

No 256

in
Circuit Court

Catharine Fisher

Plaintiff

vs

C B Fisher

Defendant

Action for Invoice

Docket

Page 440

M Baker

Attorney for Plaintiff

Attorney for Defendant

THE
FILED
IN
APR 11 1890
AT
COURT
HOUSE
OF
COMMONS

Record of the Case

1896
Jan 17 Petition rec - Viewers aff'd
Journal C p 606
Apr 8 1st reading of report
Journal C p 671
Apr 9 ordered opened
Journal C p 672

248

Road

Commencing at S end of bridge on
Lake fork of Hallowa River to S E cor
of S W 1/4 of S E 4 Sec 32 S 18 R 44 E

WITNESSES

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

248

To the Hon County Court
of Union County Oregon

The undersigned Citizens,
House holders & Tax Payers living
in the vicinity of the road described
below, would most respectfully pe-
tition your Hon body for a change
in the County road leading from
Lostine to Alder in Wallora valley,
as follows to wit

Commencing at the south
end of the Bridge on the Lake fork
of the Wallora river near the residence
of W^o Wood Esq and running in
a southern and eastern ^{direction}, keeping as
near the foot of the hill on the east
and north as practicable for a good
road to a point immediately north
of the present residence of Henry
Miller Esq situated on the NW¹/₄ of
the SE¹/₄ of Section 32 Township 1, S
Range 44 E a distance of 1/4 mile
more or less. Thence east and south
to the NE corner of the SE¹/₄ of the
SE¹/₄ of Section 32, thence south
1/4 mile to the SE corner of the SE¹/₄
of the SE¹/₄ of Section 32, all of Town-
ship 1 south, Range 44 East, a total
distance of 2 1/4 miles more or less
Intersecting the present road at the last
named point

And would further ask that
the present road between the points
above named be vacated as soon
as the road is open for travel on the pro-
posed change, or such parts of it as
do not conflict with the change pe-
titioned for. Respectfully Your
Petitioners

Nov 28th 1885

W^o Wood Esq
Henry Miller Esq }
Petitioners

Nov 28th 1885

Retained for - Respectfully Yours
Petitioners

- Wm Reams
- Wm Wade
- John Williamson
- John Brown
- Wm H Brock
- Wm H George
- John McMinister
- Wm H Wood
- Henry Miller
- Edw E. Spente
- Thomas Geor
- Peris B. Eger
- Wm Chenneth
- Ben Goswell
- Wm H. Peander
- Edw. Paraway
- M. Hill
- J. Hill
- John Barnhill
- Normey Johns

would recommend to the Court as business -
 D. B. Reavis, James Barnhill & James Cochran
 all of the same

FILED
at office
County Clerk
B. J. Wilson

STATE OF OREGON,

County of Union } ss.

I, Thomas Gear being first duly sworn, on oath say, that I posted three notices (a copy of which is hereunto annexed) of the proposed road, in the following places, to-wit: One at the South end of the bridge on the east fork of the Wallawa river near the residence of M H Wood Esq one at the cross lane on the County road immediately east of the residence of B Baswell & South of M Harmon's residence a short distance and one on the front of the Post office building at Alder. (Said petitions were by me or posted Nov 28th, 1885) and one at the Court House door, in Union in said Union County and State of Oregon, thirty days prior to the presentation of petition herein, and that all of said petitioners are householders residing in the vicinity of said proposed road in said Union County and State of Oregon.

Thomas Gear

Subscribed and sworn to before me, this 29th day of December A.D. 1885

A W Brown
Notary Public

Post up on Post-office at Alder

Filed JAN 7 1885
at o'clock min
P. J. McLeod
County Clerk

3 11

Know all Men by these Presents:

THAT WE, Henry Miller
 and Thomas Roup, of the County of Union and
 State of Oregon, are held and firmly bound unto the 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 _____ day of _____ A. D. 1885—

Now the condition of the above obligation is such, that whereas, if the County Road petitioned
 for by Wm Reavis and others, and presented
 at the Jan term, 1886, of the County Court of said Union county,

commencing at the South end of the Bridge on the Lake fork of the
 Malheur river, near the residence of W H Wood Esq. & running
 South & East, near the residence of Henry Miller Esq. and to the
 South Corner of the SW qr of South east 1/4 of Section
 No 32, Township 1 South Range 44 east intersecting the the
 present County road at the last named point

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

Henry Miller
Thomas Roup

STATE OF OREGON,

COUNTY OF _____ } ss.

I, Henry Miller and
Thomas Roup 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.

Henry Miller
Thomas Roup

Subscribed and sworn to before me, this 29th

day of December A. D. 1885

Wm Gowen
 Notary Public *clerk.*

Know all Men by these presents:

Filed JAN 7 1886
at ... o'clock, ... min. ... m.
B. A. McLeod
County Clerk.

of the County of ...
in the year of ...
between the persons of ...
to be made, we bind ourselves, our heirs, executors and assigns, jointly and severally, for the purposes...

For the condition of the above obligation is such that whereas, if the County Court hereinafter ...
and there, and presented ...
County of ...
to be made and established, then the obligation to be paid, otherwise to remain in full force ...
and until ...

STATE OF OREGON

COUNTY OF ...

and ...
with for himself and wife ...
that the said ...
and that I am a resident and inhabitant in said County and State ...

Witness my hand and seal to the above in full force...

at ...

(over)

In the County Court }
of Union County } Report of Road
State of Oregon } viewers

To the Honble County Court of
Union County Oregon.

Be it remembered that on the 26th
day of January A.D. 1886 in the
aforesaid ^{County}, we D. B. Revis and James
Doehran appointed viewers of a certain
county road to wit, beginning at a
bridge on the Lake fork of the Wallowa
river and running as shown by the
Surveyors report and plat accomp-
anying this report, would much
respectfully say that we ~~are~~ ^{are} ~~are~~
the granting and establishing the
said road as surveyed knowing
that it is of practical utility and
and will better serve the Community
than the Old Road

D. B. Revis }
James Doehran } Viewers

Filed FEB 21 1886
at ...o'clock, ...min, ...m.
B. M. Cleaves
County Clerk.

Be it Remembered that on the 26th day of January, A.D. 1856 in accordance with an order of the Hon County Court of the County of Union State of Oregon that W^m Saunders appointed by the above named court to Survey Road between for by Henry Miller and on the above named day Survey the said Road as Revised and shown on by D B Beers and James Cochran they being appointed Reviewers By Hon County Court to Review said Road they being duly sworn by me to faithfully discharge the duty of Reviewers and to that men

Beginning at a Bridge on the Lake part of the wallawalla River near the Residence of W^m Wood Running 20 degrees west of South twenty eight Rods to a Stake duly marked there 10 degrees E of South on the old Road on the E side of Benches near foot Hills one hundred and seventy two Rods to a Stake duly marked there 8 degrees E of South along foot Hills 40 Rods to Stake marked A 3 thence 37 E of South 60 Rods to a Stake duly marked A 4 thence S E by South twenty Rods to Stake marked A 5 and 1 mile thence fifteen degrees north of East to a Point immediately north of Henry Miller's Residence as named in Petition situated on the N W qt of the S W qt of Sec 32 T 1 S R 44 E a distance of 1 mile and twenty Rods - thence on same direction 40 Rods to Stake marked A 6 thence E 100 Rods to Stake marked A 7 - thence 10 degrees South of S E 1/4 mile to Corner of S W qt of S E qt then 1/4 mile South to the S E cor of S W qt of S E qt Sec 32 all T 1 S R 44 E

Then intersecting Old Road on Township Line between ~~lots 2~~ South R 44 E I certify that the above is correct and true
 W^m Saunders Surveyor
 The above is a Plott of said survey Road marked Red

Plott of Sec 30 29 31 & 32 of T 1 S R 44 E

Surveyed July 2nd 1856
 W^m Saunders

1886

Filed FEB 2 1886
at o'clock min 11
P. A. Wilson
County Clerk

Nov 27th 1885

To the Honorable Attorney General
I have the honor to acknowledge the receipt of your communication of the 24th inst. in relation to the proposed bridge across the North Branch of the Willamette River near the residence of Mrs. W. H. Wood. I have given the matter my careful consideration and find that the proposed bridge is not feasible at the present location proposed. The bridge is not feasible because of the great width of the river at the proposed location. The river is from 200 to 300 feet wide at the proposed location. The bridge is not feasible because of the great expense of the bridge. The bridge is not feasible because of the great expense of the bridge. The bridge is not feasible because of the great expense of the bridge.

The proposed bridge is not feasible because of the great width of the river at the proposed location. The river is from 200 to 300 feet wide at the proposed location. The bridge is not feasible because of the great expense of the bridge. The bridge is not feasible because of the great expense of the bridge. The bridge is not feasible because of the great expense of the bridge.

Yours very truly,
W. H. Wood

- W. H. Wood
- Peter O. Sullivan
- J. P. Burns
- W. H. Wood
- W. H. George
- Jos. McVicker
- W. H. Wood
- Henry Miller
- R. L. Carpenter
- Thomas Geese
- Paul George
- Wm. Bennett
- Wm. Garrison
- W. H. Henderson
- W. P. Cochrane
- Wm. Foxworth
- J. P. Sullivan
- John Marshall
- Morgan Jones

B. A.
M. W.
J. P.

Nov 27th 1885

[Faint, mostly illegible handwritten text, possibly a list or account.]

[Faint, mostly illegible handwritten text, possibly a list or account.]

- Mr. Adams
- Mr. White
- Peter Williams
- Mr. Evans
- Mr. Brock
- W. H. George
- Geo. McKister
- W. H. Wood
- Henry Miller
- R. L. Hartner
- Thomas Geer
- James C. Lige
- Mr. Chennett
- Ben Goswell
- W. J. Henderson
- W. O. Lynam
- W. H. Miller
- W. L. Hill
- John Parrish
- Mary Jones

3 A
M M
L A

Sixth Judicial Way

Tuesday Jan. 12-1886

of the S E $\frac{1}{4}$ of S. 1-1 N. R. 42 E. thence East on the line between the N E $\frac{1}{4}$ and the S E $\frac{1}{4}$ of the S E $\frac{1}{4}$ of Sec. 1-1 N. R. 42 E. a distance of about three hundred yards, thence in a N. E. direction to the Range line between R. 42 and 43 E. thence North on said Range line a distance of two miles thence Northerly following the divide on the most practicable route to the head of Martins Gulch, thence down said gulch to dry creek and there terminate. And it appearing to the Court 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 resident householders residing in the vicinity of the proposed road and that a good and sufficient bond has been filed herein it is therefore hereby ordered that J. H. McCubbin, Geo. Richardson and F. P. Creek be and they are hereby appointed viewers and P. H. Saunders Surveyor to view survey and report upon said proposed road and it is further ordered that they meet at the residence of John L. Staudley on the 20th day of January 1886 at 10 O'clock A. M. and duly qualify before entering upon the discharge of their duties in this behalf.

On the matter of a
proposed County road
petitioned for by
Henry Miller et al

Now at this time this matter comes on to be heard upon the petition of Henry Miller and nineteen others filed herein praying for the location

Sixth Judicial Day Tuesday Jan - 12 - 1886

of a County road as follows: commencing at the south end of the bridge on the lake fork of the Walpoda river near the residence of N. H. Wood Esq and running in a southern and eastern direction keeping as near the foot of the hill on the east and north as practicable for a good road to a point immediately north of the present residence of Henry Miller Esq situated on the N. W. 1/4 of the S. W. 1/4 of section 32 Township 1 S Range 44 E. a distance of 1 1/4 miles more or less thence east and south to the N. E. corner of the S. W. 1/4 of the S. E. 1/4 of sec. 32 thence south 1/4 mile to the S. E. corner of the S. W. 1/4 of the S. E. 1/4 of section 32 all of Township 1 South Range 44 East a total distance of 2 1/4 miles more or less intersecting the present road at the last named point, and it appearing to the satisfaction of the Court 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 resident householders residing in the vicinity of said proposed road and that a good and sufficient bond has been filed herein. It is therefore ordered and adjudged that D. B. Reavis, James Baruhill and James Cochran be appointed viewers and P. H. Saunders Surveyor to view survey and report upon said proposed road and that they meet at the residence of Henry Miller on the 22nd day of January A. D. 1886 at 10 o'clock A. M. and duly qualify before entering upon the discharge of their duties on this behalf.

Third judicial day Wednesday Apr. 7-1886

Thereupon Court adjourned till to
morrow morning at nine o'clock

Fourth judicial day Thursday Apr. 8-1886

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 final
verdict of yesterdays proceedings was
read and approved and is now
here signed

A. G. Craig
County Judge

In the matter of the proposed
County road petitioned for
by Henry Miller et al

Now at this time
this matter comes on to be heard
upon the reports of the viewers heretofore
appointed in the above
entitled road and said reports having
been read in open court for the first
time in accordance with the provis-
ions of the statute in such cases made
and provided It is ordered that
said reports be laid over for a second
reading on another day of this term

In the matter of the
proposed road petitioned
for by John A. Tucker et al

Now at this time
this matter comes on to be heard and it
appearing to the court that the reports of the

Fourth Judicial Day Thursday Apr. 8. 1886

Surveyor filed herein is erroneous and not in accordance with the plat and survey of said road It is hereby ordered that this matter be and the same is hereby continued for correction.

Thereupon Court adjourned till tomorrow morning at nine o'clock.

Fifth Judicial Day Friday Apr. 9. 1886

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. B. Craig
County Judge

Thereupon the following proceedings were had to-wit:

See the matter of the }
proposed county road }
petitioned for by }
Henry Miller et al }

Now at this time this matter comes on for hearing upon the several readings of the viewers and surveyors reports filed herein which said reports are now here in open court read a second time and it appearing to the satisfaction of the court that the proceedings herein have been regular and according to law

Fifth Judicial Day

Friday April 9 1886

and there having been no remonstrance or bill for damages filed and said reports having been read on two different days of this term of this court. It is therefore hereby ordered that the said views and surveyors reports and plat of the road be entered of record and the road established and opened according to law.

Viewers Report

To the Hon. the County Court of Union County Oregon

Be it remembered that on the 26th day of January A. D. 1886 in the aforesaid County we D. B. Reavis and James Cochran appointed viewers of a certain county road to-wit Beginning at a bridge on the Lake Fork of the Wallasa river and running as shown by the surveyors report and plat accompanying this report, would most respectfully say that we recommend the granting and establishing the said road as surveyed knowing that it is of practical utility and will better serve the community than the old road.

Surveyors Report

Be it remembered that on the 26th day of January A. D. 1886 in accordance with an order of the Hon. County Court of the County of Union State of Oregon that I P. H. Saunders appointed by the above named Court to survey road petitioned for by Henry Miller did on the above named day survey the said road as reviewed and shown me by D. B. Reavis and James Cochran they being appointed reviewers by Hon. County Court to review said road they being duly sworn by me to faithfully discharge the duties of reviewers.

Fifth Judicial Day

Friday Apr. 9-1886

and chairman. Beginning at a bridge
 over the lake fork of the Wallowa river
 near the residence of W. W. Wood being
 20 degrees west of South twenty eight rods
 to a stake duly marked A. 1 thence 10
 degrees E. of South on the old road on the
 East side of ranch near foot hills one
 hundred and seventy two rods to a
 stake duly marked A. 2. Thence 8 degrees
 E. of South along foot hills 40 rods to stake
 marked A. 3. Thence 37 E. of South, 60 rods to
 a stake duly marked A. 4. Thence S. E. by
 South twenty rods to stake marked A. 5. And
 1 mile thence fifteen degrees north of East
 to a point immediately north of Meloy
 Miller's residence (as named in petition
 situated on the N. W. qr. of the S. W. qr. of
 Sec. 32 T. 1 S. R. 44 E. a distance of 1 mile
 and twenty rods. Thence on same direction
 40 rods to stake marked A. 6. Thence E. 100 rods
 to stake marked A. 7.

Thence 10 degrees south of S. E. $\frac{1}{4}$ mile to N. E. cor.
 of S. W. qr. of S. E. qr. then $\frac{1}{4}$ mile south to the S. E.
 cor. of S. W. qr. of S. E. qr. Sec. 32 all T. 1 S. R. 44 E.
 Thence intersecting old road on Township
 line between one & two south R. 44 E.

I certify that the above is correct and true

P. A. Squedee

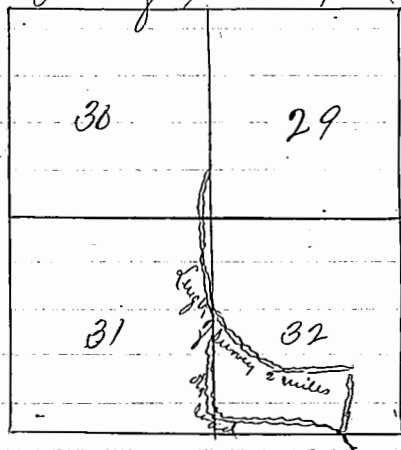
Surveyor

The attached is a plat of said ^{survey} road marked
 red x

Fifth judicial Day

Friday Apr 8 1880

Part of sec. 29, 30, 31 & 32 of T. 1 S. R. 4 E.



In the matter of the proposed county road petitioned for by A. M. Hulse et al

Now at this time is presented the petition of A. M. Hulse and others and there appealing to be a discrepancy in the proof of posting in that the affiant states that he posted three notices in conspicuous places and that a notice was posted on the Court house door which being duly considered by the court It is ordered that this matter be and the same is hereby continued for the time for correction of proof of posting.