

No 29 L

in

Quincy

Court

C. W. Kennedy

Plaintiff

vs

Union Milling Co

Defendant

Action for

Docket

Page

Baker Shellenb

Attorney for Plaintiff

Attorney for Defendant

REAR THE DOCKETS ENAMEL N N 110  
LAWYERS IN THE N 1100 MP Y  
IN CASE 110

**Record of the Case**

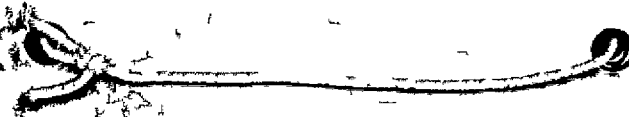
169

**WITNESSES.**

1881  
 Nov 10 Petition rec Viewers applied  
 1882 Journal A p 649  
 Jan 5 1st Reading Report  
 Journal B p 664  
 Jan 6 Dismissed  
 Journal A p 172

Road

Commencing 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

169

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

We the undersigned <sup>twelve citizens and</sup> ~~those interested in the most direct road to the timber~~  
householders and others residing in the  
vicinity of the hereinafter described  
route ask 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  
on the road as now traveled to Davis'  
Saw mill a distance of about one  
and one half miles. All of which  
above mentioned points and places  
are in Union County, State of  
Oregon

Names

W. D. Davis

J. M. A. C. C. C.

Jesse Jewell

Alfred Minnick

Warden Hultaway

Joseph Wilkinson

W. Wilkinson

Bernard Logsdon

Josiah Davis

James Crozer

J. W. Wilkinson

Names

A. Geabuff

J. Fickle

**Know all Men by these Presents:**

THAT ~~we~~ *I* William E. Evers

~~and~~ *Union*, 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

*Twenty five* Dollars, the payment of which, well and truly

*I bind myself my* to be made, ~~we bind ourselves, our~~ *heirs*, executors and administrators firmly by these presents.

Signed this *10<sup>th</sup>* day of *July* A. D. 18*81*

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 *July* term, 18*81*, of the County Court of said ~~Marion~~ *Union* county, commencing

*on the County road near the School house*

*at the head of Little Creek Canyon three*

*on the road as now traveled to Davis'*

*new mill a distance of about one & one half miles*

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

and virtue in law.

*Wm. A. Evers*

STATE OF OREGON,

UNION COUNTY,

} SS.

I *William Efner* being  
*was posted*

duly sworn, say: That ~~3~~ <sup>1</sup> ~~posted~~ <sup>was posted</sup> three copies of the annexed notice in three public places in the vicinity of the within proposed county road, ~~and one on the Court House door in~~ <sup>in</sup> Union County, Oregon, on the ~~the~~ day of \_\_\_\_\_ 188\_\_ and more than thirty days prior to the presentation of the petition herein.

*Wm. A. Efner*

Subscribed and sworn to before me this *7* day of *July* A. D. 188*7*.

*Willis Skiff*  
*clerk*

*J. C. & Coates*  
*Deputy*

File 2 Aug 9 1881  
Office Clerk  
Horn & Co  
D.D.

# Notice

Notice to whom it may concern is hereby given that a petition will be presented at the July term of the County Court of Union County State of Oregon, 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 on the road as now traveled to Davis' Saw mill a distance of about one and one half miles.

Dated this 26<sup>th</sup> day of Apr. 1881

W. D. Davis  
Wm. A. Eyer  
Jesse Jewell  
Albin Minnick  
Warden Hattaway  
Joseph Wilkinson  
M. Wilkinson  
Patrick Davis  
Bernard Logsdon  
James Crozier  
J. W. Minnick  
A. Gabuff  
J. Dickle

Prothonotary  
of U.S. District  
of Lane

Filed July 9  
1881

Willis Skiff  
John G. Bates  
Deputy

Prothonotary

State of Oregon }  
County of Union } ss I Willis Skiff  
being first duly sworn ~~to~~ say that  
the within notice has been posted  
on the Court-house door in  
Union, Union County, Oregon  
more than thirty days prior  
to this date and the presentation  
of the petition herein.

Subscribed and sworn  
to before me this 10<sup>th</sup>  
day of July A.D. 1881

Willis Skiff

County Clerk



To the How County Court of  
 Union County, State of Oregon  
 We the undersigned citizens and  
 householders residing in the vicinity  
 of a certain proposed County  
 Road petitioned for by W. F.  
 Davis and others remonstrate  
 against the establishment  
 of said route as a County  
 road for the reason that  
 the same is not located on  
 the lines where it was intended  
 to be located by a majority  
 of the signers on said petition  
 and will create unnecessary  
 expense to the County and  
 further that a portion of said  
 road is not needed for the  
 convenience of the neighborhood  
 or public.

Nos	Name	Name	Nos
1	Jesse Jewell	Joseph Wilkinson	9
2	John W. Mirmick	L. P. Lamere	10
3	Thomas Wilkinson	R. Beardwood	11
4	William Wilkinson	Peter Gayette	12
5	Andrew Wilkinson	Antoine Lamere	13
6	Jacob Wilkinson	C. Leverage	14
7	Bernard Logsdon	E. Quarrick	15
8	Joshua Davis	W. Wilkinson	16

- 17 John. Wilkinson, Sen
- 18 John. Wilkinson, Jr
- 19 William. Alexander
- 20 A. E. Bellis
- 21 James M. Smith
- 22 James Craig
- 23 E. Drake
- 24 W. S. Fisher
- 25 Wade Shelton
- 26 Alfred. Minnick

W. S. Fisher

Feb. Aug 27  
 A.D. 1881  
 Miller Pitt  
 Cook Dr  
 G. C. Baker

Deputy

1881  
Union Co Oregon Aug 30

To the Hon Co Court of Union  
Co, State of Oregon for the Sept Term thereof I  
herby Notify the Co Court that in case  
the Co Road petitioned for by W. F. Davis  
and Others in the July Term becomes a Co  
Road that I claim Damages to the  
Amount of \$100.<sup>00</sup> one hundred dollars  
to be paid into my hands before the road  
is declared Open

Wade Shelton

Filed Sept 5<sup>th</sup>

1881 Miller Staff

Clear

W. C. & Co.

Depts

High Valley Oregon

Aug 22<sup>nd</sup> 1881

To the Hon County Court

Dear Sirs

In case the the road petitioned for by W. F. Davis and others in the County Court for the July Term becomes a road as it was Surveyed and Located running through my Field and across my Land one half mile I hereby claim Damages to the Amount of \$100.<sup>00</sup> one hundred Dollars to be paid into my hands before the Road is Opened

Jesse Jewell

Filed Aug 22

1881

Willis Sapp

Clery

By E. C. Kates

Deputy

Union Co. Sept 5<sup>th</sup> 1881

To the Hon. County Court of  
Union Co. Or. You are respectfully  
requested to postpone action, until  
the Nov. term of Court, on a remonstrance  
dated Aug. 22<sup>d</sup> 1881 signed by John Minnick  
and others, against the establishment  
of a county road petitioned for by  
W. F. Davis et al, situated in High  
Valley commencing at the head of  
Little Creek Canyon and running to  
W. F. Davises Sawmill.

W. F. Davis

**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 8  
day of July A. D. 1887 and from day to day thereafter, during  
the continuance of said term:

Present: Hon. A. C. Craig County Judge,  
" Wm. Y. Hunter Commissioner,  
" " "  
Willis Steff Clerk,  
R. J. Rogers Sheriff.

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

IN THE MATTER OF petition for a  
County  
Road

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 saw mill a distance of  
about one and one half miles

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 Jackson Fickle  
M. D. Baird and W. J. Carroll

be appointed Viewers, and Eugene Chase Surveyor, to view, survey and report  
upon said proposed road

at the said School house on the 18 day of July 1887  
and duly qualify before entering upon the discharge of their duties in this behalf.

(Signed)

A. C. Craig  
County Judge.

NOTE.—The three viewers must meet.



Eugene Chase  
Jury Sept. 5<sup>th</sup> 1887  
Willis Huff  
Co. Clerk

State of Oregon } ss I Eugene Chase being first  
County of Union } do hereby swear say that I will  
perform the requirements of the said appointment  
to the best of my ability so help me God  
Subscribed and sworn to before  
me this 11<sup>th</sup> day of July A.D. 1887 } Eugene Chase  
Willis Huff  
County Clerk }

To the Hon. County Court of  
Union County - Oregon -

We submit the following as  
our report as viewers of road  
viz; Beginning on the County  
road near the School-house  
at the head of Little Creek  
Canyon Thence on the road  
as now travelled to Davis'  
Saw mill. We met on the  
18<sup>th</sup> day of July as mentioned  
in your order and after  
being first duly sworn in  
company with the Surveyor  
proceeded to view, survey, and  
lay-out said road. We select  
from said Surveyor's plat  
of surveys which as shown by  
Surveyor's plat one which we  
heartily recommend for County  
road and public travel

We therefore submit the above  
hoping the same will meet your  
approval,

M. B. Bard

L. Pickle

} Viewers of proposed  
County Road

W. F. Dawkins

Reverend Report

Philadelphia, 7<sup>th</sup> 1881

W. F. Dawkins  
Dear Sir

To Jackson Fickle and M B Baird  
viewers, appointed to review a County  
Road from the school-house at  
the head of Little Creek Canyon  
to Davis' mill - The following are the  
field notes of the survey of the  
above described road. Beginning  
on the County Road near said school-  
house at a post marked R

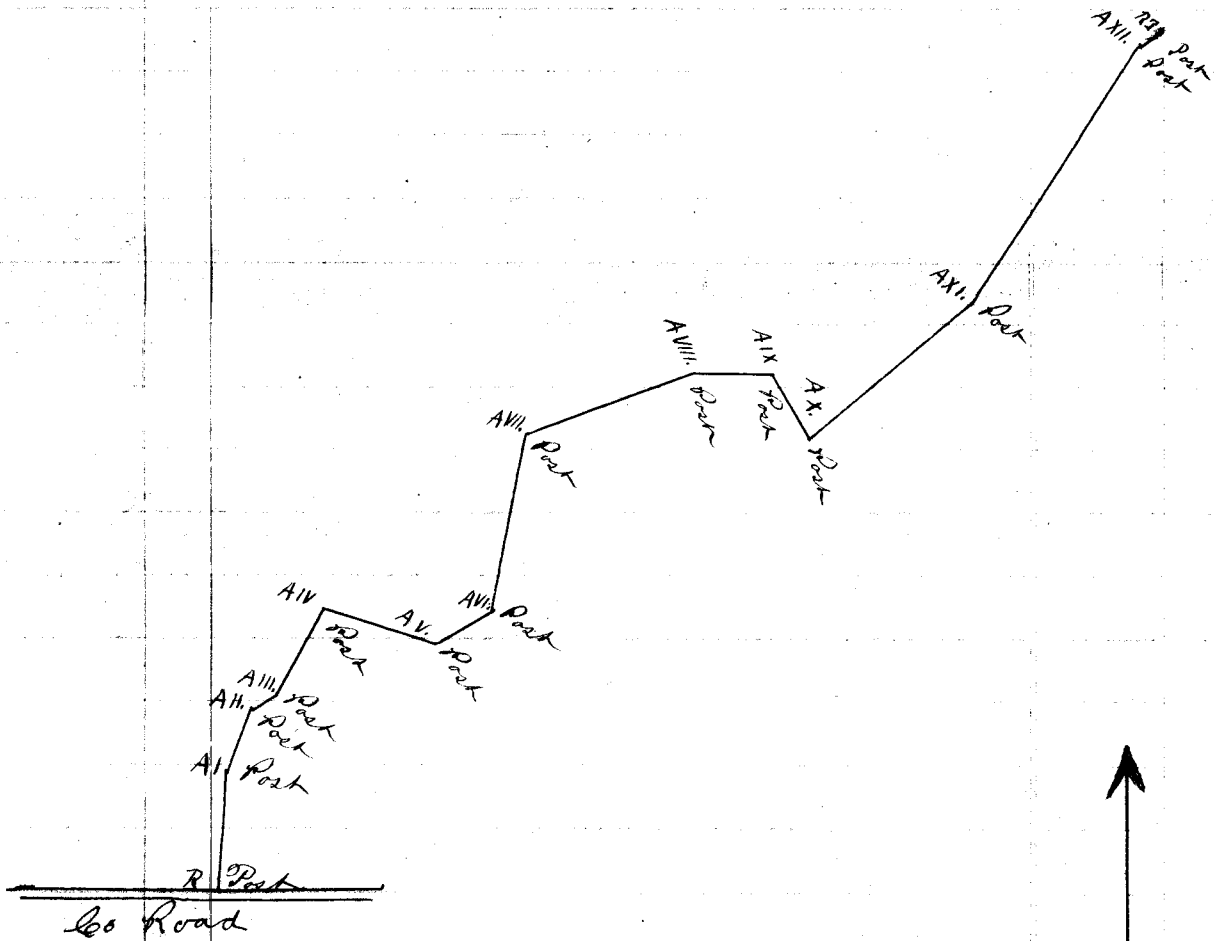
Hence	N 5° E	60 rds	to	"	"	A I.
"	N 20° E	36 "	"	"	"	A II.
"	N 65° E	12 "	"	"	"	A III.
"	N 28° E	52 "	"	"	"	A IV.
"	S 75° E	60 "	"	"	"	A V.
"	N 60° E	32 "	"	"	"	A VI.
"	N 21° E	94 "	"	"	"	A VII.
"	N 70° E	92 "	"	"	"	A VIII.
"	East	40 "	"	"	"	A IX.
"	S 30° E.	36 "	"	"	"	A X.
"	N 50° E	118 "	"	"	"	A XI.
"	N 34° E	160 "	"	"	"	A XII.
"	N 59° E	16 "	"	"	"	R T 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 18<sup>th</sup> day of July 1881

Eugene Chase  
County Surveyor

Survey of County Road from school-house at the head of Little Creek Canyon to Davis' Mill



Surveyed July 18<sup>th</sup> 1881.  
Variation 20° East

Scale of distances  
100 rods to the inch

Whole distance  
2 Miles 168 rods

Survey of County Road  
from school-house at  
the head of Little Creek  
Canyon to Davis' Mill

Revised Sept. 7<sup>th</sup> 1881

W. H. H. H.  
Co. Clerk

In the matter of Road  
 Petition of J A Kemter  
 et al. near Sartine

Willow Road

J A Kemter et al

On this day came J A Kemter who presents to the Court the petition of himself and others praying the location and establishment of a County road as follows, to wit:  
 Commencing at the S E Cor of the S W<sup>4</sup> of Sec 10 T 1 R 43 E, on the present traveled road  $\frac{1}{4}$  of mile East of Sartine Union Co Ore, running thence North 160 rds, thence East 80 rds thence South 160 rds thence East 90 rds thence in a Northeasterly direction about two hundred yards crossing the Willow River to the mouth of the canyon South of Pannell Boerssis Ranch, thence up said Canyon on the most practicable route to the front west corner of Section 1 T 1 R. 43 E, and it satisfactorily appearing to the Court, from proof filed herein that due notice of the pendency of these proceedings have been given as by law required; that more than twelve of said petitioners are legal home holders 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 John H. W. Cebbin, W<sup>4</sup> B Perkins and Geo W Richardson be appointed viewers and Eugene Chase Surveyor, to view, survey and report upon said proposed road and that they meet at the place of Johnston & Brown on the 5<sup>th</sup> day of Dec 1891 and duly qualify before entering upon the discharge of their duties in this behalf.

In the matter of the  
 Petition of W F Davis  
 et al for a Co Road

W F Davis et al

On this day was presented the petition of W F Davis et al, praying the location and establishment of a County road as follows, to wit:

Commencing on the County Road near the School House at the head of Little Creek Canyon, thence as previously surveyed on or the road, as now traveled to the south

line of W. Hathaway's, and the north line of W. Sheltons laid. Hence 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 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 and that a good and sufficient bond has been filed that more than twelve of said petitioners are legal householders residing in the vicinity of said road. It is therefore ordered by the Court that P. M. Coppin J. P. Finist J. P. Argensinger be appointed viewers and Eugene Chase Surveyor to view survey and report upon said proposed road and that they meet at the School House above in this proceeding, mentioned on the 30<sup>th</sup> day of November A. D. 1881 and duly qualify before entering upon the discharge of their duties in this behalf. In the matter of this petition a remonstrance having been filed and the petitioners greatly exceeding in number the remonstrators the said remonstrance is hereby dismissed.

In the matter of the  
viewers report on  
Deal Canyon Road

Deal Canyon Road

Now on this day was read in open Court the report of the viewers on a proposed County road up what is known as the Deal Canyon Road and said report laid over for a second reading.

Whereupon the Court adjourned until tomorrow morning at 9 o'clock.



At a regular Term of the County Commissioners Court begun and held at the Court House in Union in Union County Oregon on the 5<sup>th</sup> day of January A.D. 1887, there was present Henry A. Craig Judge, Geo. Hunter and A. S. Saunders County Commissioners, R. J. Rogers Sheriff and Willis Skiff, Clerk.

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

In the matter of the report upon a certain County road located near Fortine

Willow Road

Now on this day was read the first time the report of the Viewers upon certain proposed County road, petitioned for by Geo. Hunter and other located near Fortine in Union County Oregon. Beginning about 1/4 of a mile from said Fortine Union Co Oregon and terminating at the N.W.  $\frac{1}{4}$  of corner of the N.W.  $\frac{1}{4}$  of Sec. 1, T. 1, S. R. 43, E. and said report laid over for a second reading.

In the matter of the report of the Viewers upon a County road located in high valley

W. F. Davis Road

Now on this day was read the first time the report of the Viewers on a certain proposed road beginning on the County road near the School House at the head of Little Creek Canyon and running from there to W. F. Davis Mill, and said report laid over for a second reading.

In the matter of the appointment  
of Constables for Union  
Precinct Union Co Oregon

Now on this was  
presented the petition of the citizens of Union  
Precinct Union County Oregon praying the  
appointment of E. Steers as Constable of the  
said Precinct. Also the petition of Citizens  
of said Precinct praying the appointment of  
C. E. Davis as Constable of said Precinct  
and also the petition of the citizens of said  
Precinct praying the appointment of A. J.  
Woodbrod as Constable of said Precinct.  
And it appearing to the Court that the said  
Precinct is entitled to two Constables,  
and it also appearing to the Court that there is  
no qualified Constable in said Precinct and  
the Petition of E. Steers and C. E. Davis  
having a majority of the petitions it is  
hereby ordered by the Court that E. Steers  
and Charles E. Davis be and they are  
hereby appointed Constables in and for  
the Precinct of Union County of Union  
State of Oregon, to hold their offices until  
their successors are elected and qualified.

In the matter of the  
viewers report on  
the high valley road

Now on this day was  
read the second time the report of the viewers  
on a certain proposed County road from  
the head of little Creek Canyon to Davis  
Saw mill, and at this time Corres Baker  
& Calkin attorneys for J. W. Minnick and  
others remonstrators against the location  
and establishment of said road and  
file their motion to strike out the petition  
herein on the grounds that the same  
does not give the Court jurisdiction  
thereof. And after hearing the  
arguments of counsel upon said  
motion and the Court being fully  
advised upon the said motion.

It is hereby ordered that the said motion be and the same is hereby allowed and said petition dismissed with all proceedings had thereunder.

In the matter of the  
viewers report of  
a County road

Now at this time was the second reading of the viewers report upon a certain County road in the Willow Valley, which report is as follows to wit:

To the Hon County Court of Union County Oregon

We the undersigned viewers appointed by your Honorable body to view out a proposed County road beginning about 1/4 mile East of Postville at the S.E. Cor of S W 1/4 of Sec 10. T. 1. S. R. 43 East thence North 160 rods thence East 80 rods thence North 80 rods; thence East 90 rods, thence in a North Easterly direction to the N.W. corner of Sec 1. T. 1. S. Range 43. E. submit the following report in relation thereto. We met on the 5<sup>th</sup> day of December A.D. 1881 as mentioned in your order and after being first duly sworn in Company with the Surveyor proceeded to view survey and layout said road as directed in your order and as shown by the Surveyors plat and report submitted hereunto. We find the road to be located on very good ground and will be of great benefit. Therefore we recommend that said route be established as a County Road.

G. W. Richardson Viewers of proposed  
W. B. Perkins Co Road

And it appearing to the Court that the above route is a public necessity