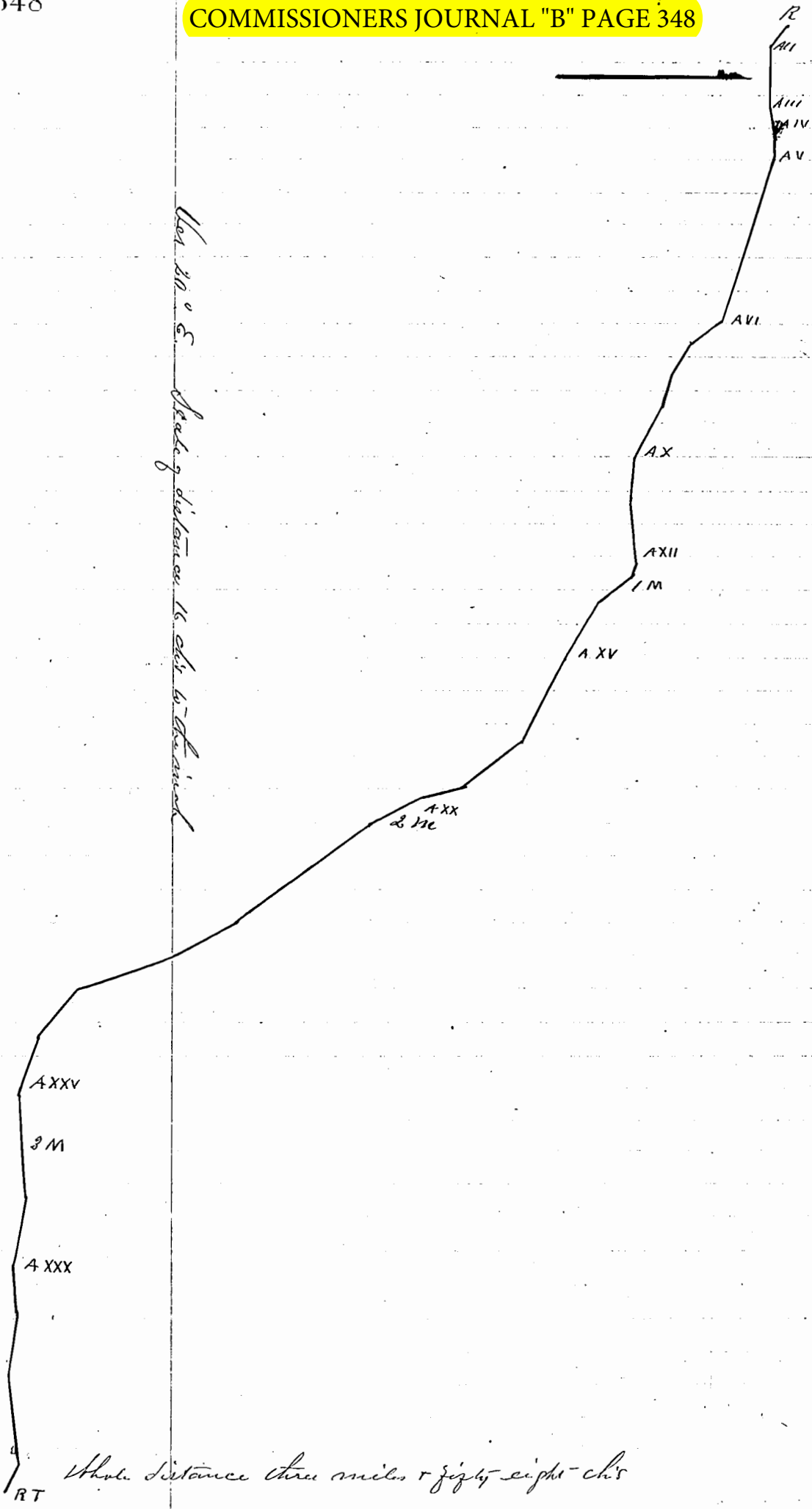
2, M.

3, M.

RT

(See Plot Page 348
cler)

Nov 20 05 State of distance 16 chs to the road



Whole distance three miles & fifty eight ch's

RT