

No 33 L

in

Circuit

Court

J B Sumner

Plaintiff

vs

J M Cooper

Defendant

Action for Money

Docket

Page

J H Crawford
Attorney for Plaintiff

Attorney for Defendant

THE REGISTERED OFFICE OF THE
LAWYERS IN THE DISTRICT OF
COLUMBIA

Record of the Case.

160 P

WITNESSES.

1881
 May 11 Petition for Review of
 Journal B p 596
 July 9 ordered opened
 Journal B p 624
 Jan 7/91 Appropriation of \$500
 made Jul 8 p 1260

Road

Commencing at terminus of Co road
 through Pine Valley to Providence Ferry
 Tp 8 South of Range 47 E

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

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To the Honorable Court and County Commissioners of Union County,
Oregon:-

Gentlemen:-

The undersigned citizens of Pine Valley and vicinity, would respectfully represent that a certain ^{road} ~~road~~ leading from Pine Valley to Brown-Lees Ferry on Snake River and described as follows, to-wit:-

Beginning at the terminus of the County Road leading through Pine Valley and following the old Brown Lee Wagon road to the head of Trail Canyon, thence down the canyon to its mouth on Snake River, petitioned for by A. P. Greener, et al, was established and ordered open, by the Hon. Court of Union County, on July 9th, 1881, the construction of said road being commenced in the Spring of 1883, under the supervision of James H. Summers an appropriation having been granted by the Hon. Court to assist in the construction of said road, work progressed until the funds were all applied and further construction was abandoned for lack of means.

We your petitioners would therefore respectfully ask your Hon. Body to grant an appropriation of Five Hundred Dollars (\$50000) to assist us in the completion of said road for which we will ever pray, etc.

W. Gerbrich,

C. Peters,

Israel Querette,

F. M. Officer,

A. W. Erickson,

J. B. Wood,

J. C. Brooks,

Joe Peck,

J. Shephard,

Henry K. Oliver,

H. R. Leep,

H. M. B. Robinson,

C. Denney,

Kelsey Porter,

John H. Thaysen,

L. Lang,

R. A. Lloyd,

A. R. Stalker,

Joseph E. Bassette,

E. Leep,

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James Nicholson,
F. C. Dawson,
C. A. Oliver,
R. W. Makinson,
A. S. Helbrook,
H. C. Holbrook,
G. H. Oliver,
E. W. Hunt,
James McNutt,
E. P. Moxley,
Geo. Fry,
John Hunt,
Geo. O'Conner,
Wm. Bieson,
H. D. Landrum,
Jes. Bragg,
R. W. Pindell,
Robert A. Wilkinson,
John Dick,
J. G. Hullinger,
S. Zeph,
Wm. Lloyd,
H. H. Grubb,
P. M. Stewart,
I. W. Ryle,
Thos. Buchanan,
James Baird,
E. Keffinberry,
Robert McFadden,
John W. McFadden,
William Hart,
T. R. Irwin,
John Buchanan,

A. Hopkins,
C. W. Haynie,
A. W. Motley,
D. Painter,
Wm. McKinnell,
S. S. Pindell,
C. Goodspeed,
Dan. F. More,
Alvin Tarter,
Samuel Painter,
R. T. Langrell,
T. N. Proffitt,
Jobe Curliss,
Henry J. Baker,
E. Lloyd,
Hiram Scott,
Frank King,
Wm. Edwards,
Wm. Spencer,
C. B. Orai,
Joe Taylor,
J. V. Leep,
J. R. Fulp,
I. McMullen,
N. Murray,
Ole Deidrickson,
L. A. Dawson,
Geo. Brown,
Geo. Steele,
C. L. Fee,
G. A. Rosenberg,
James K. Graham,
S. A. Wright,

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J. H. Helstine,

Louis Melhorn,

Thomas Coursen,

Edward W ilkinson,

E. E. Clough,

Endorsed:- Filed Jan. 7th, 1891.

Jos. Wright,

W. T. Wright,

Ed. Remillard,

Ed. Jarvis,

F. E. Fester,

Turner Oliver, Clerk.

Union Co. Oregon, Dec. 8, 1882.

For the purpose of opening the road leading from Pine Valley to the Ferry on Snake River, formerly known as the Brown Lee Ferry, and to put said road in condition for travel, we the undersigned subscribe the amounts affixed opposite our names, the money to be used to the best advantage on said road.

By James Semmers Road supervisor,

.....

Robert Brown, Paid.		500.00	
Edwin Wilkinson,	\$50.00	James Briscoe,	\$50.00
Wm. Lloyd,	5.00	Oliver Nuckels,	10.00
Irwin & Kellog, when we can get to River with wagon,	50.00	Wm. H. Casdell,	25.00
Jehn Debbins, paid, to R. Brown,	25.00	Gilbert X. Goodman,	10.00
Dan. F. Moore,	25.00	George Clark,	25.00
Charles Hinckely,	5.00	Rufus Perkins,	100.00
Ainsworth	5.00	James N. Holcomb,	10.00
Jee Shephard,	\$20.00	A. Morais,	5.00
Geo. W. Easterbrook,	2.00	E. R. Parker,	5.00
A. F. Benson, paid,	20.00	W. A. Hamin,	5.00
R. R. Smith,	\$10.00	P. J. Brown,	20.00
paid R. Brown,		Geo. A. Beck,	\$5.00
E. S. & J. F. McComas,	\$50.00	J. J. Turner,	5.00
J. B. Eaton, Jr.	\$50.00	I. W. Spears,	5.00
A. Levy will pay after the road is opened for travel	25.00	S. A. Spears,	5.00
Brainard & Baird, paid,	15.00	Sturgil, Bros,	5.00
		A.L. Saunders,	5.00
		The Mountain Sentinel on the completion of the road will pay	\$10.00

R. J. Rogers,	10.00	W. T. Wright,	15.00
I. A. Beskowitz & Co.,	30.00	J. A. A. Wilson,	2.50
Wright & Beidelman,	10.00	Henry Striker,	10.00
Lewis Mettler,	5.00	Wm. Wilson,	\$10.00
Geo. Steele,	10.00	E. Remillard will pay	
		when-read open for travel	
			10.00
Remillard and Mengeen,	20.00	L. B. Rinehart,	5.00
paid when road open travel,			
The Bank of Union will			
pay thirty dollars, when			
good wagon road to Brown Lee			
Ferry is completed.			

Eagle Creek Subscription List.

J. B. Fewell,	\$10.00
Paid Wm. Young,	10.00
paid, P.J. Brown,	25.00
N. S. Barnard,	10.00
Joseph Beck,	2.50
Wm. U. Beck,	2.50
paid, S. W. Moody,	10.00
J. N. Young,	10.00
M. B. Merris,	5.00
Eli Chandler,	2.50
William Wright,	2.50
Eugene Chand,ber	2.00
Abraham Swisher,	10.00
E. B. White,	5.00
John Swisher,	5.00
D. M. Nichols,	5.00
T. M. Pierce,	2.50
Wm. Knetts,	5.00
Fred perkins,	10.00
L. L. Helcomb,	3.50
Pine Valley Subscribers,	
Z. E. Gray,	20.00
Henry Foster,	15.00
M. A. Scott,	15.00
E. W. Hunt, work,	25.00
J. B. Wood,	40.00
L. Lloyd,	25.00
F. M. Officer,	20.00
Ole Deidricksen,	14.00
Tem. Deidricksen,	4.00
Cresby C. Coffinberry,	5.00

Pine Valley Subscribers,	
Brisco,	\$50.00
Case Beer,	25.00
L. Shephard,	20.00
G. W. Denney,	15.00
F. A. Dawson,	15.00
J. O. Lambert,	10.00
A. Hopkins,	10.00
E. Leep,	25.00
Alvin Tarter,	10.00
Simon Tarter,	10.00
C. B. Leep/	15.00
C. C. Sewers,	15.00
O. S. Bloom,	\$15.00
M. Haynes,	10.00
Jehn Bloom,	2.50
James Westerdale,	5.00
J. L. Lee,	5.00
O. & E. B. Gaylord,	25.00
I. C. Curray,	5.00
Gee. Brown,	10.00
W. Yeung,	10.00
E. Steelman,	5.00
L. Ludiker,	\$20.00
E. Canady,	20.00
T. Leep,	15.00
F. M. Stewart,	25.00
C. Moxley, wen day	
H. K. Oliver,	5.00
O. S. Stewart,	\$5.00

(No filing)

State of Oregon,)
(ss.
County of Union,)

I/ W. T. Wright, County Clerk of Union County,
State of Oregon, do hereby certify that I have compared the within
copy of the petition now in hands of Hon. A. C. Craig, County
Judge of Union County, for the purpose of getting subscribers with
the original petition, and that it is a true and correct copy of
the same, and of the whole of said original.

Witness my hand and the seal of said County affixed this 16th
day of December, 1882.

W. T. Wright,
County Clerk,

(Seal of County Court,)

BY Jacob Blech, deputy.

No Filing:-

Geo. O. Halstine, 10.00 A. A. Buchana, \$15.00
J. H. Helstine, 5.00 J. H. Taylor, 15.00
G. M. Archer, 10.00 Joel Hewitt, 10.00
J. B. Sams, 10.00

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Brown Lee Ferry, Sept. 22, /1885,

Received of R. Brown in full to date the sum of \$350.00 Dollars
for work on the road leading from Pine Valley to Brown Lee Ferry
in Union Co. Ogn.

Wm. McFadden,

Endorsed:- Filed Nov. 7, " 1885 ,

B. F. Wilson, County Clerk,

By C. J. Wilson, Deputy.

Brown Lee Ferry, Aug. 29, 1885,

Received of R. Brown in Full \$275.00 Dollars for work on the road
leading from Pine Valley to Brown Lee Ferry, Union Co. Ogn.

P. McFerson,

Endorsed:- Filed Nov. 7", 1885,

B. F. Wilson County Clerk,

BY C. J. Wilson, Deputy.

Brown Lee Ferry, Oct. 15, 1885.

Received of R. Brown \$175.00 Dollars, in full to date for work on
the road leading from Pine Valley to Brown Lee Ferry, in Union
Co. Ogn.

E. Miner,

Endorsed:- Filed Nov. 7", 1885,

B. F. Wilson, County Clerk,

By C. J. Wilson, deputy.

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To the Honorable Board of County Commissioners for the County of Union, Oregon:-

We, your petitioners would respectfully represent that as the Valley of Pine is rapidly settling up and as the mines in Heath District are now considered rich beyond a doubt, would petition that a board of road Commissioners be appointed to view out locate and survey a County Road commencing at the terminus of the County Road leading through Pine Valley, and following as near as practicable the old Brown Lee Wagon Road to the head of Trail Canyon, thence down the canyon to its mouth; thence up Snake River to the Ferry formerly known as Brown+Lees and your petitioners would ever pray .

A. P. Greener,
I. N. Pancake,
E. B. Sullivan,
Henry K. Oliver,
John Bloom,
James E. Leep,
J. F. Lambert,
O. Gaylerd,
T. Leep,
Henry Fester,
F. M. Stewart,
Ole Deidricksen,
R. W. Mackinson,
William Wright,
C. Haynie,
Geo. O. Helstine,
J. B. Wood,
H. P. Swisher,
E. H. Swisher,
A. Swisher,
Wm. G. Ainsworth,

I. Shephard,
C. L. Fee,
Thomas Coursen,
A. Buchanan,
I. H. Taylor,
P. McMullen,
Let. E. Andersen,
Luther Lloyd,
C. E. Buck,
H. Dodson,
C. O. Stewart,
Geo. W. Helleway,
K. Leep/
E. Leep,
Jeb. Culiss,
J. H. Holstine,
Eli Chandler,
Geo. A. Beck,
J. B. Fewell,
F. M. Officer,
G. W. Moody,

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A. Augustus,
Daniel Harter,
J. N. Young,
B. F. Fewell,
C. H. Craig,
J. N. Holcomb,
D. P. Andrews,
P. J. Brown,
Leander Furgason,
Fred Simonis,
W. C. Beck,
No filing:-

2

D . Carpenter,
Louis Furgason,
Augustus Penton,
G. N. Reed,
W.N. Dennisen,
H. Du Boise,
N. S. Barnard,
G. M. Archer,
C. H. Silvis,
Ianthis Chandler,

185-
r

NOTICE.

To the Honorable Board of County Commissioners for the County of Union, Oregon:-

We, your petitioners would respectfully represent that as the Valley of Pine is rapidly settling up, and as the mines in Heath District are now considered rich beyond a doubt, would petition that a Board of Road Commissioners be appointed to view out, locate and survey a County Road Commencing at the terminus of the County Road leading through Pine Valley and following as near as practicable, the old Brown Lee Wagon Road to the head of Trail Canyon, thence down the canyon to its mouth, thence up Snake River to the Ferry formerly known as the Brown Lees, and your petitioners would ever pray.

State of Oregon,)
(ss.
Union County,)

I, George Holstine, being duly sworn, say that three copies of the within notice was posted in the vicinity of the within proposed road in three public places along the line thereof, more than thirty days prior to the date thereof.

Geo. Holstine,

Subscribed and sworn to before me this 4th day of May, A.D. 1881.

Willis Skiff, Clerk,

By E. E. Cates, deputy.

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State of Oregon,)
Union County,) ss.

I, Jo. T. Williamson, being duly sworn, say
that I posted the within notice on the Court House Door in Union
Co. Oregon, more than thirty days prior to the date hereof,

J. T. Williamson.

Subscribed and sworn to before me this 4th day of May, 1881.

Willis Skiff, Clerk,

By Ed. E. Cates, deputy.

No. filing:-

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✓

BOND OF ROAD PETITIONERS.

Know all men by these presents: That I, George Holstine, of the County of Union and State of Oregon, am held and firmly bound unto the said County of Union in the sum of fifty Dollars, the payment of which, well and truly to be made, I bind myself, my heirs, executors and administrators firmly by these presents.

Signed this 4th day of May, A.D. 1881.

Now, the condition of the above obligation is such, that whereas, if the County Road petitioned for by A. P. Greener, and others, and presented at the May Term, 1881, of the County Court of the said Union County, Commencing at the terminus of the County Road leading through Pine Valley and following as near as practicable the old Brown Lee Wagon Road to the head of trail canyon, thence down the Canyon to its mouth, thence up Snake River to the Ferry known as Brown Lee's Ferry. be located and established, then this obligation to be void; otherwise to remain in full force and virtue in law.

George Holstine.

Endorsed:- Road Petition.

Filed May 4th, 1881.

Willis Skiff, County Clerk.

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To the Hon. County Court of Union County, Oregon:-

We submit the following as our report as viewers of road, viz:
From Pine Valley, to the Brown Lee Ferry.

We met on the 21st 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 completing said survey on 22d day of June, 1881. We select from said surveyor's plat of surveys which as shown by surveyor's plat one which we heartily recommend for County Road and public travel.

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

W. N. Young,

Jos. Bragg,

L. Lang,

Viewers of proposed Co. Road.

Endorsed:- Viewer's report.

Filed July 7th, 1881.

Willis Skiff, County Clerk.

To. Jes. Bragg, Leonard Lang, and W. N. Young, viewers appointed to review a County Road from Pine Valley to Brown Lee Ferry:-

The following are the Field Notes of the survey of the above described road.

Beginning in Pine Valley at the terminus

of	the	County	Read	at Post	post	marked	marked	R.
Thence	S.	20° E.	212	reds	to	"	"	A. VII.
"	S.	80° E.	30	"	"	"	"	A. II.
"	S.	27° E.	68	"	"	"	"	A. III.
"	S.	53° E.	160	"	"	Rock	"	A. IV.
"	S.	57° E.	204	"	"	"	"	A. V.
"	S.	79° E.	540	"	"	"	"	A. VI.
"	S.	70° E.	234	"	"	"	"	A. VII.
"	N.	70° E.	36	"	"	"	"	A. VIII.
"	S.	15° E.	102	"	"	"	"	A. IX.
"	S.	18° E.	208	"	"	"	"	A. X.
"	S.	28° E.	192	"	"	"	"	A. XI.
"	S.	15° E.	168	"	"	"	"	A. XII.
"	S.	26° E.	100	"	"	"	"	A. XIII.
"	S.	27° W.	176	"	"	"	"	A. XIV.
"	S.	20° W.	6	"	"	Post	"	R.T.

at the Brown Lee Ferry.

State of Oregon,)
County of Union,) ss.

I Eugence Chase, County Surveyer, in and for the County and State aforesaid, do hereby certify that the fieldnotes of the survey of the above described road are correct as surveyed by me under the supervision of the viewers on the 21st day of June, 1881.

Eugence Chase, Co. Surveyer.

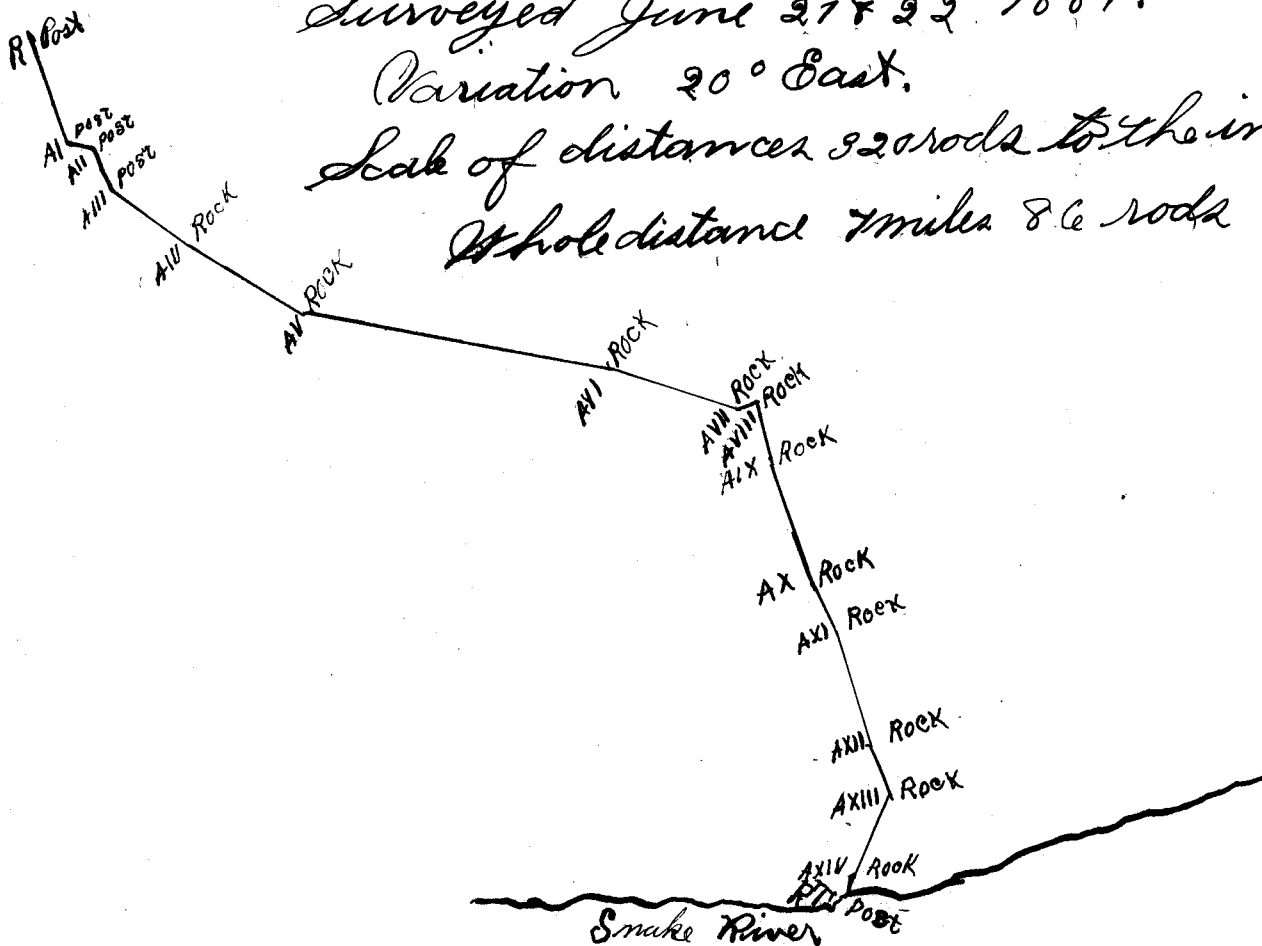
Survey of County Road from Pine Valley to Brownlee Ferry.

Surveyed June 27 & 29 1881.

Variation 20° East.

Scale of distances 32 rods to the inch.

Whole distance 7 miles 86 rods



At a regular term of the County Commissioner's Court, begun and held at the Court Room in Union, Union County, Oregon, on the 11th day of May, A.D. 1881, there was present:-

- Hen. A. C. Craig, Judge,
- Wm. G. Hunter, Co. Commissioner,
- R. J. Rogers, Sheriff,
- And Willis Skiff, Clerk.

When on the 11th day of May, A.D. 1881 or the First Judicial day of said Term, among other proceedings, the following was had, to-wit:

In the matter of County Road	}	Pine Valley.
petition of George Helstine, et al.		
- - - - -		

On this day came George Helstine, who presents to the Court the petition of himself and more than twelve others praying the location and establishment of a County road as follows, to-wit: Commencing at the terminus of the County Road leading through Pine Valley, and following as near as practicable the old brown Lee wagen road to the head of trail creek Canyon, thence down the canyon to its mouth, thence up Snake River to the Ferry formerly known as the Brown Lee Ferry. And it appearing to the satisfaction of the Court from proof filed herein that due and proper 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 hereby ordered by the Court that Joseph Bragg, Leonard Lang and W. H. Young, be appointed viewers and Eugene Chase Surveyer, to view, survey and report upon said proposed road and that they meet at the House of Wm. Melhullen on the 21st day of June, A.D. 1881, and duly qualify before entering upon the discharge of their duties in this behalf.

(Signed) A. C. Craig, County Judge,

The foregoing order is entered in Court's Jnl. B. page 506 thereof.

At a regular Term of the Commissioners Court begun and held at the Court House, Union Union County, Oregon on July 7th, 1881, there were present:-

- Hen. A. C. Craig, Judge,
- W. G. Hunter Co Commissioner,
- R. J. Rogers, Sheriff,
- And Wills Skiff, Clerk.

When on the 9th day of July, A.D. 1881, or the third judicial day of said term, among other proceedings the following was had, to-wit:

In the matter of viewers report,
Pine Valley Road.

Now at this was read the second time the report of the viewers upon a road from Pine Valley to Snake River at the Brown Lee Ferry, which report is as follows, to-wit:

To the Hon. County Court of Union County, Oregon:

We submit the following as our report as viewers of road, viz: From Pine Valley to the Brown Lee Ferry. We met on the 21st of June as mentioned in your order, and after being first duly sworn, in company with the surveyer proceeded to view, survey and lay out said road, completing said survey on 22nd of June, 1881.

We select from said surveyer's plats of surveys, which as shown by surveyers plat, one which we heartily recommend for County Road and public travel. We therefore submit the above hoping the same will meet your approval.

- W. N. Young,
- Jos. Bragg,
- L. Lang, Viewers of proposed

Co. Road.

And it appearing to the Court from the said report that said road is of public utility and a public necessity and no person having claimed damages by reason of the location of the said road,

and the proceedings herein appearing regular, it is hereby ordered that said road be established as a County road, in accordance with the field notes thereof, and surveyor's plat, which is as follows to-wit:- (Here follows copy of the Field notes and plat of road, as shown above)

(Signed) A. C. Craig, County Judge.

The foregoing order is entered in Comr's Jnl. B. at page 624.

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon for Union County, begun and held at the Court House in the City of Union, on Wednesday January 7th, 1891, the same being the Wednesday after the first Monday in said month and the time fixed by law for holding a regular term of said Court, when the following officers were present, to-wit:

- Hen. I. N. Sanders, County Judge,
- Hen John McDonald, Commissioner,
- Hen. W. D. Arnold, Commissioner,
- Turner Oliver, Clerk,
- J. T. Belles, Sheriff.

When on the 7th day of January, A.D. 1891, or the first judicial day of said term, among other proceedings the following was had, to-wit:

In the matter of an appropriation for completing the Co. Road extending from Pine Valley to Snake River, petitioned for by A.P. Greener, et al, in 1881.

Now at this time upon the petition of a large number of tax payers of Pine & Eagle Valleys for an appropriation to aid in completing the Co. Road from Pine Valley to Snake River, established in 1881, upon petition of A. P. Greener, et al, and it appearing to the Court from the evidence before it that the tax payers of that section of the Co. have subscribed about \$450.00 in money, work and labor for the completion of said road & that said road is a necessary public highway for the people of the Co. & that it ought to be opened early the following spring & that it will take about \$500.00 in addition to the work and labor subscribed to complete the same. It is therefore ordered that there be and hereby is appropriated out of the Gen. Funds of the Co. in the hands of the Co. Treasurer the sum of \$500.00 to be applied in completing said Co. Road. And it is further ordered that..... be and he

is hereby appointed Superintendent to take charge of said appropriation, draw and receipt for the warrants upon the Co. Treasurer therefor, & to superintend the construction of said road & the expenditure of said money thereon & to Collect & apply as well the money & labor subscribed by the citizens of said County, therefor, and he shall before drawing said warrants or expending any part of said appropriation qualify by taking an oath to faithfully discharge his duties as such superintendent & by executing to the Co. of Union a good and sufficient bond with two or more sureties in the sum of five hundred dollars to the approval of the Co. Judge, conditioned that he will well and faithfully discharge his duties as such superintendent, that he will honestly apply the money appropriated to the purpose of the appropriation and that he will render to the Court on or before the July Term, 1891, thereof a true and correct account of his trust & settle with the Co. Court therefor. The appropriation is made upon the condition that the petitioners for the same shall raise by subscription & apply upon said road an amount in work, labor & money equal to the amount herein appropriated by the Court.

Provided however, that no work or labor shall be done upon said road under this appropriation nor shall the warrants therefor be drawn by said superintendednt before the first day of March, 1891 & then only in case that the road for which the appropriation is made remains in this County, and is subject to the jurisdiction of this Court.

(Signed).....

County Judge,

The foregoing order is entered in Court's Jnl. B. page 260 thereof.

In the County Court of the State of Oregon,
For Union County.

§.....§
*
*
* In the matter of the County *
* road petitioned for by *
*
* *A. P. Greener* *
.....
* et al. *
§.....§

STATE OF OREGON. *
* ss.
County of Union. *

I, J. H. Minnaugh, County Clerk of Union County, Oregon, do hereby certify that the foregoing is a true and correct transcript of the original papers in the above entitled matter transferred to Baker County, Oregon, including a copy of the orders of the Court in said matter.

IN WITNESS WHEREOF, I have hereunto set my hand seal of the County Court, this 31st day of March, A. D. 1903.



J. H. Minnaugh
..... Clerk.

mentioned in said petition to intersect the County road at the corner of the land owned by Joel Weaver and M^r. Cummings, 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 Joseph Harris Robert Alexander and Samuel Burnaugh be appointed viewers and Eugene Chase Surveyor, to view survey and report upon said proposed road and that they meet at the Fish Trap Bridge on the 14th day of June A.D. 1871 and duly qualify before entering upon the discharge of their duties in this behalf.

In the matter of
County Road
petition of
George Holstine et al

Pine Valley

On this day came George Holstine who presents to the Court the petition of himself and more than twelve others praying the location and establishment of a County road as follows: Commencing at the terminus of the County road leading through Pine Valley and following as near as practicable the old Brownlee wagon road to the head of Traie Creek Canyon; thence down the canyon to its mouth, thence up Snake Run to the ferry formerly known as the Brownlee Ferry. And it appearing to the satisfaction of the Court from proof filed herein that due and proper 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