

No

IN

Court

Plaintiff

vs

Defendant

Action for

Docket

Page

Attorney for Plaintiff

Attorney for Defendant

478

Petitioned for by
John Southwell
H. A. S.

Dismissed

Commencing at Sec line
between Secs 35 & 36 T. 35
R. 35 E where County Road
crosses said line and terminating
at S E Cor Sec 21 T. 35 R. 36 E

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 and establish a County road within said County on the following line or route to wit

Beginning at a point on the Section line between Sections 35 and 36, in township 3 South of Range 35 E W M where the County road crosses said section line; thence being at a point 3 chains south of the South East corner of the North East quarter of said section 35; thence in a general southerly course following up the Grande Ronde River on the most practicable line or route to and terminating at the South East corner of Section 21 in Township 6, South of range 36, East of the Willamette Meridian

And in duty bound your petitioners will ever pray &c

NAMES

NAMES

Jas. Smith
GRANDE RONDE LUMBER CO
Stanley
M. J. Campbell
D. W. Sanford
J. A. Shaw
M. M. ...
M. L. ...
Hand ...
S. Francis
J. ...
H. ...

Allice P. Cornub
B. Southwell
J. P. Clune
J. J. Clune
H. O. ...
W. ...
W. ...
J. ...
A. ...
W. ...

Perry Wood
J. ...
R. ...
W. ...
W. ...
J. ...
J. ...
P. B. ...
William ...
P. ...
W. ...
H. ...
Thomas ...

N. L. Corbett
W. ...
J. ...
A. ...
H. ...
P. ...
C. ...
C. M. ...
C. M. ...

FILED

OCT 1 1896

W. R. Allen
COUNTY CLERK

FILED

OCT 7 1895

R. R. Oliver
COUNTY CLERK

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

I, John Southwell 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

By the side of the proposed road the same being a public highway, ~~at what is known~~ as "Muir's Tunnel" ~~One at the Post Office at Woodley~~ and one at the beginning of the proposed road by the side of the public road ~~once~~ board nailed to a tree, ~~the post above mentioned~~ being also on a board nailed to a tree.

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 9th day of Sept 1896, ~~and that thereafter and thirty days previous to the presentation of said road petition~~ I posted the first two and ~~on the~~ 12th day of Sept 1896 I posted the 3rd above mentioned

therein mentioned, to-wit: On the 12th day of Sept 1896, 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 12th day of September 1896

John Southwell
P. E. T. am Bureau
Justice of the Peace

FILED

OCT 7 1896

J. R. Oliver
COUNTY CLERK.

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

I, George Benson 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

~~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 5 day of Sept 1896, I posted ^{the hereto attached} 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 8 day of

Geo. Benson
J. R. Oliver
Clerk

FILED

OCT 7 1896

J. R. Oliver
COUNTY CLERK.

BOND OF ROAD PETITIONERS.

Know All Men by These Presents, That we, John Southwell
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 7 day of Oct A. D. 1896

Now, the condition of the above obligation is such, That, whereas the above named John Southwell
and _____, and others, have
petitioned the County Court of said County of Union, at the October Term, 1896 thereof for a
County Road, commencing
as described in notice hereto attached

Now, if the above named John Southwell 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.

John Southwell (L. S.)
E. Williams (L. S.)

STATE OF OREGON, }
County of Union. }

I, John Southwell and E. Williams
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.

E. Williams
Oct A. D. 1896

Subscribed and sworn to before me this 8 day of _____

J. R. Oliver
County Clerk.

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

IN THE MATTER OF THE

John Southwell
et al

ROAD.

BOND OF ROAD PETITIONERS.

Approved..... 189

County Judge.

Filed..... 189

County Clerk.

By.....
Deputy.

FILED

OCT 7 1896

J. R. Quinn
COUNTY CLERK.

State of Oregon)
County of Union) ^{ss.}

I, Jehn Southwell, being first duly sworn say that I am a house-holder of Union County, Oregon, and am temporarily residing at Perry, having been employed by the Grande Ronde Lumber Company, that my home is on the Grande Ronde River, near Starkey and at the beginning of the proposed road petitioned for by Jehn Southwell, et al.

That M. E. Carroll is a house-holder of Union County, Oregon, and is also working for the Grande Ronde Lumber Company.

That he, M. S. Carroll, has a homestead within a mile and a half of the proposed road and no other road to get out on.

That, Allie R. Combes, is also working for the Grande Ronde Lumber Company but has a homestead within a mile of the proposed road and has no other road to get out on.

That, C. M. Riddle, is working in the Grande Ronde Valley but has a homestead within a mile of the proposed road and has no other road to get out on.

That all of said people are petitioners for the proposed road, petitioned for by Jehn Southwell, et al. That their homes are on their respective homesteads and are all house-holders of Union County, Oregon.

That, D. W. Sanford, another of said petitioners, is a house-holder and resides on the Grande Ronde River below the beginning of said proposed road.

That, W. H. Lengley, H. Endrop, D. Hawes, and J. A. Hill's

are all house-holders living along the Grande Ronde River, below the beginning of the proposed road and would all necessarily travel said proposed road in going to any point up the Grande Ronde River above Starkey.

That, B. Southwell, is a house-holder of Union County, Oregon, and reside on the line of the proposed road.

That, J. P. Cline, J. J. Cline, A. W. Cline and C. L. Cline, H. E. Lee, W. F. Burnett, W. T. Campbell, are all house-holders residing on Starkey Prairie, within about two miles of this proposed road.

That all the names herein before set out are petitioners for the proposed road petitioned for by John Southwell, et al.

John Southwell

Subscribed to and sworn before, on this October 30th, 1896.

Wm B Sargent
Notary Public for Oregon

In the County Court of Union County
Oregon.

In the matter of the Petition of John
Southwell et al praying for the
laying out and establishment of a
County Road.

Now at this time comes this matter
on to be heard upon Motion of J. F. Alden
to dismiss Petition for laying out and
establishment of County Road.

It appearing to the Court that said Petition
was not signed by twelve householders
in the vicinity of said proposed road
and therefore that the Court is without juris-
diction.

And it further appearing that said Petition
does not describe the intermediate
points in said proposed road, as
required by law.

It is by the Court ordered that said
Petition be and the same hereby is
dismissed.

Dated at Union, Ore this 3rd day of Nov. 1896.

J. V. Sanders

R. J. Langmuir

In the County Court for Union County State of Oregon.

In the matter of the Petition of John South Well et. al. for establishment and laying out of County Road.

Comes now J.F. Alden by J.W. Knewles his Attorney and appearing specially for the purposes of this Motion and for no other purpose move the Honorable County Judge and County Commission

ers to Dismiss the Petition of John Southwell et. al. for the establishment of a County Road for the following reasons to wit

1st.--That said Petition is not signed by twelve householders residing in the vicinity of said proposed road as required

by Law. *As bases said objection upon the affidavit hereto attached.*

2nd.-- That said Petition does not state the terminal or intermediate points of said Road as required by Law.

J.W. Knewles

Attorney for J.F. Alden

In the County Court of Union County Oregon.

In the matter of the Petition of John Southwell et.al. praying for the laying out and establishment of a County Road.

State of Oregon

County of Union--SS.

I J.F.Alden being first duly sworn say: That I, ^{and} reside at and house holder in the vicinity of the proposed County Road Petitioned to be established and laid out by John Southwell Et.Al. That I am acquainted with most of the signers of said Petition. That John Southwell, one of the signers of said Petition does not reside in the vicinity of said proposed Road but resides at Perry Ore. about twenty miles from the nearest point in said proposed Road. That the Grande Ronde Lumber Company is not a householder of Union County but is a Corporation doing Business at Perry Ore. That M.S.Carroll is not a Resident in the vicinity of said proposed Road but resides at Perry Ore. That D.W.Sanford J.Minnaugh Allie R Coombs signers of said Petition are not residents and householders in the vicinity of said proposed road but reside at Perry Oregon. That J Munnugh and Allie R Coombs are not Householders in Union County but are single persons. That C.M.Riddle is not a resident in the vicinity of said proposed Road but resides at Perry Ore. and I believe the said C.M.Riddle to be a single man and not a householder of Union County. That J.A.Shira, H Endrup, W.H.Lengley, David Hawes, R. Ryan, Jack Hills are not residents in the vicinity of said proposed Road but reside in the vicinity of Hilgard Ore and the nearest residing about ten miles from the nearest point in said Road. That Jack Hills and H Endrup are not householders but are single men. That H French is not a resident in the vicinity of said proposed Road but resides near Hilgard Ore. That E.Thorsen, D.K.Keltz, J.A.Ulsh, J.B.Thorsen, Perry Wood signers upon said petition are not residents and householders in the vicinity of said proposed Road but are single men and reside at LaGrande Ore. That J.Hepper James, Argyie, LCorbett and H.C.Montgomery are not residents and householders in the vicinity of said proposed Road but reside at LaGrande Ore. That W.F.Burnett is not a resident in the vicinity of said proposed Road but resides at LaGrande Ore. That Grant Williams and H.E.Lee are not residents and householders in the vicinity of said proposed Road but have left the Country. That P B Nimelda MW.M.Mure L.A.Smith and F.Swan J.J.Cline A.W.Cline C.L.Cline and W.F.Campbell are not Residents and householders in the vicinity of said proposed Road but are single men. That E Williams and W.F. Rader are not Residents and householders in the vicinity of said proposed Road. That E.L.Brecks R.J.Brown M.J.Rowen J.J.A dams D.Lytle W.C. Smith R.L.Turner H.C.Janas H.W.Lasey T.M.Hug Andrew H anson Heling and Frank Turner are not residents and householders in the vicinity of said proposed Road but I believe them to be single men and most of them temporarily employed in mining by the Grande Ronde Mining Company. That the only signers to said Petition who are Residents and Householders in the vicinity of said proposed Road are Thomas Mercom, Ben Southwell J.P.Cline.

Subscribed and sworn to before me this 9th. day of October 1896

J. F. Alden
By J. W. Benson

Certificate of Transcript.



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

I, the undersigned, County Clerk in and for Union County, Oregon, and ex-officio Clerk of the _____
Court of said County, do hereby certify that the foregoing Transcript of _____
_____ has been by me compared with the
original _____ and that it is a correct Transcript therefrom and the whole of such original, as the same
appears _____ in my office and in my custody.

WITNESS my hand and Seal of Office this _____ day of _____ A. D., 189_____

County Clerk.

By _____ Deputy.

In the County Book
of Oregon Towns
County.

in the matter of the
Return of John S. Smith et al.
SA.

Motion to dismiss
Return,

FILLED

OCT 9 1896

J. R. Quinn
COUNTY CLERK.

State of Oregon)

ss.

County of Union)

I, J. B. Thorsen, being first duly sworn, say that I am one of the petitioners for the proposed county road petitioned for by John Southwell, et al.

That I am acquainted with many of said petitioners. That H. French, one of the petitioners for said road at the time he signed said petition lived with his family about three-quarters of a mile above Weedley on the Grande Ronde River and owned or was working a placer mining claim.

That, Perry Weed, another of said petitioners, has a house on land that he has homesteaded about four miles below Weedley along the line of said proposed road and that he resides there.

That, J. Hepper, another of said petitioners, owns land about five miles below Weedley, near the line of this proposed road and at the time he signed said petition was living with a part of his family upon his said place.

That, E. Williams, another of said petitioners, lives on the Grande Ronde River about five miles below Weedley and on the line of the proposed road where he owns a stock ranch.

That, R. J. Rundle, another of said petitioners, was book-keeper for the Grande Ronde Placer Mining Company and roomed and slept in the same building that contained the Weedley Post Office.

That, Jas. Argyle, another of said petitioners, lived with his family at Weedley and kept a boarding-house.

That, N. J. Rowan, another of said petitioners, was an employee of the Grande Ronde Placer Mining Company and lived in his own house at Weedley.

That, P. B. Niewalda, another of said petitioners, is jointly interested with others in a quartz mining claim and lives in a house on the river about a mile and one-half above Weedley.

That, William Muiß, is also the owner of some quartz properties and lives in his house about a mile and one-half above Weedley.

That, R. L. Turner, another of said petitioners, owns with others a Placer mining claim about six miles above Weedley and lived in a house on the claim.

That, H. C. Montgomer, another of said petitioners, is a partner with R. L. Turner, and lived in a house on said mining claim.

That, Thomas Mercom, another of said petitioners, was the Supt. of Grande Ronde Placer Mining Company and lived with his family at Weedley.

That, Lee Smith and Dick Smith, another of said petitioners, are interested in a placer mining claim on what is known as Limber Jim Creek and ~~fix~~ Dick lived in a house on said mining claim while Lee lived on what is known as sheep ranch about six miles below Weedley.

That, W. P. Radir, another of said petitioners, owns Prospect Ranch) and lived on the same about six miles below Weedley and on the line of the proposed road.

That, W. H. Laisy, another of said petitioners, was employed by the Grande Ronde Placer Mining Company at Camp Carson, the terminus of the proposed road and kept a boarding-house at that place.

That, J. L. Corbett, another of said petitioners, owns some quartz mining claims about two miles above Weedley and lived in his house on one of said claims.

That, J. B. Thorsen, another of said petitioners, J. A. Ulsh, another of said petitioners, and D. K. Keltz, another of said petitioners, together own some mining claims about three miles above Weedley and all lived together in common in a house on one of said claims.

That, Frank Turner, another of said petitioners, owns an interest in a placer mining claim on Limber Jim Creek and lived in a house thereon.

That all of said petitioners are directly interested in the proposed road and have no other county road on which to travel from their respective properties to the towns where they must do their trading.

That I believe they are all legal house-holders and they all reside in the vicinity of the proposed road.

Subscribed and sworn to before me on this 30th day of October, 1896.

J. P. Johnson
W. P. Hazard
Notary Public for Oregon

FILLED

OCT 20 1896

J. R. Oliver

COUNTY CLERK.

Be it remembered that at a Regular Term of the County Court begun and held at the Court House in the City of Union in said County and State on Monday the 5th day of October A.D. 1896 and from day to day thereafter during the Continuance of said Term when on Wednesday the 7th day of October 1896 on the third judicial day of said Term, the said County Court opened for the transaction of business with the following officers present, to wit:

- The Hon. J. N. Sander. County Judge.
- " W. D. Ansell. Commissioner.
- " R. J. Langwell. Commissioner.
- J. R. Thors. Clerk.
- J. S. Phy. Sheriff.

A proclawation of the opening of Court having been made the following proceedings were had, to wit:

In the matter of the petition to vacate certain streets and Lots in Elgin.

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

In the matter of the read petitioned for by Edward Kullgarn, et al.

At this time the Court ^{not} being fully advised in the premises, It is ordered that this matter be continued for the term.

In the matter of the read petitioned for by M. A. Peterson, et al.

At this time it is ordered by the Court that this matter, be, and the same hereby retained for the term.

In the matter of the read petitioned for by John C. Anderson, et al.

At this time it is ordered by the Court that this matter, be, and the same hereby is continued for the term.

Be it remembered, That at a Regular Term of the County Court begun and held at the Court House in the City of Unionville County and state on Monday the 7th day of November 1896 and from day to day thereafter during the continuance of said term. When on Wednesday the 4th day of December A. D. 1896, or the third Judicial Day of said term. The said County Court opened for the transaction of business with the following officers present, to wit:

- The Hon. J. W. Audine County Judge.
- " W. D. Arnold Commissioners
- " R. T. Laquell do.
- J. R. Clark Clerk
- J. F. Phipp Sheriff.

A proclamation of the opening of Court having been made, the following proceedings were had, to wit:

In the matter of the vacation of certain streets ⁱⁿ leto in Elgin.

At this time the Court not being fully advised in the premises, this ordered that this matter be continued for the term.

In the matter of the road petitioned for by Chas. Hall-garth, et al.

At this time it is ordered by the Court that this matter be, and the same is hereby dismissed.

In the matter of the road petitioned for by Mr. Atkinson, et al.

At this time it is ordered by the Court that this matter be, and the same is hereby dismissed.

In the matter of the petition of J. M. Smith et al praying for striking out the establishment of a County road.

Now at this time comes this

Third Judicial Day.

Wednesday, Nov 4th 1896

matter on to be heard upon motion of J. F. Alden, to dismiss petition for lay out and establishment of County road. It appearing to the Court that said petition was not signed by three householders, in the vicinity of said proposed road and therefore that the Court is without jurisdiction. And it further appearing that said petition does not accumbit the immediate points in said proposed road as required by law. It is by the Court ordered that said petition be and the same hereby is dismissed.

In the matter of the
petition of Nels
Kolbreon for Li-
quor License.

This matter came on to be heard at this time on the petition of Nels Kolbreon for license to sell spirituous, malt and vinous liquors in less quantities than one gallon in Holgard Precinct. And it appearing to the Court that said petition is signed by an actual majority - of all the legal voters of said Precinct, that notice has been published for four consecutive weeks as by law required, proof of which has been filed herein, that the said petition has been paid into the County Treasury the sum of \$100.00 required by law and filed his receipt for the same with the Clerk of this Court. That a good and sufficient undertaking in the sum of \$1000. has been given and approved by the Judge of this Court. That there has been no remonstrance filed herein or cause shown why the said license should not be granted. It is therefore considered and ordered that the said petition be granted and that license issue to the said Nels Kolbreon to sell spirituous, malt and vinous liquors in less quantities than one gallon in Holgard Precinct for the period of six months.

In the matter of the
petition of Elisha
Estee for liquor License.

This matter came on to be heard at this time on the petition of Elisha Estee for license to sell spirituous, malt and vinous liquors in less quantities than one gallon in Coonopsis Precinct. And it appearing to the