

No 18 Law

in

Grant

Court

The Benicia Agricultural
Marks Plaintiff

vs

M J Snodgrass

Defendant

Action for

Docket

Page

E H Jones

Attorney for Plaintiff

- Attorney for Defendant

AMERICAN JOURNAL OF
MAY 6 1890
14 W I 150 1 CH 1 1 H 1

Record of the Case

163

WITNESSES.

1881
May 11 Petition per Viewers app'd
Journal B of 615
Sept of Petition denied
Journal B of 636

Road

Beginning on the road near school
house at head of Little Creek Canyon
to Davis Mill -

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

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To the Hon County Court of
Union County Oregon

We the undersigned twelve citizens
and householders and others interest-
ed in the location and establish-
ment of a County Road to the
mountains for the purpose of
hauling wood and lumber
respectfully petition your Hon-
Body that you cause to be located
and establish a County road
as follows to wit: Beginning on
the County road near the School house
at the head of Little Creek canyon
Thence ^{as frequently surveyed or} on the road as now traveled
to the South line of W. Hathaway's
and the North line of W. Shelton's
land. Thence on the road as now
traveled ^{as near as practicable} to the lumber mill of
W. F. Davis which shall be the terminus
of said proposed road. All of which
above mentioned points and places
are in Union County Oregon.

Petition for
County Road
W. R. Davis et al

Filed Oct. 3rd 1891
W. W. Smith
Co. Clerk

Recd
M. F. Davidson

Notice to whom it may concern.

Is hereby given that at the next regular term of the County Court of Union County, Oregon a petition will be presented asking to have a County Road located and established as follows to wit.

Beginning on the County road near the School house at the head of Little Creek Canyon. Thence ^{as previously surveyed or} on the road as now traveled to the South line of W. Hathaways' and the North line of W. Shelton's land.

Thence on the road as now traveled ^{as near as practicable} to the lumber mill of W. F. Davis which point shall be the terminus of said proposed County Road.

Names of Petitioners

E. H. Lewis
John Haynes
S. M. Seaman
F. S. Lawrence
C. L. Blakeslee
Daw. F. Moore
J. A. Baskowitz
W. F. Wright
C. H. Prescott

J. E. Remington
Frank Johnson
Thomas Baird
A. M. Benson
A. L. Cook
W. H. Stafford
Acland Miller
Simon Miller
W. T. Carrol

J. B. Thomson
T. A. Willmott
J. D. Carroll
P. K. Cromwell
A. L. Eaton
L. Sisson
D. O. Davis
W. F. Davis
A. J. Goodbroat
Wm. Hutchinson
W. S. Long
Geo. Starks
L. A. Blacker
D. B. Hilt
W. B. Blakeslee
W. T. Ficklin
Fred. Poelice
S. O. Swackhamer
A. F. Benson
L. C. Coffinbury
D. Steele
O. H. Wilson
S. M. Haynes
L. F. Miller
James W. Baird
J. A. Jones

M. S. Warren
L. T. Wilson
L. E. Robbins
G. W. Ames
S. A. Pursel
James A. Panselle
D. E. Baird
John Dobbin
E. C. Brauierd
John B. Brites
V. Ficklin
A. McGregor
E. S. McComas
G. S. Sumner
Bob. L. Hilt
E. Mutter
Nicholas Porter
R. Eakin
D. P. McDaniel
Jesse Jewell
Wardlaw Hathaway
Peter Mercier
E. Draper
A. Bellis
Joseph Wilkinson
O. LaSap
J. E. Larrrett
Peter Goyette

State of Oregon }
County of Union } ss J. W. F. Davis
being first-deputy sworn say that I
posted four notices of which the
annexed notice is a true copy of
each and all of said notices in three
public places in the vicinity of within
described road as follows to wit: One
on the school house at the head of
Little Creek canyon, One on the hill
on the line of the proposed road and
one on the lumber mill at the ter-
-minus of said proposed county
road and also one on the Court
house door in the town of Union
Union County, Oregon, on the
day of Oct. A.D. 1881 and more
than thirty days prior to the
presentation of the petition herein.

Subscribed and sworn

to before me this 7th

day of Nov. A.D. 1881.

Willis Skiff
Co. Clerk. }

J. W. F. Davis

Reverse

P. M. Buffin

J. P. Smith

4 1/2 sq. inches

Nov. 30th 1881

Went out

Spent most

part of little

time again

Notes & map of

Swelling

Nov. 30th 1881

W. M. Smith

Geo. Cook

Know all Men by these Presents:

THAT ~~WE~~ *W. F. Davis*

~~and~~ of the County of ~~Marion~~ ^{Union} and State of Oregon, are held and firmly bound unto the said County of ~~Marion~~ ^{Union} in the sum of *Fifty* 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 *7th* day of *November* A. D. 1881

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by *W. F. Davis* and others, and presented at the *November* term, 1881, of the County Court of said ~~Marion~~ ^{Union} county, commencing *on the county road near the School house at the head of the ^{Little} canyon* ~~thence as described in the petition~~ ^{to the saw or lumber mill of W. F. Davis}

be located and established, then this obligation to be void; otherwise to remain in full force and virtue in law.

W. F. Davis

There all them by these I received

Recd Nov 7th 1881
Wm's Shop
See to work



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

In the matter of the
petition of W. F. Davis Remonstrance,
et al for a County Road }

To the Hon County Court of Union County
Oregon.

We the undersigned citizens and
householders residing in Road District No.
15 Union County Oregon and residing in
the vicinity of a certain proposed county
road petitioned for by W. F. Davis et al
"Commencing on the county road near
the School House at the head of Little
Creek Canyon, as previously surveyed
or ~~on~~ the road as now traveled to the
south line of W. Hathaway's land and
the south line of W. Shelters land, thence
on the road as now traveled as near
as practicable to the lumber mill of W. F.
Davis" respectfully remonstrate against
the granting of said petition or the establish-
ment of said road for the following
reasons: That said road is not
~~situated in~~ ~~not~~ a public necessity and
as located by said petition, contrary to
the convenience of the residents of the

said road district and against their wish
and consent: That the location of said
road, as prayed by said petition, will
be a damage to the following named
persons to wit: J W Minkel Jesse,
Jewell, and Wade Shelton.

That a petition was presented and signed
by the Residents of ^{said District for} a County road on
or near the same route as prayed for in
said petition but on a route without
damage and agreeable to the residents
of said Dist but on account of a
change made by the viewers contrary to
the directions of the petition the same
was not allowed: That the said route

is ~~not~~ longer distance than the
route petitioned by W. F. Davis et al:

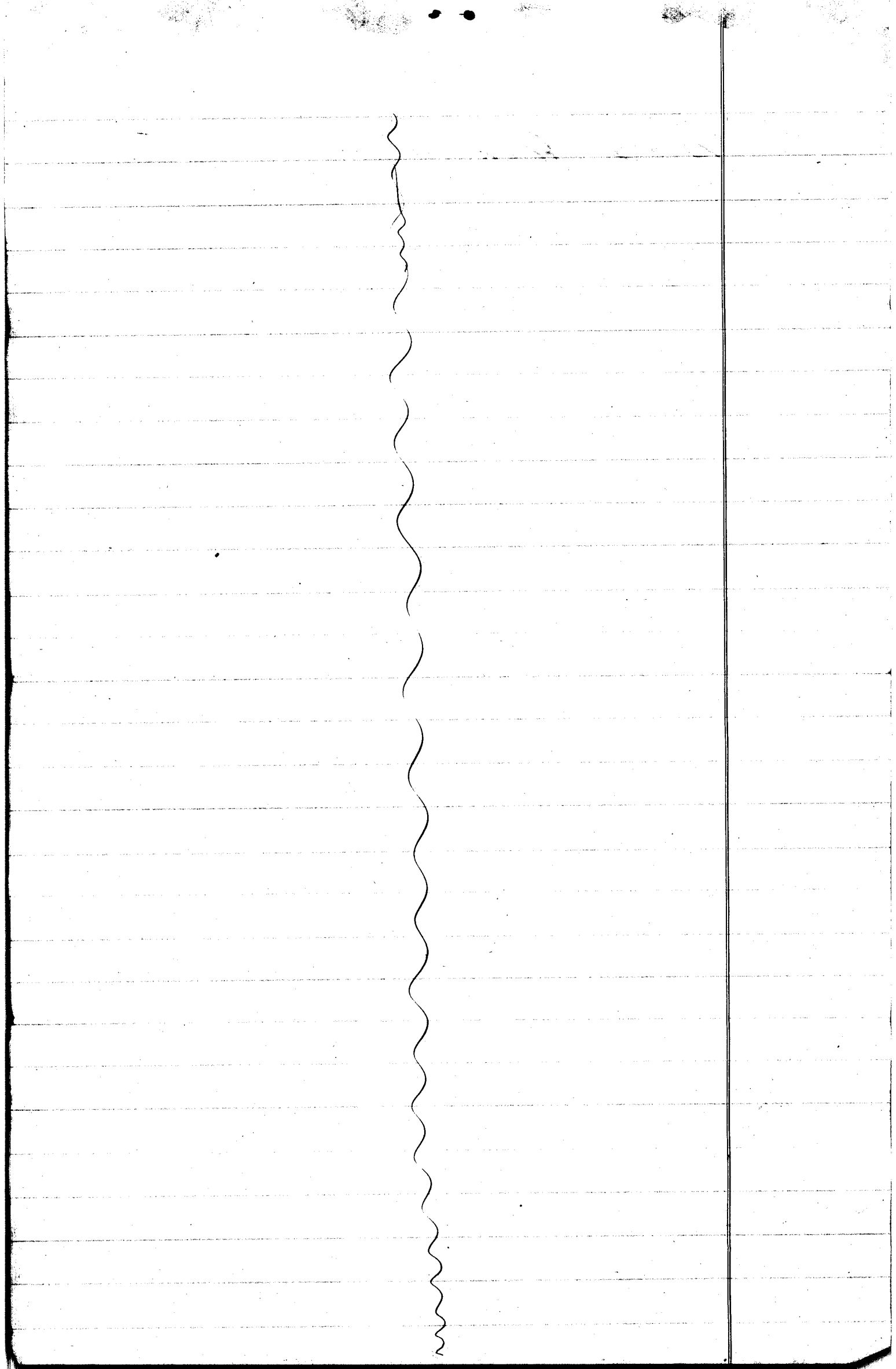
That a large majority of the signers
of the said petition of W. F. Davis are not
legal petitioners, in this, that they are
not residents of said District nor
living in the vicinity of said proposed
road.

Wherefore we ask that said petition
be dismissed, without order of survey
and as in duty bound your petitioners
will ever pray.

James

James

George Leonard	Thomas Wilkinson
H. W. Minnick	L. P. Gamere
William Steward	John Wilkinson
P. Collins	James Wilkinson
Wade Shetton	Andrew Wilkinson
Mr. Wilkinson	John Wilkinson jr
Wm. Surger	B. Brassvais
Alex. LaBuff.	Stewart Emotte
W. M. Stokes	John Lord
Henry Mungen	Marius Forex
President Duobet	Frank Carpenter
James Brown	B. Y. Gordon
G. Cook	C. Morais
Frank Rosa #	Edward LaSa
C. H. Clark	Edward Jarvis x
W. L. Phillips	Nelson Morais
E. Hayes	O. Desage
E. Sheper	E. A. Verette
Oliver Mungen	Joseph Wilkinson
	James Mills
	Preston Bay



In the matter of the
petition for a writ
of habeas corpus
for by Wm. Davis
et al.

Remand

Michael Scott, 8th 1881
Wm. Davis
et al.

Be it Remembered

That at a term of the Honorable County Court of Union County, State of Oregon, begun and held at the Court House in Union in said County on the 10 day of November A.D. 1881 and from day to day thereafter, during the continuance of said term:

Present: Hon. A. C. Craig County Judge,
" A. P. Saunders Commissioner,
" "
Willis Skiff Clerk,
R. J. Rogers Sheriff.

The following, among other proceedings, were had, to-wit:

IN THE MATTER OF Location of _____ County

Road from near the School House
at the head of Little Creek canyon
to the lumber mill of W. F.
Davis

On this day
came W. F. Davis who presents to the Court the petition of himself and
others, praying for the location and establish-
ment of a County Road

as follows, to-wit:

Beginning on the County Road near the School
house at the head of Little Creek canyon. Thence
as previously surveyed or on the road as now trac-
ed to the south line of W. Hatheway and the
North line of W. Shelton's land. Thence on the
road as now traveled as near as practicable to the
lumber mill of W. F. Davis which point
shall be the terminus of said proposed Road

And it satisfactorily appearing to the Court, from proof filed herein, that due notice of the pendency of this proceeding has been given as by law required: that more than twelve of said petitioners are legal householders residing in the vicinity of said road, and that a good and sufficient bond has been filed:

IT IS THEREFORE ORDERED BY THE COURT that

J. P. Smith and P. M. Coffin
Eugene Leese and J. P. Argerstinger
be appointed Viewers, and _____ Surveyor, to view, survey and report
upon said proposed County Road and that they meet at
The School House on the 30th day of November 1881

and duly qualify before entering upon the discharge of their duties in this behalf.

(Signed)

By Willis Skiff Clerk A. C. Craig County Judge.

NOTE.—The three viewers must meet.

State of Oregon }
County of Union } 35 I Eugene Chase being
first duly sworn say that I will perform the
duties of the within appointment to the best
of my ability so help me Gods

Subscribed and sworn to
before me this 25 day of } Eugene Chase
Nov. A.D. 1881

Willis Staff
J. C. Cleator
Deputy

Eugene Chase

Filed Jan 24th 1882

Willis Staff
Sec. Clerk

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

In the matter of the petition
of W. P. Davis et al. for location
of a County from Little Creek
Canyon, &c.

Now Comes George Esmond J. W.
Minnick et al. Remonstrators
against the location of the road
prayed for in the petition above
referred to And moves the
Court to strike from the said
petition the names of the following
persons for the reason that
the same are not residents in
the vicinity of said ~~Proposed~~
road, viz. E. A. Lewis, John Haynes S. M.
Seamus, J. Shawnee, Ch. Blackledge, D. F. Moore
L. B. Roscowitz, W. J. Wright, C. A. Prescott, J. D. Thom-
pson, J. A. Willmot, J. D. Corral, M. Cramwell, A. L.
Eaton, S. Sisson, D. O. Davis, W. J. Davis, A. J. Lo-
dhead, W. Hutchison, W. Shong, Les Stone, L. A.
Blair, D. B. Hiltz, W. B. Blackledge, W. P. Hill,
Fred Noeline, S. A. Swanchauer, A. J. Benson,
C. C. Coffinberry, D. Steel, C. H. Wilcox, S. M. Haynes,
C. J. Miller, James W. Baird, J. E. Remington,
Frank Johnson, Thomas Baird, A. W. Baird,
Benson, A. C. Cook, W. A. Stafford, Adam Miller

Simon Miller W. J. Carroll M. S. Warren S. Miller
C. E. Robbins G. W. Ames S. A. Russell James A
Kunelle J. E. Baird John Dobbins E. C. Br-
anard John R. Critch M. Franklin - A
W. Gregor. E. M. Combs - G. S. Sumner -
Bob S. Heltz E. Matthews - Winokas Coster
Klarku S. P. M. Daniels J. A. Jones 13.

And further Move to Strike out the following
names for the reason that they are
not householders - viz - James W. Baird
C. F. Miller Tho Baird - W. H. Stafford C. E. Rob-
bins G. S. Sumner - Peter ~~Mercier~~ =

And further Move to Strike out the follow-
ing for the reason that their
names are upon the remonstrance
viz - E. D. Proser Jos. Wilkinson A. Lesage -
E. Quenett -

Baker & Clark -
attorneys for Remonstrators

County Court,
Newark N.J.

to Master of Public

of Mr. Davis et al,
per to Road

Master of Public
and names of Public
owners

John Jones
1882
Willis Morris
et al

J. B. Blake
Deputy

Daniel H. Carter
Attorney for Newark N.J.

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

In the Matter of the Petition
of W. F. Davis et al. for location
of County Road from Little
Creek Canyon &c -

Now Comes George Esmond
J. W. Minick and others Remour-
strators against the location
of said proposed road.

And Moves the Court to strike out
the petition of said W. F. Davis et al
for the location of a County Road
from Little Creek Canyon
&c - filed as of October 3rd 1881
and also all proceedings had
thereon for the reason that

^{1st} the Court has no jurisdiction
of the subject matter thereof
(1) in this that the said petition does
not purport to be signed by
twelve householders of the County
residing in the vicinity where
said proposed road is to be located
out.

(2) And said petition does not
specify the place of beginning
intermediate points nor place

In County Court
Missouri Co

In Matter of

Petition of W. J. Davis
et al. for Co. Road

Motion to Strike
out petition =

Filed June 4 1888

William H. Haff
Clerk

J. E. & Leate
J. W. Duff

Barker & Easton
attys for Remov

2nd

of termination of said proposed
road as by law required =
That said petition is not
accompanied by proof that notice
has been given as by law requi-
red =

Barker & Easton =

attys for Remov
strators =

To the How County Court of Union
County, Oregon

We the undersigned viewers
appointed by your honorable body
to view out a proposed County
Road, Beginning on the County Road
near the School-house at the head
of Little Creek canyon - thence as
previously surveyed or on the road
as now travelled to the lumber
mill of W^A Davis, submit the following
report in relation thereto. We met
on the 30th day of November A^D 1881
the three viewers being present
and after being first duly sworn
in company with the surveyor
proceeded to view, survey, and
lay-out said road as directed
in your order, and as shown
by the surveyor's plat and report
submitted herewith.

We find the road to be located
on as good ground as the section
of country over which the road
is laid will admit of and
taking into consideration the
necessity that exists for a direct
road from Little Creek canyon to
Davis' mill we recommend that
said route be established as a
County Road.

Proffers,
J. P. Arvengae
J. P. Smith

Demer's Report

W. F. Davis et al

Filed Jan 31 1882

Wm. H. H. H.
Co. Clerk

Report of Surveyor to the viewers of a proposed
 county Road from the head of Little Creek
 canyon to Davis' saw mill
 The following are the field notes.

Beginning near the school house at the
 head of Little Creek canyon on the county
 road at a post marked R + mound

Thence	N 7° E	99 rods to	"	"	"	A I.
"	N 86° E	12	"	"	"	A II.
"	N 21° E	56	"	"	"	A III.
"	S 70° E	60	"	"	Rock	A IV.
"	N 56° E	18	"	"	"	A V.
"	N 40° E	26	"	"	"	A VI.
"	N 8° W	49	"	"	post	1 M + mound
"	N 8° W	74	"	"	"	A VII.
"	East	112	"	"	"	A VIII.
"	S 40° E	24	"	"	"	A IX.
"	S 45° E	14	"	"	"	A X.
"	N 60° E	8	"	"	"	A XI.
"	N 10° W	32	"	"	"	A XII.
"	N 30° E	56	"	"	"	A XIII. 2 M + mound
"	N 80° E	8	"	"	"	A XIV.
"	N 41° E	88	"	"	"	A XV.
"	N 23° E	104	"	"	"	R I + mound and terminating at Davis' mill

State of Oregon }
 County of Union } SS

I Eugene Chase county Surveyor in and for
 the county and State aforesaid do hereby certify that
 the field notes of the survey of the above described road
 are correct as surveyed by me under the supervision
 of the viewers on the 30th day of November 1881.

Eugene Chase Co Surveyor

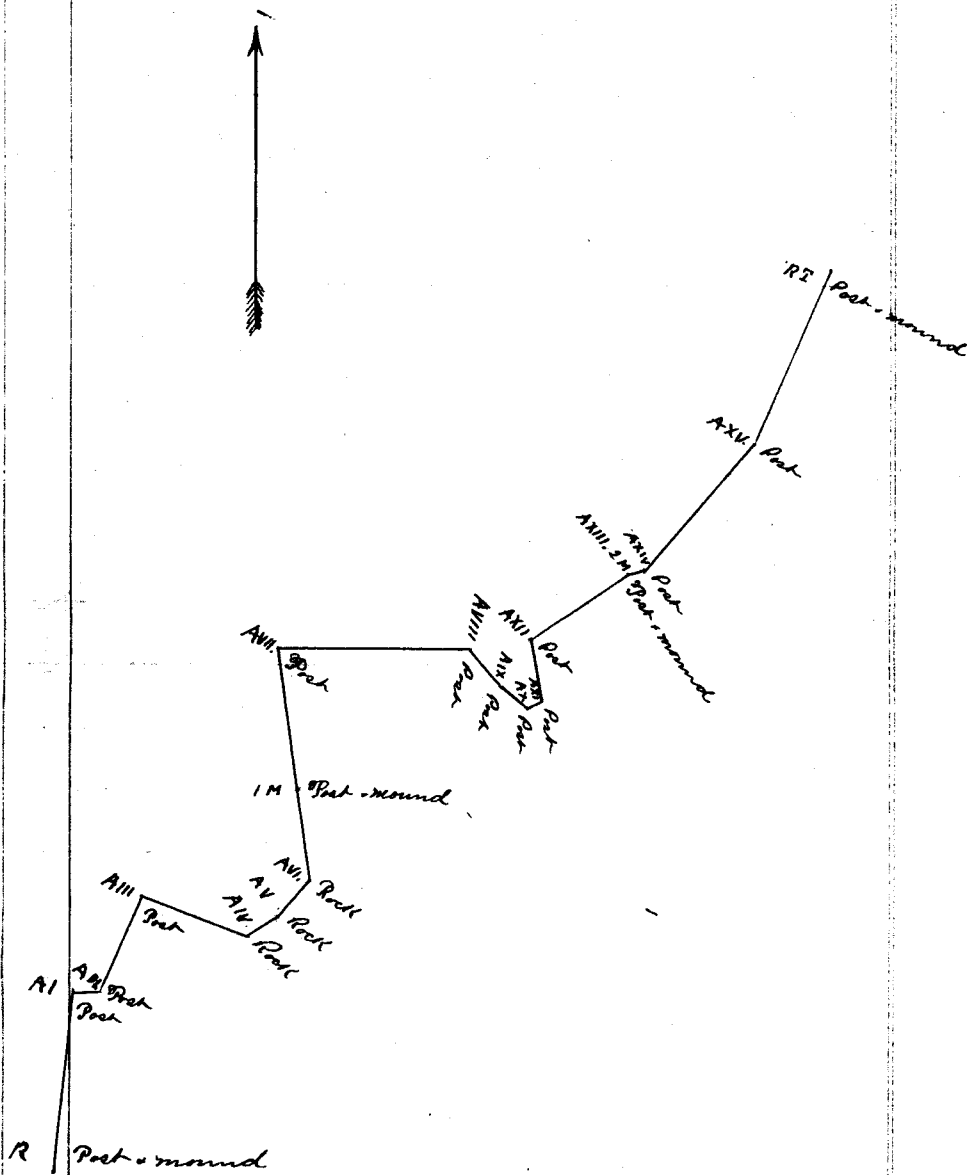
Survey of County Road to Davis saw mill

Surveyed Nov 30th 1881

Variation 20° East

Scale of distances 100 rods to the inch

Whole distance 2 miles 200 rods



Survey on Report

Filed Jan 25/1882

*Wm. H. Hall
Co. Clerk*

Eugene Chase Surveyor, to view, survey and report upon said proposed road and that they meet at the School house above named on the 15th day of July 1881 and duly qualify before entering upon the discharge of their duties in this behalf.

In the matter of
Road petition of
W. F. Davis

et al. On this day came W. F. Davis who presents to the Court the petition of himself and more than twelve others praying for the location and establishment of a County road as follows, to wit: Beginning on the County road near the School house at the head of Little Creek Canyon thence on the road as now traveled to Davis mill a distance of about one and one half miles. And in satisfactory appearing to the Court good proof filed herein that due notice of the pendency of these proceedings has been given as by law required; that more than twelve of said petitioners are legal householders residing in the vicinity of said road and that a good and sufficient bond has been filed. It is therefore ordered by the Court that Jackson Ficke M. B. Baird and W. T. Carroce be appointed viewers and Eugene Chase Surveyor to view, survey and report upon said proposed road and that they meet at La Grande on the 16th day of July A.D. 1881 and duly qualify before entering upon the discharge of their duties in this behalf.

Whereupon the Court adjourns until tomorrow morning at 9 o'clock

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 In the matter of
 Claim for damages Deal Canyon Road,
 by Robert Deal

Now on this day was read the report of the viewers upon proposed County road heretofore by this Court ordered surveyed, to wit: Beginning at a point in the County road now leading from La-Grande to Oro Dell and from thence to intersect the old emigrant road, so called, in the $N\ 40^{\circ}14'$ of $S\ 11^{\circ}3'$ $E\ 3\ S. 2\ 37. E.$ a distance of about $2\frac{1}{2}$ miles passing through what is known as the "Deal Canyon", and Robert Deal, having filed his claim of damages against the location of said road. It is hereby ordered that Samuel Inesdall, John Beach and W. D. Ewing be and they are hereby ordered to meet on the 6th day of Sept. A. D. 1881 and assess the actual damages sustained by said Robert Deal by reason of the location of said proposed road.

In the matter of the
 Report of the Viewers
 upon a proposed Co
 Road by W. F. Davis
 et al.

High Valley Road

Now on this day was read the report of the viewers upon a Road petitioned for by W. F. Davis and others, Beginning on the County road near the School house at the head of Little Creek Canyon and from thence to Davis saw mill. And there appearing the remonstrances against the location of said Road of twenty six of the House holders living along and in the vicinity of said proposed road setting forth in said remonstrance the reasons thereof and said petition being signed by only thirteen householders in the vicinity of said road. It is hereby ordered that the petition herein and all proceedings had thereunder be and the same is hereby dismissed. And it further appearing that W. F. Davis has heretofore filed his bond in this Court conditioned that he would pay all costs of the survey of said road should the same be not established and located as petitioned.

for and all other costs made, herein not to exceed the sum of \$25.⁰⁰. It is therefore ordered that said Wm. A. Egan pay the costs of the said survey and the proceedings had therein not to exceed the sum of \$25.⁰⁰

In the matter of the Viewers report upon Proposed County Road by James Alger et al

Rojes Saw Mill Road.

Now on this day was read the first time in open Court the report of the viewers upon a proposed road from near the School House in Dist 19 to Rojes Saw Mill, thence to the House of Mrs Mairs on Rojes Flat, and said report laid over until tomorrow for a second reading

In the matter of the County Poor Contract for keeping.

Now on this day came the hour for opening the bids to keep the County poor for Union County for the period of one year from the date hereof. And it appearing to the Court that the bid of G. W. Biggers, is the lowest and best bid for the same, his bid being as follows. "That he will furnish all County paupers now in said County or that may be declared County paupers during the ensuing year, all necessary Board, Clothing, Lodging, Medical attendance, Medicine, Nursing and washing for the period of one year for the sum of nine hundred and seventy four dollars, payable at each regular meeting of the County board. It is hereby ordered that the said Contract be awarded to the said G. W. Biggers, and that he file bond for the faithful performance of his contract, in the sum of \$1000.⁰⁰

Thereupon the Court adjourned until 9 o'clock to-morrow morning.