

Law

No 52

Circuit

Court

H. Osborn

Plaintiff

vs

Wm B Esray
Martha E. Gray

Defendant

Action for Money

Docket

Page

L B Esray

Attorney for Plaintiff

Attorney for Defendant

RECEIVED BY THE CLERK OF THE COURT
IN THE DISTRICT OF COLUMBIA
JAN 1 1888

331

Road
petitioned for by S. L. McKingreth

Beginning at a point 2nd chanc. N of
NE Cor. of 18th Dec 171 S R 38 E N M
Thence N 8th Intersect High road

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

1889
Judge Oct 10th Review
1st Reading N. P. 1889
Apr 2nd 1889
Apr 5th 1889
Apr 15th 1889

Record of the Case

331

WITNESSES.

REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the ^{3rd} day of *July*, 1889, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by *S. L. Mc Kingie*, et al, beg leave to report that on the *19* day of *July*, 1889, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should _____ be laid out *and* established as a public highway of UNION COUNTY, OREGON. That the same *is* _____ practicable and would add *Much* to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be _____ laid out *and* declared a public highway of said county.

J. W. Childers
E. Fisher
et Shae

Filed, Aug 27, 1889
A. H. Neill Clerk
By James Oliver DePy



—OFFICE OF—
J. W. KIMBRELL,
COUNTY SURVEYOR
 AND U. S. MINERAL SURVEYOR.

Field Notes of The Proposed
 County Road of S. L. McIntzic and others
 Or., 188.....

I commenced 10 Rods North of the N.E. corner of the
 S. E. 1/4 Sec 1 in T. 1 S. R. 38, E. W. M. by Planting a Stone
 8 x 12 x 30 inches Marked R

Thence N 27° E 16 Rods A 1

" N 81° E 44 " and Planted a Stone 8 x 12 x 23
 inches Marked R. T.

J. W. Kimbrell County Surveyor

351

Filed Aug 26th 1884
W. W. Clerk
Postmaster Denver Dept.

T15 R 32 E W 3 M

T15 R 39 E W 3 M

Sec

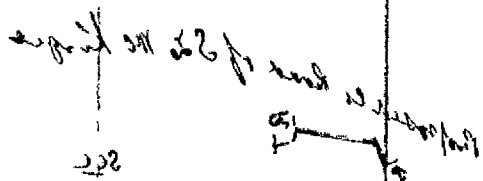
Proposed to Road of S. L. Mc King

Sec

1

6

Chas. W. King
1887
S. L. Mc King
Proposed to Road of S. L. Mc King



Filed Aug 27th 1889

W. L. Clark

By James O. [unclear]

Petition for Change of County Road
 To the Hon County Court for Union County Oregon
 The undersigned, householders of Union County Oregon
 residing in the vicinity where the hereinafter des-
 cribed Change of Road is proposed do hereby
 respectfully petition your Honorable body
 to change alter and ~~re-~~ or -establish
 the present County Road and lay it out
 according to line between the following
 points Beginning at a point $2 \frac{30}{100}$ Chans
 N of the N E. Cor of the S E. $\frac{1}{4}$ of S 1, T. 18
 of Range 38 E W M. running thence ^{about} 20°
 East of North a distance of about four
 Chains, thence E a distance of about
 One eighth of a mile to intersect the public
 highway running from the roadward, Western
 and Walla Walla Wagon Road through the
 Hay settlement all of which points are
 places are in Union County Oregon
 dated May 31. 1889

Names of Householdors and Residents

✓ A. M. Huggins
 Amcection
 B. D. Hubers
 A. Shaw
 H. A. Myers
 Guston Wade
 John Marchant

B. T. Myers
 Jacob Collins
 Rudolf Hong
 Jacob Hong
 David Henry
 Wm Leubank
 John D. Lovd

Petition for change
of
County Road

J. P. McKim
~~John H. Hays~~

Filed June 3rd 1889
at Mill Creek
By James Oliver
atty

State of Oregon

County of Union St

I, C. A. Myers being first duly
sworn say that I posted ^{of the} three ^{within}
notices ^{replied the notice hereto attached} on the line of the proposed change
of road as follows one near each terminus
of said road to be changed and one
near the middle of said change of
road on 31st day of May AD 1889 -
and that said notices have so remained
posted until this day and for 30 -
days last past

Subscribed and sworn to } S. A. Myers

before me this July 1st

AD. 1889

A. Treacher

Notary Public

for Oregon

Road Notice

Solution may Concern You will take notice that the undersigned householders in the County of Union and State of Oregon and residents in the vicinity of the proposed change in the County Road hereinafter described will present to the Hon County Court of the State of Oregon for the County of Union ~~and State of Oregon~~ at the next regular session of said Court to wit the July Term 1889 and on the 3rd day of said July Term at the Court House in the City of Union in said County and State a petition praying said County Court to cause to be changed, re surveyed and re established the following described portion of the former County Road in said County and State Beginning at a point 3 ⁵⁰/₁₀₀ Chans N of the N E Cor of the S E ¹/₄ of S 1 T. 1 S of R. 38 E W M running thence ^{about} 20° E of N a distance of a boat four Chans, thence East a distance of about one eighth of a mile to intersect the public highway running from the Woodward Weston and Walla Walla Highway Road through the Hug Settlement all of which points and places are in Union County Oregon dated May 31 1888

Names of House Holders and Residents

A. M. Henry
a member

George Long
D. D. L. Hill

~~Wm. G. L. Hill~~

A. Shaw
John McLeod

W. A. Myers
J. W. W. Wade

John W. Johnson
B. F. Myers

Jacob Collins
Rudolf Hill

Notice of Grace Change
and posting thereof
appearance of
P. A. Meyers -
summarize with Dr.

Filed July 1st 1889
By J. M. Clark
Clerk
By James Oliver
Notary

J
P
P

STATE OF OREGON,
County of Union. } EP.

I, Juner Oliver

~~being first duly sworn, say that I posted three several notices, of which the notice hereunto attached is a true and correct copy, in three public places in said County in the vicinity of the proposed road therein described, to-wit: One~~

~~thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the _____ day of _____ 18____, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the _____ day of _____ 1889, I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of the Court House door, in the City of Union, in said County and State, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.~~

Subscribed and sworn to before me this 3rd day of July 1889.

Juner Oliver
A. S. Heilo Clerk
By A. S. Heilo Deputy

Friday 3rd 1889
By Special Clerk
By James Owen & Co

Road Notice

I, John May, Clerk, do hereby take notice
 that the undersigned Householders in the County of Wagon
 and State of Oregon and residents in the vicinity of the pro-
 posed change in the County Road herein after des-
 cribed, will present to the Wagon County Court of the State of Oregon
 for the County of Wagon at the next regular session of said
 Court to wit the July Term 1889 and on the 3rd day
 of said July Term at the Court house in the City of
 Wagon in said County and State a petition praying
 said County Court to cause to be changed, re-routed
 and re-established the following described portion
 of the present County Road in said County and
 State beginning at a point 2, $\frac{50}{100}$ Chems N of
 the N E Cor. of the S E $\frac{1}{4}$ of S 1 T 1 S of Range
 38 E. W. M. running thence about 20° E of N
 a distance of about four Chems, thence E, a
 distance of about one eighth of a mile to
 intersect the public highway running from the Wood
 land Water and Walla Walla ways Road
 through the Wagon Settlement, all of which points
 and places are within County Oregon May 31, 1889

Witness my Hand and Seal this 31st day of May 1889

John May

a member

R. D. Hubbs

H. A. Myers

Justin Wade

John W. Wagon

B. J. Boyer

Jacob Collins

Rudolph Hays

Jacob Hays

D. W. Hays

Wm. Lusk

A. Hays

John M. Lead

Passed June 1/89
 70

Board notices of
Class Progress & other

Peace heart

July 2nd July 3rd 1889
Atty. Gen. Will Clark
By James Oliver
Ricky

Know all men by these presents that I
Chas. Myers of the County of Union and
State of Oregon am held and finally
bound unto the County of Union
in the sum of fifty Dollars
to be paid to the County of Union
and of the State of Oregon for
the payment of which I ~~formly~~
will and truly to be made I bind
my self, my heirs executors
and administrators finally
by these presents

Sealed with my seal and
dated this 1st day of June
A.D. 1889

The extent of the above obligation
is such that if the change
in the ~~same~~ County Road asked
for by the said Chas. Myers and
others and described as follows
Commencing at a point 2 ⁵²/₁₀₀ Chain
N. of the N. E. cor of the S. E. 1/4 of sec
1 T. 1. S. of Range 8 & E. W. 2m
running thence about 20° E of N
a distance of about 4 Chain
thence east to the public
Highway about 1/8 of a mile
is granted reserved and retained

then this obligation shall be
void other wise to remain
in full force and effect
C. A. Myers

State of Oregon
County of Union St.

I Chas Myers being duly sworn
say I am a homelender in Union
County, Oregon, and neither an attorney
nor Sheriff nor any Court Officer
that I am worth \$1000 and all
my debts and liabilities have
been reported and exempt from execution

Subscribed and sworn to before me
this June 1st 1889 } C. A. Myers
A. Mearns
Notary Public for Or.

Road
Bond of Chas
Myers
J. M. McKenzie, Notary

Filed June 8th 1889
A. Mearns Clerk
By J. Mearns
Deputy

First Judicial Day

Wednesday July 3rd 1889

1889, at the hour of 10 o'clock A.M. and after qualifying to view, survey and lay out said road according to law.

In the Matter of the proposed
County Road petitioned for
by S. McKenzie and others

Comes now S. L. McKenzie, one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit:— Beginning at a point $2\frac{53}{100}$ chains N. of the N.E. corner of the S.E. $\frac{1}{4}$ of Sec 17 T. 16 R. 35 E. N. M. running thence about 20° East of North a distance of about four chains, thence East a distance of about one eighth of a mile to intersect the public highway running from the Woodward, Weston and Walla Walla road through the Hoy Settlement. And it appearing to the Court that said petition is signed by more than twelve householders of this County residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to-wit: at Union, County of Union, State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit:— One near each terminus of the proposed road and one near the middle of said road, for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned that application would be made to this Court at the present session of this Court; and that the notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding has been duly given. It is therefore ordered that Erno Fisher, J. M. Childers and R. Shaw be appointed Viewers of said road, and that J. M. Kimbrell be appointed Surveyor of said road, and that they meet at the beginning of said proposed road on the 19th day of July 1889 at the hour of 10 o'clock A.M. and after qualifying to view, survey and lay out said road according to law.

In the Matter of }
Wood for the County }

At this time it is ordered by the Court that the County Judge advertise for sealed bids for furnishing the County with thirty cords of good four foot wood delivered at the Court House

First Judicial Day

Wednesday Sept. 4th 1889

In the Matter of the
Road petitioned for by
J. L. McKenzie et al.

This matter came on to be heard at this time on the Reports of the Viewers and Surveyors heretofore appointed herein and said Reports having been read in open Court for the first time are laid over for a second reading on some other day of this term.

In the Matter of the
Roads petitioned for by
John Stoddard et al.

This matter comes on at this time to be heard upon the petition of citizens and taxpayers of Road Dist. No. 25 asking that a special order issue to F. F. Gorck ordering and requiring him to proceed at once and open up the Road heretofore surveyed and ordered opened and declared a public highway of Williamson County Oregon and known as the Road petitioned for by John Stoddard et al. And it appearing to the Court that said road is not in a good practicable condition, that a part of the said road has not been worked at all, and that said road is one of great public utility and importance to the householders living in the vicinity thereof. It is therefore considered and ordered that the Supervisor of the Road Dist. in which said road is located, to-wit: F. F. Gorck Supervisor of Road Dist. No. 25, be and he is hereby commanded, ordered and required to proceed forthwith and place said road in good condition for travel; and if the Road works due in his district is not sufficient for such purpose, that then, and in that case, he is ordered, and required to assess and call out such an amount of work as is necessary to place the Roads in his district in good repair, as provided in Sec 28 of the Road ^{of the State of Oregon, a copy of which is} Laws, in the possession of such Supervisor.

In the Matter of the
Appointment of a
Road Supervisor

At this time it appearing to the Court that Robert Young Road Supervisor of Road Dist No 32 has moved out of the said Road district, and does not perform the duties of his said office. It is therefore ordered that he be removed from his said office and Wm Arnold is hereby appointed Supervisor of said Road Dist No 32 to fill the vacancy caused by such removal, and that said Robt Young be ordered to turn over to his said successor all books and papers belonging to his said office together with a complete account of all Road taxes collected and uncollected. Therefore it was ordered that Court be now adjourned till tomorrow at 9 o'clock A.M.

Second Judicial Day

Thursday Sept 5th 1889

Oregon, And all the proceedings herein having been regular and according to law, and no remonstrance or claim for damages having been filed herein. And there having been no cause shown why this proposed road should not be declared a public highway and ordered opened according to law and the Court being satisfied from the report of the Viewers that such road will be of public utility. It is therefore considered and ordered by the Court that said reports of the Viewers and Surveyor be approved and adopted by the Court and that said proposed road be declared a public highway of Union County Oregon and ordered opened up and placed in repair for travel according to law. It is further ordered that the report of the Viewers be placed on record in this Journal and that the Surveyor's Plat of the proposed road, and his Field Notes of the Survey thereof, be placed on record in the Book of Plats of County Roads of Union County Oregon and that David King, Road Supervisor of Road District No. 36, the same being the road district in which said road is located, be furnished with a copy of the petition herein, and a copy of this decree and ordered to open up said road and place the same in repair for travel.

In the Matter of the Proposed
County Road petitioned for
by J. L. McKenzie et al. } This matter came on to be heard at this
time on the Reports of the Viewers and Surveyors heretofore appointed herein
for a second reading as provided by law. And the Report of Viewers
being in words following, to-wit:-

Report of Viewers.

To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 3rd day of July 1889 appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by J. L. McKenzie et al., beg leave to report that on the 19 day of July 1889, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof and that in our opinion said proposed road should be laid out and established as a public highway of Union County, Oregon. That the same is practicable and would add much to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be laid out and declared a public highway of said County.

J. M. Childers, E. Fisher, A. Shaw.

Second Judicial Day

Thursday Sept 5th 1889

And said report of the Viewers and the Report of the Surveyor having been now publicly read in open Court on two several days of the present Term of the Court, and it appearing to the Court that said Viewers report favorably thereon and recommend that said proposed road be established as a County road and declared a public highway of Union County Oregon, And all the proceedings herein having been regular and according to law, And no remonstrance or Claim for damages having been filed herein, and there having been no cause shown why this proposed road should not be declared a public highway and ordered opened according to law, and the Court being satisfied from the Report of the Viewers that such road will be of public utility. It is therefore considered and ordered by the Court that said reports of the Viewers and Surveyor be approved and adopted by the Court and that said proposed road be declared a public highway of Union County Oregon, and ordered opened up and placed in repair for travel according to law. It is further ordered that the report of the Viewers be placed on record in this Journal and that the Surveyor's Plat of the proposed road and his Field Notes of the Survey thereof be placed on record in the Book of Plats of County Roads of Union County Oregon, and that S. L. McKenzie, Road Supervisor of Road District No 12, the same being the road district in which said road is located, be furnished with a copy of the Petition herein, and a copy of this decree and ordered to open up said road and place the same in repair for travel.

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

This matter came on to be heard at this time on the Reports of the Viewers and Surveyor heretofore appointed herein for a second reading as provided by law. And the Report of Viewers being in words following, to wit:-

Report of Viewers

To the Honorable County Court for Union County, Oregon:-

The undersigned viewers heretofore on the 3rd day of July 1889, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description as petitioned for by J. W. Erwin, et al. beg leave to report that on the 31st day of July 1889, in pursuance with said appointment and order, after being duly