

No 3-37

in

Circuit

Court

John W. Welch

Plaintiff

vs

S S Newman
Et al

Defendant

Action for

Money

Docket

Page

Baker & Baker

Attorney for Plaintiff

Attorney for Defendant

1600
1045
325

EVERETT
LAW OFFICE
1000
1000
1000

1884

Jan'y 12 Order for leasing
Journal C p 153

March 5 Lease to A C Smith
Journal C p 156

July 12 Order for dissection
Journal C p 207

1885
May 15 Order to remove sold sites
Journal C p 456

July 15 Modification of former order
providing for termination of lease
Journal C p 510

Road
Due to Leasing of Hallowa Canyon
Road -

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

1
In the matter of leasing a
portion of the County Road
known as the Indian
Valley and Holloway Road.

Now at this time the
^{case} coming on to be heard
and it appearing to the
satisfaction of the Court
that there is little or no
doubt along that portion
of the County Road leading
from Indian Valley in
Union County to Holloway
Valley in said County known
as the Indian Valley and
Holloway public Road between
the head of the Holloway
Canyon on the north east side of
the Holloway River and
the top of the hill or
grade on the south west side of
said River a distance of
about fourteen miles,
Now therefore it is hereby
ordered by the Court that
that portion of County Road
known as the Indian Valley
and Holloway public Road

Shaper Ranch at the
from the head of the
Mallowa Canyon on the ^{North} West
side of the Mallowa River
to the top of the hill or
grade on the ^{South} West side of the
Mallowa River a distance of
about fourteen miles be
crossed by the county ^{and} to some
responsible person or persons
for a period of five years
with the right to place at a
convenient points upon said
road ~~not more than two~~ one
tree gates, said portion of
said Road to be placed
by such person in good
repair within a reasonable
time upon the grade of
said road now established
and to be kept in such
good repair during the ~~term~~
the term of such lease. The
bed of said portion of said
road to be composed of dirt
~~and~~ or gravel and the
same to be of sufficient
width to allow wagons
and teams to ^{conveniently} pass and repass

2

8
*
and the order must
take such lease subject
to the condition that he
will hold the conveyance
and during the term of
such lease from any
and all damages occasion-
ed by reason of negligence
or otherwise in keeping
said portion of said
Road in good repair

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And the bounty book is hereby directed to cause this order to be published in full in the Mountain Sentinel a weekly news paper of general circulation published at Union in said County for a period of four weeks together with a notice therewith for a like period that sealed bids will be received at the office of the County ^{of Union County} Clerk for the leasing of such portion of said Road up to one o'clock P.M. of the day of _____ 1884. That such bids must be accompanied by an undertaking, executed by two or more parties in the sum of \$2000 to be void upon the condition that the bidder if the lease is awarded to him, will, within ten days thereafter, enter into the contract for keeping the road and give the ~~total~~ undertaking to secure the performance thereof as by law provided.

Revenue Entry

To the Honorable County Court
of Wasco County, of the State of
Oregon The undersigned would re-
spectfully submit the following bid
for the lease of the Wallowa Canyon
Public Road as per advertisement by
your honorable body in the Mount-
ain Sentinel To wit for single
toll on the toll on sheep hog or goat
 $1\frac{1}{4}$ Cent, one and one fourth cent per
each head for each horse mule or
cow brute four such tolls for each
man or woman on horseback ten
such tolls for each 2 wheeled
vehicle twenty such tolls for each
four wheeled vehicle forty such
tolls, every sled or sleigh to be
drawn a four wheeled vehicle

A. C. Smith

Bid for the Nassau
Road

Bid of A. C. Smith
for clearing Millers
Cannon Road

Dated March 5, 1884
W. J. Wright Clerk
By J. P. Mills Deputy

Know all men by these presents
that I A C Smith as principal, and
Thos A Reavis, Wm P Reavis, & D B Reavis
as sureties are held and firmly bound
unto the County of Union of the State of
Oregon in the penal sum of (\$2000)
two thousand dollars for the payment of
which to the said County of Union, full and
truly to be made we do hereby bind ourselves
our heirs executors and administrators for by
these presents.

A C Smith
Wm Reavis
Thos A Reavis
D B Reavis

The Condition of the above obligation
is such that if the lease of the Canyon
road is awarded to the above named
A C Smith that he will within ten days enter
into a contract for the keeping of said road
and give the undertaking to secure the perform-
ance thereof as by law provided - and in case
the said A C Smith shall comply with the
foregoing conditions the this obligation
to be null and void, otherwise to be
full force and effect.

A C Smith
Wm Reavis
Thos A Reavis
D B Reavis

Board of A. C. Smith
on Bill for Rebuilding
Millers Canyon Road

Filed March 5, 1884
Attest
By R. S. Smith Notary

Fourth Judicial Day

Saturday January 1st 1884

In the matter of a County
 Bridge across Lower Powder
 River between Union and
 Baker Counties. }

Now at this time come the Viewers heretofore appointed by this Court in the matter of the proposed County Bridge across Lower Powder River between Union and Baker Counties and present to the Court the report of their proceedings in the matter together with a plan, specifications and an estimate of the cost of erecting said Bridge, and the Court having duly considered the same, and being fully advised in the premises. It is ordered and adjudged by the Court that said report be accepted and said plan and specifications be adopted by this Court as the plan and specifications upon which said Bridge shall be built, and that the amount of said estimate to-wit: \$1006⁰⁰ be appropriated for the purpose of erecting such Bridge. And it is further ordered that a certified copy of said report, plan and specifications and of the orders of this Court be transmitted to the County Court of Baker County for the action of said Court as required by law.

In the matter of leading a
 portion of the County Road
 known as the Indian Valley
 and Willow Road. }

Now at this time this cause coming on to be heard and it appearing to the satisfaction of the Court that there is little or no labor along that portion of the County Road leading from Indian Valley in Union County to Willow Valley in said County known as the Indian Valley and Willow public road between the head of the Willow Canyon on the North East side of the Willow River and the top of the hill or grade on the South West side of said River a distance of about fourteen miles. Now therefore it is hereby ordered by the Court that that portion of County Road known as the Indian Valley and Willow public road from the Shafer Ranch at the head of the Willow Canyon on the North East side of the Willow River to the top of the hill or grade on the South West side of the Willow River a distance of about fourteen miles be leased

South Judicial Day

Saturday January 12th 1884

by the County Court to some responsible person or persons for a period of five years with the right to place at a convenient point upon said road one toll gate. said portion of said road to be placed by such lessee in good repair within a reasonable time upon the grade of said road now established and to be kept in such good repair during the term of such lease. The bed of such portion of said road to be composed of dirt or gravel and the same to be of sufficient width to allow wagons and teams to conveniently pass and repass; and the lessee must take such lease subject to the condition that he will hold the County harmless during the term of such lease from any and all damages occasioned by reason of negligence or otherwise in keeping said portion of said road in good repair. And the County Clerk is hereby directed to cause this order to be published in full in the Mountain Sentinel a weekly newspaper of general circulation published at Union in said County for a period of four weeks, together with a notice hereunto for a like period that sealed bids will be received at the office of the County Clerk of Union County Oregon for the leasing of such portion of said Road up to one o'clock P.M. of the 5th day of March A.D. 1884. That such bids must be accompanied by an undertaking executed by two or more sureties in the sum of \$2000 & to be void upon the condition that the bidder, if the lease is awarded to him, will within ten days hereafter, enter into the contract for keeping the road, and give the undertaking to secure the performance thereof as by Law provided.

In the matter of the County
Road petitioned for by R. E.
Eakin, John McLean and others

Now at this time is presented to the Court the petition of R. Eakin, John McLean and seventy six other Citizens of Union County praying for the location of a County road as follows: commencing at a point 160 feet north of the south west corner of the North West 1/4 of Section 19 in Township 4 South of Range 40 East of Willamette Meridian running thence south 130 feet to the said south west corner of the North West 1/4 of Section 19 S. 4. North Range 40 East then commencing 30 feet north of said corner and running

First Judicial Day

Wednesday March 5th A.D. 1884

In the matter of a proposed
County Road petitioned for
by Rollin Pratt and others } 3

Now at this time is presented to the Court the report of the Viewers heretofore appointed by the Court upon the above entitled road accompanied by the report of the surveyor and field notes and plat of the survey, which report is read in open Court for the first time and pursuant to the provisions of the Statute in such cases made and provided and thereupon it is ordered that said reports be laid over for a second reading on another day of this term.

In the matter of a proposed
County Road petitioned for
by D. L. Groves and others } 3

Now at this time is presented to the Court the report of the Viewers heretofore appointed by the Court upon the above entitled road accompanied by the Report of the surveyor and field notes and plat of the survey, which report is read in open Court for the first time and pursuant to the provisions of the Statute in such cases made and provided it is ordered that said reports be laid over for a second reading on another day of this term.

In the matter of leasing a portion
of the County Road known as the
Indian Valley and Hillow Road } 3

Now at this time the Court proceeds to the consideration of this matter, and the time having arrived for opening proposals for said lease, the same are now here opened by the Court, and it appearing to the Court that the bid of A. C. Smith is the only one presented and that the same is a fair and reasonable proposition, and that said bid is in conformity with the provisions of law and states the unit toll proposed, to wit: $1/4$ cents on a sheep or hog: And the Court having fully and carefully considered the matter and being satisfied that it would be for the best interests of the People of the County, that the said bid should be accepted. It is ordered by the Court that said lease be granted to said A. C. Smith upon his bid aforesaid for the term of five years from the first day of April A.D. 1884, and that the Clerk of this Court prepare a lease and contract for signature by said Smith upon

First Judicial Day

Wednesday March 5th A.D. 1884.

the terms and subject to the Laws of the State of Oregon, and the former order of this Court; said Contract and lease to specify the termini of the portion of the road leased and contain all the things necessary to be contained therein as required by the Statute in such case made ^{and} provided. And it is further ordered that said Lessee enter into Bonds with two or more sufficient sureties in the sum of \$4500.- Conditioned for the faithful performance of said lease and the conditions thereof.

Therefore the Court adjourned until tomorrow morning at 9 o'clock.

Fifth Judicial Day

Saturday July 12-1854

In the matter of bills against-
the Estate of Olympe Fremont
widow - Paupers

Now at this time it appearing to the Court that there are bills for the keeping of now residents Paupers which have been paid by this County that are chargeable to the State, now therefore it is hereby ordered that the County Clerk of this County examine and make out said bills properly certified accompanied with the necessary proof and forward the same to the Secretary of State that this said County of Union may be entitled to the proper credits therefor

In the matter of Willows
Wagon County Road leased
to A. C. Smith

Now at this time it appearing to the Court that it is necessary that some suitable person should be appointed and authorized to inspect the Willows Wagon County Road, heretofore leased to A. C. Smith under contract and see that the conditions of said contract, are complied with, and it satisfactorily appearing to the Court that John C. Standley is a suitable person, therefore it is therefore hereby ordered that said John C. Standley, be and he is hereby authorized and appointed on behalf of the County to inspect, and require of said A. C. Smith that all of the conditions of said contract be complied with according to the conditions and terms there in specified

Third judicial Day

Friday May 15th 1886

In the matter of $\left. \begin{array}{l} \text{Credit to A. G. Benson} \\ \text{Treasurer} \end{array} \right\} 3$

Now at this time comes A. G. Benson Treasurer of this County and presents to the Court County Warrants of the face value of \$21309.³⁷ with interest thereon amounting to \$1329.²⁵ which are cancelled in open Court and it is ordered that said A. G. Benson shall have credit on his account to the full amount of the principal and interest to-wit \$22639.⁶²

In the matter of the lease $\left. \begin{array}{l} \text{of the Wallowa Canyon} \\ \text{Wagon road} \end{array} \right\} 3$

Now at this time this matter comes up for hearing upon the contract for the leasing of the Wallowa Canyon wagon road as entered into by the County of Lincoln of the first part and A. L. Smith of the second part and it appearing to the Court that the said A. L. Smith said party of the second part has failed to comply with the terms of said contract in putting the said wagon road in the condition as required by the terms of said contract it is therefore hereby ordered by the Court that the said A. L. Smith open and keep open or cause to be opened and kept open the gate which said Smith has heretofore erected at the Wallowa Bridge as a toll gate, or any other gate or gates that he the said Smith may erect or may have erected at any other point on said road, and allow all persons travelling upon said road to pass through said gate or gates without molestation, and that he the said A. L. Smith be and he is hereby restrained and forbidden

Third judicial day

Friday May 15th 1883.

from receiving any toll from any person traveling on said road, until he the said He Smith has put said wagon road in the condition required by the terms of said contract, at which time he may resume taking toll.

In the matter of the right of }
 way over and across certain }
 roads to the Oregon Railway }
 and Navigation Company }

Now at this time this matter comes up for hearing and it appearing to the court that the Oregon Railway and Navigation Company has not put certain wagon roads over and across which its line of Railway is constructed in the condition as required by and stipulated in the terms of the grant of right of way heretofore made by this court on the 15th day of May 1884 to the said Oregon Railway and Navigation Company and especially has said company failed to comply with the terms of said grant of right of way in respect to the wagon road known as the Pyle Canyon wagon road. It is therefore hereby ordered by the Court that said Oregon Railway and Navigation Company be notified of its non compliance with the terms and stipulations of said grant of right of way and that said Company be and it is thereby requested to put said Pyle Canyon wagon and all other roads over and across which its said line of Railway passes in the condition as specified in said grant of right of way.

Eighth judicial day

Saturday July 25th 1885

On the matter of a change }
 in Road District No. 23 }

Now at this time it appearing to the court from the representations of parties interested that it would be to the best interest of all persons concerned and to the taxpayers in Road District No. 23 to have said Road Dist. changed so as to include more territory and it appearing that said Road District can be so changed as to include a greater area without interfering with the boundaries of adjoining districts. It is therefore hereby ordered and considered that said Road District No. 23 be and the same is hereby changed so as to include the North half of Township 8 South Range 45 East of the Willamette Meridian and also to include Township 7 South Range 45 East of the Willamette Meridian and Township 7 South Range 44 East of the Willamette Meridian and said Townships and parts of Townships are hereby made and established as a part of Road District No. 23 Union County Oregon.

On the matter of the }
 lease of the Willow }
 Toll Road }

Now at this time this cause came on to be heard upon the motion of A. C. Smith Lessee of the Willow Canyon Toll Road to vacate the order of this court made heretofore to the effect that ^{said} A. C. Smith Lessee stop taking toll on said road until full compliance with terms of said lease on the part of the said A. C. Smith or the further order of this court and it appearing to the satisfaction of the court that said Lessee A. C.

Eighth Judicial Day

Saturday July 24-1885-

Smith has substantially complied with the terms of said lease it is therefore ordered that said order be and the same is hereby vacated amended & set aside. And upon the motion of said Lessee A. C. Smith and upon his consent given, and entered in open court thereto It is hereby ordered that said Lease of the Mallowa Canyon Toll road be and the same is hereby modified as follows 1st That said Lease shall terminate Nov-1st 1885-
 2nd That said Lessee A. C. Smith shall continue to work upon said road from this date up to Nov-1st 1885- keeping one good hand employed thereon, up to that date
 3rd That said A. C. Smith shall continue to take and receive Toll upon said road to said Nov-1st 1885- as provided in said lease at which date he shall surrender said lease to this court and he and his bondsmen shall be discharged from all further liability thereunder.

Whereupon court adjourned for the term

A. C. Craig
 County Judge