

No 10 L
in
Circuit

Court

H. L. Deacon

Plaintiff

vs

A. M. Hamilton

Defendant

Action for

Docket

Page

R. E. Eakin

Attorney for Plaintiff

Attorney for Defendant

RECEIVED BY THE CLERK OF THE COURT
IN THE CIRCUIT COURT OF THE DISTRICT OF COLUMBIA
ON THE 10th DAY OF FEBRUARY 1900
AT WASHINGTON, D. C.

Record of the Case.

Petition filed Aug 5-1891
Viewers app Jnl Ep 555
First Reading E, 604
Remonstrance 604
Claims for Damages 606
Damages allowed \$ 7
Costs ordered " 11

376

Petitioned for by
L S Kelsey et al

Commencing at a No 30 of
the County Road of D D
Tomlinson and terminating
at center of North Powder
River at Riggs Bridge in
NE⁴SE⁴ Sec 28 D 6 S R 38 E

WITNESSES.

STATE OF OREGON,
County of Union,

G. P. Denson

being first duly sworn, say that I posted ~~three~~ ^{one} several notices, of which the notice hereunto attached is a true and correct copy, in ~~these 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 29th day of June 18 91, 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.~~

G. P. Denson

Subscribed and sworn to before me this 5 day of August 18 91.
James Oliver
Clerk.

FILLED.

AUG. 5 1891

James Oliver
County Clerk

Notice of Road Petition



To all Persons Concerned You and each and all of you will take notice that the undersigned house holders 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 31st day of August

A D 1897 respectfully present to said Court a petition praying said Court to lay out (let) and establish a County Road within said County on the following line or route to wit Commencing at A No 30 of The County Road of O D Tomlinson et al as now on record in The County Clerk's office of Union County Oregon at a point 52 rods East of The 6 mile stone (or point) on aforesaid County road and 29 1/2 rods east of center N 1/2 sec-14 T 6 S R 39 E Will and 80 ft west of The R.R. track Thence in a south westerly direction 80 ft from and parallel with said rail road Through The lands of J M Walk and C J Sanders in sec 14 and intersecting The Town of North Powder in sec 22 at The eastern terminus of 1st St Thence in a south westerly direction along said 1st St to E St Thence in a north westerly direction along E St to 2nd St Thence in a south westerly direction along 2nd St to The western boundary of said town of North Powder Thence in a westerly direction as near as may be most practicable for a good road bed along The bluffs on The north side of North Powell river bottom Through sections 24 27 28 29 31 32 T 6 S R 39 E Will and sections 36 35 26 27 T 6 S R 38 E Will and Terminating at The center of North Powder river at The Biggs' Bridge in The NE 1/4 of SE 1/4 sec 28 in T 6 S R 38 E Will all of The above named places being in Union County Oregon

NAMES

NAMES

1	L S Kelley	1	Edw. O'Brien
2	Charles & Helen	2	Dave Lee
3	R M Wilson	3	Warren Wells
4	J. C. Carroll	4	Wm. Porter
5	Wm. W. W. W.	5	Chas. McLaughlin
6	A. P. Schiller	6	W. N. Gardner
7	A. L. M.	7	Jas. R. Gardner
8	Wm. Sanders	8	Samuel King
9	J. H. Smith	9	P. M. Starnes
10	Thos. Ferguson	10	J. B. Hart
11	S. Parson	11	John. B. Hart
12	Geo. Stoddard	12	J. S. G. G.
13	W. K. Stoddard	13	W. W. Ellis
14	W. K. Stoddard	14	W. W. Ellis
15	W. K. Stoddard	15	W. W. Ellis
16	W. K. Stoddard	16	W. W. Ellis
17	William Piercy	17	W. L. Barnes
18	Wm. Cassin	18	Joseph Parson
19	J. W. Major	19	H. H. Salisbury
20	J. P. Harris	20	H. H. Salisbury
21	Barnes Mabley	21	H. H. Salisbury
22	Leazel Dye	22	H. H. Salisbury
23	P. E. Smith	23	H. H. Salisbury
24	D. F. Abbott	24	H. H. Salisbury
25	A. Richardson	25	H. H. Salisbury
26	A. H. O. Garham	26	H. H. Salisbury
27	A. W. Covert	27	H. H. Salisbury
28	Shannon Burns	28	H. H. Salisbury
29	J. A. White	29	H. H. Salisbury
30	Jas. A. P. P.	30	H. H. Salisbury
31	Thos. Tanner	31	H. H. Salisbury
32	W. A. Dinsmore	32	H. H. Salisbury
33	A. B. Wilson	33	H. H. Salisbury
34	A. B. Wilson	34	H. H. Salisbury

Foster July 1891
 Penman

FILLED.

AUG 5 1891

Wm. J. Brown
County Clerk

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STATE OF OREGON,
County of Union

L. S. Kelsey

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 on the Post Office at North Powder Union, County, Oregon; on the gate across the house of L. S. Kelsey by the side of the public road; and one on the saloon of Dave Berwick in the town of North Powder

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 1st day of July 18 91, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the _____ day of _____ 18____, 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.

L. S. Kelsey

Subscribed and sworn to before me this 5 day of August 18 91.

James Oliver
Clerk

FILED

AUG 5 1891

James Owen

County Clerk

Petition for County Road

TO THE HONORABLE COUNTY JURY FOR *Ammon*

COUNTY OREGON

The undersigned house holders of *Ammon*

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 *N. No 30 of The County Road of O D Tomblinson et al as now on record in The County Clerk's office of Ammon County Oregon at a point 52 rods east of The 6 mile stone (or point) on a forward road and 29 1/2 rods east of the center N 1/2 sec 14 T 6 S R 39 E 4th and 80 feet west of The O R R R Track, Thence in a southwesterly direction 80 yds and parallel with said rail road through the lands of E M Walker and J N Sanders in sec 14 and intersecting the town of North Powder in sec 22 at the eastern terminus of 7th St Thence in a southwesterly direction along said 7th St to 8th St Thence in a northwesterly direction along 8th St to 2nd St Thence in a southwesterly direction along 2nd St to the western boundary of said town of North Powder Thence in a westerly direction as near as may be most practicable for a good road bed along the bluffs on the north side of North Powder river bottom through sections 22 27 28 29 31 32 T 6 S R 39 E 4th and 3rd 34 35 26 27 T 6 S R 38 E 4th and terminating at the center of North Powder river at the Riggs Bridge in the NE 1/4 of SE 1/4 sec 28 in T 6 S R 38 E 4th all of the above named places being in Ammon County Oregon*

And in duty bound your petitioners will ever pray &c

NAMES

NAMES

1	L S Kelsey - 25	John - Walker
2	Clarence Wilson - 26	Edward Walker
3	M M Wilson - 27	Sam Lee
4	J & Carroll - 28	Marion Walker
5	Wm Warden - 29	Wm Taylor
6	Ed P. Strick - 30	Cris Mc Curry
7	Madison Linn - 31	W M Gardner
8	Wm Sander - 32	Gas R Gardner
9	J H. Tinkler - 33	Chas. B. Rice
10	Thos Ferguson - 34	Geno Sten Linn
11	D Parson - 35	J. B. Hart
12	Geo Stoddard - 36	John Brant
13	W S Stoddard - 37	J J Davis
14	H Ketchum - 38	Jeff Ellis
15	S. W. Holmes - 39	W. E. Hart
16	William J. Bryan - 40	A. St. Barnes
17	W. E. Hart	W. L. Barnes
18	J. W. Meyer - 42	Joseph Harrison
19	G. R. Harkis - 43	H. H. Salisbury 500
20	Gas Nibley - 44	
21	Hadset Dye - 45	
22	D J Smith - 46	
23	D H. Robert - 47	
24	J. Richardson - 48	
25	W. E. Hart	
26	J. W. Lister - 49	
27	Thomas Birner - 50	
28	J. H. White - 51	
29	Wm A. Rice - 52	
30	Thos Tanner - 53	
31	Sa Daugherty - 54	
32	J. B. Wilson - 55	
33	Jam. B. Walker - 56	

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That we,

L. S. Kelsey

and _____, of the County of Union and State of Oregon, ^{are} held and firmly bound unto 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 *5th* day of *August* A. D. 189*1*.

Now, the condition of the above obligation is such, That, whereas the above named

L. S. Kelsey

and _____, and others, have petitioned the County Court of said County of Union, at the *August* Term, 189*1*, thereof for a County Road, commencing *As described in the notice hereto attached.*

Now, if the above named

L. S. Kelsey

and _____

shall well and truly pay, or cause to be paid, all costs and expenses that may be incurred by reason of the view or review of said Road, in case the prayer of said petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

L. S. Kelsey (L. S.)

(L. S.)

STATE OF OREGON, }
County of Union. } sr.

I,

L. S. Kelsey

and _____

, each for himself, say, that I am worth the sum of *One* Hundred Dollars over and above all debts and liabilities and property exempt from execution; that I am a resident and householder in said County and State.

L. S. Kelsey

Subscribed and sworn to before me this *5th* day of *August* A. D. 189*1*.

James Oliver

County Clerk.

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

IN THE MATTER OF THE

J. S. May
ROAD.

BOND OF ROAD PETITIONERS.

Approved _____ 189

J. S. May
County Judge.

Filed _____ 189

County Clerk.

By _____

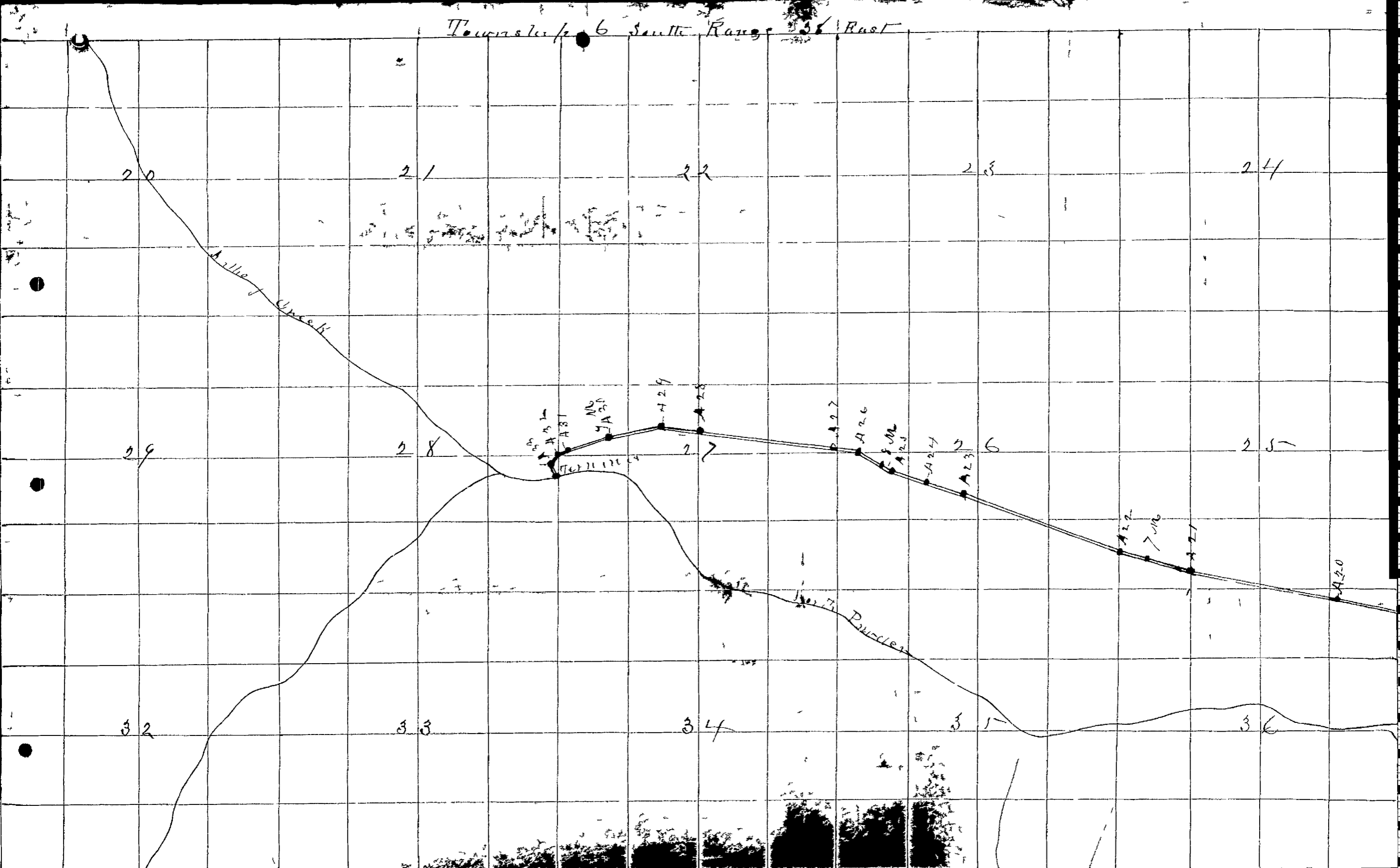
Deputy.

FILED.

AUG 8 1891

James Oliver
County Clerk.

Township 6 South Range 36 East



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Little Creek

North Branch

No. 30
No. 31

7/10/6

A 20
A 21
A 22

A 29

A 28

A 27

A 26

A 25
A 24

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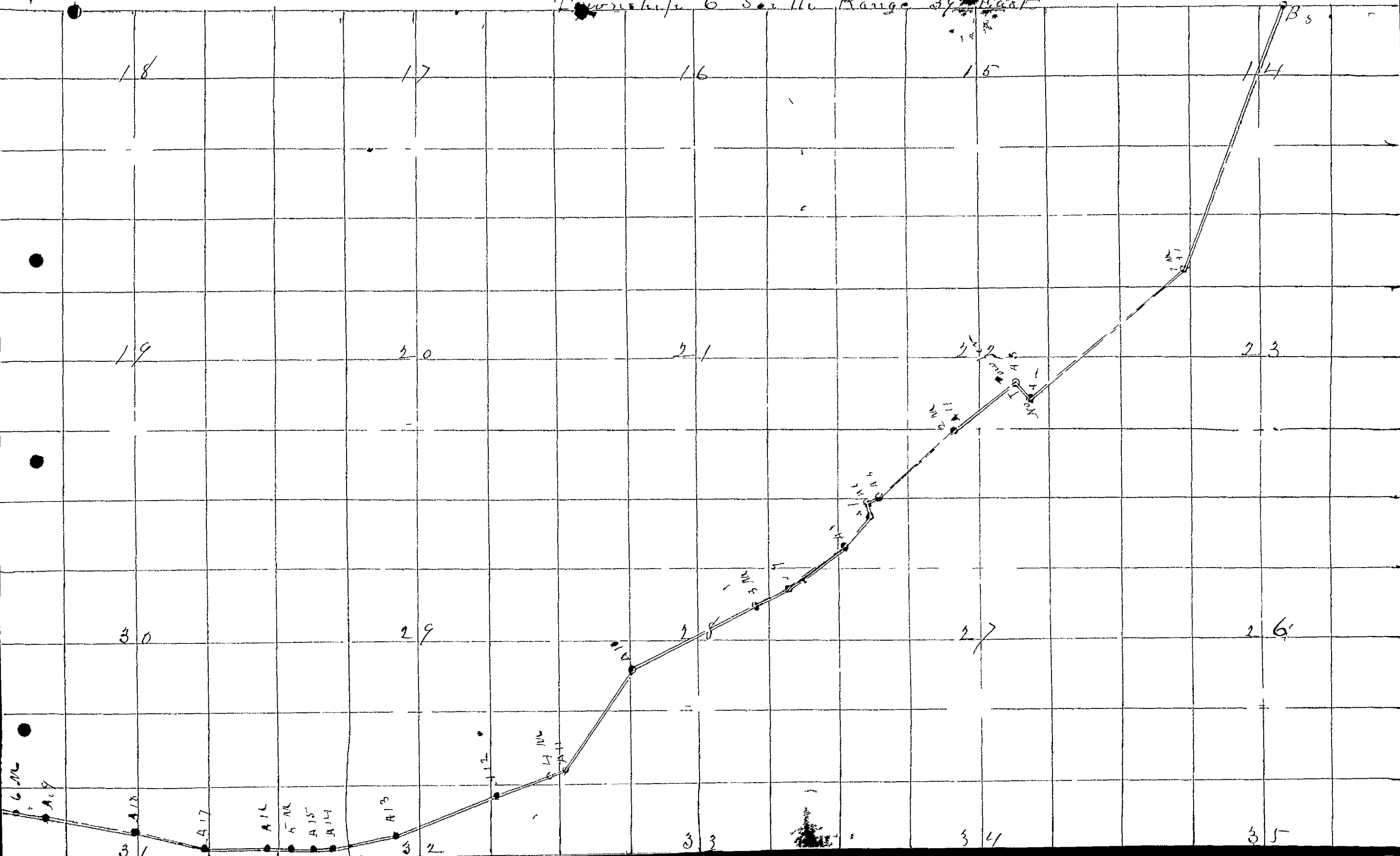
PRINTED

SEP 2 1891

Turner-Oliver

Commercial

Township 6 South Range 39 East



REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 5th day of Aug, 1891, 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 L S Kelsay, et al, beg leave to report that on the 14 day of August, 1891 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 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.

John Shaw
S. P. Campbell
John Edwards
VIEWERS.

FILED.

SEP 2 1891

James Owen

County Clerk

Field Notes

Of the survey of County Road as Petitioner for by
 L S Kelsey et al, Done Aug 14 and 15th 1891
 Beginning at a point 29 1/2 Rods east of the corner of T²
 R¹⁴ T⁶ S. Range 39 East N-M and running
 thence S 28° W

80 00	to	A 1	and 1 Mile Station	thence S 52° W
67 78	"	A 2	"	N 38° W
6 17	"	A 3	"	S 57° W
22 05	"	" 4	and 2 Mile Station	" S 48° W
28 58	"	" 5	"	S 60° W
3 00	"	" 6	"	S 10° E
8 78	"	" 7	"	S 44° W
14 30	"	" 8	"	S 54° W
20 50	"	" 9	"	S 63° W
10 89	"		3 Mile Station	" S 65° W
40 00	"	" 10	"	S 84° W
36 20	"	" 11	"	S 69° W
8 75	"		4 Mile Sta	" S 69° W
17 15	"	" 12	"	S 66° W
32 14	"	" 13	"	S 49° W
18 00	"	" 14	"	S 57° W
6 00	"	" 15	"	S 79° W
6 71	"		5 Mile Sta	" S 79° W
7 02	"	" 16	"	S 84° W
18 00	"	" 17	"	N 76° W
20 00	"	" 18	"	N 79° W
27 00	"	" 19	"	N 82° W
8 00	"	"	6 Mile Sta	" N 82° W
22 00	"	" 20	"	N 78° 30' W

44.00	To A 21	Thence N 74° W
14.00	" " 7 mile Sta	" N 74° W
6.00	" " 22	" N 70° W
48.00	" " 23	" N 72° W
14.00	" " 24	" N 72° W
9.00	" " 25	" N 61° W
8.00	" " 8 mile Sta	" N 61° W
7.00	" " 26	" N 84° W
7.00	" " 27	" N 80° W
39.00	" " 28	" N 82° W
11.00	" " 29	" N 69° W
15.00	" " 30	" N 76° W
1.00	" " 9 mile Sta	" N 76° W
11.00	" " 31	" S 85° W
2.00	" " 32	" S 25° W
2.00	" " 33	" S 30° E
2.50	to the Terminus of the Road on the Reggs	

Bridges Making the whole distance 9 miles
and 70 Rods

J B Curtis
Surveyor

PAID.

SEP 2 1891

James Owen
County Clerk.

To the Hon. County Court of Union
County Oregon

We the undersigned your
petitioners resident householders
of Union County - Oregon residing
in the vicinity of the proposed
county road hereinafter des-
cribed do hereby most respect-
fully petition against
the granting by your honorable
body of the petition for said
county road and the laying
out and establishing of the
same as a county road said
proposed road being described
as follows -

Commencing at A 2430 of
the county road of O.D. Henderson
et al. as now measured in the
County Clerk's office of Union County -
Oregon at the point 5.2 rods
east of the 6 mile stone (or point)
on aforesaid county road and
29 1/2 rods East of Center N 1/2
Sec. 14 T 6 S R 39 E N 7 W and
70 feet ~~from~~ west of the U.P.R.R.
track thence in a South westerly direc-
tion 70 feet from and parallel
with said rail road through the

lands of G. M. Wald and J. H. Pander
in Sec. 14 and intersecting town
of North Powder in sec. 22
at the Eastern terminus of 1st
street thence in a south westerly
direction along said 1st street to
E. Street thence in a north
westerly direction along E. Street
to 2nd Street thence in a south
westerly direction along 2nd
street to the ~~western~~
boundary of the town of North Powder
thence in a westerly direction
as near as may be practicable
feasible for a good road bed
along the Bluffs on the North
side of North Powder river bottoms
through Sec 22, 27, 28, 29, 31 and
32 T. 6 S. R. 39 E. N. M. and
Sec. 36, 35, 26 and 27 T. 6 S. R. 38
E. N. M. and terminating at the
center of North Powder river at
the ~~Bridge~~ Bridge in N.E. of S.E.
Sec 28 in T. 6 S. R. 38 E. N. M.
For which your recommenders
will ever pray
Names

1	Wm Surdas	30	J. S. Bates
2	E. Brown	31	John Bryant
3	J. H. Marsham	32	David Lee
4	Joseph Bradford	33	T. J. Lloyd
5	Pat. McKeeney	34	John O'Brien
North 6	Charles Mose	35	J. Van der
N Powder 7	Henry Sears	36	Col Woodcock
8	W. J. Chapman	37	Charles Parker
N Powder 9	J. B. O'Shea	38	W. H. Kelly
10	J. M. Gilkison	39	Wm. Garrison
11	W. J. Surdas	40	H. Ellis
12	J. B. Bradford	41	John Gloss
North 13	J. A. Robinson	42	W. B. Bowman
14	J. H. Parker	43	M. S. Hughes
15	A. M. O'Brien	44	Geo. W. Powell
16	W. J. Murphy	45	Shos Bryant
17	Thomas Buckley	46	J. M. Young
18	J. M. Cornick	47	W. H. Lee
19	W. S. Blank	48	James Gilkison
20	E. P. Wally	49	J. W. Maharry
21	Samuel Day	50	John Henderson
22	W. J. Gardner	51	John Simons
23	J. R. Parker	52	John Simons
24	Benjamin	53	John N. Hill
25	Harold S. Zyl	54	Mat Simons
26	J. M. Walk	55	Henry Barr
27	J. N. Mitchell	56	D. Mann
North 28	Ben Ray	57	Wm. Shaw
29	James Simons	58	T. J. Harrison

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B Ashby
G A Warden
William O'Neill
L H Macdonald
W A Weeks

BILLED.

SEP 9 1891

James Owen
County Clerk.

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

In the matter of
The County Road
Petitioned for by
L. S. Hilsey et al

Now at this time a man
G. M. Hall a household
of the State of Oregon resi-
ding in the vicinity of
the above entitled proposed
County Road and the owner
of land through which
the same extends and
manifests against the
establishing and opening
of said proposed Road
for the reason:

1st That the proof of posting
the notice in the vicinity
of said proposed road
is insufficient to give the
court jurisdiction to establish
said Road in this that it
does not appear therefrom
that said notice was posted
in three public places in
the vicinity of said proposed
Road.

2nd That Beverages Tavern and
the Post Office referred to in
said proof are both in the
same block front on the same

and are within fifty or sixty feet of each other and the notices posted there were virtually posted ~~at~~ ⁱⁿ ~~one~~ and the same place 3rd That ~~such~~ proof does not show that said notices were posted in Public places +

4th That the names of Andrew Linn and J. P. Harris appearing on said Bond petition do not appear upon the notices posted and that the names of A. Linn and J. P. Harris appearing on said notices do not appear upon said Bond petition and that the court is without jurisdiction to establish said Bond.

G. M. Walk
Remonstrator
W. Brown
Atty for Remonstrator

County Court
New York City

We mutually
acknowledge
the receipt of
the

Remittance
of \$100.00

FILLED.

SEP 9 1891

James Owen
County Clerk

Johnston
and

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

In the matter of the
County Road petition
for Log L. S. Kelley et al

Now at this time comes
G. M. Walk a household
of the State of Oregon
residing in the vicinity
of said proposed road
and the owner of land
through which the
same extends and
moves the court to
strike from the petition
having filed the names
of the following petitioners
for the reason that the
~~same~~ said persons
are not householders
and do not reside
in the vicinity of said
proposed Road to wit
Clarence Wilson R. M.
Wilson D. Parson The
Leahurst James Tibbels

A. L. Smith J. Richardson
J. M. Leistonman Thomas
Burns S. A. Daugherty
J. B. Wilson Jr. S. J. Long
Edmond Evans Wm. Foster
Chas McCurry W. W.
Gardner Calvin Rice
J. B. Hart John Brent
J. S. Davis Joseph
Harrison W. H.
Salisbury.

J. G. M. Walk
By J. H. M. J. J.
His city

✓
County Court
Merrill K. S. S.

Shu Maxwell
A. S. Kelley
Bauer
Merrill

FILED.

SEP 9 1891

J. J. Quinn
County Clerk.

J. J. Quinn
County Clerk.

1 State of Oregon }
2 County of Union } ss

3 I L. S. Kelsey being duly
4 sworn say that the remonstrance ~~here~~
5 before filed against the road petition
6 for by L. S. Kelsey et al, contains the
7 following names of persons who are
8 not legal householders living in the vi-
9 cinity of the proposed road to wit:

- | | | |
|----|------------------|-------------------------|
| 10 | J. A. Worsham | not a legal householder |
| 11 | Charles Moel | " " " |
| 12 | H. T. Groves | " " " |
| 13 | A. M. Irwin | " " " |
| 14 | Wm. Murphy | " " " |
| 15 | J. A. McCormick | " " " |
| 16 | M. E. Gardner | " " " |
| 17 | J. R. Parker | " " " |
| 18 | Bert Ray | " " " |
| 19 | T. J. Lloyd | " " " |
| 20 | Ed. Woodin | " " " |
| 21 | Charles Parker | " " " |
| 22 | Mickey Free | " " " |
| 23 | Wm. Salmore | " " " |
| 24 | A. Ellis | " " " |
| 25 | John Cross | " " " |
| 26 | George W. Powell | " " " |
| 27 | Miles Lee | " " " |
| 28 | Wm. Shaw | " " " |
| 29 | C. A. Macdonald | " " " |
| 30 | W. A. Neusel | " " " |
| 31 | Joseph Bradford | lives 6 miles from road |
| 32 | T. B. Bradford | " " " " " |

1	J. A. Hutchinson	lives 5 miles from road
2	N. S. Blank	" 2 " " "
3	J. N. Mitchell	" 8 " " "
4	James Simonis	" 4 " " "
5	B. Ashby	" 7 " " "
6	G. A. Warden	Not a legal householder
7	Wm O'Neill	lives 4 or 5 miles from road
8	J. A. Baty	" 5 " " "
9	John O'Bryants	not a legal householder
10	John O'Bryan	" " " "
11	John Anderson	Lives 6 miles from road
12	Matt Simonis	not a legal householder
13	T. J. Harrison	Lives 6 miles from road
14	M. B. Bowman	not a legal householder

15
 16 The above named householders are not
 17 living in the vicinity of the road
 18 from the fact that they are so
 19 situated that they have to travel on
 20 two other roads situated between them
 21 and the proposed road and the said
 22 proposed road would be of no use
 23 to them

24 L. S. Kekey

25
 26 Subscribed and sworn to before me
 27 this 9th day of Sept and 1891
 28 Turner Oliver Clerk
 29 By J. R. Oliver Deputy
 30
 31
 32

1 In the County Court of the State of
2 Oregon for Union County

3
4 In the Matter of the
5 proposed County Road
6 petitioned for by L. S. Kelsey et al.

7 Now at this time
8 comes L. S. Kelsey and based on the
9 foregoing affidavit moves the Court to
10 strike off from the remonstrance
11 filed herein all the names mentioned
12 in the foregoing affidavit as il-
13 legal remonstrators.

14 L. S. Kelsey

FILLED.

SEP 9 1891

James Owen
County Clerk.

1 State of Oregon }
2 County of Union } SS

3 I L. S. Kelsey being
4 duly sworn say that the following named
5 persons whose names appear on the
6 petition of L. S. Kelsey et al for
7 proposed County Road are legal home-
8 holders living in the vicinity of
9 the proposed road, to wit:

10 L. S. Kelsey	
11 Clarence Wilson	J. Richardson
12 R. M. Wilson	D. W. Curtiss
13 J. E. Carroll	H. O. Gorham
14 Wm. Warden	Thomas Burns
15 A. P. Skull	J. A. White
16 A. P. Skull	James A. Pilcher
17 A. L. Linn	Thomas Towner
18 Wm. Sanders	J. B. Wilson Jr
19 J. H. Fimlhus	Edward Evans
20 Thos. Ferguson	Dave Lee
21 D. Parson	Harrison Wicks
22 George Stoddard	Wm. Forsy
23 A. K. Stoddard	Charles M. Curry
24 A. Rothchilds	James R. Gerard
25 M. Holmes	Calvin Rice
26 Wm. Pearson	T. B. Hart
27 Wm. Casper	Lyman Stanford
28 T. W. Myers	John Brant
29 J. P. Harris	J. S. Davis
30 Hadel Dye	W. W. Ellis
31 P. L. Smith	J. E. Wicks
32 D. F. Hart	J. E. Charnes

1 W. L. Chamer
2 H. H. Salisbury

5 L. S. Kelso,

6
7 Subscribed & sworn to before me
8 this 9th day of Sept a.d. 1891

9 Turner Oliver Clerk

10 By J. R. Oliver Deputy

PAYED.

SEP 2 1891

Wm. B. O'Connell
County Clerk

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

In the matter of
the County Road
petitioned for by
L. S. Kelsey et al

I now at this time
appear G. M. Talk and
allege that he is the owner
of and in possession
of the S² 24 1/4 + N² S 1/4 + S²
24 1/4 Sec 14 T. 6 S. R. 39 8 21/2
in Union County Oregon
through which said
proposed Road petitioned
for by L. S. Kelsey et al
extends that said proposed
Road as surveyed and
viewed, not extend through
said lands through said
lands for a distance
of one half mile that said
land through which said
proposed road extends
is all good well
improved meadow lands
of the value of \$25⁰⁰ per
acre that said proposed
Road cuts said land
in a bad shape and
cuts off from the balance
of claimants said farm
about thirty acres of said

lands and render the
same almost worthless.
That said proposed road
appropriate for access
of claimant's said land
That the establishment of
said proposed Road
will necessitate the building
and maintaining by claimant
of at least one mile of
additional fencing in
order to keep his said
meadow lands enclosed
at a cost of about \$5000
and that consequently
said lands will be ren-
dered less valuable and
he will be damaged
by the establishing and
opening of said Road in
the sum of \$11000 which
sum he now now
claims as damages

E. M. Walk
By J. H. Brown
his attorney

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County Court
Main Court
On the matter
of the Petition
for
by J. J. Kelly
et al
Order of
E. M. Meeke for
Reissue

FILED.

SEP 10 1891

James Owen
County Clerk

W. H. M. S. S. S. S. S.
all for Reissue

State of Oregon } s.
County of Union }

D. C. L. 131 Rule W. T. Carroll

M. S. Warren having been appointed on the
9th day of Sept 1891 to view and appraise
the damages that would accrue to G. M.
Walk by reason of the construction of
a proposed road petitioned for by L. S.
Kelsey ^{it is} ^{at} ^{my} ^{request} being first duly sworn say
each for himself that ~~he~~ faithfully
and impartially perform my duty and
report to the Court how much less val-
uable the said premises of G. M. Walk
will be rendered by the construction of
said proposed road

W. S. Carrall

M. S. Warren

W. S. Carrall

M. S. Warren

Subscribed and sworn to before me
this 20th day of Sept 1891.

Oliver Oliver, Clerk

By J. R. Oliver Deputy

REPORT OF VIEWERS.

TO THE HONORABLE COMMISSIONERS OF THE LAND OFFICE

We the undersigned do hereby certify that on the 29th Sept 1891 we viewed the land of the late *Sam Walker*

which is situated in the County of Tyrone and is bounded as follows to the North by *Josiah Kelly* to the West by *William Kelly* to the East by *Sam Walker* and to the South by *Sam Walker*

The land is situated in the Parish of *St. Patrick's* and is the same land as that which was sold to *Sam Walker* in the year 1881

and is the same land as that which was sold to *Sam Walker* in the year 1881

and is the same land as that which was sold to *Sam Walker* in the year 1881

and is the same land as that which was sold to *Sam Walker* in the year 1881

FILFD.

SEP 20 1891

James Oliver
County Clerk

Wm Kelly
Wm Carroll
M. S. Warren

First Judicial Day.

Wednesday Aug 5th 1891.

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 posted were in due form and duly signed by the petitioner, and that a bond for the cost of this proceedings has been duly given.

It is therefore ordered that John Shaw, Howard Campbell and John Edwards be appointed Viewers of said road and J. L. Curtis be appointed Surveyor of said road, and that they meet at North Powder on the 1st day of August 1891, 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 proposed
County Road petitioned for
by L. S. Kekey et al

Comes now L. S. Kekey 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 A No 30 of the County Road of O. P. Tomlinson et al as now on record in the County Clerk's office of Union County, Oregon, at a point 5 rods east of the 6 mile stone (or point) on aforesaid County road and 2 1/2 rods east of center N^o Sec 14 T 6. P. R. 39 E. W. M. and 80 ft. west of the U. P. R. R. track; thence in a southwesterly direction 80 ft. from and parallel with said rail road through the lands of G. M. Mack and J. N. Saunders in Sec 14 and intersecting the town of North Powder in Sec 22 at the eastern terminus of 1st St; thence in a southwesterly direction along said 1st St. to 6th St; thence in a northwesterly direction along 6th St. to 2nd St; thence in a southwesterly direction along 2nd St. to the western boundary of said town of North Powder; thence in a westerly direction so near as may be most practicable

First Judicial Day.

Wednesday, August 5th 1891.

for a good road bed along the bluffs on the north side of North Powder River between Sections 22, 27, 28, 29, 31, 32 & 36 S. R. 29 T. 6. W. 4. and Sections 36, 35, 26, 27 T. 6 S. R. 29 T. 6 W. 4. and terminating at the center of North Powder River at the Eggs Bridge in NE of SE^{1/4} Sec 27 T. 6 S. R. 29 T. 6 W. 4. all the above places being in Union County, Oregon, 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 Road Court, town at the front of Court house door in County of Union, State of Oregon, and, also in other public places in the vicinity of said proposed road, to-wit: One on the Post office at North Powder, Union County, Oregon; One on the gate near the house of L. J. Kelsey by the side of the public road, and near the saloon of Dave Peck in the town of North Powder 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 bond for the cost of this proceedings has been duly given. It is therefore ordered that John Shaw, Howard Campbell and John Edwards be appointed Viewers of said road and that J. L. Curtis be appointed Surveyor of said road and that they meet at North Powder on the 1st day of August 1891. at the hour of 1 o'clock P.M. and after qualifying, to view, survey and lay out said road according to law.

Second Judicial Day

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One in favor of J. B. Alderman Supervisor of Road Dist No 29 for \$100⁰⁰

One in favor of Charles Oliver Supervisor of Road Dist No 31 for \$50⁰⁰

One in favor of Jack Riggs Supervisor of Road Dist No 36 for \$50⁰⁰

and one in favor of Cha Wyatt Supervisor of Road Dist No 37 for \$100⁰⁰

And it appearing to the Court that there remains \$400⁰⁰ of the Road Fund yet undistributed and the Court not yet being fully satisfied as to what districts ought to receive the balance of said fund It is considered and ordered that the same be held for distribution at some future term of this Court

In the Matter of the Road }
petitioned for by L. S. Kelsey et al }

This Matter came on for hearing at this time on the Report of Viewers and Surveyors heretofore filed herein for first reading as required by law and said report having been read in open Court for the first time is laid over for further reading on some other day.

In the Matter of the Road }
petitioned for by L. S. Kelsey et al }

Now at this time this matter comes on to be heard upon the remonstrance filed herein and upon the motion of G. M. Walk and personal remonstrance the petition upon the alleged grounds that certain persons who signed the petition had not signed the notice and that certain petitioners were not householders and also that the proof of posting the notices were insufficient G. M. Walk appearing in person and by his attorney E. H. Crawford, L. S. Kelsey appearing for petitioners The Court after hearing the testimony offered by the parties and argument of Counsel considers and finds that the petitioners are the same persons whose names appear upon the notice and that they and each of them signed both the petition and the notices

Second Judicial Day

Thursday Sept. 10th 1891

that the following named persons whose names appear upon the petition are householders living in the vicinity of the proposed road and are legal petitioners for the same to-wit:

L. S. Kelsey, Clarence Wilson, R. M. Wilson, J. E. Carroll, Wm Warden, H. P. Shull, A. P. Shull, A. Lunn, Wm Sanders, J. H. Fennell, Thos Ferguson, D. Parson, George Stoddard, A. K. Stoddard, H. Rothchild, S. W. Holmes, Wm Pearson, Wm Casper, T. W. Myers, J. P. Harris, H. Adsel Dye, P. L. Smith, D. F. Hart, J. Richardson, J. W. Cushman, H. O. Gorham, Thomas Burns, J. A. White, James A. Pilcher, Thomas Danner, J. B. Wilson Jr, Edward Evans, Davo Lee, Harrison Wicks, Wm Forsey, Charles M. Curry, James R. Gardner, Calvin Rice, T. B. Hart, Lyman Stanford, John Brant, J. S. Davis, W. W. Ellis, J. E. Wicks, E. A. Charnes, W. L. Charnes and H. H. Salisbury and that their names and each of them should be counted on said petition, The Court further finds from the affidavit on file and the testimony produced in Court that the following named persons whose names appear upon the remonstrance are not householders living within the vicinity of the proposed road, and are not legal remonstrators, to-wit:

J. A. Worsham, Charles Morel, H. J. Groves, A. M. Drinn, Wm Murphy, J. A. McCormick, N. E. Gardner, J. R. Parker, Bert Ray, T. J. Lloyd, Ed Woodson, Charles Parker, Mickey Fe, Wm Satmore, H. Ellis, John Gless, George W. Powell, Miles Lee, Wm Shaw, C. H. Mackinnals, W. A. Weeks, Joseph Bradford, T. B. Bradford, J. A. Hutchinson, N. S. Blanks, J. N. Mitchell, James Simonis, B. Ashby, G. A. Warden, Wm O'Neil, J. S. Batey, John O'Bryane, John O'Bryan, John Henderson, Matt Simonis, T. J. Harrison & N. B. Bowman and that their names ought not to be counted on said remonstrance, that the places mentioned in the proof of posting the notices filed by L. S. Kelsey are each and all public and conspicuous places on and in the immediate vicinity of the proposed road, that there are a greater number of householders living within the vi-

Second Judicial Day

Thursday Sept 10th 1891

cinity of the proposed road who have signed the petition than have signed the remonstrance It is therefore considered and ordered by the Court that said Motion and Remonstrance be overruled and denied

In the Matter of the Road }
petitioned for by L.S. Kelsey et al }

Now at this time comes G.M. Walk and alleges that he is the owner and in possession of the $\frac{1}{2}$ NW¹ 1/4 N² W⁴ 5² Sec 14 Tp 6 S R. 39 E-W.M. in Union County Oregon through which said proposed Road petitioned for by L.S. Kelsey et al will pass, that he will be damaged in the sum of \$1100⁰⁰ by the locating and establishing of the said proposed road It is therefore considered and ordered by the Court that W.F. Carroll, M.S. Warren and C.L. Blakeslee be appointed Viewers to examine the premises of the said G.M. Walk the entire distance through which the said proposed road would pass and to report to this Court at the next regular term thereof how much less valuable the said premises would be rendered by reason of the construction of the said proposed road and that they meet at Union Oregon on Saturday the 26th day of September A.D. 1891 and after qualifying to proceed to view the said premises and render their report accordingly

In the Matter of Medical }
attendance on the County Poor }

Comer now J.N. Cromwell M.D. and offers to treat and furnish medical aid and assistance to County Poor under the same conditions and contract as last year for the sum of \$480⁰⁰ per annum And it appearing to the Court that it would be to the best

First Judicial Day

Wednesday Oct 7th 1891

has been open, traveled and used as such road since the said year 1868, when the same was so opened to travel viz: Commencing at or near the South East Corner of Sec 17 T 3 S R 40 E and running thence Northerly on the line as so opened and traveled to or near a point 60 rods South of the North East Corner of Sec. 29 T 2 S R 40 E. W. M. and provided always that they shall wholly disregard any encroachments made thereon by any one since the year 1884, That the termini and intermediate angles of such road shall each be marked by a proper stone planted in the ground on the line of the survey properly marked and extending sufficiently above the ground to be readily distinguished And shall ascertain the width of the said road as so opened and used for travel during said period, disregarding any and all encroachments made thereon since the year 1884, And they shall report their doings hereon in detail to the Court at its next regular meeting, together with the field notes of such survey, description of monuments, courses and distances and the width of said road for the consideration and approval of the Court. Said viewers shall meet with the Surveyor for that purpose at the Cove on the 23rd day of Oct 1891 at 10 o'clock a.m.

In the Matter of the
Application of Mary
Ladd for an Increase
of allowance

This matter having been continued over from the last term until the Court could become better acquainted with the needs and circumstances of the applicant, and now being fully advised as to the facts in the case, and believing that the allowance now being made of \$80⁰⁰ per year is all that the County ought to pay at present, It is considered and ordered that the application for increase be dismissed.

In the Matter of a
road petitioned for
by L. S. Kelsey et al

This matter came on to be heard on the report of the appraisers heretofore appointed herein and also upon the report of viewers heretofore filed herein. And it appearing to the Court that the report of appraisers is as follows:

First Judicial Day

Wednesday Oct 7th 1891

Report of Viewers.

To the Honorable County Court for Union County Oregon.

We the undersigned viewers heretofore on the 26 day of September appointed to view out and assess the damages claimed by G. M. Walk in the matter of the proposed County road, petitioned for by L. S. Kelsey et al. We beg leave to report that on the 26 day of Sept. 1891, we, after being duly sworn to discharge our duty faithfully and impartially, proceeded to view said proposed road, the whole distance through the premises of G. M. Walk, Complainant, and to assess and determine how much less valuable said premises of said Complainant would be rendered by the opening of said road, and we find the premises of said Complainant G. M. Walk would be rendered \$207⁵⁰ less valuable, and that the premises of Complainant G. M. Walk would be rendered \$207⁵⁰ less valuable, and the premises of the Complainant G. M. Walk would be rendered \$207⁵⁰ less valuable by the laying out and establishment of said proposed road as a public highway of said County, and recommend that \$207⁵⁰ be paid to said Complainant before laying out and establishing said road as a public highway.

G. L. Blakeslee

M. T. Carroll

M. S. Warren

And said report appearing reasonable it is ordered that the same be approved by the Court, And it appearing to the Court that this is a road of great public utility and ought to be opened up as soon as convenient. It is ordered that said damages be paid out of the County Treasury and the Clerk is ordered to issue a warrant on the Treasurer for the same. Thereupon the Viewers report was read in open Court for the first time at this term And it is ordered that the same be laid over for a second reading on some other day of this term of Court.

In the matter of the
proposed change in
the County road petitioned
for by Jesse Hubler

This matter came on to be heard at this time on the motion of Joseph Oliver to dismiss the proceeding, the same having been heretofore opened up and set for

Second Judicial Day

Thursday Oct 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.

C. W. Sanders
County Judge

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

In the matter of the proposed
County Road petitioned for by
L. P. Kelley 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 5th day of August 1891 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 L. P. Kelley et al by leave to report that on the 14th day of August 1891 in pursuance with said appointment and oath, 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 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

John Shew
H. P. Campbell
John Edwards.

And said report of the viewers and the report of the surveyor having been now publicly read in open court on two several

Grand Judicial Day

Thursday, Oct 8th 1891.

days of the present term of the Court, and it appearing to the Court that said viewers report favorably therein, and recommend that said proposed road be reestablished 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 except the claim of G. M. Walk which has been heretofore disposed of, and there having been no cause shown why this proposed road should not be declared a public highway and ordered open 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 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 L. P. Kelley Road Supervisor of Road District No 25 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 x

In the Matter of Logging
Roads petitioned for by the
Grand Ronde Lumber Co. } It appearing to the Court that this
matter was continued until today for hearing on the Report
of Viewers herein, so that the 3rd viewers could sign the report
and the Court not having time to hear further arguments
today and being about to adjourn, It is considered and
ordered that this matter be continued and set for hearing
on Wednesday Oct 14th 1891, and the petitioners is allowed
until that time to have viewers report completed and
filed.