

No 500

ⁱⁿ
Circuit Court

J. W. Proebstel

Plaintiff

vs
B. J. Rogers and
S. B. Williamson

Defendant

Action for Money

Docket Page

Baker & Baker

Attorney for Plaintiff

Attorney for Defendant

RECEIVED
FEB 11 1900
U.S. DEPT. OF JUSTICE
WASHINGTON, D.C.

274

1887
 Mar 10 Petition per Viewers of the
 Journal D of 123
 Apr 6 1st reading report.
 Journal D of 134
 Apr 7 ordered opened
 Journal D of 136

Road

Beginning 2 miles S of W 3 Carrolls
 Blacksmiths shop in Union to Selocasset

274

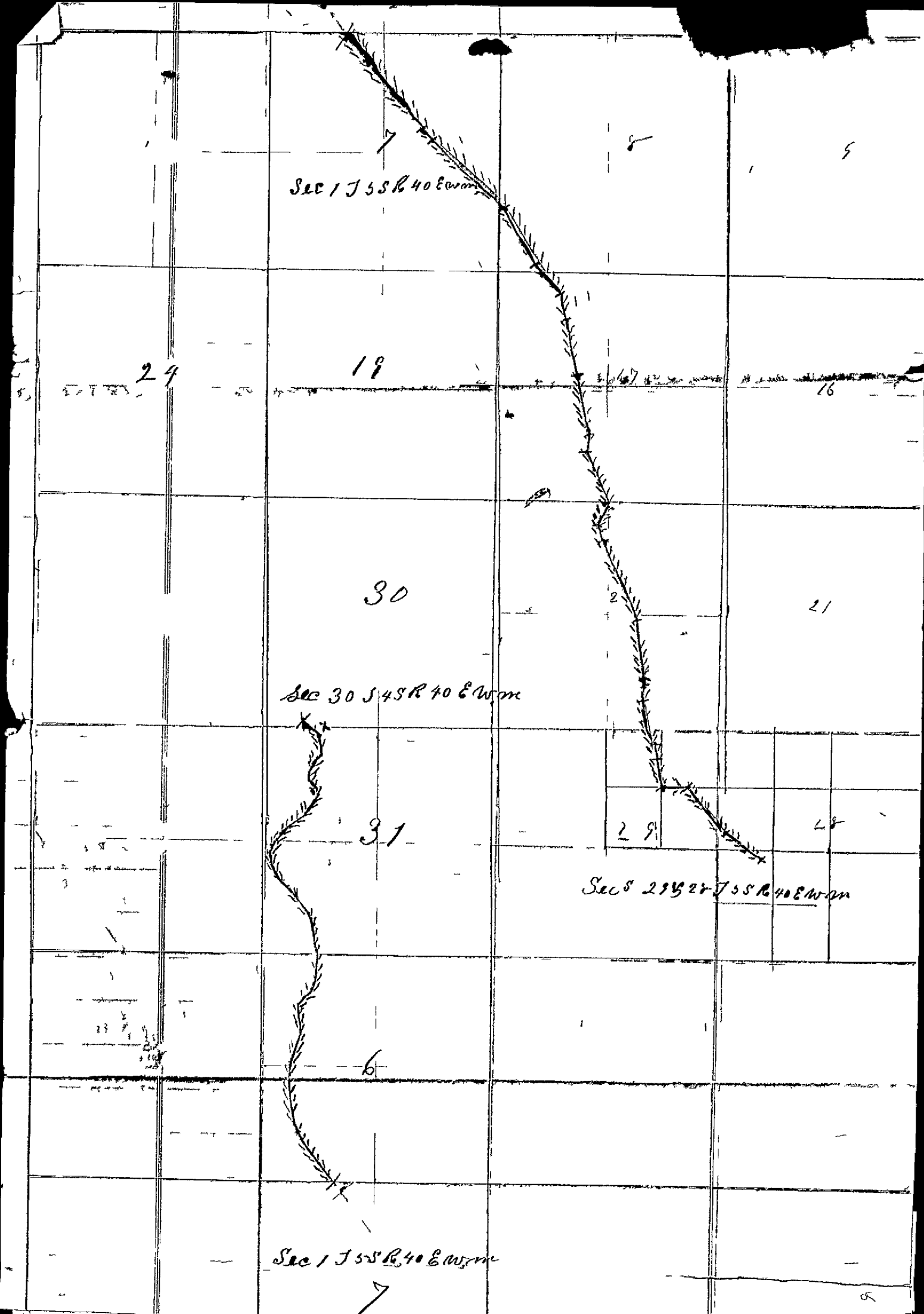
DIRECTIONS—Place papers on TOP OF RUBBER
 old ends first then sides Throw the rubber cords
 over the ends and package is complete.

Field Notes of the Survey of the County Road of C.A. Prescott and Others Starting at a Stone^{mark} in the County Road at the David Hills Ranch and Situated South $5^{\circ} 2'$ West 16 Rods from the S.E. Corner of S. 45. $\frac{1}{2}$ S. W. $\frac{1}{4}$ Sec. 30, T. 4. S. R. 40. East Willamette Meridian Thence $S 42^{\circ} 10'$ East 27 Rods to Post marked A 1

Thence $W 18^{\circ} 35'$ S 18 Rods to Post A 2	Thence $W 17^{\circ}$ S 15 Rods to A 19	Thence $W 2^{\circ}$ S 25 Rods to Post A 34
" $E 7^{\circ} 36'$ S 19 " " A 3	" $E 1^{\circ} 14'$ S 24 " " A 20	" $S 45^{\circ}$ E 80 " " A 35
" $S 37^{\circ} 15'$ E 36 " " A 4	" $E 26^{\circ} 15'$ S 34 " " A 21	" $W 23^{\circ}$ S 35 " " A 36
" $W 15^{\circ} 15'$ S 37 " " A 5	" $E 1^{\circ} 15'$ S 40 " " A 22	" $S 45^{\circ} 15'$ E 26.5 " " A 37 = 5 M.
" $E 5^{\circ}$ S 4 " " A 6	" $E 18^{\circ}$ S 25 " " A 23	" $S 45^{\circ}$ E 122 " " A 38
" $W 36^{\circ} 25'$ S 55 " " A 7	" $E 27^{\circ} 30'$ S 32 " " 2 M.	" $W 29^{\circ} 45'$ S 61 " " A 39
" $S 32^{\circ}$ W 15 " " A 8	" $E 27^{\circ} 30'$ S 28 " " A 24	" $W 9^{\circ} 15'$ S 17 " " A 40
" $W 35^{\circ}$ S 4 " " A 9	" $S 43^{\circ} 30'$ E 24 " " A 25	" $W 28^{\circ} 40'$ S 9 " " A 41
" $E 10^{\circ} 15'$ S 10 " " A 10	" $S 31^{\circ} 25'$ E 40 " " A 26	" $E 15^{\circ}$ S 25 " " A 42
" $E 24^{\circ} 15'$ S 16 " " A 11	" $S 33^{\circ} 37'$ E 152 " " A 27	" $E 31^{\circ}$ S 28 " " A 43
" $S 48^{\circ} 30'$ E 20 " " A 12	" $S 27^{\circ} 30'$ E 60 " " A 28	" $E 48^{\circ}$ S 38 " " A 44
" $S 22^{\circ}$ E 30 " " A 13	" $S 23^{\circ}$ E 20 " " 3 M.	" $E 30^{\circ} 45'$ S 20 " " 6 M
" $S 32^{\circ} 15'$ E 8 " " 1 M.	" $S 21^{\circ}$ E 144 " " A 29	" $E 30^{\circ}$ S 43 " " A 45
" $S 32^{\circ} 15'$ E 32 " " A 14	" $S 39^{\circ} 45'$ E 93 " " A 30	and Standing in Center of
" $E 33^{\circ} 36'$ S 60 " " A 15	" $S 25^{\circ} 45'$ E 46 " " A 31	N. $W. \frac{1}{4}$ Sec. 29, T. 5, S. R. 40, E. W. M.
" $E 15^{\circ}$ S 27 " " A 16	" $E 34^{\circ} 32'$ S 41 " " 4 M.	Thence $N 15^{\circ} 32'$ E 37 Rods to A 46
" $W 7^{\circ} 15'$ S 15 " " A 17	" $E 34^{\circ} 32'$ S 80 " " A 32	" $E 30^{\circ} 32'$ S 80 " " A 47
" $E 9^{\circ} 31'$ S 12 " " A 18	" $E 33^{\circ}$ S 88 " " A 33	" $S 78^{\circ}$ E 56 " " R.T.

and Situated $S 2^{\circ}$ East 54 Rods and 3 Links from The South West corner of $NW \frac{1}{4}$ Sec. 29, T. 5, S. R. 40 East of Willamette Meridian.

Attest this 23 day of March 1887 J. W. Kimbell Surveyor.



I hereby Certify that the above is a True and exact Stat-
of the survey of the Proposed County Road of C.H
Prescott and others ordered viewed and surveyed by
the County Court of Union County, State of Oregon
This March the 23 A D 1887 J.W. Humbell Surveyor,

We the undersigned Viewers of the above said
Proposed County Road have on the 22 and 23 Days
of March Carefully viewed the same and find it a
good Practicable Road and would most Respectfully
recomend its establishment as a Public Highway

C.H. Prescott
Gasper N. Mitchell Viewers
Warren (Franklin)

Read first three parts
part for second reading
on same other day of
this term of this Court
Read second time this 4th
day of April and the return
returned against the
same the road so
ordered opened

Benjamin D. Jones
Clerk

A. J. Will

7th April 1887

File Common
County Board of
A. H. Rescott and others

J. H. White JAG rington
A. L. Eaton William Dobb
R. R. Smith
Marion Davis
J. W. Wright
J. W. Wright
D. B. P. P.
C. E. Perkins
C. F. Fickel
M. M. Block
J. W. Baird
J. O. Franckman
John R. Lytle
Wilson Sherman
W. L. Camp
Geo. F. Hall
A. M. Mico
V. H. Bell
W. R. Alley
P. T. Young
J. M. Johnson
Thos. W. Baird
A. W. Young
J. S. Warner
W. D. Bullman
C. A. Thompson
A. Dickson
J. W. Correll
George Wright
John Baker
A. Levy
E. W. Davis
J. B. Eaton Jr
M. E. Walker

Ed Ely
W M Stefford

~~Wm Rotten~~
Pat Smith

J. G. Gephart
John Dehaas

A. J. Hancock
J. B. Green

J. P. Walker
Wm. R. Weaver

~~W. B. Blevin~~

C. Goodspeed

~~Ed. Davis~~
E. C. Brauner

George Heminger

A. F. Bury
N. Carter

J. E. Luce
A. S. Halbrook

John Doherty

~~W. J. ...~~
G. W. Benson

H. L. Lewis
P. Goodell

H. S. Drake

J. K. ...
Wm. Freeman

John S. Kellard
J. B. Thompson
E. G. Kellard
G. D. Sticklin

W. J. Smith

J. P. Williams
Joseph Fackler
Ed. Gannon
Gustaf Johnson
J. M. Sherman

J. W. Smith
J. W. Smith
S. A. P. P. P.

J. W. Bell

John W. Stevens
James Smith
J. W. Smith

Notices

Notice is hereby given that at the March term of this County Court of Union County State of Oregon a petition will be presented for the location of a county road beginning at a point on this county road two miles south of Mt Canons Blacksmith shop & Union in said County and running thence on the most practicable route from a westerly direction up what is known as Pyle Canyon following as near as practicable the county road as vacated to the head of said canyon to a point known as Pileasat all of which points and places are in Union County Oregon

- | | |
|--|---|
| <p> L A Pickett
 W. Wilson
 L A Pickett
 H S Chandler
 H G Summers
 J H Miller
 A S Eaton
 R R Smith
 Wm O Davis
 J O Wright
 A Levy
 J O Wright
 C G Peely
 C E Robins
 Wm Block
 J H Bond
 J O Snodgrass
 F Block
 C Goodspeed
 H L Cox
 Geo Huggins
 E C Brannan
 A H Brown
 A Punter
 J E Punter
 A S Holbrook
 John Dotter
 E H Lewis
 W D Buddeman
 H S Lewis
 G A Thompson
 A Drake
 J McLenore
 Geo Wright
 John Brooke
 H D Mearns
 John S Eason
 J B Chapman
 G D Pugh
 S W McTamm
 W D Lewis
 J S Williamson </p> | <p> E W Davis
 J B Eaton Jr
 M E Washburn
 R E Drake
 C E Carter
 Wm Seafford
 Attest
 Wm Post
 C A Smith
 W B Blakeley
 J Gephart
 J L D Chaas
 J W Vincent
 C S Blakeley
 G B Green
 Geo Blakeley
 John Rentes
 Nelson Schomover
 E W Davis
 Geo Hall
 A G Merrill
 O F Bell
 W Kaley
 J G Lewis
 J M Johnson
 Thomas Bond
 A W Johnson
 M S Warren
 L H Brown
 O F Goodall
 W B Drake
 J W Vincent
 B Chaney
 A G Mearns
 C H Kellogg
 J A Pennington
 Wm Snyder
 R W Haynes
 James Bonds
 Louis W Mough
 Wm Peaslee
 W Lynch </p> |
|--|---|

Edwards
Jas Fisher
Geo Huetten
J M Shuman
J H Adams
S A Russell
Jas A Bee
John St Lewis
James Ross
A E Eaton
A F Fisher
L J Broth
Geo Cowen
Jasper
W Hopp
Geo Bond
W T Fisher
J R Reeves
Oliver McKinn
J R Blyde
Dunham Thryght
Wm Wilson
B B Bosters
Maggie Cornwell
Wm Francis
Wm Dobbs

Wm Hanchley
O B Johnson
W O Lewis
O B Mache
J S Hanchley
W H Hutton
Alon Chase
J E Youell
A F Miller
R G Youell
G W Johnson
W T Johnson
J J Hart
of Woodford
J W Lewis
Ed Remond
Geo D Johnson
Wm H Johnson
J A Greenway
S L Hunter
G L Grouse
V. R. Reeves
B F Wilson
P H Crawford
Thos Bond

STATE OF OREGON

CLATSOP COUNTY

C. H. Prescott, being

duly sworn say That I posted three copies of the annexed notice in three public places in the vicinity of the within proposed county road, and one on the Court House door in Union County Oregon on the 27 day of January 1887 and more than thirty days prior to the presentation of the petition herein

C. H. Prescott

Subscribed and sworn to before me this 11th day of March 1887

A. J. Neill Clerk
By: O. How, Deputy

Know all Men by these Presents:

THAT WE, C. H. Prescott and
..... of the County of Union

and State of Oregon, are held and firmly bound unto the said County of Union 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 7 day of March 1887

Now the condition of the above obligation is such, that whereas, if the County Road petitioned
for by C. H. Prescott and others, and presented
at the March Term, 1887 of the County Court of said Union

county, commencing at a point on the County road two miles south of
W. D. Carroll's Blacksmith shop in Union, in said County
and running thence on the most practicable route in
a southerly direction up what is known as
Pyle Canyon, following as near as practicable the
old County road, as situated, to the head of said
Canyon at a point known as Delcasseth, all of
which points and places are in Union County Oregon,
be located and established, then this obligation to be void, otherwise to remain in full force and
virtue in law.

C. H. Prescott

STATE OF OREGON,

County of Union } ss.

I, C. H. Prescott and

..... 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.

C. H. Prescott

Subscribed and sworn to before me, this 7 day
of March A. D. 1887

A. J. Neill Clerk,

By James Oliver Deputy.

Bond of Road Petitioners.

C. H. Prescott
and others

Petitioners.

Filed March 7th 1887

A. G. Neill

County Clerk.

By *James Oliver*
Deputy.

Second Judicial Day

Thursday March 10th 1887

ordered that a license issue to the said J. H. Hooker authorizing and empowering him to sell Winous and spirituous liquors at said town of Allen in Cornucopia Precinct in less quantities than one quart for a period of one year from this date.

Thereupon Court adjourned till tomorrow-morning at 9 o'clock.

Third Judicial Day

Friday March 11th 1887

Court met pursuant to adjournment, the same officers being present as on yesterday.

Due proclamation of the opening of Court having been made the Minutes of yesterdays proceedings were read approved and are here now signed

J. P. Goodhall
County Judge

Thereupon the following proceedings were had, to-wit:-

In the matter of the Road }
Petitioned for by }
C. H. Prescott & others }

Now at this time is presented to the Court the petition of C. H. Prescott and 134 others asking that a County road be surveyed laid out and established as follows to-wit:- Beginning at a point on the County Road two miles South of W. D. Carrolls Blacksmith shop in Union in said County, and running thence on the most practicable route in a southerly direction up what is known as Pyle Canyon, following as near as practicable the County road as vacated to the head of said canyon to a point known as Delocasset, all of which points & places are in Union County Oregon. And it satisfactorily appearing to the Court from the proof filed herein that due notice has been given of the pendency of this proceeding as required by law, that more than twelve of said petitioners are householders living in the vicinity of the proposed road, and that a good and sufficient Bond has been filed herein, It is therefore ordered

Third Judicial Day

Friday March 11th 1887

That Warren Frazer, Jasper Mitchell, and C. H. Prescott be appointed Viewers and J. W. Kimbrell Surveyor to view and survey and report on said proposed road, and that they meet at the Farm of David Bilty at the mouth of Pyle Canyon on Tuesday, the 22nd day of March 1887 at 10 o'clock A.M. and duly qualify before they enter on the discharge of their duty in this behalf.

In the Matter of the
Purchase of the
Meacham Toll Road

Now at this time is presented to the Court the petition of P. A. Mahaffey and 45 others asking and praying that the County Court appropriate the sum of Four Hundred Dollars toward purchasing what is known as the Old Meacham Toll Road for the purpose of making the same a County Road. And it appearing to the Court that it would be greatly to the advantage of a large number of citizens and taxpayers of the County to have the same made a County road and the Court being fully advised in the premises, It is therefore considered, ordered and adjudged that the petition be allowed and that \$400⁰⁰ be appropriated from the County funds in the hands of the treasurer, not otherwise appropriated, for this purpose, and that whenever said citizens have made up sufficient ^{and additional} means to pay for the same and to make it a free road, that the Clerk of this Court draw a warrant on the County Treasurer for the said amount, to wit \$400⁰⁰.

Whereupon Court adjourned till tomorrow morning at 9 o'clock.

First Judicial Day

Wednesday April 6th 1887

In the Matter of the Proposed
County Road petitioned for
by E. H. Prescott et al

At this time is presented to the Court the Reports of the Viewers and surveyor heretofore appointed in the above entitled matter, and the said reports having been read in open Court for the first time they are laid over for a second reading on another day of this term

In the Matter of the Proposed
County Road petitioned for
by J. W. Parker et al

At this time is presented to the Court the Reports of the Viewers and Surveyor heretofore appointed in the above entitled matter, and the said reports having been read in open Court for the first time as required by law, they are laid over for a second reading on another day of this term

In the Matter of the Proposed
County Road petitioned for by
E. Hager and others

At this time is presented to the Court the petition of E. Hager and 45 others praying that a County road be laid out and established as follows to-wit:- Commencing at a finger board or post standing in the Public Road as now traveled from the town of Union to the town of North Powder, said finger board stands near the south West corner of Joseph Bassett's field and on the North East quarter of Section 29 T. 5 S. in R. 40 E. N. M. and about $\frac{1}{2}$ mile N.W. of Delocasset Station on the O.R. & N. Co's Rail Road, thence running in a South Westwardly direction on the most practicable route on or near the road as now traveled from the town of Union to the town of North Powder to a point near the S.E. corner of N.E. $\frac{1}{4}$ of Sec 1, T. 6 S. R. 39 E. N. M. thence West to bluff thence South West to a point south West of R.R. and South of N.W. corner of Sec 12 T. 6 S. R. 39 E. N. M. thence in a South Westwardly direction on the West side of, and parallel with and about 50 feet from the O.R. & N. Co's Rail Road about one mile to a point about 176 paces East of S.E. corner of N.E. $\frac{1}{4}$ of N.W. $\frac{1}{4}$ Sec 14 T. 6 S. R. 39 E. N. M. thence West to the S.W. corner of N.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ Sec 15 T. 6 S. R. 39 E. N. M. thence South to the town of North Powder, at a point 30

Second Judicial Day

Thursday April 7th 1887

Court met pursuant to adjournment, the same officers being present as on yesterday.

Due proclamation of the opening of Court having been made the Journal of yesterdays proceedings was read, approved and is here now signed

County Judge

Thereupon the following proceedings were had to-wit:

In the matter of the Proposed
County road petitioned for
by C. H. Prescott et al

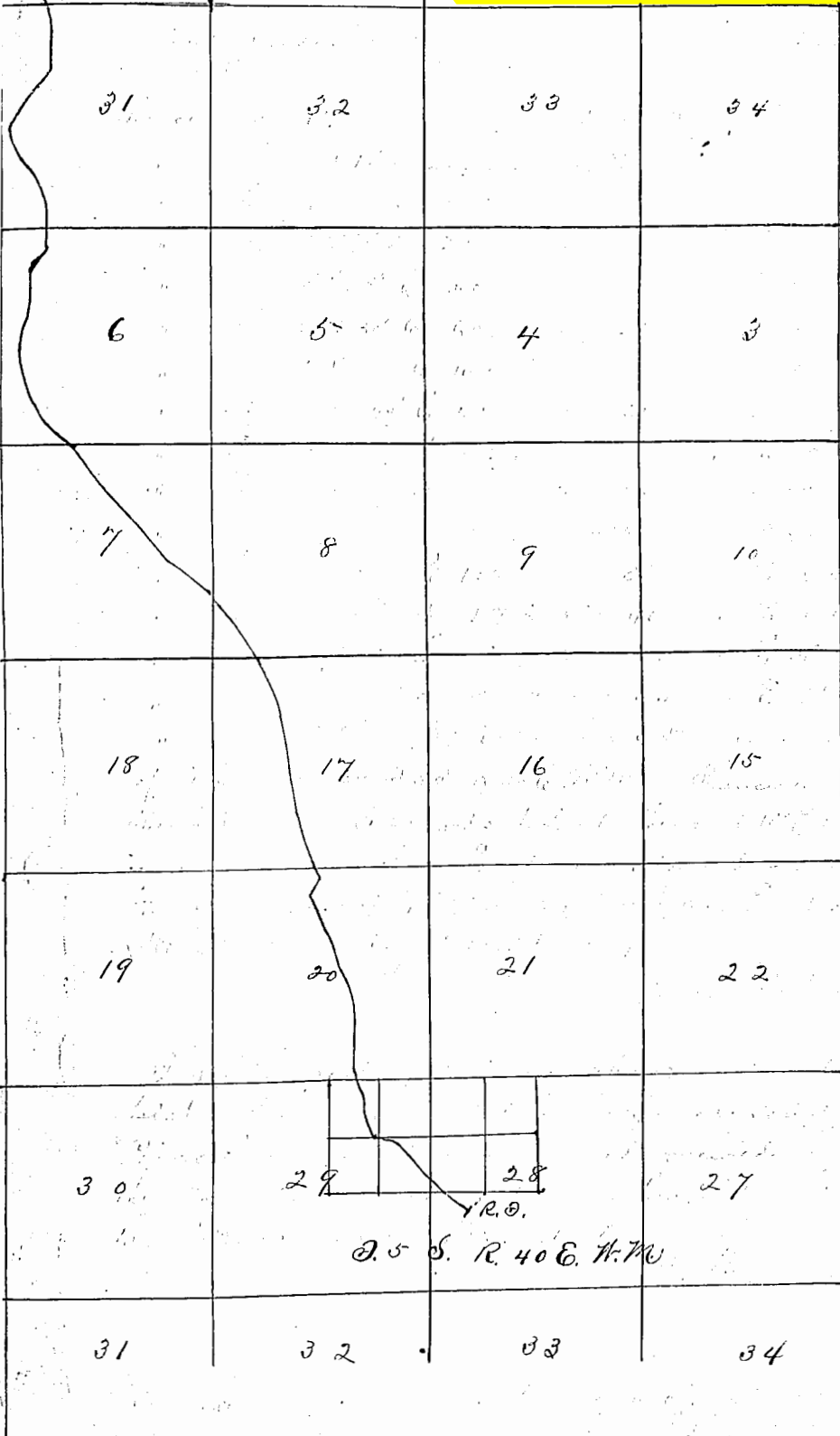
Now at this time this matter came on to be heard upon the reports of the viewers and surveyor heretofore appointed herein and it appearing to the Court that said reports are favorable and having been read in open Court on two different days of this term of the Court and it satisfactorily appearing that the proceedings herein have been in all things regular and according to law and no remonstrance, bill, or claim having been filed herein It is therefore ordered and adjudged by the Court that the reports of Viewers and surveyor herein be placed on record and the proposed road be declared a public highway and opened according to law

Field Notes

of the survey of the County Road petitioned for by C. H. Prescott and others.

Starting at a stone marked "R" in the County Road at the David Hiltz Ranch and situated South 5° 8' West 16 Rods from the S.E. Corner of S.W. 4 of Sec 30 Q. 4 S. R 40 E. T. M. thence S 42° 10' East 27 rods to post marked A 1

Thence N 18° 35' S	18 rods	to post A 2 -	Thence E 7° 36' S	19 rods	to A 3
" S 37° 15' E	36 "	" " A 4 -	Thence N 15° 15' S	37 rods	to A 5
" E 5° S	4 "	" " A 6 -	Thence N 36° 25' S	35 rods	to A 7
" S 32° W	15 "	" " A 8 -	Thence N 35° S	4 "	" A 9
" E 10° 15' S	10 "	" " A 10	Thence E 24° 15' S	16 "	" A 11
" S 48° 36' E	20 "	" " A 12	Thence S 22° E	30 "	" A 13
" S 32° 15' E	8 "	" " 1 M	" S 32° 15' E	32 "	" A 14
" E 33° 36' S	60 "	" " A 15	" E 15° S	27 "	" 16
" W 7° 15' S	15 "	" " 17	" E 9° 31' S	12 "	" 18



April 7th 1887
 4 rods to A 20
 0 " " " 22
 32 " " 2 M
 24 " " A 15
 152 " " A 27
 20 " " 3 M
 93 " " A 30
 41 " " 4 M
 88 " " A 33
 80 " " A 35
 26 " " A 37-5 M
 61 " " A 39
 9 " " " 41
 28 " " " 42
 20 " " 6 M
 ng in center
 E 37 rods to A 46
 to R.O.
 on the South
 Yamette Meridian
 Surveyor
 and correct
 l of C.H.
 surveyed by
 Oregon
 Surveyor

carefully viewed the same and find it a good
 practicable route and would most respectfully
 recommend its establishment as a public highway.
 C.H. Prescott
 Jasper N. Mitchell
 Warren Izquier } Unvers

Second Judicial Day

Thursday April 7th 1887

Thence N	17°	S	15 rods to A 19 -	Thence E	1° 14'	S	24 rods to A 20
"	E	26° 15'	S 24 " " 21	"	E	1° 15'	S 40 " " 22
"	E	18°	S 25 " " 23	"	E	27° 30'	S 32 " " 2 M
"	E	27° 30'	S 28 " " 24	"	S	43° 30'	E 24 " " A 15
"	S	31° 25'	E 40 " " 26	"	S	33° 37'	E 152 " " A 27
"	S	27° 30'	E 60 " " 28	"	S	23°	E 20 " " 3 M
"	S	21°	E 144 " " 29	"	S	39° 45'	E 93 " " A 30
"	S	25° 45'	E 46 " " 31	"	E	34° 32'	S 41 " " 4 M
"	E	34° 32'	S 80 " " 32	"	E	33°	S 88 " " A 33
"	N	2°	S 25 " " 34	"	S	45°	E 80 " " A 35
"	N	23°	S 35 " " 36	"	S	45° 15'	E 26 " " A 37-5 M
"	S	45°	E 122 " " 38	"	N	29° 45'	S 61 " " A 39
"	N	9° 15'	S 17 " " 40	"	N	28° 40'	S 9 " " 41
"	E	15°	S 25 " " 42	"	E	31°	S 28 " " 43
"	E	48°	S 38 " " 44	"	E	30° 45'	S 20 " " 6 M
"	E	30°	S 43 " " 45	and standing in center			

of NE⁴ Sec 29 T 5 S R 40 E N. M. Thence N 19° 32' E 37 rods to A 46
 Thence E 30° 32' S 80 rods to A 47 Thence S 18° E 56 rods to R. D.
 and situated S 2° East 54 rods and 3 links from the South
 West corner of NW⁴ Sec 29 T 5 S R 40 East of Willamette Meridian
 Attest this 23 day of March 1887

J. W. Kimbrell, Surveyor

I hereby certify that the above is a true and correct
 plat of the survey of the proposed county road of C. H.
 Prescott and other ordered viewed and surveyed by
 the County Court of Union County, State of Oregon
 this March the 23 - A. D. 1887

J. W. Kimbrell
 Surveyor

We the undersigned Viewers of the above said proposed
 county road, have on the 22nd and 23rd days of March
 carefully viewed the same and find it a good
 practicable route and would most respectfully
 recommend its establishment as a public highway.

C. H. Prescott }
 Joseph N. Mitchell } Viewers
 Warren Frazer }