

No 538

<sup>m</sup>  
Circuit

Court

Beck Bros & Co

Plaintiff

vs

H. T. Messley

Defendant

Action for

Money

Docket

Page

Baker & Baker

Attorney for Plaintiff

Attorney for Defendant

RECEIVED  
FEB 10 1891  
U.S. DISTRICT COURT  
ST. LOUIS, MO.

1894

May 14 Petition rec. Discovered affidavits  
Journal at C p 230

July 10 1st reading report  
Journal at C p 272

July 11 ordered opened  
Journal at C p 277

Road

commencing near mouth of Ford  
Creek at a point where Key Perce  
Trails crosses line bet Oregon + Washu gter  
Territory

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

Uden Oregon March 31<sup>st</sup> 84

Mr W D Wright County Clerk

Dear Sir

Enclosed please  
find petition for County Road to present  
to the Hon - County Court. Also  
one notice to post on Court House  
would you please do us this favor

We also recommend  
R W Bloom  
Thomas Boiles  
James Hays  
Reviews

Yours Respt The Petitioners

P.S Bonds will be given if required  
if necessary please send instructions

Report of Surveyor to ~~Union~~ of a County Road from the mouth of Trout Creek to the line between Oregon & Washington Territory. The following are the

field notes.

Commencing at a post marked R placed in the County Road leading from Alder to Lostine where it crosses Trout Creek on the North bank thence

East 110 rods to post marked A 1. Thence	N 36° E	46 rods to post marked A 30
North 72 " " " " " A 2. "	Thence N 29° E	240 " " " " " A 31
N 45° E 310 " " " " " A 3 " "	" N 37° W	260 " " " " " A 32
N 55° E 47 " " " " " A 4 " "	" N 45° E	80 " " " " " A 33
N 5° E 60 " " " " " A 5 " "	" N 10° W	142 " " " " " A 34
N 15° E 476 " " " " " A 6 " "	" N 52° E	80 " " " " " A 35
N 50° E 50 " " " " " A 7 " "	" N 11° E	40 " " " " " A 36
N 3° E 390 " " " " " A 8 " "	" N 20° W	40 " " " " " A 37
N 27° W 74 " " " " " A 9 " "	" North	260 " " " " " A 38
North 634 " " " " " A 10 " "	" N 6° E	260 " " " " " A 39
N 30° W 260 " " " " " A 11 " "	" N 13° E	200 " " " " " A 40
N 3° E 196 " " " " " A 12 " "	" N 10° E	320 " " " " " A 41
N 10° E 160 " " " " " A 13 " "	" N 15° W	304 " " " " " A 42
N 20° W 46 " " " " " A 14 " "	" N 10° E	150 " " " " " A 43
East 30 " " " " " A 15 " "	" N 10° W	560 " " " " " A 44
N 60° W 54 " " " " " A 16 " "	" N 5° W	380 " " " " " A 45
N 4° W 298 " " " " " A 17 " "	" N 17° E	168 " " " " " A 46
N 58° E 40 " " " " " A 18 " "	" N 57° E	120 " " " " " A 47
N 30° W 140 " " " " " A 19 " "	" N 10° E	242 " " " " " A 48
N 8° W 380 " " " " " A 20 " "	" N 13° W	100 " " " " " A 49
N 30° W 80 " " " " " A 21 " "	" N 68° W	46 " " " " " A 50
N 15° E 60 " " " " " A 22 " "	" N 2° E	160 " " " " " A 51
N 40° E 282 " " " " " A 23 " "	" N 21° W	300 " " " " " A 52
N 16° E 48 " " " " " A 24 " "	" North	180 " " " " " A 53
North 200 " " " " " A 25 " "	" N 12° W	320 " " " " " A 54
N 7° E 540 " " " " " A 26 " "	" N 45° W	258 " " " " " A 55
N 51° E 220 " " " " " A 27 " "	" N 6° E	152 " " " " " A 56
N 20° W 120 " " " " " A 28 " "	" N 10° E	324 " " " " " A 57
N 43° W 106 " " " " " A 29 " "	Thence	

11

11  
The Oregonian

Portland, Oregon  
Friday July 10 - 1884

J. A. Brown  
Co. Clerk

# Know all Men by these Presents:

THAT WE, J. H. Beasy  
 and R. R. Wright, of the County of Marion and  
 State of Oregon, are held and firmly bound unto the said County of Marion in the sum of  
One hundred 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 23<sup>rd</sup> day of April A. D. 1884

Now the condition of the above obligation is such, that whereas, if the County Road petitioned  
 for by Mr Perry Gregg and others, and presented  
 at the May term, 1884, of the County Court of said Marion county, commencing  
at the Mouth of Trout Creek Near N.W. Corner  
of T. 3, Township 2 South Range 44 E.W.M  
therein a northerly direction to the State  
Line

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

J. H. Beasy  
R. R. Wright

**STATE OF OREGON,**  
 COUNTY OF MARION, } ss.

I, J. H. Beasy and  
R. R. Wright each for himself says that I am worth the sum  
 of One Hundred Dollars over and above all debts and liabilities and property  
 exempt from execution, and that I am a resident and householder in said County and State.

J. H. Beasy  
R. R. Wright

Subscribed and sworn to before me, this 23<sup>rd</sup>  
 day of April A. D. 1884

W. P. Sammons  
J. J.

Know all Men by these Presents

1884

Read

Telco May 14. 1884  
M. J. Wright Collect  
By J. P. Bell Deputy

STATE OF WISCONSIN  
COUNTY OF WAUKESHA

1884

1884

To the Hon County Court of  
Union County, Oregon.

We the undersigned viewers  
appointed by your Honorable Body  
to view out a proposed County  
Road as follows to wit; to commence  
at a point near the mouth of Trout  
Creek where the County road leading  
from Alder to Lostine crosses said  
Trout Creek on the North bank of  
said creek thence following along  
the valley and up said creek in  
a North Westerly direction a distance  
of about one and one half miles  
to a point opposite Jesse Ownby's  
residence thence up said creek in a  
Northerly direction a distance of about  
4 miles to a point at the South West  
corner of SE  $\frac{1}{4}$  Sec 35 T 1 North Range  
44 East thence in a Northerly direction  
up a gulch known by the name of  
Little Trout and over a summit and  
down another gulch in nearly the  
same direction to, Res. & Shoemaker's  
sheep ranche and on the east  
branch of Whistly Creek a distance  
of about  $3\frac{1}{2}$  miles thence in a  
Northerly direction up said branch



Viewers Report

Filed July 10-1884

B. F. Wilson

Le Colerick

of Whiskey Creek over a divide and down to the lower end of Mud Prairie a distance of about six miles thence to the Red Fox springs in a north easterly direction a distance of about 11 miles and thence following as near as practicable along the Nez Perce trails in a Northerly direction to a point where said trails cross the line dividing Oregon from Washington Territory a distance of about 12 miles; submit the following report in relation there to We met on the 16<sup>th</sup> day of June A D 1884 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 as mentioned in your order and as shown by surveyors plat and report submitted here with We found the road to lay on very good ground and taking into consideration the necessity that exists for said road we recommend that it be established as a County Road

R W Brown

Benja' Boswell

D B Reavis

Viewers of

proposed Co Road

Joseph Union Co. Oregon  
Apr. 30<sup>th</sup> 1884

On this day above written came  
W. P. Gregg who makes affidavit  
that on the 23<sup>rd</sup> day of April 1884  
"in the matter of a road petitioned  
for Commencing at the or near  
the mouth of Trout Creek on the  
road granted running from Lostine  
to the town of Alder thence running  
Northward up Trout Creek and up Little  
Trout, ~~thence~~ on to upper Whiskey Cr.  
and by way of Muel Prairie on the  
Lewis and Clark trail past Fir Springs to  
the line between Oregon and Wash-  
ington Territory." that he posted  
three notices one at the mouth  
of Trout Creek, one at Jim Saunders  
Corral, one at Perry Greep house  
all noticeable places on said route  
Union County }  
State of Oregon } 88 W. P. Gregg  
April 30<sup>th</sup> 1884

Then the above named W. P. Gregg  
personally appeared and made oath  
that the foregoing declaration by him  
subscribed is true — before me  
Geo. J. Vail Notary Public

Proof of Posting

Filed May 14, 1884

M. J. Merrill Clerk

By L. J. Merrill Deputy

# Notice

Is hereby Given to the Legal Voters and Resident House Holders Living In the Immediate Vicinity and Along the Line of the Herein After Described Road that a Petition and application will Be made to the County Court of Union County and State of Oregon at its next Regular Session to lay out locate and Grant a County Road on the following Road To wit Commencing at a Point Near the Mouth of Trout Creek where the County Road Leading from the Town of Alder to the Town of Postine Crosses said Trout Creek thence following along the bank and up said Creek in a northerly direction a distance of one mile & a half to a Point opposite Jessy Owens Residence thence up said Creek in a northerly direction a distance of about Four (4) miles to a Point at the S.W. Corner of Sec thirty five (35) Town One (1) North of Range 44, E. 10 M. thence in a northerly direction up a Gulch known by the name of Little Trout Creek and over a Summit and down another Gulch in nearly the same direction to Shoemaker's Nees's Sheep Ranch on the East Branch of Whistly Creek a distance of about Three Miles & a half (3 1/2)

Thence in a northerly direction up said  
 Branch of Hobbsy Creek and Over a divide  
 and down to the Lower End of Mud Prairie  
 a Distance of about Six (6) miles thence  
 to Red Firch Springs In a northeasterly  
 direction a Distance of about Eleven (11) m-  
 les and thence Following along as near as  
 Practible on the Keyspace trails In a  
 northerly direction to a Point where said  
 trails Crosses the line dividing Oregon  
 and Washington Territory a Distance of  
 About Twelve (12) miles the Territories  
 all of which are in said Union County  
 and State dated at Alder Springs

27<sup>th</sup> day of March A.D. 1884

Names	Names
C. D. Akin	J. H. Brycen
Chancy Akin	J. E. Lent
W. C. Akin	James K. Lawler
J. B. Swack	A. J. Curbey
J. J. Gregg	H. R. Curbey
W. J. Gregg	C. Akin
C. J. Sanders	W. H. Burnham
Geo. Jones	W. P. Samms
J. Jones	David Fulton
W. Jones	Abert Mailey
C. L. Green	M. Nevins
W. Green	
F. Laney	
J. C. Walton	
J. W. Barnhill	

David Booth  
J. W. Jones  
B. W. Davis  
Wm Wright  
A. H. Stein

~~W. H. Jones~~  
C. N. Sigerson

P. W. Hays

H. Hughes

H. C. V. M. B. W. T.

Porter a/c 4/84  
B

State of Oregon  
Union County J. O. P. Bell being first duly sworn  
dey that on the 4th day of April A.D. 1884 I posted  
the within notice on the door of the Court House  
in the City of Union Union County Oregon being  
the place where the County Court of said County  
holds its sessions

J. O. P. Bell

Subscribed & sworn to before me  
this 14th May 1884  
W. T. Wright  
Clerk

Proof of Posting on  
Court House

Filed May 14. 1884  
W. T. Wright Clerk  
J. O. P. Bell Deputy

County of Union State of Oregon  
March 27<sup>th</sup> 1884

To The Honorable County  
Court of the County and State aforesaid  
The undersigned resident ~~homeowner~~  
and legal voters living along the line  
and in the immediate vicinity of the  
hereinafter proposed County Road  
would most respectfully Petition  
your Honorable body to view locate  
layout and grant a County Road as  
near as practicable on the following  
described route To wit to Commence  
at ~~a point~~ near the mouth of Trout  
Creek where the County road leading from the  
Town of Alder to ~~the~~ Town of Lodi  
crosses said Trout Creek on the North  
bank of said Creek Thence following al-  
lowing the valley ~~and~~ said Creek  
in a northeasterly direction a distance  
of about one and a half miles to a point  
opposite Jesse Owenby's residence Thence  
up said Creek in a northerly direction  
a distance of about four miles to a ~~point~~  
point at the ~~southwest~~ <sup>South</sup> corner of the East  
quarter Section 35 Town 1 North Range  
44 E. 1/4 M. Thence in a northerly



direction up a gulch known by the name  
 of little Trout and over a summit and  
 down another gulch in nearly the same  
 direction to Rees and Showmaker's Shuck  
 Ranch on the East branch of Whiskey  
 Creek a distance of about three  
 miles and a half Thence in a northerly  
 direction up said branch of Whiskey creek  
 over a divide and down to the lower  
 end of Mud Prairie a distance of about  
 six miles Thence to the Red Fox Springs  
 in a North northeasterly direction a  
 distance of about 11 miles and thence  
 following following as nearly as pract-  
 icable along the Nezperce trails in a  
 northerly direction to a point where said  
 trails cross the line dividing Oregon  
 from Washington Territory a distance  
 of about 12 miles The terminus  
 all of which points and places are  
 situated in the aforesaid county and  
 State

Names	Names
C. D. Akin	W. F. Gregg
Chancy Akin	C. F. Sanders
W. C. Akin	Scott Jones
J. B. Foorch	J. J. Jones
J. J. Gregg	A. W. Jones
E. L. Green	E. Wattson
Wm. Green	J. Brown
J. L. Green	E. Lent

J. W. Barnhill  
James Bowler

David Kroch

W. J. Purley

W. R. Conley

J. W. Jones

B. W. Davis

Wm. Wright

A. H. Akin

F. H. Beasey

C. N. Gigneron

E. W. Hughes

H. Hughes

W. W. Wood

W. W. Wood

Wm. A. Barnack

W. P. Parsons

David Fulton

Abert Mailey

E. M. News

Peterson

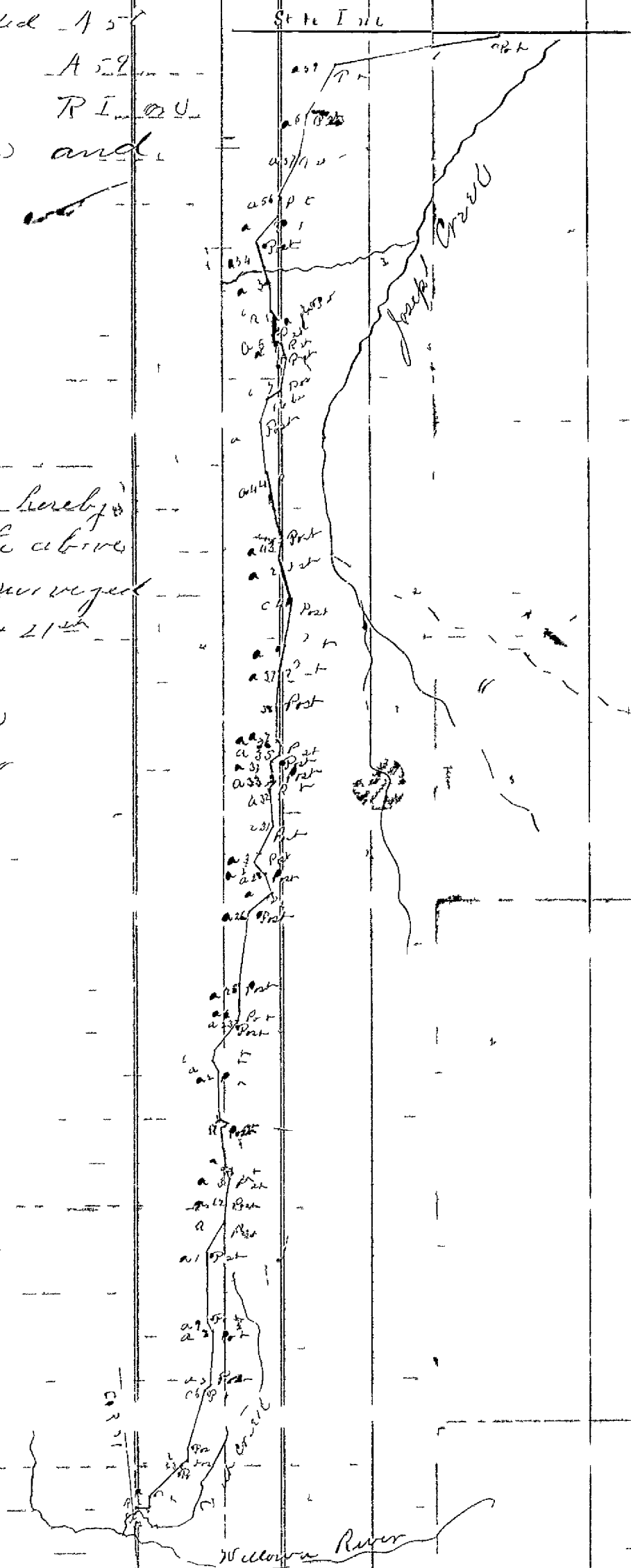
Paid May 14, 1884

W. J. Knapp Cash  
By J. M. Smith Deputy

North 10 E 310 rods ~~to post~~ ~~to~~ a Red A 57  
 Hence N 31 E 450 A 59  
 N 80 E 1242 R I. Q. U.  
 the State & between Oregon and  
 Washington Territory

State of Oregon  
 Union County

I Eugene Chase do hereby  
 certify that the field notes of the above  
 described road are correct and surveyed  
 by me on the 16<sup>th</sup> 17<sup>th</sup> 18<sup>th</sup> 19<sup>th</sup> 20<sup>th</sup> & 21<sup>st</sup>  
 days of June A.D. 1884  
 Eugene Chase  
 Co Surveyor

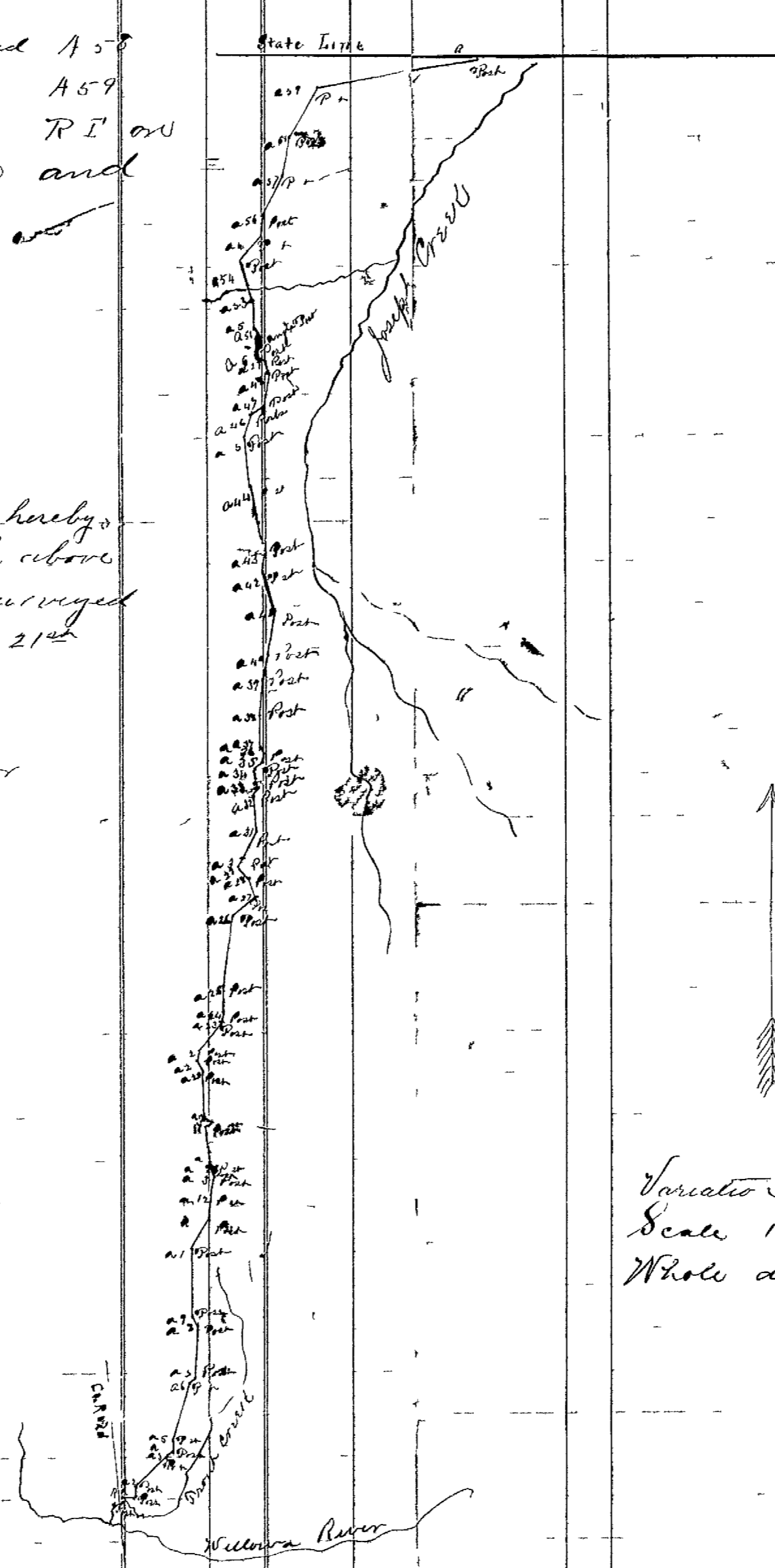


Variation 20 East  
 Scale 1000 rods to the inch  
 Whole distance 40 miles 168 rods

North 10 E 300 rods post marked A 58  
 Thence N 31 E 450 A 59  
 N 80 E 1242 R I on  
 the State Line between Oregon and  
 Washington Territory

State of Oregon }  
 Union County }

I Eugene Chase do hereby  
 certify that the field notes of the above  
 described road are correct as surveyed  
 by me on the 16<sup>th</sup> 17<sup>th</sup> 18<sup>th</sup> 19<sup>th</sup> 20<sup>th</sup> + 21<sup>st</sup>  
 days of June A.D. 1884  
 Eugene Chase  
 Co Surveyor



Variation 2° East  
 Scale 1000 rods to the inch  
 Whole distance 40 miles 168 rods

First Judicial Day

Wednesday May 14th 1884

In the matter of a proposed  
County Road petitioned for  
by G. D. Akin Perry Gregg  
and others.

Now at this time is presented to the Court the petition of G. D. Akin, Perry Gregg and thirty four other Citizens of Union County praying for the location of a County Road as follows, to-wit: As near as practicable on the following described route to-wit, to Commence at a point near the mouth of Trout Creek where the County road leading from the town of Alder to the town of Lostino crosses said Trout Creek on the north bank of said Creek thence following along the Valley and up said Creek in a Northwestly direction a distance of about one and a half miles to a point opposite Jess Owenby's residence, thence up said Creek in a Northly direction a distance of about four miles to a point at the South West corner of the South east quarter Section 35. Town 1 north Range 14 E. N. 16 thence in a Northly direction up a gulch known by the name of little Trout and over a summit and down another gulch in nearly the same direction to Reed and Shoemaker's Sheep Ranch and on the East branch of Whiskey Creek a distance of about three miles and a half thence in a Northly direction up said branch of Whiskey Creek over a divide and down to the lower end of Mled Prairie a distance of about six miles, thence to the Reed Fur Springs in a North Northeastly direction a distance of about 11 miles and thence following as nearly as practicable along the Dry Creeks trails in a Northly direction to a point where said trails cross the line dividing Oregon from Washington Territory a distance of about 12 miles the terminus, all of which points and places are situated in the aforesaid County and State. And it satisfactorily appearing to the Court from proof filed herein that due and legal notice of the pendency of this proceeding has been given as by law required, that more than twelve of said petitioners are legal householders living in the vicinity of the proposed County Road, and that a good and sufficient Bond has been filed herein It is therefore ordered by the Court that G. D. Akin Ben Brewell and C. H. Bloom be appointed Viewers and Agents whose Surveyor to view survey and report upon said proposed County Road and that they meet at the house of Perry Gregg on the 16th day of June 1884 at 10 o'clock A.M. and duly qualify before entering upon the discharge of their duties in this behalf.

Fourth Judicial Day

Thursday July 10-1884

In the Matter of a Proposal  
County Road petitioned for  
by Perry Gregg et al.

Now at this time is presented to the Court - the report - of the Viewers appointed by the Court - in 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 the Proposal  
County Road petitioned for  
by Joel Hewett et al.

Now at this time is presented to the Court - the report - of the Viewers heretofore appointed by the Court - in 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 a Road of Public  
Easement - petitioned for by J. F. Johnson  
June 7, 1884

Now at this time it appearing to the Court - that the proceedings of June 16<sup>th</sup> 1884 in relation to a road of Public Easement - petitioned for by J. F. Johnson on defectum it is therefore ordered that said proceedings and matters be and the same are hereby dismissed without prejudice.



Fifth Judicial Day.

Friday July 11-1884

In the matter of proposed  
County Road petitioned for  
by Perry Gregg et-al

Now at this time the viewers and Surveyors Reports on proposed County Road petitioned for by Perry Gregg et al come on for a second reading as provided by law and said reports being favorable and hearing them read on two different days of this term of the Court and it appearing to the satisfaction of the Court that the proceedings herein are regular and according to law, and there being no remonstrance or bills or Claims for damages filed herein, it is therefore ordered by the Court that said viewers and Surveyors Reports <sup>and bills of remonstrance</sup> be placed on Record and said Road be established <sup>as a County Road</sup> and opened according to law.

## Viewers Report.

To the Hon County Court of Union County, Oregon.

We the undersigned viewers appointed by your Hon body to view out a proposed County Road as follows to wit: To commence at a point near the mouth of Trout Creek where the County Road leading from Alder to Postum crosses said Trout Creek on the North bank of said Creek, thence following along the valley and up said Creek in a North westerly direction a distance of about one and one half miles to a point opposite Jesse Lambys residence thence up said Creek in a Northerly direction a distance of about 4 miles to a point at the South West corner of E. 1/4 Sec 35 T. 1 North Range 44 East, thence in a Northerly direction up a gulch known by the name of Little Trout and over a Summit and down another gulch in nearly the same direction, to Rees & Shoemakers sheep ranch and on the East branch of Whiskey Creek a distance of about 3 1/2 miles thence in a northerly direction up said branch of Whiskey Creek over a divide and down to the lower end of Mud Springs a distance of about six miles, thence to the Red Fir Springs in a North easterly direction a distance of about ~~four~~ miles and thence following as near as practicable along the No.



Fifth Judicial Day

Friday July 11-1884

Road trails in a northerly direction to a point where said trails cross the line dividing Oregon from Washington Territory a distance of about twelve miles; submit the following report in relation thereto  
 We met on the 16 days of June as mentioned in your order and after being first-sworn, in Company with the Surveyor proceeded to view survey and lay out said road as mentioned in your order and as shown by Surveyors plan and report submitted herewith. We found the road to lay on very good ground and taking into consideration the necessity that exists for said road we recommend that it be established as a County Road.

R. W. Bloom }  
 Benj. Boswell } Viewers of proposed  
 L. B. Davis } County Road

Report of Surveyor to Bureau of a County Road from the mouth of Trout Creek to the line between Oregon & Washington Territory. The following are the field notes.

Commencing at a post marked R. placed in the County Road leading from Alder to Postville where it crosses Trout Creek on the north bank. Thence

East 110 or so to post marked a. Thence		thence North <sup>297 feet</sup> 20 W to Post Marker A 17
North 42 "	" "	A 2 " " 58° E. 40 00 " " " A 18
N. 43° E. 310 "	" "	A 3 " " 30° W. 140 " " " A 19
N. 55° E. 47 "	" "	A 4 " " 8° W 380 " " " A 20
N. 5° E. 60 "	" "	A 5 " " 90° W 80 " " " A 21
" 16° E. 476 "	" "	A 6 " " 12° E. 60 " " " A 22
" 50° E. 50 "	" "	A 7 " " 40° E. 282 " " " A 23
" 3° E. 390 "	" "	A 8 " " 16° E. 48 " " " A 24
" 27° W. 74 "	" "	A 9 " North 200 " " " A 25
North 634 "	" "	A 10 " N. 7° E. 540 " " " A 26
N. 30° W. 260 "	" "	A 11 " N. 51° E. 220 " " " A 27
N. 3° E. 196 "	" "	A 12 " N. 20° W. 120 " " " A 28
" 10° E. 160 "	" "	A 13 " N. 43° W. 106 " " " A 29
" 20° W. 46 "	" "	A 14 " N. 36° E. 46 " " " A 30
East 30 "	" "	A 15 " N. 29° E. 240 " " " A 31
N. 60° W. 54 "	" "	A 16 " N. 3° W. 26 " " " A 32

Fifth Judicial Day

Friday July 11-1884

Thence North 45° E 10 rods to Post-Mountain A 33	Thence N. 57° E. 120 rods to a Post-Mountain A 44
" " 10° W 112 " " " " A 34	" " 10° E 242 " " " " A 45
" " 52° E. 80 " " " " A 35	" " 13° W 100 " " " " A 49
" " 11° E 40 " " " " A 36	" " 68° W 46 " " " " A 50
" " 20° W 40 " " " " A 37	" " 2° E 160 " " " " A 51
North 260 " " " " A 38	" " 21° W 300 " " " " A 52
" N. 6° E. 260 " " " " A 39	" North 150 " " " " A 53
" N. 13° E. 200 " " " " A 40	" N. 12° W 820 " " " " A 54
" N. 10° E 320 " " " " A 41	" N. 45° W 218 " " " " A 55
" N. 16° W 304 " " " " A 42	" N. 6° W 152 " " " " A 56
" N. 10° E. 150 " " " " A 43	" N. 10° E 324 " " " " A 57
" " 10° W 560 " " " " A 44	" N. 10° E 300 " " " " A 58
" " 5° W 380 " " " " A 45	" N. 31° E 450 " " " " A 59
" " 17° E. 168 " " " " A 46	" N. 80° E 1242 " " " " RT

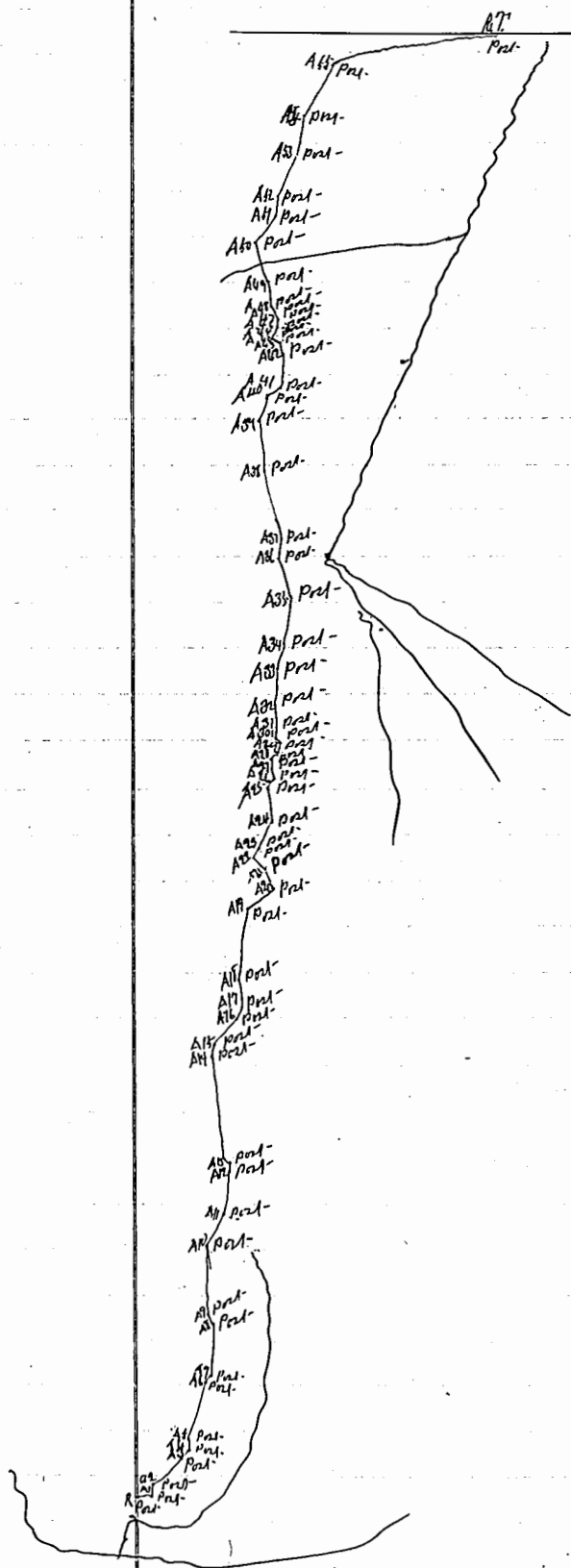
on the State line between Oregon and Washington Territory.

State of Oregon  
Union County

I, Eugene Chase do hereby certify that the field notes of the above described Road are correct as surveyed by me on the 16<sup>th</sup> 17<sup>th</sup> 18<sup>th</sup> 19<sup>th</sup> 20<sup>th</sup> 21<sup>st</sup> days of June A. D. 1884  
Eugene Chase  
Co. Surveyor

*Fifth Judicial Day*

*Friday July 11-1874*



*Variation 20° East  
 Scale 1000 Feet to the inch  
 Whole distance 48 miles 168 rods  
 Surveyed 16-17-18-19-20-21 days of June 10, 1874*