

No ~~625~~
Law No 35
Circuit

Court

L. A. Ross -

Plaintiff

vs

Daniel Chapman

Defendant

Action ~~for~~ appeal

- Judgment Roll -
- Sept Term -
- 1886 -

C. H. Finck

Attorney for Plaintiff

~~C. H. Finck~~
C. H. Baker

Attorney for Defendant

RECEIVED
MAY 1 1886
U. S. DISTRICT COURT
S. D. N. Y.
NEW YORK

Record of the Case

1856

May 11 - Bentley rec Viewers apphd
Journal B p 447

July 5 let reading report
Journal B p 452

July 8 ordered opened
Journal B p 495

132

WITNESSES.

Road

Commencing at N W cor of S E 4 Sec 2 T 3 S
R 45 E thence 4 miles N thence 1/2 mile W
thence to foot hills

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

132

Notice of Petition for a Road View.

A petition will be presented to the County Commissioners Court of Union Co. Oregon, at its next regular term to be held in ~~March~~ ^{May} next, at Union, Union Co. Oregon, praying for a view of a county road, commencing on the county road at the North W cor of the S. E. quar of Sec 2. T. 3. S. of Range 45 E. and running thence ~~4~~ ⁴ miles N: thence one half mile N. thence 2 1/2 miles N. to the foot-hills to terminus.

R M Downey

Prairie Creek, Union Co Oregon }
Feb. 2nd. 1880 }

Recd Apr. 30 - 1880

Willis Skiff
D. Clerk

State of Oregon
County of Union } I Willis
Skiff County Clerk of Union County
Oregon do hereby certify that
I ~~pro~~ the within notes on
the Court House door in
Union more than thirty
days prior to this date
Willis Skiff
Co Clerk

Know all Men by these Presents:

That we, We Elli Ebert and
M Boskowitz
are held and firmly bound unto County Court
of Union County - Oregon in the sum of
Fifty _____ DOLLARS,
lawful money of the United States, to be paid to the said Court

~~his Executors, Administrators or Assigns~~, for which payment well and truly to be made, we bind ourselves, our, and each of our Heirs, Executors, Administrators and Assigns, jointly and severally firmly by these Presents.

Sealed with our Seals, and dated this 12 day of May one thousand
eight hundred and eighty

The condition of the above obligation is such that Whereas, a County road petitioned for, of R M Downey et al commencing at the N.W. Cor of the S E 1/4 of Sec 2, T. 3 S. R 45, E. 1 and running thence 4 miles North; thence one half mile W. thence 2 1/2 miles North to the foot hills, be granted and established then this obligation to be null and void, otherwise to be and remain in full force and effect and collectable by law.

Signed, Sealed and delivered in presence of

} Elli Ebert [SEAL]
} M Boskowitz [SEAL]

BOND

FROM

C. C. Clark & M. P. ...

TO

Yours ...

Executed May 12 1881

Filed, May 12 1881

At 11 o'clock, A. M.

Wm. S. ...
County Clerk.

Notice is hereby given that there will
be presented to the County Court of
Union Co Oregon at the May Term to
be held in Union Co Oregon for
the view and location of a County Road
to wit. Beginning ^{on the county line} at the N. W. corner of
the S. E. quarter of Sec. 2. Township 3.
S. of Range 45th E. and running thence
N 4 miles thence W 1/2 mile thence N 2 1/2
miles to foot-hills to terminus

Robert Dourney

Prairie Creek Oregon
Feb 26th 1880

This is to certify that the above is a true
copy of three Notices and that they were posted
over thirty days to wit Feb 26th 1880

Robert Dourney

Subscribed and sworn to before me this
19th Day of April 1880

J. H. Beary
Justice Peace

Filed April 23
1880

Willis Stagg
Cocher
of Ellis Eleatic
Deputy

To the Hon. Co. Comm. Court of Union Co. Oregon
 We, the undersigned citizens of upper Wallowa valley,
 humbly petition your Hon. Body to grant the view
 of a County Road on the following lines to wit:

Beginning ^{on the prairie} at the N. W. cor of the S. E. quarter
 of Sec. 2. Township 3. S. of R. 25 E. and running
 thence N. ~~1/2~~ miles: thence N. 1/2 mile: thence N. 2 1/2 miles
 to foot-hills to terminus; and your petitioners will
 ever pray and would recommend the ^{following}
 men to view said Road Ole Miller, James, Pratt
 Names J. W. Davis Names

R. M. Downey
 Ole Miller
 Thomas Esters

E. J. Roup
 Chris Fullmer
 Geo. W. Cope
 J. W. Davis
 L. B. Springer
 Virgil Pratt
 Edwin Pratt
 Clark Rowlands
 Robert Gunning
 H. S. Perkins
 Luther Perkins
 W. B. Thomas
 Thomas Roup
 W. C. Stoburn
 S. W. Pender
 Van H. Blankinship

J. J. Blevans
 H. Hoyt
 Chas. W. Week
 Ed. Wood
 A. K. Adams
 J. S. Halsay
 J. Gunning
 J. C. Weatherly
 Jas. Pratt
 J. J. Medlock
 L. S. Thomas

Friday April 23

1880
Miss May's

Dear

Miss Eleanor
Q

~~Be it Remembered~~ That at a Term of the Honorable
County Court of Union County, State of Oregon, begun and
held at the Court House in Union in said County, on the 12
day of May A. D. 1880 and from day to day thereafter, during
the continuance of said Term:

Present: Hon. A. C. Lewis County Judge,
" L. R. Holmes Commissioner,
" W. G. Smith Clerk,
Willis Staff Sheriff,
S. O. Swelchauer

The following, among other proceedings, were had, to wit:

IN THE MATTER OF petition for
_____ County
Road

On this day
came R. M. Downey who presents to the Court the petition of
himself and many others, praying for the location and
Establishment of a County Road

as follows, to wit:
Commencing on the County Road at the
North West Cor. of the S E 1/4 of Sec 2. T. 3
S. R. 45 E. and running thence 4
miles N. thence 1/2 mile W. thence
2 1/2 miles S to the foot hills

And it satisfactorily appearing to the Court, from proof filed herein, that due notice of the
pendency of this proceeding has been given as by law required: that more than twelve of
said petitioners are legal householders residing in the vicinity of said road, and that a
good and sufficient bond has been filed:

It is therefore ordered by the Court that W. G. Smith
George Holmes and N. W. Bloor
be appointed Viewers, and Eugene Chase Surveyor, to view, survey
and report upon said Proposed Road and that they meet at
Residence of W. G. Smith on the 16 day of June 1880
and duly qualify before entering upon the discharge of their duties in this behalf.

(Signed)

A. C. Lewis
County Judge.

NOTE.—The three viewers must meet.

State of Oregon }
Union County } I Eugene Chase being duly
sworn say that I will perform the duties of
Surveyor in accordance with the within
appointment to the best of my ability.
Subscribed and sworn
to before me this 19th } Eugene Chase
day of July 1880 }

Willis Hays

John A. Clark

De

Witness July 27 1880

Willis Hays

John A. Clark

To the Hon. County Court of
Union County Oregon.

We submit the following as
our report as viewers of road
viz: Commencing on the County
Road at the NW corner of the
SE $\frac{1}{4}$ of Sec 2 T 3 S of Range 45 East
and running thence 4 miles North
thence $\frac{1}{2}$ mile West, thence $2\frac{1}{2}$
miles North to the foot hills

We met on the 16th day of June
as mentioned in your order and
after being first duly sworn,
in company with the Surveyor
proceeded to view, survey and
lay out said road. We select
from Surveyor plat of ~~parcels~~;
~~which as shown by Surveyor's~~
~~plat~~, one which we heartily recom-
mend for County Road and public
travel.

We therefore submit the above
hoping the same will meet your
approval

J N Aleszy
R W Brown

} Viewers of proposed
County Road
J

Division Report
R. M. Downey Sr.

Sheet Aug 7th 1880
Miami Shuff
L. Clark

To Tho^A H. Veasey and R. H. Bloom rerus appointed
to rerun the County Road commencing on the
County Road at the NW cor of the
SE $\frac{1}{4}$ of Sec 2 Township 3 South of
Range 45 East The following are the
field notes of the survey of the above
described road - Commencing at
the NW cor of SE $\frac{1}{4}$ of said Sec 2
at a Post marked R
Thence North $\frac{1}{2}$ miles to Post marked A 1.
" West $\frac{1}{2}$ mile " " " A 11.
" North $2\frac{1}{2}$ miles " " " R T and
to the foot hills

State of Oregon }
County of Union } ss

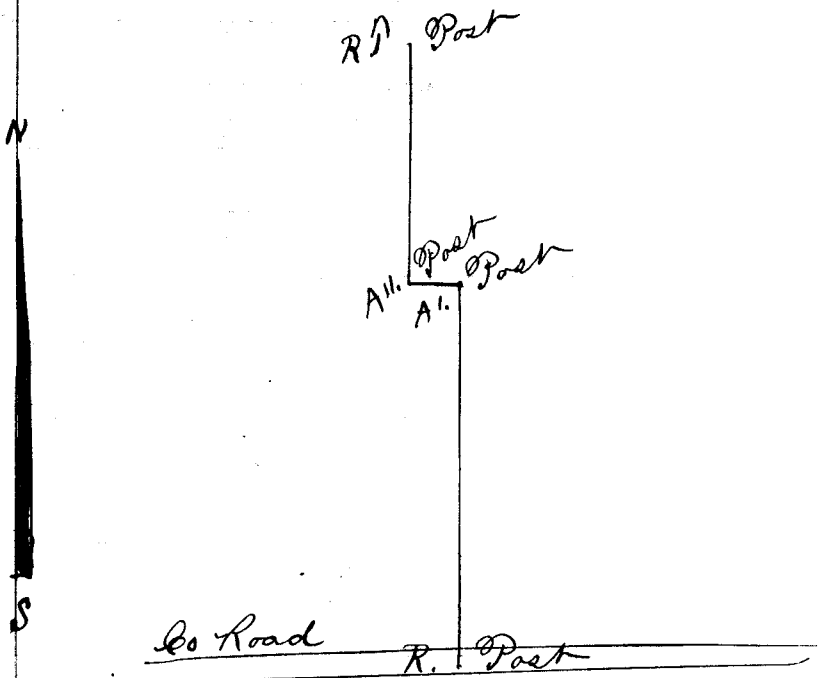
I Eugene Chase County Surveyor
in and for the County and State aforesaid do
hereby certify that the field notes of the survey of
the above described road are correct as surveyed by
me on the 16th day of June 1880.

Eugene Chase
County Surveyor

Surveyed June 16th 1880
Variation 20° East

Scale of distances
2 miles to the inch

Whole distance 7 miles



Dear

R. M. Downey

and others

Recd July 8th 1880

Wm. H. Webb
Clerk

May 12 1886.

In the Matter
 of
 Viewers Report,
 on a petition from
 A. R. Robinson
 et. al

Viewers Report
 on
 Cove Road

Now at this Time was read for the first time the Report of the Viewers upon a proposed Co. Road — petitioned for by A. R. Robinson and others to wit:

Commencing at the School house in Dist. No. 4 on the line dividing the land of Frederick Mitchell and F. M. Mitchell and running on said line due East, through the land of A. R. Robinson and intersecting and terminating at the County Road running North from the Cove at the N.E. Corner of the land of Thos. Sabington and S. E. Corner of the land of A. R. Robinson

which Report was laid over for second reading

In the Matter
 of
 Road Petition of
 J. J. Blewins et al.

Willow Road

Now at this Time was presented the petition of J. J. Blewins and more than twelve other Citizens and house holders living along and in the Vicinity of a route they ask to be established as a County Road to wit:

Commencing on the County Road at the North West Cor. of the South East quarter of Sec 2 T3 S of R. 45 E. and running thence 4 miles North thence 1/2 mile west thence 2 1/2 Miles North to the foot hills. —

And it appearing to the Comst that due and proper notice of the pendency of these proceedings have been given as by Law required and that a good and sufficient

bond has been filed and no remonstrance having been filed to said petition. It is ordered and adjudged that Thos. H. Veasy, George Holmes and W. Bloom be and the same are hereby appointed Viewers and Eugene Chase, Surveyor, to view, survey and report upon said Road and that they meet at the residence of T. H. Veasy on the 16th day of June at 5. 1880 and duly qualify before entering upon the discharge of their duties in this behalf. —

In the Matter }
 of } Willowa Road
 County Road, petitioned }
 for, by J. J. Plewino et al. } 3.

On this day come J. J. Plewino who presents to the Court the petition of himself and many others, praying for the location and establishment of a County Road as follows to wit:

Commencing at the N. E. Corner of Sec 36. Township 2 S. R. 45 E. thence South 4 miles, thence East 1/2 mile, thence South by East one mile.

And it appearing to the Satisfaction of the Court from proof filed herein, that due Notice of the pendency of these proceedings has been given as by Law required.

That more than twelve of said Petitioners are legal householders residing in the vicinity of said Road and that a good and sufficient Bond has been filed. —

It is therefore ordered, by the Court, that Thos. H. Veasy, George Holmes and W. Bloom, three disinterested householders be and the same are hereby appointed Viewers and Eugene Chase Surveyor to view, survey and report upon said proposed Road and that they meet at the Residence of Thos. H. Veasy on the 15th day of June 1880 and duly qualify before entering upon the discharge of their duties in this behalf. —

In the matter of }
Viewers Report }

Now at this time was read the first time the viewers report on the proposed County Road petitioned for by J. J. Blevens and others and laid over until to-morrow for further consideration.

In the matter of }
Viewers report }

Now at this time was read for the first time the viewers report on a proposed change of County road petitioned for by W^m Gray and others which said report was laid for further action to-morrow.

In the matter of first }
reading of viewers report }

Now at this time was read the viewers report on the proposed County road petitioned for by Calvin Knapp and others which said report was laid over for further consideration until to-morrow.

In the matter of }
Viewers report }

Now at this time was read the viewers report on a proposed change of County road petitioned for by W. T. Picklin and others for the first time which said report was laid over for further consideration to-morrow.

In the matter of }
first reading of }
Viewers report }

Now at this time was read for the first time the viewers report on a proposed County road petitioned for by G. L. Blacklee and others and laid over for further consideration until to-morrow.

In the matter of County
Road petitioned for by
R. M. Downey and others

Now at this time is read the report of the viewers on a proposed County road petitioned for by R. M. Downey and others and said report being favorable and having been read on two different days of this term of court and it appearing to the satisfaction of the Court that the proceedings herein have been regular and according to law and there being no remonstrance or bills for damage filed by reason of the location of said road. It is therefore ordered that said viewers report and Surveyors report and Plat be placed on record and said road be established and opened as a County road according to the survey thereof.

Viewers report of proposed
County Road of R. M. Downey et al.

In the Now County Court of Union County
Oregon,

We submit the following report as viewers of road viz: Commencing on the County road at the N.W. corner of the S.E. $\frac{1}{4}$ of Sec 2, Town 3 South of Range 45 East and running thence 4 miles North, thence $\frac{1}{2}$ mile West, thence $2\frac{1}{2}$ miles North to the foot-hills.

We met on the 16th day of June as mentioned in your order and after being first duly sworn in company with the surveyor proceeded to view, survey and lay out said road. We select from surveyors plat one which we heartily recommend for County Road and public travel.

We therefore submit the above hoping the same will meet your approval.

J. H. Veasey } Viewers of proposed
R. W. Downey } County Road

To Thos. A. Veasey and R. W. Bloom
viewers of appointed to review the County
Road commencing on the County road
at the N.W. cor of the S.E. $\frac{1}{4}$ of Sec. 2

Township 3 South of Range 45 East.

The following are the field notes of the survey of the above described Road, commencing at the N.W. cor. of S. E. 1/4 of said Sec. 2 at a post marked R.

Thence North 4 miles to post marked A. 1.

" West 1/2 mile " " " A. 11.

" North 2 1/2 miles " " " R. T. over to the foot hills.

State of Oregon)
County of Union) ss I Eugene Chase County
Surveyor in and for the County and State
aforesaid do hereby certify that the field notes
of the survey of the above described road are
correct as surveyed by me on the 16th day of
June 1880

Eugene Chase
County Surveyor

Approved June 16th 1880
Variation 25° East
Scale of distances 2 miles to the inch

