

Law #33

Current Court

J K Laughlin

vs

M Simonis

FILED IN 100
U.S. DISTRICT COURT
WEST VIRGINIA
MAY 1 1970

No 341-

Road

○ Proposed for by ○
B F Jewell et al

Com at Summit Creek where
Olladay road leaves to go to
Eagle Valley thence on most
practicable route to Union
Comstock road near B F
Jewell's house thence to Co-
mstock

Oct 15/89 Views app'd

Jul D p 676

Nov 8/89 Bills paid

Jul D p 718

Dec 8/89 Ord Repts 1st Rd

Jul D p 727

Dec 4/89 Ordered opened

Jul D p 736

PETITION FOR COUNTY ROAD.

To the Honorable County Court for Union County, Oregon:

The undersigned, householders of Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, respectfully petition your honorable body to lay out, alter and establish a county road within said County on the following line or route, to-wit:

To commence at Summit Creek where the new road known as the T. H. Palladay, ^{road} No. 2- leading from Eagle Valley to upper end of Pine Valley leaves the creek thence running in a northerly direction and connect with the union and Cornucopia Road at B. F. Fewell's ranch on the above said creek, thence on the nearest and most practical line or route to cornucopia.

And in duty bound your petitioners will ever pray, etc/

Names.	W. N. Young,
B. F. Fewell,	W. L. Gover,
J. T. Bolles,	H. A. Barrowman,
C. H. Craig,	C. C. Ewing,
D. J. Saunders,	Frank . P. Lee,
I. N. Young,	Jas. Beck,
Wm. Babcock,	L. F. Jennings,
J. B. Fewell,	H. T. Perry,

(No filing.)

Geo. J. (?) Newcomb (?)

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

I, B. F. Fewell, being first duly sworn, say that I posted three several notices, of which the notices hereto 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 on Summit creek at Starting point, one at B. F. Fewell's, and one at Cornucopia, and one on the door of ~~the~~ Court House in Union, thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 31 day of July, 1889, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: on the 31st day of July, 1889, I posted a true and correct copy of said notice at the place for holding Court for Union County, Oregon, to-wit: On the front ~~to~~^y the Court House door in the town of Union, in said County, and that said notices remained posted thirty days previous to the presentation of said ^{petition} notice as I verily believe.

B. F. Fewell,

Subscribed and sworn to before me, this 1st day of August, 1889,

L. F. Jennings,

Notarial Seal.

Notary Public for Oregon.

(No filing.)

Notice of road petition.

To all persons concerned: You and each and all of you, will take notice that the undersigned, householders for Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, will, at the next session of the County Court for Union County, Oregon, to-wit: On Wednesday, the 4th day of September, A. D. 18___, respectfully present to said Court a petition praying said Court to lay out, alter and establish a County road within said County on the following line or route, to-wit:

Commencing at Summit Creek, where the new road known as the T. H. Palladay^{road} No. 2, leading from Eagle Valley to the upper end of Pine Valley leaves the creek, thence running in a northerly direction and connecting with the Union and Cornucopa road at B. F. Fewell's ranch on Summit Creek, thence on the nearest and most practicable line or route to cornucopia.

Names.

B. F. Fewell,
W. L. Gover,
H. A. Barrow,
C. C. Swigg,
Frank . P. Lee,
Jas. Beck,
L. F. Jennings,
G. T. Perry,

Names.

W. H. Young,
J. T. Bolles,
C. H. Craig,
D. J. Saunders,
I? N. Young,
Wm. Babcock,
J. B. Fewell,
Mrs. Newcomb

"Aug. 4, '89, T. O.

(NO filing.)

Know all men by these presents: That I, J. B. Fewell of the County of Union and State of Oregon, am held and firmly bound unto the said County of Union in the sum of 200 dollars the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents.

Signed tis 1st day of August, A.D. 1889,

Now, the condition of the above obligation is such, that whereas, if the County road petitioned for by B. F. Fewell, and others, and presented at the _____ Term, 18____, of the County Court of said County, commencing at Summit Creek, where the new road leading from Eagle Valley to upper end of Pine Valley leaves the creek, then run in a northerly direction and connect with the Union & Cornucopia Road at B. F. Fewells ranch on Summit Creek then on the nearest and most practicable line or route to Cornucopia, be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

J. B. Fewell,

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

I, J. B. Fewell, for himself says, that I am worth the sum of 200 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. B. Fewell,

Subscribed and sworn to before me this 1st day of August, A.D. 1889,
L. F. Jennings,

Notarial Seal.

L. F. Jennings

Notarial Seal.

Endorsed:-

Bond of road petitioners.

B. F. Fewell, et al. Petitioners.

Filed Sept. 22nd, 1889,

A. T. Neill, County Clerk,

By Turner Oliver, deputy.

(Endorsed)

Within report of viewers and surveyor read first time
and passed for second reading on some other day of the present term.
Dec. 3rd 1889.

Report of viewers and surveyor read second time and no objections
being made said road is declared a public highway and ordered opened.
Dec. 7th 1889.

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 the 4th day of September, 1889, 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 there were present:-

The Hon. G. P. Goodall, County Judge,
The Hon. John McDonald, Commissioner,
The Hon. G. W. Benschaff, Commissioner,
A. T. Neill, County Clerk,
A. N. Hamilton Sheriff,

Jus.
When on Friday the 15th day of October, A. D. 1889, or the eighth Judicial Day of said term among other proceedings the following was had, to-wit:

In the matter of the proposed County Road
petitioned for by B. F. Fowell, and others.

Comes now B. F. Fowell, 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:

Commencing at Summit Creek, where the new road known as the T. H. Palfady road No. 2, leading from Eagle Valley to upper end of Pine Valley leaves the creek, thence running in a northerly direction and connect with the Union and Cornucopia road at B. F. Fowell's ranch on said summit creek, thence on the nearest and most practicable line or route to Cornucopia.

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 on Summit Creek the place of starting, one at B. F. Fewell's and one at Cernucopia, for more than thirty days immediately prior to the presentation of said petition to this Court, notifying all persons concerned that said 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 John Curry, James Hoopingarner, and I. N. Pancake, be appointed viewers of said road and that J. W. Kimbrell be appointed surveyor of said road, and that they meet at B. F. Fewell's house on the 29th day of October, 1889, at the hour of 9 o'clock, A. M. and after qualifying to view, survey and lay out said road according to law.

(Signed) O. P. Goodall,
County Judge.

The foregoing order is entered in Comr's Jul.

'D' at page 676 thereof.

REPORT OF VIEWERS.

To the Honorable County Court for ^union County, Oregon:

The undersigned, viewers heretofore on the 4 day of October, 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 B. F. Fewell, et al, beg leave to report that on the 29 day of October, 1889, in pursuance of 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} established as a public highway of said County.

X. L. Hoopingarner,

John S. Cairry,

I. N. Pancake,

Viewers.

(No filing.)

Field notes of the proposed road of B. F. Fewell,

and others:-

I commenced at a pine tree 36 inches in diameter, marked R. on the T. H. Pallidy Road No. 2, and situated in the N.W.1/4 N.W.1/4 Sec. 34, in T. 7, S.R. 45, East W. M.

Thence	N.	2°	W.	24 rds	A.	1,
"	N.	16°	W.	20 "	A.	2,
"	N.	32-3/4°	W.	12 "	A.	3,
"	N.	13 °	W.	8 "	A.	4,
"	N.	40°	W.	12 "	A.	5,
"	N.	22-3/4°	W.	16 "	A.	6,
"	N.	46-1/2°	W.	16 "	A.	7,
"	N.	66°	W.	20 "	A.	8,
"	N.	31-1/2°	W.	20 "	A.	9,
"	N.	15°	W.	24 "	A.	10,
"	N.	39°	W.	23 "	A.	11,
"	N.	21-1/2°	W.	97 "	A.	12,
"	N.	5°	W.	20 "	A.	13,
"	N.	44 ^o ₈	W.	8 "	A.	14,

a tamarack 14 inches marked I M.

Thence	N.	55°	W.	22 rds	A.	15,
"	N.	43 -1/2°	W.	26 "	A.	16,
"	N.	63°	W.	56 "	A.	17,
"	S.	69-1/2°	W.	40 "	A.	18,
"	N.	23°	W.	14 "	A.	19,
"	N.	8-1/4°	W.	26 "	A.	20,
"	N.	8°	E.	8 "	A.	21,
"	N.	14°	E.	10 "	A.	22,
"	N.	11°	W.	2 ² ₁ "	A.	23,
"	N.	23-1/2°	W.	12 "	A.	24,
"	N.	29°	W.	24 "	A.	25,
"	N.	49°	W.	16 "	A.	26,
"	N.	37-1/2°	W.	28 "	A.	27,

"	N.	12°	W.	16 "	A.	28,
a Fir 8 inches dia. 2 M. ^{marked}						
Thence	N.	2°	E.	18 rds.	A.	29,
"	N.	44°	E.	12 "	A.	30,
"	N.	63-1/2 °	E.	22 "	A.	31,
"	N.	60°	E.	26 "	A.	32,
"	N.	12-1/2°	E.	16"	A.	33,
"	N.	41°	E.	20 "	A.	34,
"	N.	67°	E.	20 "	A.	35,
"	N.	84-1/2°	E.	12 "	A.	36,
"	N.	55°	E.	5 "	A.	37,
"	N.	31°	E.	18 "	A.	38,
"	N.	68°	E.	9 "	A.	39,
"	N.	48 °	E.	13 ^(?) "	A.	40,
"	S.	84°	E.	17 "	A.	41,
"	N.	64°	E.	3 "	A.	42,
"	N.	20°	E.	7 "	A.	43,
"	N.	16°	E.	8 "	A.	44,
"	N.	11°	E.	10 "	A.	45,
"	N.	6°	E.	9 "	A.	46,
"	N.	8°	E.	15 "	A.	47,
"	N.	4°	E.	6 "	A.	48,
"	S.	75-1/2°	E.	5 "	A.	49,
"	S.	61°	E.	10 "	A.	50,
"	S.	28°	E.	16 "	A.	51,
"	S.	49°	E.	13 "	"	52
"	S.	34°	E.	10 "	3 miles a stone in place	

marked three M.

"	S.	34°	E.	19 rds.	A.	53,
"	S.	86°	E.	12 "	A.	54,
"	N.	61°	E.	8 "	A.	55,
"	S.	82 °	E.	14 "	A.	56,
"	N.	28°	E.	10 "	A.	57,

"	S.	78°	E.	7 "	A.	58,
"	East	9 rds.			A.	59,
"	N.	47°	E.	11 "	A.	60,
"	S.	47 ¹ / ₂ °	E.	17 "	A.	61,
"	S.	71°	E.	4 "	A.	62,
"	N.	47°	E.	22 "	A.	63,
"	N.	14°	E.	16 "	A.	64,
"	N.	7°	W.	9 "	A.	65,

" (course and angle for No. 66, are omitted from original field notes)

"	S.	71°	E.	11 "	A.	67,
"	S.	21°	E.	9 "	A.	68,
"	S.	56°	E.	15 "	A.	69,
"			East	3 "	"	70,
"	N.	67°	E.	8 "	A.	71,
"	N.	43°	E.	10 "	A.	72,
"	N.	19°	E.	10 "	A.	73,
"	N.	64°	E.	20 "	A.	74,
"	N.	53°	E.	18 "	A.	75,
"	N.	12°	E.	⁵⁴ 54 "	A.	76,
"	N.	5°	W.	6 "	A.	77,

a pine 20 i nches, marked 4 M.

Thence N		32°	W.	15 rds	A.	78,
"	N.	15 °	W.	8 "	A.	79,
"	S.	67°	E.	10 "	A.	80,
"	S.	55°	E.	7 "	A.	81,
"	S.	65°	E.	13 "	A.	82,
"	S.	78°	E.	9 "	A.	83,
"	S.	50-3/4°	E.	27 "	A.	84,
"	N.	69°	E.	11 "	A.	85,
"	N.	5°	W.	7 "	A.	86,

"	N.	68°	E.	16 "	A.	87,
"	S.	25°	E.	18 "	A.	88,
"	S.	68°	E.	6 "	A.	89,
"	N.	66°	E.	9 "	A.	90,
"	S.	39°	E.	8 "	A.	91,
"	S.	57°	E.	14 "	A.	92,
"	S.	63°	E.	9 "	A.	93,
"	N.	83-1/2°	E.	14 "	A.	94,
"	N.	64°	E.	9 "	A.	95,
"	N.	51°	E.	10 "	A.	96,
"	North			7 "	A.	97,
"	N.	27°	W.	3 "	A.	98,
"	N.	41°	W.	4 "	A.	99,
"	N.	42-1/2°	W.	20 "	A.	100,
"	N.	8°	W.	5 "	A.	101,
"	N.	17°	W.	7 "	A.	102,
"	N.	13°	E.	19 "	A.	103,
"	N.	49°	E.	8 "	A.	104,
"	N.	19°	E.	5 "	A.	105,
"	N.	3°	W.	12 "	A.	106,
"	N.	13-1/2°	E.	7 "	A.	107,

a fir 4 inches marked 5 M.

Thence
 " N. 28° E. 21 rds, intersect Pine Creek Road
 and mark a Cottonwood, 20 inches Diameter, R.T.

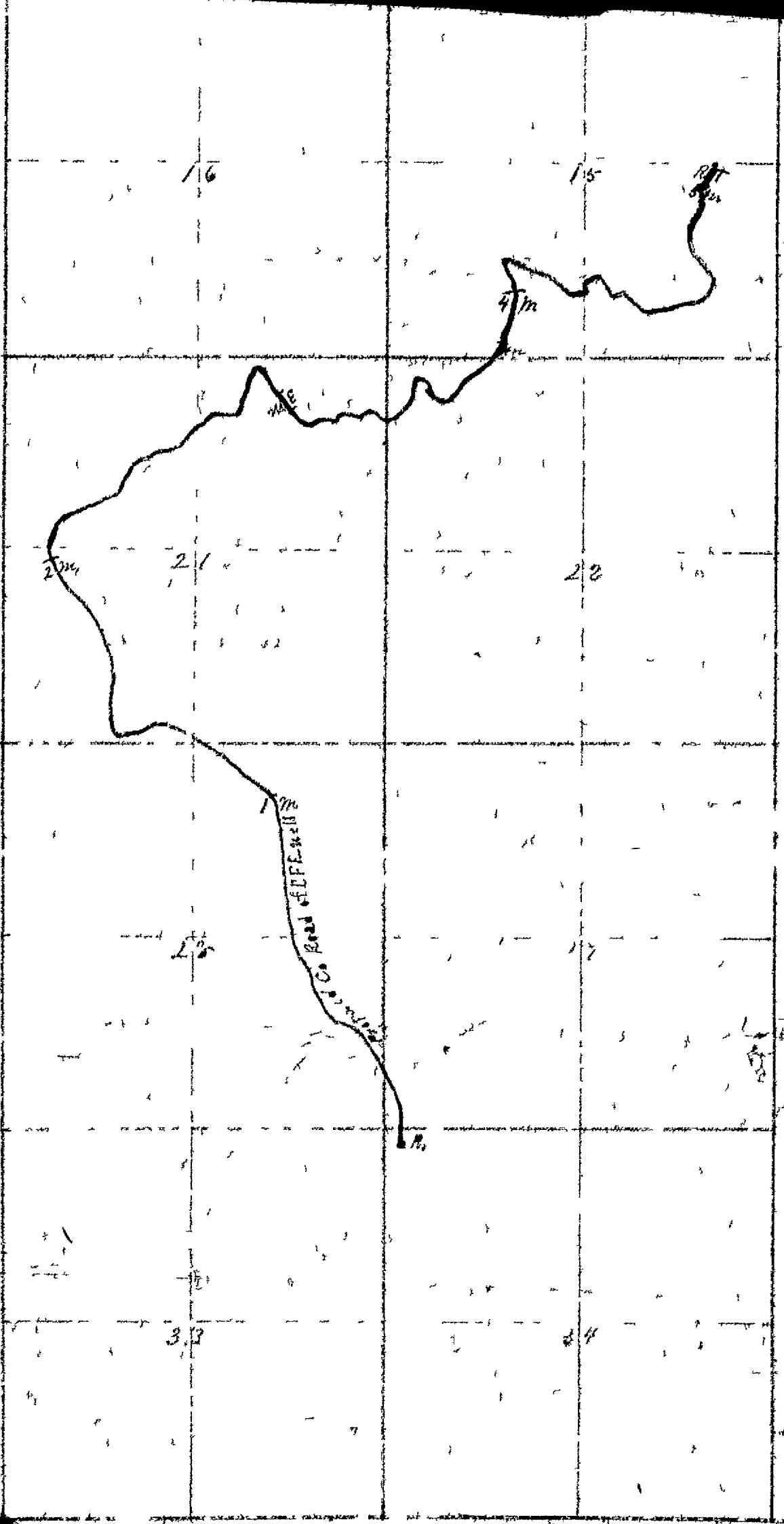
J. W. Kimbrell,
 County Surveyor.

Endorsed:

Filed Nov. 27th, 1889,

A. T. Neill, Clerk, By

Turner Oliver, Deputy.



BE IT REMEMBERED That at a regular Term of the County Court of the state of Oregon, for the County of Union, begun and held at the Court House in the City of Union, on Wednesday the 6th day of November, 1889, or the Wednesday after the first Monday in said month and the time fixed by law for holding a regular term of said Court, the following officers being present, to-wit:-

The Hon. O. P. Goodall, County Judge,
John McDonald, County Commissioner,
G. W. Bennehoff, County Commissioner,
A. T. Neill, County Clerk,
A. N. Hamilton Sheriff.

When on Friday the 8th day of November, A. D. 1889, or the Third Judicial Day of said Term, among other proceedings the following was had, to-wit:

In the matter of the road petitioned for
by B. F. Powell, et al.

This matter came on to be heard upon the bill for surveying said road from which it appears that the County owes bills thereon as follows:-

Jas. L. Hoopingarner, viewer,	\$9.00
John S. Gurry Viewer,	\$9.20
I.N. Pancake, Viewer,	\$5.60
Alvin Tarter, Chairman	\$4.80
Wm. Stalker, Chairman,	\$5.00
J.W. Kimbrell, surveyer,	\$32.00

And it is ordered that said bills be allowed.

(Signed) O. P. Goodall,
County Judge.

The foregoing order is entered in Court's Jul.
'D' at page 718 thereof.

BE IT REMEMBERED That at a regular term of the County Court of the state of Oregon, for the County of Union, begun and held at the Court House in the City of Union, on Wednesday the 6th day of November, 1889, or the Wednesday after the first Monday in said month and the time fixed by law for holding a regular term of said Court, the following officers being present, to-wit:

The Hon. O. P. Goodall, County Judge,
John McDonald, County Commissioner,
G.W. Bennehoff, County Commissioner,
A. T. Neill, County Clerk,
A. N. Hamilton, sheriff,

When on Tuesday the 3rd day of ^{December} ~~September~~, A. D. 1889, or the Fifth Judicial Day of said term, among other proceedings the following was had, to-wit:

In the matter of the proposed County Road }
petitioned for by B. F. Fowell, and others. }

----- }
Now at this time this matter comes on for hearing upon the reports of the viewers and surveyor heretofore appointed herein and said reports being now here read for the first time it is ordered by the Court that they be laid over for a second reading on a subsequent day of this term as provided by law.

(Signed) O. P. Goodall,
County Judge.

The foregoing order is entered in Comr's Jul.
'D' at page 727 thereof.

BE IT REMEMBERED That at a regular Term of the County Court of the State of Oregon, for the County of Union, begun and held at the Court House in the City of Union, on Wednesday the 6th day of November, 1889, or the Wednesday after the first Monday in said month and the time fixed by law for holding a regular term of said Court, the following officers being present, to-wit:

The Hon. G. P. Goodall, County Judge,
John McDonald, County Commissioner,
G.W. Bennehoff, County Commissioner,
A. T. Neill, County Clerk,
A. N. Hamilton, sheriff.

When on Wednesday the 4th day of December, A. D. 1889, or the Sixth Judicial Day of said term, among other proceedings the following was had, to-wit:

In the matter of the proposed County road
petitioned for by B. F. Fewell, et al.

This matter came to be heard at this time on the reports of the viewers and surveyer heretofore appointed herein for a second reading as ^{provided} appointed 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 14 day of October, 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 B. F. Fewell et al, beg leave to report that on the 29 day of October, 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 opinions 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.L. Hoopingarner,

John S. Gurry,

I.N. Paneske.

And said report of 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 be 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 Co. 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 surveyors 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 N.D. Beley, Road supervisor of Road District No. 28, and J.A. Denny, road supervisor of Road District No. 31, the same being the road districts 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.

(signed) G. F. Goodall,

County Judge,

The foregoing order is entered in Court's Jul.

'D' at page 730 thereof.

IN THE COUNTY COURT OF THE STATE OF OREGON, FOR
UNION COUNTY.

In the matter of the County)
road petitioned for by B. F.)
Fewell, et al.)
-----)

S T A T E O F O R E G O N, ss:
County of Union.

I, G. W. Benson,
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 road matter transferred to Baker
county, Oregon, including a copy of the orders of the Court
in said matter.

IN TESTIMONY WHEREOF, I have hereunto set my hand
and affixed the seal of the County
Court, this 30th day of June, A. D.
1902.

 Clerk.

Proke
County Court
Wain County, Oregon

Proke matter
Proke was petitioned
for by B. J. Howell,
et al.

Transcript of
papers transferred
to Baker County

* Filed June 30, 1932

G. W. Benson
Co. Clerk

Eighth Judicial Day

Tuesday Oct 15th 1889

Court met pursuant to adjournment.

The same officers were present as on yesterday.

Due proclamation of the opening of court having been made, the Journal of yesterday's proceedings was read approved and is here now signed.

O. P. Goodall
County Judge.

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

In the matter of the
Proposed County Road
petitioned for by B. F.Newell and others }
Gomes now B. F. Newell, 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:
Commencing at Summit Creek where the new road known as
T. H. Palleaday road No 2 leading from Eagle Valley to upper end of
Pine Valley leaves the Creek, thence running in a Northerly direction
and connect with the Union and Cornucopia road at B. F.
Newell's ranch on said Summit Creek, thence on the nearest and
most practicable line or route to Cornucopia.And it appearing to the Court that said petition is signed by
more than twelve householders of this County residing in the vicini-
ty of said proposed road, and that said petition properly speci-
fies the place of beginning, intermediate points and place of termi-
nation 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 on Summit Creek, the
place of starting, one at B. F. Newell's and one at Cornucopia
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
the proceeding has been duly given. It is therefore ordered that
John Cuddy, James Hoopengamer and O. N. Canaday be