

No 233

in  
Circuit

Court

Frank Brothers

Plaintiff

vs

Moyes and Hampson

Defendant

Action for

Cred Docket

Page 420

W. Baker

Attorney for Plaintiff

Attorney for Defendant

RECEIVED  
MAR 1 1890  
P

**Record of the Case**

225 P

**WITNESSES**

1884  
 Nov 6 Petition for Viewers app'd  
 Journal C p 345

1885  
 Jan 8 1st reading of report  
 Journal C p 394

Jan 9 Continued for correction of plat  
 Journal C p 396

July 9 ordered opened  
 Journal C p 470

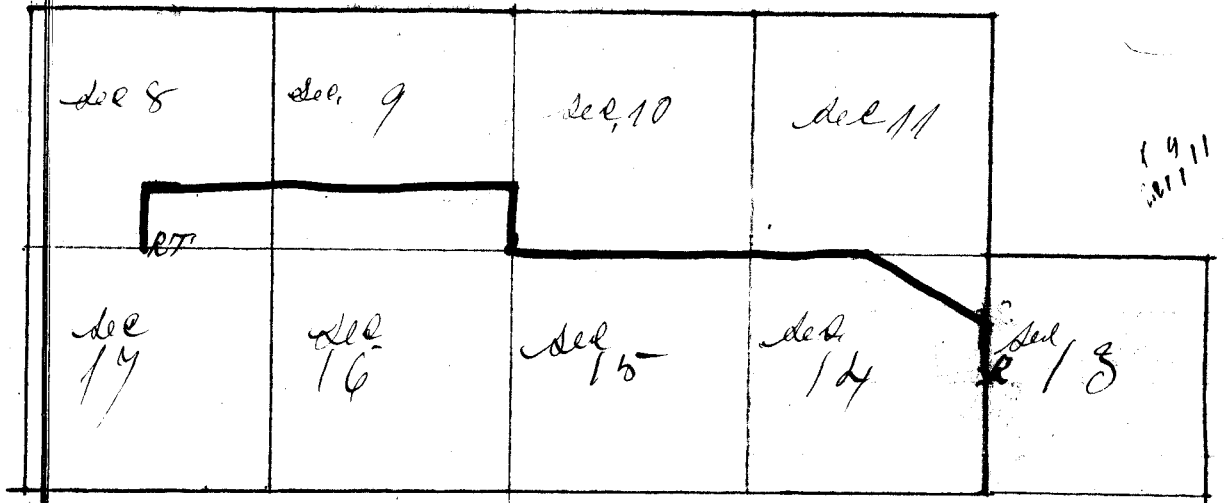
Road

Commencing at NW cor of S W 1/4 Sec 13  
 T 3 S R 39 E to a point 1/4 mile S of  
 middle line of Sec 8

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

225

Township 3 South of Range 59. E



*Amurigo Depun  
in order of  
G. M. M. Small*

Filed DEC 15 1884

at ... o'clock, ... min. ... m.

*B. F. Menden*

County Clerk.

*W. G. Williams  
Deputy*

Report of Surveyor to the viewers of a  
 County Road as follows to wit - commencing  
 at R Post at the N.W. cor of the S.W. 1/4 of sec  
 13 in Township 5 S. of Range 39 E. Thence start  
 15.25 Chains to A Post 1. Thence N. 52° W 45.86  
 Chains to A Post II at the intersection of sec  
 line between sec. 11 & 14 of said Township  
 and Range Thence W. 125 Chains to A Post III  
 at the S.W. cor. of sec. 10. Thence N 20 Chains  
 to A Post IV Thence W. 121.75 Chains to A Post  
 V at the intersection of the subdivision  
 line of sec. 8 Thence S. 20 Chains  
 to B Post at the 1/4 cor. between sec.  
 8 & 17 Township 5 S. of R. 39 E. W. M.  
 Whole distance 4 miles 25,84 Chains  
 over 20° E.

State of Oregon )  
 Union County ) SS

I do hereby certify that the field notes  
 of the above Road are correct as  
 surveyed by me on the 29<sup>th</sup> day of  
 Nov. 1884 under the supervision of the

Fred Ammonis  
 County Surveyor

By Moses Austin  
 Deput-

Filed NOV 5 1884

to the honorable county court  
of the said of and for Union  
County -

The undersigned  
have petitioners would  
request that they are well-  
known and residents within  
Union County and  
and reside within the vicinity  
of the County Road herein  
after proposed to be  
located by your honorable  
body -

And your  
said petitioners would most  
respectfully ask that your  
cause to be surveyed and  
that you locate a County Road  
as follows viz - commencing  
at the north west corner of  
the south west quarter of section  
13 - in T. 3. S. of R. 37. E -  
in Union County and  
thence north 20. 30. west 13  
chains. Thence north. 52. west.  
to the section line between sections  
11 and 14. in said T and R.  
Thence west on said section line  
to the south west corner of the

S. W. 1/4 of Sec-10 - There are  
1/4 of a mile there west <sup>are</sup>  
and one half miles to the <sup>middle</sup>  
line of Sec- eight - there south  
1/4 of a mile all in the  
county and out of assize  
and J & R. of assize

Daniel Cuprein

Coa Gebels

J. B. Ewing

Jos Spencer

Full Burmes

John Bartmes

John A Childers

John Peach

Geo. W. H. Cornell.

J. E. Reynolds

D. A. Malister

N. D. Bely

Wm. G. Peach

H. Harrell

John Carr

To whom it may concern  
 Take notice hereby that the  
 undersigned believe as more  
 households residing in minn  
 county are and within  
 the vicinity of the following  
 described proposed county road  
 will petition the honorable  
 county court of the state of  
 Oregon for minn county at  
 the next regular <sup>commencing</sup>  
 term to meet on the first  
 Monday in Nov-1884 to  
 view & lay out locate a  
 county road as follows  
 commencing at the north  
 west corner of the S W 1/4 of  
 Sec-13 in T. 3 S. of R. 39 E.  
 in minn county Oregon  
 thence North 20-30 West-

13 chains thence 52'  
 Norths 52' West. to the section  
 line between sections 11 & 14  
 in said T & R. thence West  
 on said section line to the  
 south west corner of the  
 S W 1/4 of Sec-10- thence North  
 1/4 of a mile thence West

and one half-mile to the  
 east-line of Sec-eight  
 thence South 1/4 of a mile  
 all in minn county  
 Oregon and T & R of same

- Daniel Chaplain
- Geo Bekeler
- J B Ewing
- Gas Spence
- Geo M Bartness
- John Bartness
- John A Childers
- John Peack

- Geo W. Cornell
- J E Reynolds
- J S Malster
- A J Boly
- Wm G. Pich
- H Harrell
- John Carr

Posted September  
 Per  
 Geo W. Cornell,  
 27/1884





State of Oregon  
John Carney & Co.

I G. W. McFarrell  
being sworn say that I am one  
of the petitioners for a county  
Road described in the attached  
Notice. That on the 26th day of  
Sept. 1884 I posted a true copy  
of the attached notice in the  
vicinity of the road described  
Road on the Bridge across  
Cathlamet Creek on the county  
Road leading from the care  
to Lapwai - the same being  
so posted on said Bridge in  
a public place - there in  
plain view of all persons  
travelling over or along said  
county Road and over said  
Bridge. That on the 26th  
day of Sept. 1884 I also posted  
another copy of said notice  
on the Bridge across the ~~at~~  
on ~~the~~ said county Road from  
~~the~~ to Lapwai. The said  
notice being there and then  
posted on said Bridge in  
a public place and in  
plain view of all of ~~the~~

persons who may travel on  
said carry Road - and that the  
said said mentioned Bridge  
is within the vicinity of the  
Road mentioned in the  
attached notice - and that I also  
on the 27th day of Sept-1884  
posted a true copy of the  
attached notice on the court  
house door the place of  
holding county court - for  
said main county - which  
said said house is in  
Main county as per  
that on the 29th day of Sept-  
1884 I posted a true copy of  
the attached notice on the  
public school house  
in the vicinity of said  
aforementioned Road as described  
in attached notice that the  
said said mentioned notice  
was so posted on said public  
school house in a public  
place thereof and in plain  
view of all persons who  
might pass along the  
said Road - on which  
said school house is

~~states~~ that all of said notices  
were posted as aforesaid  
in ~~the~~ primary copy expressed  
by me - and that each copy  
was signed by the parties  
themselves. and that each notice  
contained the names of the  
petitioners and that each  
petitioner who signed the  
petition praying for the  
location of the Road  
described in the attached  
notice signed said petition  
himself and that the identical  
persons who signed the  
said petition signed the said  
said notices and no more  
and that the said notices posted  
are the said charge road  
as herein referred to  
posted from the said  
27th day of Sept. to the  
day of Nov. 1854

Geo. H. Cornell,

Subscribed and sworn to before  
me this Nov 5 - 1854  
B. F. Wilson  
Clerk

Filed NOV 5 1884

at .....o'clock, .....min. ....m.

*W. J. Williams*  
County Clerk.

# Know all Men by these Presents:

THAT *vs.* J. G. W. McConnell

....., of the County of Winn and State of Oregon, are held and firmly bound unto the said County of Winn in the sum of fifty Dollars, the payment of which, well and truly to be made, ~~we~~ bind ourselves, ~~our~~ <sup>my</sup> heirs, executors and administrators firmly by these presents.

Signed this 5<sup>th</sup> day of Nov A. D. 1884

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by myself, J. G. W. McConnell and others, and presented at the Nov term, 1884, of the County Court of said Winn county, commencing on the 30 day of Nov 1884

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

*Geo. W. McConnell*

**STATE OF OREGON,**

COUNTY OF Winn

ss.

I, J. G. W. McConnell

~~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, and that I am a resident and householder in said County and State.

*Geo. W. McConnell*

Subscribed and sworn to before me, this 5

day of November A. D. 1884

*B. F. Nelson*

Clerk.

*Proves*

Know all men by these Presents:

Filed NOV 5 1884

at ... o'clock, ... min. ... m.

County Clerk.

*P. H. Walker*

Know all men by these Presents: That I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit: That the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit:

That the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit: That the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit:

That the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit: That the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit:

STATE OF OREGON

COUNTY OF ...

That the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit: That the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit:

That the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit: That the within and foregoing is a true and correct copy of the original of the same as the same appears in the records of the County of Oregon, in and to the effect and to the tenor of the following to-wit:

To the Hon. County Court of Union Co.  
Oregon. We the undersigned viewers  
appointed by your Body to view out the pro-  
posed County Road petitioned by S. P. Mc  
Connell & others as follows to wit  
To commence at the Northwest corner of the  
S. W. 1/4 of Section 13 in T. 3. S. of Range 38 E. thence  
North 13 chas thence North 53° west to the  
Section line between Section 11 & 14 in said  
T. & R. thence west to the S. W. corner of Sec. 10  
thence North 1/4 of a mile thence west one & one  
half mile thence south 1/4 of a mile  
submit the following report in relation  
thereto We met on the 28<sup>th</sup> day of Nov, as  
mentioned in your order & after being  
first duly sworn in company with Moses  
Austin County Surveyor & Sam Bloom  
& Lincoln Austin Chammers proceeded to view  
survey & lay out said Road as mentioned  
in your order & shown by Surveyors Plat  
& report submitted herewith we found  
the Road to lay on very good ground &  
taking into consideration the necessity that  
exist for said Road We commend that  
it be established as a County Road

S. M. Bloom }  
L. P. Holmes } Viewers



Miss Report  
in road of  
D. M. McDonald

Filed DEC 15 1884

at ... o'clock, ... min. ... m.

*A. S. Hillman*

County Clerk.

*A. S. Hillman*  
deputy

Second Judicial Day

Thursday Nov- 6-1884

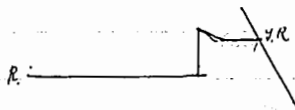
State of Oregon }  
 County of Union }

I do hereby certify that the field notes of the above road are correct as surveyed by me under the supervision of the viewers on the 25<sup>th</sup> day of July 1884

Ford Simms

County Surveyor

By Moses Austin  
 Dep. Co. Surveyor  
 Union Co. Oregon



In the matter of the county road }  
 petitioned for by Geo. W. Lennell et al. }

Now at this time is presented to the county court the petition of Geo. W. Lennell et al. praying that a county road be located as follows to-wit: Commencing at the North West corner of the South West quarter of section 13 in T. 3 S. of R. 39 E. in Union County Oregon thence North 20° 30' West 13 chains thence north 52° West to the section line between sections 11 and 14 - in said T. and R. thence West on said section line to the South West corner of the S W 1/4 of sec. 10 thence North 1/4 of a mile thence West one and one half miles to the middle line of sec eight - thence South 1/4 mile.

And it satisfactorily appearing to the court that due and legal notice of the pendency of this proceeding had been given as by law required, that more than twelve of said petitioners are householders residing in the vicinity of said proposed county road and that a good and sufficient bond had been

Second Judicial Day      Thursday November 6<sup>th</sup> 1884

filed herein It is therefore ordered by the court that Sam Brown W. P. M<sup>r</sup> Daniel and L. R. Holmes be appointed viewers and Moses Austin Surveyor to view survey and report upon said proposed County road and that they meet at the Catherine Creek Bridge on Nov-27-1884 at 10 o'clock A. M. and duly qualify before entering upon their duties in this behalf.

In the matter of a proposed county- }  
road petitioned for by H. Marrell et al }  
Now at this time is presented to

the court the petition of H. Marrell and others praying that a county road be located as follows to wit

Commencing at a point on said Gov. Brand and and Forest Cove road at the South West corner of land owned by H. Marrell being the N. W. 1/4 of sec. 18 T. 3 S. R. 40 E. formerly owned by J. Gephart the same being the South East corner of the ranch known as the Sully ranch now owned by E. G. Hibbler and running from thence in a direct line in a South easterly direction following the direction of the portion of said road lying West of the <sup>point</sup> portion sought to be changed until it intersects the county road known as the Hendershott point and Sumnerville road a distance of about half a mile. And it satisfactorily appearing to the court from proof filed herein that due and legal notice of the pendency of this proceeding had been given as by law required in such cases made and provided that more than twelve of said petitioners are householders residing in the vicinities of said proposed County road and that a good and sufficient bond had been filed herein. It is therefore ordered by the court that Sam Brown W. P. M<sup>r</sup> Daniel and L. R. Holmes be appointed viewers and Moses Austin Surveyor to view survey and report upon the proposed county road and that they meet at the residence of Sam Brown on the 26<sup>th</sup> day of Nov-1884 at 10 o'clock A. M.

Second Judicial Day

Thursday Jan. 8th 1886

In the matter of the proposed }  
County road petitioned for }  
by Geo. W. McConnell et. als. }

Now at this time this matter comes up to be heard upon the report of the viewers heretofore appointed in the above entitled road, which report is accompanied by the report of the Surveyor, and said viewers report is read in open Court for the first time and according to the provisions of the Statutes in such cases made and provided It is ordered that said report be laid over for a second reading on another day of this term.

Whereupon Court adjourns till tomorrow morning at 9 o'clock.

Third Judicial Day

Friday Jan-9th 1880.

In the matter of the proposed  
County road petitioned for  
by Geo. W. McConnell et al

Now at this time this  
time this matter comes upon for hearing upon  
the second reading of the reports of the Viewers and  
Surveyor heretofore appointed in the above entitled  
road and it appearing to the Court upon and  
examination of the reports aforesaid and the  
plat of the Surveyor that said plat is  
deficient and needs to be corrected by the  
Surveyor it is therefore ordered by the Court  
that further action in this matter be and  
is hereby deferred until said plat is corrected.

In the matter of the proposed  
County road petitioned for by  
J. W. Kimbrell et al

Now at this time the Viewers  
and Surveyor's Report in road as proposed  
County road petitioned for by J. W. Kimbrell et al  
is read a second time in open Court and said report  
being favorable and having been read on two different  
days of this term of Court, and it appearing to  
the satisfaction of the Court that the proceedings herein  
have been regular and according to law and there  
being no plenary or bills of damage filed here-  
in it is therefore ordered by the Court that said Viewers  
Report and plat of the Surveyor be placed on record  
and said road be established as a County road.

Viewers Report

In the How County Court of Union County State  
of Oregon

Vis the undersigned viewers appointed by  
your body to view out the proposed County road  
petitioned for by John Kimbrell and others as  
follows to wit: To commence at a point on Division  
upon said road about 100 feet east from the S. W.



Second Judicial Day Thursday July 9th 1885

Court met pursuant to adjournment present the same judge and officers as on yesterday

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

A. G. Craig  
County Judge

Thereupon the following proceedings were had to wit:

On the matter of the proposed  
County road petitioned for  
by Geo. W. Mc Connell et al

Now at this time this matter comes on to be heard and it appearing that the Surveyor's plan has been corrected to correspond with the report of the said Surveyor, and that the viewers and Surveyor's reports have been read on two different days of the January term 1885 of this Court and it further appearing to the satisfaction of the Court that the proceedings in the matter of said proposed County road are regular and according to Law and that there are no bills or claims for damages filed herein nor any remonstrance filed herein It is therefore hereby ordered that the viewers and Surveyor's reports with the plan of the road be placed on record and that the road be established and opened according to law

Viewers Report

To the Hon. County Court of Union County Oregon We the undersigned, viewers appointed by your body to view with the proposed County road petitioned by Geo. W. Mc Connell and others as follows to wit: It commence at the North west corner of the S.W. 1/4 of Section 13 in T. 3 S. of Range 39 E. thence

Second judicial way Thursday July 9<sup>th</sup> 1880.

North 13 chains thence North  $52^{\circ}$  West to the section line between sections 11 and 14 in said T. and R; thence west to the S. W. corner of Sec. 10 thence North  $\frac{1}{4}$  of a mile thence West one and one half miles thence South  $\frac{1}{4}$  of a mile. Submit the following report in relation thereto. We such on the 29<sup>th</sup> day of November as mentioned in your order and after being first duly sworn in company with Moses Austin Surveyor and James Bloom and Lincoln Austin Chairman proceeded to view survey and lay out said Road as mentioned in your order and shown by surveyors plan and report submitted herewith we found the road to lay on very good ground and taking into consideration the necessity that exists for said road we recommend that it be established as a County road.

J. M. Bloom } Viewers  
L. R. Holmes }

Surveyors Report  
Report of Surveyor to the viewers of a county road as follows to-wit: Commencing at R. Post at the N. W. corner of the  $\frac{1}{4}$  of Sec. 13 in Township 3 S. of Range 39 E. thence North 13.23 chains to a post I thence N.  $52^{\circ}$  W. 43.86 chains to a post II at the intersection of Sec. line between Sec. 11 and 14 of said Township and Range thence West 12.5 chains to a post III at the S. W. cor. of Sec. 10 thence W. 20 chains to a post IV. Thence W. 121.76 chains to a post V at the intersection of the subdivision line of Sec. 8 thence S 20 chains to R. Post at the  $\frac{1}{4}$  cor. between Sec's 8 & 17 Township 3 S. of R. 39 E. N. W. whole distance 4 miles 23.84 chains Ver. 20 E.

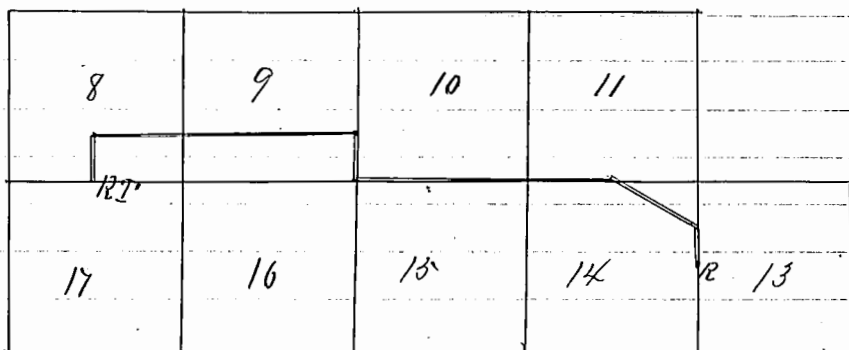
State of Oregon }  
Union County }

I do here by certify that the field notes of the above road are correct as surveyed

Second judicial day Thursday July 9<sup>th</sup> 1885  
 by me on the 29<sup>th</sup> day of Nov. 1884 under  
 the supervision of the viewers  
 Fred J. J. J.  
 County Surveyor

By Moses Austin  
 Wept

Township 3 South of Range 39 E.



On the matter of the road  
 petitioned for by J. J. J.  
 Woodell et al

Now at this time this matter  
 comes on to be heard upon the report of the viewers  
 heretofore appointed to view and lay out said proposed  
 road, which report is accompanied by the Surveyor's  
 plat and field notes of said road and also by  
 the report of the Surveyor to the viewers and said  
 reports having been read for the first time in  
 open court it is ordered that said reports  
 lay over to another day of this term for a  
 second reading as by statute required in  
 such cases made and provided