

RECEIVED  
FEBRUARY 19 1964  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
FISHERY

<i>No</i>	
<i>in</i>	
<i>Court</i>	
<i>vs</i>	
<i>Plaintiff</i>	
<i>Defendant</i>	
<i>Action for</i>	
<i>Docket</i>	<i>Page</i>
<i>Attorney for Plaintiff</i>	

**Record of the Case**

Viewers appointed Jul 1<sup>st</sup> 1853

Grand Jurors " 533

419

Petitioned for by  
W. G. Peach et al

Commencing at the County  
Road at the SW Cor N E Sec 6  
T 3 S R 39 E W M and Terminating  
where County Road crosses South  
Fork of Grande Ronde River

**WITNESSES.**

## 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:

Beginning on the County Road at the S.W. corner NE 1/4 Sec 6 T. 3 S. R. 39 E. W. M.

Thence running in a northeasterly direction to the extreme point of a bend in the south fork of Grand Ronde River.

Thence running in a southeasterly direction to where the County Road crosses the south fork of Grand Ronde River.—

Also to vacate the portion of the County Road lying between the points above mentioned

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

NAMES:

NAMES:

Wm. G. Peach.

Ym. Stewart

John ~~Smith~~  
W. Chenaunt

J. J. Grimmer  
H. Harrell

of e business

Maggie Carr  
J. L. Hawkins

W. H. Spang

O. Fuller

Lewis Boyd

John W. McAllister

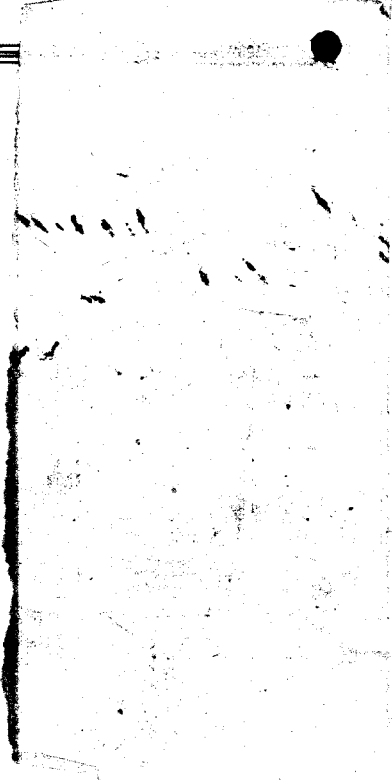
W. Schkeles

E. J. Gehele

Walter Eaton

J. K. Paywell

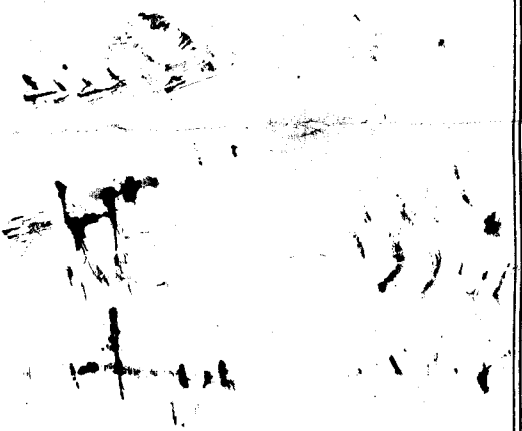
Wm. Bennett



**FILLED.**

NOV 30 1892

*James Owen*  
County Clerk.



STATE OF OREGON,  
County of Union. } ss.

I, Wm G Pease

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 beginning of the proposed Road on the Bridge known as the "Mrs Carr Bridge" one at the terminus of the Road on a board nailed to the fence and one on the sign board near Gillman's corner on the Road leading from Island to La Grande

thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 29 day of Nov-  
ember 1892, and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 30 day of November 1892, 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.

Wm G Pease

Subscribed and sworn to before me this

4 day of January 1893

By Turner Oliver Clerk  
By E. W. Moore 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 Wednesday, the 4<sup>th</sup> day of January A. D. 1893, 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: Beginning on the County Road at the SW corner N6 1/2 Sec 6 T13 SR 39 E20M  
Thence running in a North easterly direction to the extreme point of a bend in the South fork of Grand Ronde River  
Thence running in a south easterly direction to where the County Road crosses the south fork of Grand Ronde River  
Also to vacate the portion of the County Road lying between the points above mentioned

NAMES:

NAMES:

*Wm G. Beach*  
*John Beach*  
*W. Chenault*  
*L. E. C. C. C.*  
*H. G. Spangh*  
*O. Fuller*  
*Lewis C. C. C.*  
*John W. McAlister*  
*W. Felscheker*  
*E. J. Geheker*  
*Depter Eaton*  
*L. K. Powell*  
*W. J. Sement*

*Wm Stewart*  
*J. J. Gimmert*  
*H. Harrell*  
*Maggie Carr*  
*J. L. C. C.*

*Correct  
 1/20/93  
 W. G. Beach*

### BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That *Wm G Peach*

and *Wm G Peach* of the County of Union and State of Oregon, are held and firmly bound unto said County of Union in the sum of *Two 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 *4<sup>th</sup>* day of *January* A. D. 189*3*

Now, the condition of the above obligation is such, That, whereas the above named *Wm G Peach* and *Wm G Peach*, and others, have petitioned the County Court of said County of Union, at the *January* Term, 189*3*, thereof for a County Road, commencing *described in the petition hereto at* *touch*

Now, if the above named *Wm G Peach* and *Wm G Peach* 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.

*Wm G Peach* (L. S.)

(L. S.)

STATE OF OREGON, }  
County of Union. }

I, *Wm G Peach* and *Wm G Peach*

, each for himself, say, that I am worth the sum of *Two* 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.

*Wm G Peach*

Subscribed and sworn to before me this *4<sup>th</sup>* day of *January* A. D. 189*3*

*James Oliver*  
County Clerk.  
*By Swenson*  
*deputy*

419

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

IN THE MATTER OF THE  
*Wm. J. [Signature]*

ROAD.

**BOARD OF ROAD PETITIONERS.**

Approved \_\_\_\_\_ 189\_\_

County Judge.

Filed *April 4 1893*  
*James Oliver*  
County Clerk.

By \_\_\_\_\_  
Deputy.



Amount of Materials Labor on fence for  
Mrs Carr on new road—

220 Posts @ 10¢	22.00
Sharpening Posts	4.00
Driving	11.00
1040 # Wire @ 6¢	62.40
Staples	50
3 Gates and posts complete	25.00
Putting on wire 4 Days @ 1.5¢	6.00
	<hr/>
	\$130.90

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 2<sup>nd</sup> day of January, 1898, 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 G. W. Beach, et al, beg leave to report that on the 21<sup>st</sup> day of January, 1898, 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 vacated and <sup>to be changed</sup> on said proposed change established as a public highway of Union County, Oregon; that the same is much less practicable and would much less add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be vacated <sup>changed, as per survey hereto attached and</sup> and ~~be laid out~~ then declared a public highway of said county.

E. J. Parker  
G. W. Bartness  
M. A. Harrison

VIEWERS.

REPORT OF VIEWERS.

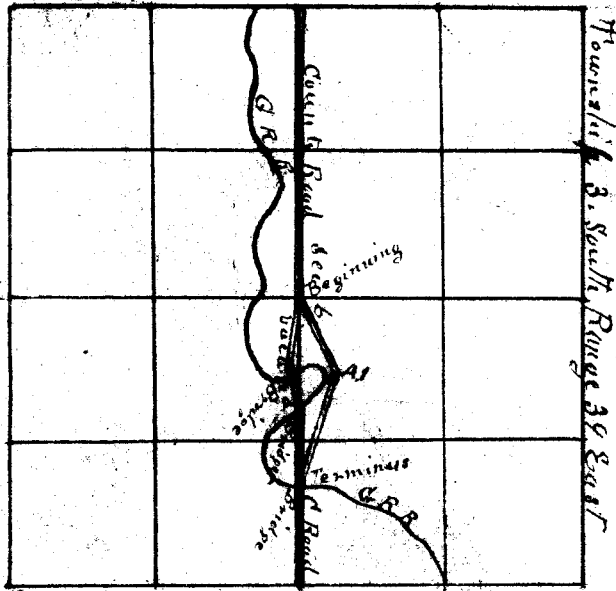
TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 2<sup>nd</sup> day of January, 1898, 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 E. W. Raich, et al, beg leave to report that on the 21<sup>st</sup> day of January, 1898; 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 <sup>change of</sup> made and be laid out <sup>and</sup> established as a public highway of Union County, Oregon; that the same is <sup>change of</sup> more practicable and would ~~partly~~ add to the convenience of the householders residing in the vicinity thereof. We therefore recommend that said proposed road be <sup>made</sup> laid out <sup>and</sup> declared a public highway of said county.

E. J. Parker  
W. J. Bartness  
H. A. Harrison

VIEWERS.

Scale 3 in To The Mile  
 True Meridian  
 Var 20° E



Chs. To The Hon County Court and Viewers in the matter  
 of A County Road as Petitioned for by W & Peach et al  
 the met on Jan 21<sup>st</sup> 1893 and the Parties all being duly  
 sworn we proceeded to view out and locate the Road  
 as follows to wit:

Beginning at the County Road at the SW corner  
 of the SE 1/4 of Sec. 6, T. 3. South Range. 39. East  
 Thence running North 63° East

1028 To Angle 1

Thence South 71° East

1642 " The Terminus intersecting the County Road at the

2670 Bridge across Grand River Whole Distance 2670 Chs

Distance of Road to be vacated 25.92 Chs

The above Plat and Field Notes is respectfully  
 submitted by

J. L. Curtis

County Surveyor

#419

Fifth Judicial Day

Friday Jan 6<sup>th</sup> 1893

Court met pursuant to adjournment

The same officers were present as on yesterday

The proclamation of the opening of Court having been made the Journal of yesterday's proceedings was read and approved and is here now signed

J. W. Sanders  
County Judge

Thereupon the following proceedings were had to-wit:

On the Matter of Liquor }  
License petitioned for by E. Carter }

At this time it is ordered that this matter be continued for the term

On the Matter of Settlement }  
with County officials }

At this time this matter came on to be heard on the semiannual settlement with the Clerk, Sheriff, Treasurer and Recorder of Conveyances as provided by an Act of the Legislative Assembly of the State of Oregon in 1891 and the Court having partially examined the Records of the various offices and not having time to make a thorough investigation and complete the work at this time the same was taken under advisement by the Court to be taken up and completed at the next regular term and it is ordered that this matter be continued for the term

On the Matter of the Road }  
petitioned for by W. H. Peach and }

Comes now W. H. Peach 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 on the County Road at the SW corner NE<sup>4</sup> Sec 6 T3 S R 39 E N W; thence running in a North Easterly direction

Fifth Judicial Day

Friday July 6<sup>th</sup> 1893

To the extreme point of a land in the South fork of Grande Ronde River; thence running in a Southeasterly direction to where the County Road crosses the South Fork of Grande Ronde River. Also to vacate the portion of the County Road lying between the points above mentioned,

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 the Court House, in the town of Union, County of Union, State of Oregon, and also in three public places in the vicinity of said proposed road, to wit: One at the beginning of the proposed Road, on the bridge known as the "Mrs. Carr Bridge" One at the terminus of the Road on a board nailed to the fence, and one on the signboard near Tillmans corner on the road leading from Island City to La Grande 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 E. J. Parker, M. A. Harrison and Geo. Bartness be appointed Viewers of said road and that J. L. Curtis be appointed surveyor of said road and that they meet at John Peach's on the 2<sup>nd</sup> day of July 1893 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 of the proposed County }  
Road petitioned for by a. J. }  
Harris et al }

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

Report of Viewers



Third Judicial Day.

Wednesday Febry 8<sup>th</sup> 1893

In the matter of Road }  
petitioned for by J. W. Ray et al }

This matter came on to be heard at this time on the petition heretofore filed herein and the Court being thoroughly advised in the premises It is considered and ordered that the same be dismissed

In the matter of the Road }  
petitioned for by N. S. Beach et al }

This matter came on to be heard at this time on the Report of Viewers and Surveyor heretofore appointed herein for first reading and the said Report having been read in open Court for the first time It is ordered that the same be laid over for a second reading on some other day of this term as by law required.

In the matter of Liquor License }  
petitioned for by Elisha Estes }

At this time it is considered and ordered that this matter be continued for the term

In the matter of a Settlement }  
with the County officers }

At this time it is considered and ordered that this matter be continued for the term

In the Matter of Delinquent }  
School Tax of School Dist No 46 }

At this time comes the Sheriff into open Court and makes return of the Delinquent Tax List for School District No 46 from which it appears that the sum of \$27<sup>27</sup> was charged up as delinquent and that he has collected the same in full and returns the said list fully satisfied It is therefore considered and ordered that said report be approved and placed on file and that the Sheriff pay the costs incurred on said Delinquent List and pay the balance over to the Clerk of said School Dist No 46

In the Matter of Delinquent }  
School Tax of School Dist No 61 }

At this time comes the Sheriff into open Court



Fourth Judicial Day

Thursday Feb'y 9<sup>th</sup> 1893

Court met pursuant to adjournment

The same officers were present as on yesterday

One proclamation of the opening of Court having been made the Journal of yesterday's proceedings was read approved and is here now signed

E. V. Sanders

County Judge

Whereupon the following proceedings were had, to wit

In the Matter of the Road }  
petitioned for by W. S. Beach 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 2<sup>nd</sup> day of January 1893 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 W. S. Beach et al beg leave to report that on the 21<sup>st</sup> day of January 1893 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 to be changed for the whole distance thereof, and that in our opinions said proposed road should be vacated and established on said proposed change as a public highway of Union County, Oregon. That the same is much less practicable and would add much less to the convenience of the householders residing in the vicinity thereof we therefore recommend that said proposed road be vacated and changed as per survey hereto attached and then declared a public highway of said County.

E. J. Parker  
Geo. B. Artness  
M. A. Harrison

Fourth Judicial Day

Thursday Feby 9<sup>th</sup> 1893

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 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 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 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 W. H. Beach Road Supervisor of road District, No 4 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  
allowance of bills

At this time it is ordered that the bill of J. W. White for 3<sup>75</sup> J. P. fees in State vs Davis be allowed

It is further ordered that the bill of C. H. Marsh for 2<sup>50</sup> Deputy Dist Atty fees State vs Davis be allowed

It is further ordered that the bill of J. W. White for 3<sup>00</sup> for drawing Jury List be allowed

It is further ordered that the bill of C. H. Marsh for 3<sup>00</sup> assisting to draw Jury List be allowed