

No

IN

Court

Plaintiff

vs

Defendant

Action for

§ 31

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

Dismissed Jul H 90

Order setting aside for order Jul H 32

Viewers appointed 32

Ordered open 359

460

Petitioned for by
C W Nessley
et al

Beginning at a point
100 ft N of NW Cor of SW 1/4 SE
Sec 31 T 25 N R 38 E and
terminating 870 chains
N of NE Corner of said Sec 32

Platted

790 343 344, 341 359

MEMORANDUM FILED IN THE OFFICE OF THE CLERK OF THE DISTRICT COURT OF THE TERRITORY OF OKLAHOMA

Presented ^{Nov 6} ~~May 8~~ 1895 Jul H 190

Ordered Opened Jan 9, 1896 H 360

Petition for County road.

To the Honorable County Court of Union County, Oregon:

We, the undersigned citizens and householders of Union County Oregon, respectfully petition your Honorable Body to lay out and establish a county road within said County on the following line or route:

Beginning at a point on the County road North of what is known as the Freshet Bridge over Grande Ronde river, and eight rods North of the N.W. corner of the S.W. quarter of the S.E. quarter of section 32 in township 2 South of Range 38 East of the Willamette Meridian, thence East as near as practicable about a half mile to the section line at a point 8 rods North of the N.E. corner of the S.E. quarter of S.E. qr. of said section 32, thence North on the section line to a point on the County road 8.70 chains North of the N.E. corner of said section 32, and there terminate. The first half mile of this road to be 40 ft. wide and the rest 60 ft. wide.

Names.

Chas W. Pusley
 & S. Howell
 G. H. Hildner
 F. R. Pusley
 John E. Fough
 J. J. Pusley
 R. A. Walker
 O. Fuller
 J. W. Hornback
 Geo. Bengel
 M. A. Meason
 J. Meribey
 Ben M. South
 R. R. Palmer
~~_____~~
 J. Chasney
 J. W. Baker
 A. B. R. _____

Names.

J. B. Richardson
 F. H. Murphy
 Charles P. Runkle
 G. Ward
 W. G. Waples
 J. E. Waples
 James Harty
 James S. Peach
 E. H. Trosper
 J. H. Dickinson
 C. B. Olson
 A. V. Oliver

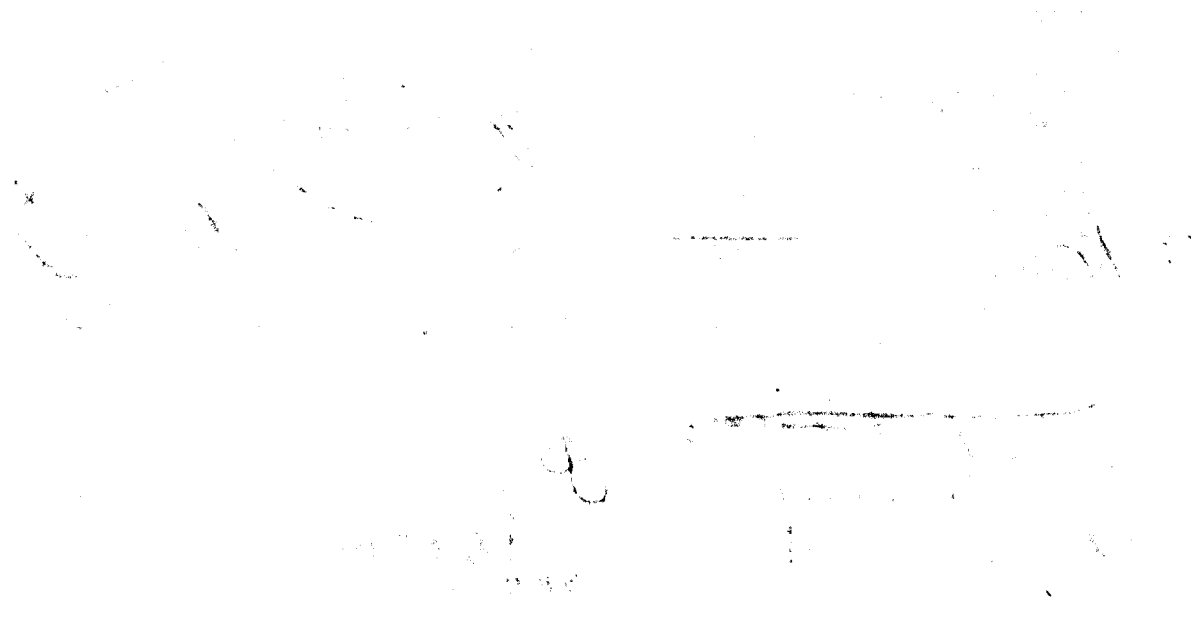
Petition for County Road.

To the Honorable County Court of Union County, Oregon:

We, the undersigned citizens and householders of Union County, Oregon, respectfully petition your Honorable body to lay out and establish a county road within said County on the following line or route:

beginning at a point on the County road north of what is known as the Wheeler bridge over Grande Ronde river, and eight rods north of the N.E. corner of the S.W. quarter of the S.E. quarter of section 28 in township 2 South of Range 78 East of the Willamette Meridian, thence a near as practicable about a half mile to the section line at point 3 rods north of the N.E. corner of the S.E. quarter of S.E. quarter of section 28, thence north on the section line to a point on the County road 3.70 chains north of the N.E. corner of said section 28, and thence terminate. The first half mile of this road to be 40 ft. wide and the rest 60 ft. wide.

FILED
 OCT 5 1895
 J. R. Oliver
 COUNTY CLERK



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

I, L. W. Nussy 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

a board nailed to a post at the side of the public road at point of beginning of the proposed road. One a large post by the public road at a point where Cro-Bell road intersects the Spumerville road in Sec 32 T 2 R 38 E W. M. and one a board nailed to the fence by the road side at the terminus of the proposed road.

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 5th day of October 1895, and that thereafter and thirty days previous to the presentation of said road petition

therein mentioned, to-wit: On the 5th day of October 1895, 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 5th day of November 1895

L. W. Nussy
H. T. Williams
Notary Public
for Oregon

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That we, C. W. Nessley
and J. E. Hough, W. A. Messer, 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 2nd day of November A. D. 1895

Now, the condition of the above obligation is such, That, whereas the above named C. W. Nessley
and J. E. Hough, W. A. Messer and others, have
petitioned the County Court of said County of Union, at the November Term, 1895, thereof for a
County Road, commencing at a point near the Probstel Bridge and
North thereof and running East 1/2 mile and then
North of County road North of N.E. Corner of Sec 32
in T 2 S R 3 E W. M.

Now, if the above named C. W. Nessley and J. E. Hough
W. A. Messer 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.

C. W. Nessley (L. S.)
W. A. Messer (L. S.)

STATE OF OREGON,
County of Union.

C. W. Nessley and
J. E. Hough, W. A. Messer, each for himself, says, 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.

Subscribed and sworn to before me this 2nd day of November A. D. 1895

H. T. Williams
Notary Public ^{County Clerk} for Oregon

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

IN THE MATTER OF THE

Geo Mealey
ROAD.

BOND OF ROAD PETITIONERS.

Approved..... 189.

County Judge.

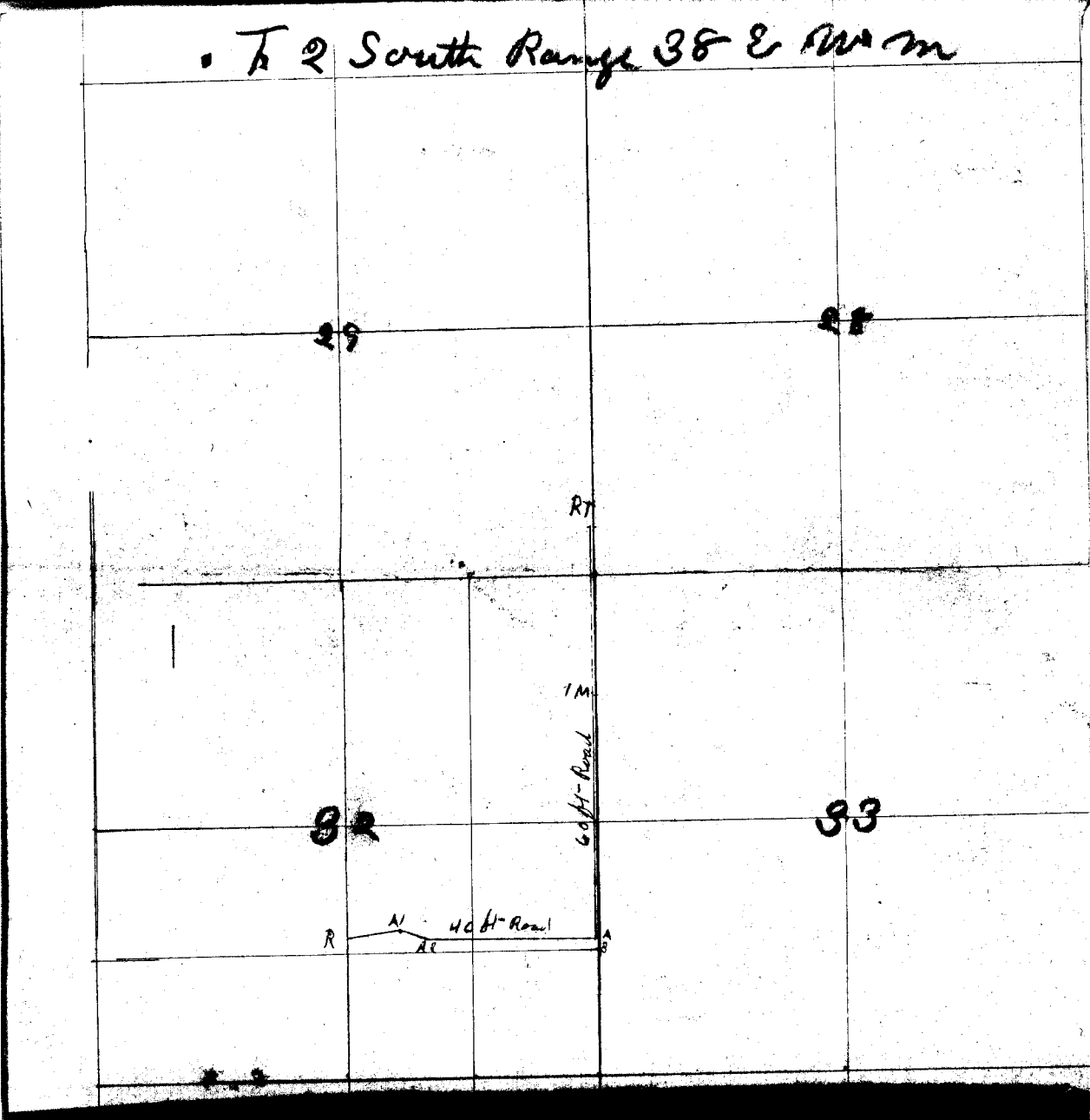
Filed *Nov 4* 1895

J P Oliver
County Clerk.

Deputy.

*OFFICE OF THE
SHERIFF
Wm Mealey*

• T 2 South Range 38 E 1/4 m



FILED
JAN 5 1896
J. R. Quinn
COUNTY CLERK

Report of Surveyor.

To the Hon. County Court of Union County, Oregon:

I, the undersigned, County Surveyor, appointed to survey the county road proposed by
C W Nesley et al., beg leave to report that
on the 20 day of Dec 1895, in pursuance of said appointment
and order, I Surveyed said proposed road for the whole distance thereof, the following being
the field notes of said survey:

commencing at a point two chains
North of the NW 1/4 of the SW 1/4 of SE 1/4 of
Section 32 T. 2 S. R. 38 E. W. M.
thence East 8° North
8 chains 50 links to angle No 1
thence East 10° South
4 50 to angle " 2
27 50 east
65 North to stake marked RT

W B Blakeslee

County Surveyor.

FILED

JAN 5. 1896

J. R. Oliver
COUNTY CLERK.

HAMILTON & ROURKE CO

GRAIN AND COMMISSION.

La Grande, Ore., Dec 4th 1892

W. D. Arnold, Esq.
Hilgard.

Dear Sir

We here by Withdraw our
remonstrance. every thing is satisfactory
to us.

Yours truly
B. F. Quisley

5-4-80
43 3-20

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 1st day of Nov, 1895, 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 Henry, et al, beg leave to report that on the 20 day of Dec, 1895, 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.

J. R. Kellogg
O. W. Williams
M. A. Harrison
VIEWERS.

J. A. Collins
COUNTY CLERK

JAN 5 1896

FILED

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

In the Matter of the
County Road petition
for by Charles W. Henry, Remonstrance,
et al

We the undersigned citizens, householders of Union
County Oregon - being within the limits
of the proposed county road hereafter, described
to-wit: Beginning at a point on the County
road north of what is known as the Protestant
Bridge over Grande Ronde River, and
eight rods south of the S.W. corner of the
S.W. quarter of the S.E. quarter of Sec.
32 in township 2 South of Range 28,
East of the Willamette Meridian, thence
East as near as practicable about a
half mile to the section line at a point
8 rods south of S.E. corner of the S.E.
quarter of S.E. qr. of said section 32
thence north on the section line to a
point on the County road 870 chains
south of the S.E. corner of said section
32 and thence terminate. The first-half
mile of this road to be 40 ft wide
and the rest 60 ft wide hereby remonstrates against

Wm. Payne, son } J. M. McCall
J. W. Pymanson } Wm. C. Mason
C. F. Cullley } W. S. Cullley
J. D. Hally

~~Wm. Payne, son~~
C. W. Cullley } J. H. Cullley
~~J. W. Pymanson~~
~~C. F. Cullley~~
J. S. Smith
James R. Smith
A. Good
J. Cullley

IN THE COUNTY COURT FOR UNION COUNTY OREGON.

**In the matter of the petition of
C.W. Mansley et als .to lay out a County
Road in Union County Oregon.**

Comes now the petitioners by W.W. Hindman their
Attorney-and moves the court to grant you petitioners a re-
hearing-and to set aside the order of said court heretofore made
and entered in its last regular session-regarding the laying out
and opening up a county road in the above entitled petition
and more particularly described in said petition filed in the
above entitled court on the 4th day of Nov. 1908 and hereby
referred to.

W.W. Hindman.

Petitioners Atty.

IN THE COUNTY COURT FOR UNION COUNTY OREGON.

In the matter of the petition of

G.W. Hensley et al. to lay out a county

road in Union County Oregon.

Comes now the petitioners by W.W. Hindman their

Attorney and moves the court to grant the petitioners a re-

hearing and to set aside the order of said court heretofore made

and entered in its last regular session regarding the laying out

and opening up a county road in the above entitled petition

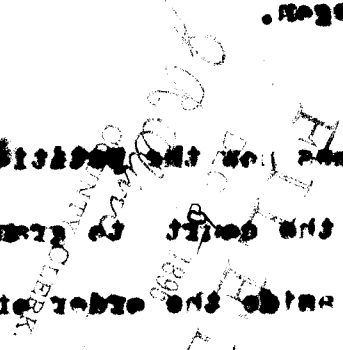
and more particularly described in said petition filed in the

above entitled case on the 4th day of Nov. 1888 and hereby

referred to.

W.W. Hindman.

Petitioners Atty.



IN THE COUNTY COURT FOR UNION COUNTY OREGON.

In the matter of the petition of
G.W. Henney et al. to lay out a county
road in Union County Oregon.

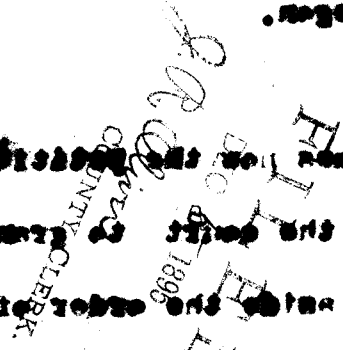
Comes now the petitioners by W.W. Hinman their

Attorney and moves the court to grant the petitioners a re-
hearing and to set aside the order of said court heretofore made
and entered in its last regular session regarding the laying out
and opening up a county road in the above entitled petition
and more particularly described in said petition filed in the
above entitled case on the 4th day of Nov. 1898 and hereby

referred to.

W.W. Hinman.

Petitioners Atty.



Third Judicial Day.

Wednesday Nov 6th 1895.

lengthened to the detriment of the public by said change, would be on just agreed ground for a road as the road sought to be vacated. It is therefore considered and ordered the R. B. Crego, M. F. Helbrock, and C. P. Davis appointed surveyors and W. B. Blakeslee, Surveyor of said road and that they meet at Carsonville 9th day of November 1895, at the house of 10 o'clock a.m. and after qualifying to survey, survey and lay out said road according to law.

In the matter of the
road petitioned for by
E. H. Rider, et al.

This matter came on to be heard at this time with the petition of E. H. Rider et al, praying for the location and establishment of a County road running from near Egui up Park's Creek and also with the motion of George H. Judson vs John Elliott to dismiss the petition. And after hearing the argument of the Counsel in support of said motion and the Court being fully advised in the premises, It is therefore considered and ordered by the Court that said petition be overruled and denied.

In the matter of the
road petitioned for
by C. W. Neesly, et al.

This matter came on to be heard at this time with the petition of C. W. Neesly, et al praying for the location and establishment of a County road beginning at a point eight rods north of the N.W. corner of the S.W. 1/4 of the S.E. 1/4 of Section 37, Twp 7, R. 38. E.W. 77. and terminating at a point at 70th rods north of the said N.E. corner of the said Section 37, and also with the remonstrance filed herein against said petition. And it appearing to the Court that said petition is insufficient to give the Court jurisdiction in the matter. It is therefore considered and ordered by the Court that the remonstrance be and hereby is sustained and the petition is hereby overruled and denied.

Third Judicial Day.

Dec 4th 1895 Wednesday.

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 Mess House of Eagle Lake Mining Co one at the James Levan Cabin and one at the Emery Cabin all on East Eagle Creek in said County and State, 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 the 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 J.A. Knight, R. F. Lawrence and Chas. F. Kean be appointed Viewers, of said road and that W.D. Budsell be appointed Surveyor of said road, and that they meet at beginning of the road on the 14 day of Dec. 1895, at the hour of 10 o'clock A.M. and after qualifying, to view, survey and lay out said road according to law.

In the Matter of the proposed }
County Road, Petitioners for }
by C.W. Messley et al }

This matter came on to be heard at this time in the motion of the petitioners for the above ~~sub~~ road for a rehearing and an order setting aside the former order made herein at the November term of this Court dismissing the petition, the petitioners appearing by W.W. Henderson of counsel and the respondents appearing not either in person or by Attorney, and after hearing the argument of counsel for petitioners and the testimony of C.W. Messley and W.A. Messner, witnesses in open Court, in support of said motion and the Court being now fully advised in the premises It is therefore considered and Ordered that the former order made herein at the November term of Court, dismissing the petition herein, be cancelled, set aside and held for naught.

Third Judicial Day Wednesday Dec 4th 1895.

In the Matter of the proposed
County Road petitioned for
by C W Nossley et al

Comes now C W Nossley, one of
the petitioners for the above named proposed County Road
and presents to the Court the petition of himself and others
praying for the location and establishment of a County
Road, described as follows, to wit:

Beginning at a point on the County Road north of what
is known as the Prochare Bridge over Grand River
and eight rods north of the N W corner of the S W 1/4 of S E 1/4
sec 32 T 2 S. R 38 W M. thence east as near as practicable
about a half mile to the Sec line at a point 8 rods north
of the N E corner of S E 1/4 of said sec 32, thence north on the
section line to a point on the County road 8.70 chains
north of the N E corner of said sec 32 and there terminate.
The first half mile of this road to be 40 feet wide and the
rest 60 feet wide.

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 adver-
tisement 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 on a board nailed to a
post at the side of the public road at point of beginning of
the proposed road. One on a large post by the public road at
a point where One Deer Road intersects the County road
in sec 32 T 2 S R 38 W M. and one on a board nailed
to the fence by the road side at the terminus of the proposed
road, for more than thirty days immediately prior to the
presentation of said petition to this Court, notifying all
persons concerned that application would be made to this
Court at the present session of this Court; and that the
notices so posted were in due form and duly signed by
the petitioners, and that a bond for the cost of this proceeding
has been duly given. It is therefore Ordered that J. R.
Hedberg, O W Williams and M A Harrison be appointed
owners of said road and that Wm B Blawie be appointed

Third Judicial Day Wednesday Dec 4th 1895.

survey of said road, and that they meet at the beginning of the road on the 20 day of Dec 1895, at the hour of 10 o'clock A.M. and after qualifying, to view, survey and lay out said road according to law.

In the matter of the proposed
County Road petitioned for
by A Augustus et al

This matter came on to be heard at this time upon the report of the appraisers, heretofore appointed herein to assess the damages that would accrue to Preston Boyer, et al. and to L Holcomb, by reason of the establishment of said proposed road, the report of said appraisers being as follows, to wit:

Report of Appraisers.

To The Honorable County Court For Union County, Oregon:
We the undersigned viewers heretofore on the 7 day of Nov 1895, appointed to view out and assess the damages claimed by Preston Boyer, et al and L. Holcomb in the matter of the proposed county road, petitioned for by A Augustus et al. we beg leave to report that on the 29 day of November 1895, we, after being duly sworn to discharge our duty faithfully, proceeded to view said proposed road the whole distance through the premises of Preston Boyer, et al & L. Holcomb, complainants, and to assess and determine how much was valuable said premises of said complainants would be received by the opening of said road, and we find that the premises of said complainant Preston Boyer would be rendered \$10⁰⁰ less valuable, and that the premises of of complainant L. Holcomb would be rendered \$30.00 less valuable by the laying out and establishment of said proposed road as a public highway of said County and recommend that the above sums be paid to said complainants before laying out and establishing said road as a public highway.

G. W. Bennehoff
W. N. Young
Chas. F. Kelle

Therefore it was ordered that said report be approved, and it appearing to the Court that said proposed road would be of great public utility and it also appearing that the petitioners for the above matter had expended a large amount of money in the construction of fences on either side of the said road; that if the said damages assessed are paid by the County

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 in said County and State on Monday the 6th day of January, 1896; and from day to day thereafter during the continuance of said Term. When on Wednesday the 8th day of January, 1896, or Third Judicial Day of said Term, the said County Court opened for the transaction of business with the following officers present to-wit:

| | |
|----------------------|---------------|
| Thos. H. D. Sanders. | County Judge. |
| " W. A. Arnold | Commissioner |
| " P. J. Brown. | Commissioner |
| J. F. Pky | Sheriff. |
| J. R. Chover. | Clerk |

And proclamation of the opening of Court having been, the following proceedings were had, to-wit:

In the matter of the Road petitioned for by O. W. Nesley et al.

This matter came on to be heard at this time upon the report of the Viewers and Surveyor heretofore appointed herein, for the 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 upon some other day of this Term of Court.

In the matter of the petition of J. A. Guild, et al. to vacate County Road along the grade at East side of River at Elqui.

This matter came on to be heard at this time on the petition of the citizens of Elqui and vicinity for the vacation of the County Road along the grade on the East side of Grande Ronde River, at Elqui. And it appearing to the Court that the bridge across the said river on what is known as the Crocker Road, has been completed and received

French Judicial Day.

Thursday Jan'y 9th 1896.

In the matter of the
proposed County Road
petitioned for by C. W.
Nesely et al.

This matter came on to be heard at this time under report of the Viewers and Surveyor heretofore appointed, heretofore a record 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 November 1895, 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 C. W. Nesely et al, beg leave to report that on the 20th day of December 1895, 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 and lay 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.

J. R. Kellogg.

C. W. Williams.

M. A. Harwood. Viewers.

And said report of the Viewers and the report of the surveyor having been now publicly read in open Court, on two general 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 heretofore having been regular, and according to law and no renewed claims or claims for damages having been filed herein, and there having been no cause why this proposed road should not be declared a public high-

Fourth Judicial Day.

Thursday, Jan'y 9th 1896.

may 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 report of the viewers and surveyor be approved and adopted by the Court, and that said proposed road be declared a public highway of Union County, Oregon, and ordered opened up and placed in repair for travel according to law. It is further ordered that the report of the Viewers be placed on record in this Journal and that the Surveyor's plat of the proposed road and his field notes of the survey thereof, be placed on record with the Clerk of the County, Clerk of Union County, Oregon and that

Read Supervisor of said District, notwithstanding 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
Construction of a
bridge over the
River on the Eagle and
Huntington Road.

This matter came on to be heard at this time on the petition and representations of the Citizens and taxpayers of Eagle and Pine Valley, from which it appears that the said road leading from Huntington to Pine and Eagle Valley has been opened and placed in repair for travel, with the exception of the bridge over the River where the said road crosses same. That unless a bridge is built over the said River the said road will be impassable for a large portion of the year during the high water season, and the Court not being fully advised in regard to the kind of a bridge to be built and the cost of the same, it is therefore considered and ordered that O. Brown, A. K. Gummer and A. K. Graham, be appointed Viewers to meet at the crossing on said river of the proposed bridge to be constructed to view the site designated for such new bridge and make an estimate of the cost of the erection of the same and make due report to this Court at its next re-