

No 74/E

in

Coment

Court

Mahala J Johnson
Plaintiff

Thomas A. Johnson

Defendant

Action for

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

367
J. A. Shafer

Runnings from
Oro Dell to Kamela

See 371

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

Record of the Case.

WITNESSES.

REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 1st day of December 1890, 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. A. Shafer, et al, beg leave to report that on the 10 day of December 1890, 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 greatly 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.

Fred N. Arnold
P. G. Strickland
William H. Shira

Field notes of the survey of the Old Toll Road from
 Oro Dell to Summit of the Blue Mountains on the
 line between Union and Umatilla Counties commenced
 on the 12th and completed on the 16th day of
 December A D 1890

Commenced 1.25 Chas north of the Bridge
 at Oro Dell. Rock marked R buried in the centre
 of the Road

Thence	S. 74° W	16	Chs	To	A. 1
"	N 82° W	4	"	"	" 2
"	N 59° W	4	"	"	" 3
"	N 36° W	2	"	"	" 4
"	N	10	"	"	" 5
"	N 11° W	6	"	"	" 6
"	N 30° "	5	"	"	" 7
"	N 48° "	4	"	"	" 8
"	N 78° "	6	"	"	" 9
"	S 82° "	5	"	"	" 10
"	S 67° "	8	"	"	" 11
"	S 56° "	6.50	"	"	" 12
"	S 70° "	3.50	"	"	To 1/2 Mile Post
"	S. 70° "	90	"	"	" 13
"	S. 72° "	14	"	"	" 14
"	N 74° W	15	"	"	" 15
"	N 46° "	12	"	"	" 16
"	N 53° "	11	"	"	" 17
"	S. 73° "	8	"	"	To 2 Mile Post
"	S. 73° "	9	"	"	" 18
"	S. 68° "	2.50	"	"	" 19

Thence	N 79° W	5.50	Chs to	A. 20
"	N 15° E	9	"	" 21
"	S 89° W	9.50	"	" 22
"	N 65° W	2.50	"	" 23
"	S 85° W	2.50	"	" 24
"	S 41° W	4	"	" 25
"	S 44° "	10	"	" 26
"	S 76° "	6	"	3 Mile Station
"	S 26° "	2	"	" 27
"	N 60° W	7	"	" 28
"	N 82° W	5	"	" 29
"	N 74° "	4	"	" 30
"	N 21° "	29	"	" 31
"	N 84° "	19	"	" 32
"	West 14	"	"	4 Mile Station
"	West 13	"	"	A 33
"	N 74° "	9	"	" 34
"	" 46° "	10	"	" 35
"	S 87° "	8	"	" 36
"	" 54° "	12	"	" 37
"	" 68° "	11	"	" 38
"	" 61° "	11	"	" 39
"	" 25° "	6	"	5 Mile Station
"	" 25° "	25	"	A 40
"	" 63° "	7	"	" 41
"	" 86° "	7	"	" 42
"	" 45° "	3	"	" 43
"	" 87° "	21	"	" 44
"	" 80 "	13	"	" 45

Thence S 69° W 14 Chs To 6 Mile Station
 " S 69° " 17 " " A 46
 " N 46° " 8 " " " 47
 " S 86° " 10 " " " 48
 " N 65° " 5 " " " 49
 " N 34 " 40 " " 7 Mile Station
 " " " 4.50 " " A 50
 " " 26° E 3 " " " 51
 " " 67° W 13 " " " 52
 " " 47° " 6.50 " " " 53
 " N 32° " 5 " " " 54
 " S 68° " 8 " " " 55
 " N 17° " 40 " " " 56 and 8 Mile Station
 at the 1/4 Sec Corner between Sec 25 in Range 36 and 30 in Range 37
 Thence West 22 Chs To A 57
 " S 59° " 8 " " " 58
 " N 60° " 12 " " " 59
 " S 52° " 11 " " " 60
 " N 60° " 8 " " " 61
 " " 40° " 9 " " " 62
 " S 66° " 8 " " " 63
 " N 58° " 2 " " " 9 Mile Station
 " " " " 3 " " " A 64
 " " 44° " 19 " " " 65
 " " 15° " 9 " " " 66 cross the
 Meridian line between Sec's 25 and 26 25 Chs south of the
 Sec Corner between Secs 23, 24, 25, and 26
 Thence N 88° W 9 " To A 67
 " " 20 " 2 " " " 68

Thence N 90° E 7 Chs To A 69
 " " 68° W 7 " " " 70
 " " " 7 " " " 71
 " " 66° " 5 " " " 72
 " " 26° " 5 " " " 73
 " " 79 " 4 " " " 74
 " " 16 " 3 " " " 75 = 10 Mile Station
 " " 2° E 9 " " " 76
 " " 60° W 7 " " " 77
 " " 38° " 6 " " " 78
 " " 61° " 8 " " " 79
 " " 29° " 8 " " " 80
 " " 44° " 4 1/2 " " 11 Mile Station

14 Chs. S. of The Sea corner between Sides 14, 15, 22 and 23

Thence N 45° W 14 Chs To A 81
 " " 39° " 39 " " " 82
 " " 63° " 15 " " " 83
 " " 71° " 12 " " 12 Mile Station
 " " 71° " 17 " " A 84 2 Chs North

of The 14 Sea corner between Sides 15 and 16, 5, 2, 3, Range 36, E

Thence N 61° W 30 Chs To A 85
 " " 16° " 6 " " " 86
 " " 62° " 19 " " " 87
 " " " 88
 " " 40° " 8 " " 13 Mile Station
 " " 34° " 21 " " A 89
 " " 76° " 7 " " " 90
 " " 57° " 19 " " " 91
 " " 68° " 6 " " " 92
 " " 82° " 7 " " " 93

Thence N 41° W 9 Chs to A 94
 " " 13° " 11 " " 14 Mile Station
 " " 18° " 9 " " A 95
 " " 27° " 7 " " A 96
 " " 34° " 7 " " " 97
 " " 57° " 15 " " " 98
 " " 15° " 5 " " " 99
 " " 14° E. 5 " " " 100
 " " 53° W 7 " " " 101
 " " 41° " 25 " " 15 Mile Station
 " " " 17 " " A 102
 " " 74° " 6 " " " 103
 " " 35° " 12 " " " 104
 " " 46° " 20 " " " 105
 " " 56° " 12 " " " 106
 " " 74° " 13 " " 16 Mile Station Cross
 south line of Sec 31, T. 13 S. Range 36. East of Chs east of the
 1/4 Sec Corner

Thence N 74° W 9 Chs to A 107
 " S 84° " 4 " " " 108
 " N 83° " 3 " " " 109
 " " 58° " 3 " " " 110
 " " 57° " 3 " " " 111
 " " 35° " 7 " " " 112
 " " 56° " 4 " " " 113
 " " 86° " 4 " " " 114
 " S 56° " 4 " " " 115
 " " 80° " 5 " " " 116
 " N 85° " 6 " " " 117

Thence N 70° W 7 Chs To A 118
 " " 87° " 3 " " " 119
 " " 57° " 6 " " " 120
 " " 81° " 3 " " " 121
 " " 58° " 4 " " " 122
 " " 70° " 5 " " 17 Mile Station
 " " 71° " 2 " " " 123
 " " 76° " 4 " " " 124
 " " 79° " 3 " " " 125
 " S. 58° " 12 " " " 126
 " " 19° " 9 " " " 127
 " " 46° " 5 " " " 128
 " " 42° " 8 " " " 129
 " N 87° " 5 " " " 130
 " " 56° " 14 " " " 131
 " " 38° " 4 " " " 132
 " " 80° " 6 " " " 133
 " " 61° " 8 " " 18 Mile Station
 " " 61° " 4 " " " 134
 " " 50° " 10 " " " 135
 " " 38° " 28 " " The Terminus of the Road
 at a Stake set bearing S. 75° East from the 1/4 Sec
 Corner on the West side of Sec 36 in T. 1 S. Range
 35 East Will-Mer and distant 2 Chs from
 said 1/4 Sec Corner.

All Angles and Stations are properly marked by Rocks and
 Trees and the Trees marked along the line of the
 Road

J L Curtis
 County Surveyor

FILED

JAN 7 1907

James

Oliver

County Clerk

71
To the Hon County Court of the
County of Union State of Oregon

We the undersigned Citizens
of Union County, and more especially of
Hilgard Precinct Union County Oregon
respectfully represent that there has recently
been a Petition before the Public for a
survey of the Old Meacham Toll Road to
the Summit of the Blue Mountains and
to touch at Kamsel and Thomas
Yarns has gone and said Petition
and caused a Board of Surveyors
to be appointed, to run out, survey and locate
said Road, with any necessary changes that
would add to the convenience of the Public
interests and Whereas

Said Duties have been performed and proper
returns made in the matter and Whereas

By reason of these facts one
L. D. ~~Bohler~~ has since the date of said survey
closed a private Road running through his
Land, which has heretofore been open for the
use of the Public without any objection to
the great damage of the interests of the
travelling Public: said Private Road being now
on the line of the proposed Road to Kamsel

Now therefore We the Yarns
Petitioners ask that said Road as surveyed
be declared a Public Highway and opened
for Public use at your earliest convenience
for which we will ever pray

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E. Swager	
J. J. Myers	
Thomas Davis	
W. A. Siddons	
John Logue	J. W. Lafferty
A. Mitchell	J. A. Brauer
W. Carrere	G. B. Tillotson
S. Denison	Kilian Saffer.
A. A. Roberson	Wm. Croil
H. M. Roberson	John W. Moore
Kiser Jones	C. W. Horn
A. W. Lambert	J. G. Moore
Peter Larue	W. S. Laupert
C. W. Stevens	
John Dickson	
W. Simpson	
A. J. Jewell	
H. B. Hollinghead	
J. Stevens	
W. J. Short	
A. Meggion	
Lytle Mathews	
J. S. McLeod	
Springer & Co.	

- 1 Frank Woods
- 2 C. Anderson
- 3 J. J. Hess
- 4 B. Bomer
- 5 Jacob H. Lisset
- 6 W. B. Jennings
- 7 A. Matthews
- 8 C. S. James
- 9 J. H. Gibson
- 10 L. Lanning
- 11 W. V. Stewart
- 12 L. O. Crosby
- 13 Michael Maher.
- 14 W. A. Ward
- 15 Q. B. Townsend.
- 16 William Orr
- 17 H. E. Hillibidal
- 18 Neil M. Arthur
- 19 E. P. Staples.
- 20 D. W. Ebersole
- 21 Alex. Thompson
- 22 J. D. Young
- 23 C. L. Austin
- 24 G. Langdon
- 25 S. J. Lindsey
- 26 J. A. Hudson
- 27 P. J. Lovell
- 28 Thomas Rutledge
- 29 John Ross
- 30 H. E. Lamb
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Miss Mary T. [unclear]
General Office
[unclear]

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In the County Court of the State of Oregon
for Union County,

In the matter of the Road }
petitioned for by J. A. Sleeper }
D. M. Waters et als. }

State of Oregon }

County of Union }^{ss} J. J. O. Corbett,

being first duly sworn say that I am
a resident householders within this County
and the owner of the South West 1/4 of Sec.
36 T 1 S. R. 35 E W. 14, and situated in
Union County, Oregon.

That the road petitioned for by J. A. Sleeper
D. M. Waters et als. viz Commencing
at the Cradell Bridge across Grand
Poudre River, and following the route
of what was formerly known as the Mea-
cham Toll Road &c. to the Summit of
the Blue Mountains on the division
line between the Counties of Union
& Wasatch, has not been located by
the viewers appointed thereon, upon the
line or route of the said Meacham Toll
road as prayed for in the petition.
Nor does its final terminus thereof
as located by them, answer to, nor
correspond with the final terminus
thereof as described in the said
petition in this.

That at or near the point where
the said old Meacham Toll road

crosses the Township line viz on the South line of Sec. 31 T15R36E W. 1/2, the road as located by the viewers diverges from, and leaves the said Meacham toll road and takes a direction nearly west, viz a little North of West, through the South half of ^{said} Section 31 & the S. 1/2 of Sec 36 - T15R35E - and through the said lands of ~~the~~ ^{the} ~~affiant~~ ^{affiant} above described. And terminates at the County line on the said lands of ~~the~~ ^{the} ~~affiant~~ ^{affiant}. That said line as so located for a distance of about 2 1/4 miles to the terminus thereof is not an nor near the old Meacham Toll Road and the said final terminus thereof is more than 3/4 of a mile South West of the point where the old Meacham toll road intersects the County line and Summit of the Blue Mountains.

That the said located line ~~from~~ as located in Sec 31 T15R36E & Sec 36 - T15R35E - is not nor was it ever any part of the said Meacham Toll Road, and was never travelled as such.

That the old Meacham toll Road never did nor does it now pass through or near the town ^{or site} of Carnela nor near or than 1/4 of a mile thereof.

J. D. Corbett

Subscribed and sworn to before me
this January 7th 1891.
James Oliver
Clerk.

County Court
Newman Ga

the Master of County
Road of
J. S. Shepherd, et al

Official of
J. D. Corbett

John James 7th 1891
John D. Corbett
J. D. Corbett

John D. Corbett
John D. Corbett

In the County Court of the State of Oregon
for Union County,
In the matter of the Road
petitioned for by J. A. Sleeper,
D. S. Waters et als.

Now comes J. D. Corbett and
moves the Court to strike out the
members report herein for the reason
that the same does not conform to the
petition.

And moves the Court to dismiss the
petition herein for the reason
1st that no notice ~~has~~ of the presentati-
on thereof has been given as requi-
red by law.

2nd And that the description therein
is inconsistent upon its face —

R. Clark.

Attorney for
J. D. Corbett,

County Court
Mason &

Paul Bechtel
by J. S. Schaefer
Attys

Walter B. Stone
att. at Law &
Warner Nelson

Shed January 1st 1899
James Oliver
Clerk

In the County Court of the
State of Oregon,

County.

IN THE MATTER OF THE

ROAD.

BOND OF ROAD PETITIONERS.

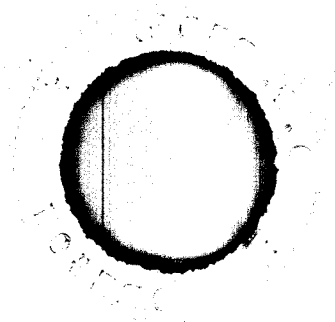
Approved..... 188

COUNTY JUDGE.

Filed Dec 1 1880

James Oliver
COUNTY CLERK.

By *J. P. Oliver*
DEPUTY



STATE OF OREGON,
County of Union, } ss.

I, J. J. Rolles

being first duly sworn, say that I posted ~~three several notices, of which the notice herunto 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 ^{or or about} 20th day of October 1890, 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 1st day of December 1890.

J. J. Rolles

P. H. B. B.

Notary Public for Oregon



Filed Dec 1st 1890
Tanner Oliver Clerk
By J. P. Oliver Deputy

STATE OF OREGON,
County of Union. } ss.

I, *D. H. M Waters,*

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

at the store of *S. H. Russell Esq Kamela*
" " *Oro Bell Bridge, crossing the Grande*
Ronde River
and on at the store of the *Dr J. M. M. Lee*
Helgard Oregon,

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the *20th* day of *October*
1899, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the *20th* day of *October* *1899*, 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, said County and State~~, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

D H M Waters

Subscribed and sworn to before me this *20th* day of *October* 18 *99*.

Wm J. Sargent
Notary Public for Oregon

Filed Dec 1st / 1890
Turner Oliver Clerk
By J. R. Oliver Deputy

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 ~~Monday~~ Wednesday, the 1st day of December A. D. 18 90, 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 the Bridge across Grand Ronde River at Oro Hill and following the route of what was known formerly as the Meacham Toll Road up the Canon of Grande Ronde River to the summit of the Blue Mountains on the Division line between the Counties of Union and Umatilla. The said road to be laid out as near as practicable on the line of the road purchased by Union County from O.P. Jaycox Assignee of F. A. Foster. The object of the petition being to establish said road as a legal County Road. Said road passing through the Villages and Town of Hilqued and terminating at the County Boundary.

NAMES:

J. A. Shaper
 A. B. Slater
 J. H. Bryan
 S. B. Smith
 W. R. Sargent
 G. J. Fleming
 J. P. Lindsey
 W. J. Bluster
 Geo. W. Krumenaker
 G. W. Buck
 W. R. Banks
 W. E. Rye

NAMES:

J. H. M. Waters
 R. D. Hamilton
 H. M. Bullough
 G. H. Groswood
 J. S. Casey
 Mrs. Cantrell
 B. H. Lindsey
 W. J. Lamb
 Alex. Thompson

Filed Dec 1st 1890
Turner Oliver Clerk
By J. P. Oliver Deputy

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:

Commencing at the Bridge across Grande Ronde River at Oro Hill and following the route of what was known formerly as the Meacham Toll Road up the Canon of Grande Ronde ^{River} to the Summit of the Blue Mountains on the Division line between the Counties of Union + Umatilla. The said road ^{as near as practicable} to be laid out on the line of the road purchased by Union County from O.P. Jaycox Assignee of F. A. Foster. The object of this petition being to establish said road as a legal County Road. Said Road passing through the Villages and Towns of Hilgard ~~Meacham~~ and Kamela. and terminating at the County Boundary.

And in duty bound your petitioners will ever pray, &c.

NAMES:

J S Shaber
 A B Slater
 J L Bryan
 S B Smith
 G. J. Fleming
 W. B. Sargent
 J. S. Finley
 H. J. Helmer
 Geo. W. Hummer
 Gurnuck
 W. R. Banks
 W. K. Hayes

NAMES:

D. H. McWaters
 R. D. Hamilton
 H. McLaughlin
 G. H. Griswold
 J. S. Casey
 Wm. Cantrell
 B. F. Lindsay
 W. A. W. W.
 Alex. Thompson

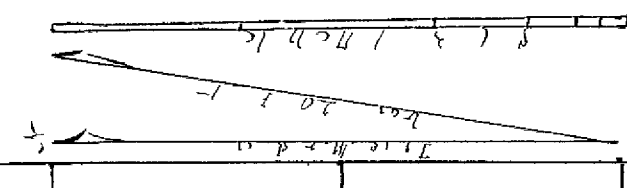
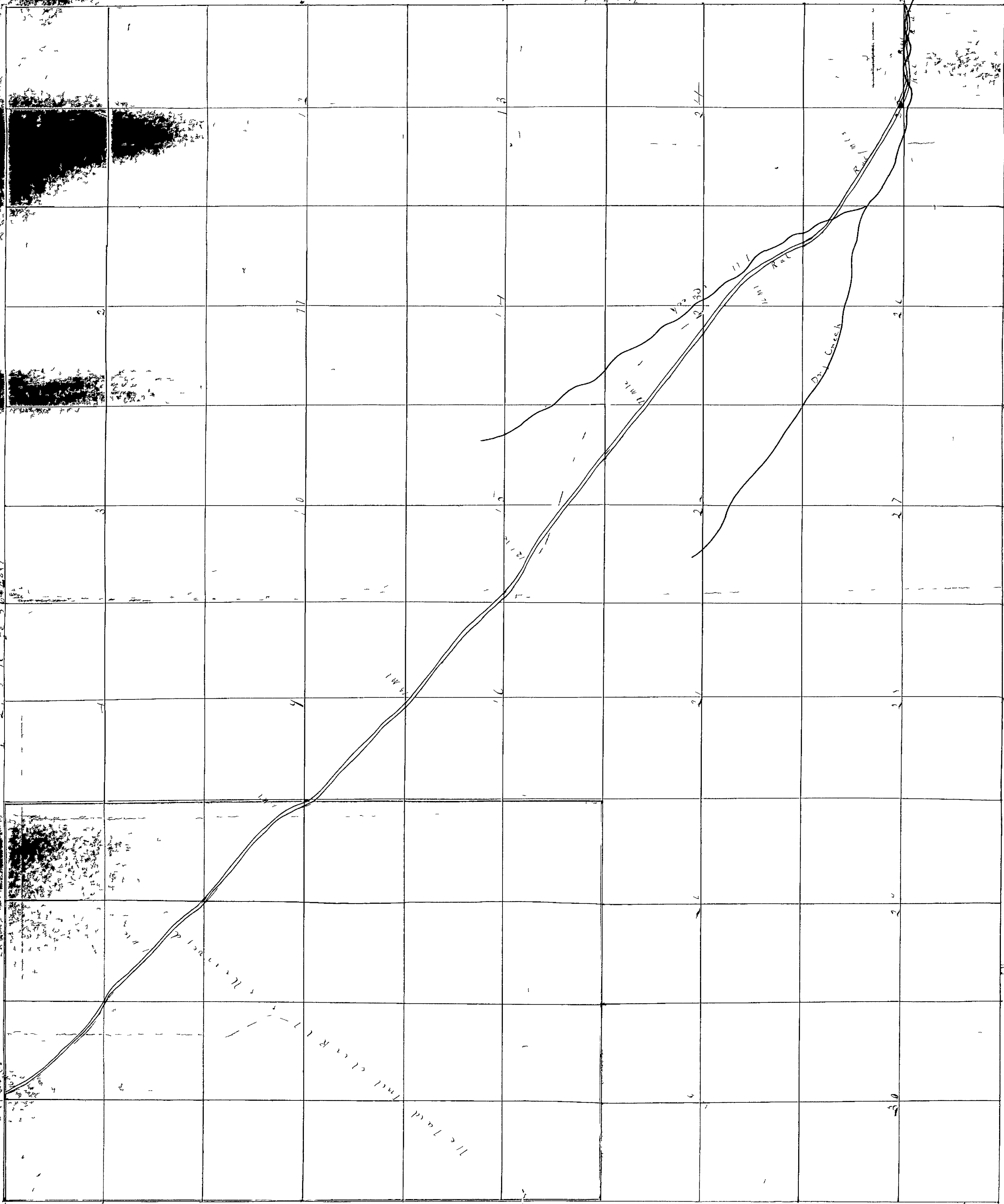
By Hilgord
Wm Sharod
~~Daniel Matthews~~
P.R. Arnold

sent
to be
of

Hilgord

Filed Dec 1st 1890
Turner Shiver Clerk
By J. R. Shiver Deputy

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Incl. clear R 1-7-5

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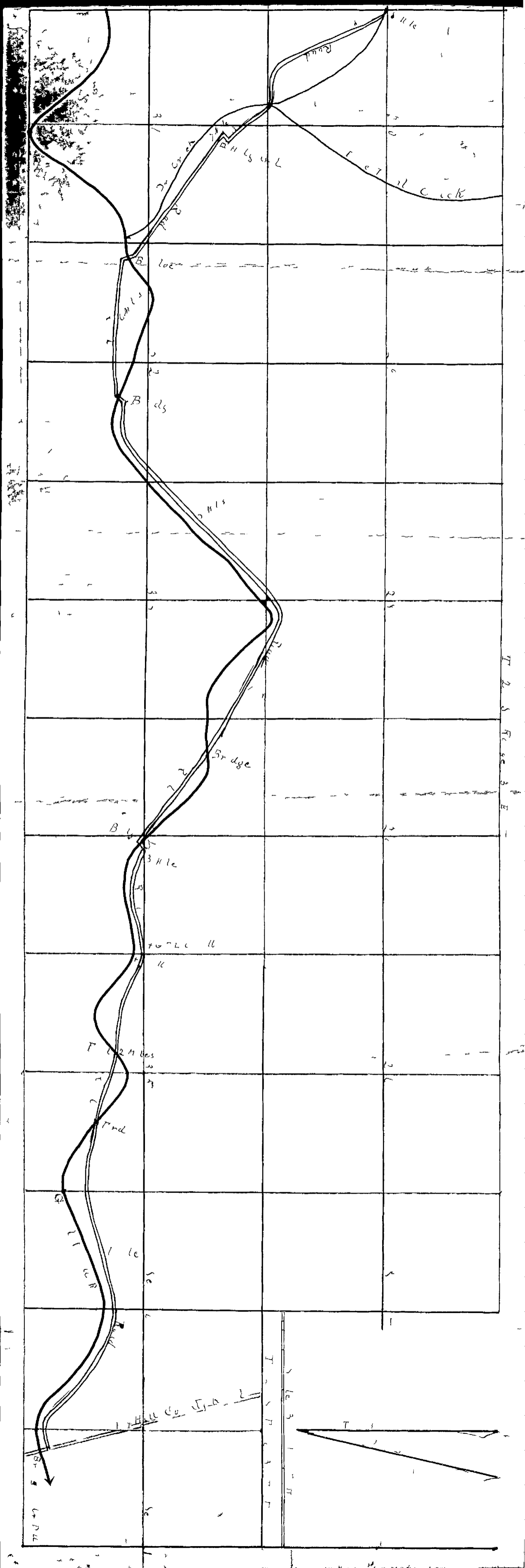
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Filed Dec 29th 1890
James Brown
Dist

FILED

DEC 29 1890

James Brown
Dist



Fourth Judicial Day

Monday Dec 1st 1890

Court met pursuant to adjournment.

The same officers were present as on the last Judicial Day.

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

D. N. Sanders
County Judge

Thereupon the following proceedings were had to-wit:-

In the Matter of the Proposed
County Road, petitioned for
by J. A. Shafer et al.

Comes now D. H. M. Waters 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 the bridge across Grande Ronde river at Oro Dell and following the route of what was known formerly as the Meacham Toll Road up the canyon of Grande Ronde river to the summit of the Blue Mountains on the division line between the Counties of Union & Umatilla, the said road to be laid out as near as practicable on the line of the road purchased by Union County from O. P. Jaycox assignee of F. A. Foster. The object of the petition being to establish said road as a legal County road, said road passing through the villages & towns of Hilgard & Kamela & terminating at the County boundary.

And it appearing to the Court that said petition is signed

Fourth Judicial Day

Monday Dec 1st 1890

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 Court House door in County of Union State of Oregon, and, also in three public places in the vicinity of said proposed road, to wit:

One at store of L. A. Russell & Co. at Kamela Oregon, One at the Oro Dell Bridge crossing Grande Ronde river and one at the store of the N. M. Co. at Hilgard Oregon all in Union County Oregon 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 P. G. Strickland and Wm. Sherod and Fred N. Arnold be appointed Viewers of said road, and that J. L. Curtis be appointed surveyor of said road, and that they meet at Hilgard Oregon on the 10th day of December 1890 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 }
 Road petitioned for by }
 J. D. Shirley et al. } This matter came on to be heard at this time
 on the reports of the Appraisers heretofore appointed to appraise the
 damages that would accrue to John Chy and L. R. Holmes

Second Judicial Day

Thursday July 8th 1891

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.

County Judge

Thereupon the following proceedings were had, to wit:-

In the matter of the }
Road petitioned for by }
J. A. Shaffer et al } This matter came on to be heard at
this time on the report of Viewers and Surveyor heretofore
filed herein, and on the Remonstrance and Motion of J. D. Corbett
for dismissal, and on the Supplementary petition, and
the same having been all argued by counsel, and the
Court finding that there is a variance between the pe-
tition and the survey, and that the description in the
petition is defective, It is considered and ordered that
all the proceedings herein be dismissed.

In the matter of the }
appointment of a coroner }
It appearing to the Court that Joel Means

who was elected Coroner in June 1890 has neglected and refused
and still refuses to qualify as such Coroner, and that the office
of Coroner is vacant. It is therefore considered and ordered
that Runc McLean of Island City be appointed Coroner
& serve until his successor is duly elected and qualified.