

No 326
in

Circuit Court

Mrs Chas Hoyak

Plaintiff

vs

Henry Ogren

Defendant

Action for Appeal from
JP Court

Docket Page

M Baker

Attorney for Plaintiff

Cohen & Baker

Attorney for Defendant

RECEIVED
MAY 1 1901
U.S. DISTRICT COURT
NEW YORK

Record of the Case

1889
July 3 Pet Rec. Viewers app'd
July 5 Jul D # 580
Sept 4 M hole matter dismissed
July 5 Jul D # 629

327

Road

Returned for by A Good et al

Commencing at Crosswell Bridge
thence in North & N W direction to
NW corner of Mt # Sec 14 T28R
37 E N W

WITNESSES

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

327

In the County Court of Union County
State of Oregon.

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

The undersigned house holders residing
in Union County Oregon, and in the vicinity of
the road hereinafter proposed to be laid out and
petitioned for hereby ask that a County Road
be laid out and Established in said County as
follows:

Commencing at the North End of the County
bridge which spans Grande Ronde River at the town
of Orrell in said County on the S^W 1/4 of Section 31 Town-
ship two (2) South of Range thirty eight East of
the Willamette Meridian, running thence by the
most practicable route in a North Westery direc-
tion to the Quarter Section State, on the township
line between Section thirty six (36), Township
two South, Rang 37 East of Willamette Meridian
and Section thirty one (31), Township two
South, Range thirty eight East of Willamette
Meridian, said State being at the South West-
Corner of the North West Quarter of Section 31
Tp 2, South of Range thirty eight - E. W. M. thence
North along the township line to the Quarter Section
State at the South West Corner of the North
West Quarter of Section 30 Township two
South of Range 38 East of Willamette Meridian
thence in a North westerly direction following
as near as may be the old road to the North
West Corner of Section 24 Township 2 South

of Range 37 E. & W. then in a North Westerly
 direction along the old road known as the
 Fox hill road, as near as practicable to the
 Quarter-section stake on the Section line
 between Sections 14 and Township
 two South of Range 37 East of Yellowstone Meridian
 being at the North West Corner of of the South
 West-Quarter of said Section 14, and there to
 terminate.

That the said road is much needed by pe-
 titioners and the public generally, being in
 the vicinity of said proposed road.

Wherefore your petitioners ask that an
 order be made for the opening and laying
 out of said Road, and your petitioners
 in duty bound will ever pray.

(begin here)

Albert Good	J. M. Smith
H. W. Nessly	W. McPheerson
C. W. Nessly	John Pyrearsen
C. Fall	J. M. Caldwell
J. W. Walden	B. O. Briffier
J. McCall	J. J. Edwards
J. S. Smith	W. C. ...
J. H. Evans	W. McLaughlin
L. B. Haggerty	O. Eaton
J. W. Nelson	C. Eaton
Willard Couch	
B. S. Halley	
W. C. ...	
Wm. Moss	

State of Oregon,

} ss.

County of _____, I, _____, being
first duly sworn, depose and say: I am _____ the _____
named in the foregoing _____, I have heard the same read and
know the contents thereof, and I believe the same to be true. _____

Subscribed and sworn to before me this _____ day of _____ 188 _____

IN THE

County COURT

—OF THE—

STATE OF OREGON,

For *Wain* County.

Paul Patton

Plaintiff

vs.

Defendant

Filed this *3rd* day of

July 188*9*

CLERK.

By *James Oliver* Deputy

Attorney for

OL-GN

Service by copy admitted this

day of

188

Attorney for

STATE OF OREGON,
COUNTY OF UNION. } ss.

I Albert Good

being first duly sworn, say that I posted three several notices, of which the notices hereto 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 on Bridge at Crodell, one on top of hill about a mile from Crodell, on a pine tree by the Road side, and one on a tree by the Road side near the place of P. O. Griffin.

~~Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 31st day of May 1889, and that thereafter and thirty days~~

~~previous to the presentation of said road petition therein mentioned, to-wit: on the day of 188, 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 town of Union, in said County, 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

3rd

day of

Albert Good
July

1889

J. P. Neill Clerk
By James Chace

Filed July 3rd 1889
A. J. Hill Clerk
By James Oliver Depey

STATE OF OREGON,
COUNTY OF UNION. } ss.

I *Amos Oliver*

being first duly sworn, say that I

~~posted three several notice, of which the notices hereto 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~~ 188 , and that thereafter and thirty days

~~previous to the presentation of said road petition therein mentioned, to-wit: on the~~ *30th*
day of *June* 188*9*, 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 town of Union, in said County, 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

30th day of *July* 188*9*

Amos Oliver

J. A. Hezell, Clerk
O. P. Mills, Deputy

Tue July 3rd 1889
A. J. Hill Clerk
By Spencer Oliver Depry

Notice

Notice is hereby given to all whom it may concern

That the undersigned residents and house holders of Union County Oregon and residents in the vicinity of the road herein after proposed to be laid out and established, will at the next regular term of the County Court of Union County Oregon to wit on the 1st day of July A.D. 1889 or as soon thereafter as the same may be heard, present to the said County Court a petition asking that a County road be laid out and established in said County as follows

Commencing at the ^{North End of the} County Bridge that spans Grande Ronde river at the Town of Brodell in said County on the S $\frac{1}{4}$ of Section 31 Township two (2) South of Range thirty Eight East of the Willamette Meridian Running thence by the most practicable road - in a North Westerly direction to the Quarter Section State on the Township line between Sections thirty six (36), Township two South Range 37 East of the Willamette Meridian and Section thirty

one (31) Township two South Range thirty Eight East of Willamette Meridian said State being at the South West Corner of the North West Quarter of Section 31 $\frac{1}{2}$ 2 South of Range thirty Eight $\frac{1}{2}$ $\frac{1}{2}$ N Thence North along the Township line to the Quarter Section State at the South West Corner of the North West Quarter of Section 30 Township two South of Range 38 East of Willamette Meridian thence in a North Westerly direction following as near as may be the old road to the North West Corner of Section 24 Township 2 South of Range 37 $\frac{1}{2}$ $\frac{1}{2}$ N Thence in a North Westerly direction along the old road known as the Fox hill road as near as practicable to the Quarter Section State on the Section line between Sections 14 and 15 in Township two South of Range 37 East of Willamette Meridian being at the North West Corner of the South West Quarter of said Section 15 and thence to terminate

J. P. Coyne
 B. W. Terry
 J. M. Meally
 J. W. Ervine
 J. W. Keating
 J. W. Wilson
 W. H. Taylor
 B. B. Hooper
 W. H. Hooper
 Wm. Moss
 A. H. Smith
 W. M. Taylor
 John Ryan
 J. W. Caldwell
 J. B. Dwyer
 J. W. Taylor
 W. H. Taylor
 Wm. W. Taylor
 J. W. Taylor
 C. E. Taylor

Posted by James D. Taylor
 1889

Filed July 3rd 1889
At Hall Clerk
By James O. Howard

Know all Men by these Presents:

THAT WE, Wm Proebstel and
Albert Good of the County of Uman
 and State of Oregon, are held and firmly bound unto the said County of Uman 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 3rd day of July 1889

Now the condition of the above obligation is such, that whereas, of the County Road petitioned for by
A. Good and others, and presented at the July
 Term, 1889 of the County Court of said Uman County, commencing Road
described in petition hereto attached

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

A. Good
William Proebstel

STATE OF OREGON,

County of _____

I _____ and

each for himself says that I am worth the sum of

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.

William Proebstel

A. Good

Subscribed and sworn to before me, this

3rd day of

July

A. D. 1889

W. M. Neill
James O'Brien
William Proebstel

Clerk,

By

Deputy.

Bond of Road Petitioners.

A. Good et al

Petitioners.

Filed July 3rd 1889

W. D. Neill

County Clerk.

By James Oliver

Deputy.

First Judicial Day

Wednesday July 30th 1889

Wheeler and Ad Meswin be appointed Viewers of said roads and that J. W. Kimball be appointed Surveyor of said roads, and that they meet at the beginning of said proposed road on the 25th day of July 1889 at the hour of 10 o'clock A.M. and after qualifying to view, survey and lay out said roads according to law.

In the Matter of the proposed

County Road petitioned for by

Albert Good et al.

Comes now Albert Good one of the petitioners for the above named proposed County Road and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit: Commencing at the North end of the County bridge across Grand Ronde river at the Town of Oro Dell in the S.W. ^{1/4} Sec 31 72 S.R. 38 E. N.M. Thence by the most practicable route in a North Westwardly direction to the quarter section stake on the Township line between Sec 36 72 S.R. 37 E. N.M. and Sec 31 72 S.R. 38 E. N.M. said stake being at the S.W. Corner of N.W. ^{1/4} Sec 31 72 S.R. 38 E. N.M. Thence North along the Township line to the quarter section stake at N.W. Corner of N.W. ^{1/4} Sec 30 72 S.R. 38 E. N.M. Thence in a North westwardly direction following as near as may be the old road to the N.W. Corner of Sec 24 72 S.R. 37 E. N.M. Thence in a North westwardly direction along the old road known as the Fox Hill road as near as practicable to the quarter section stake on the section line between Sections 14 & 15 in Township 2 S.R. 37 E. N.M. being at the N.W. Corner of the S.W. ^{1/4} of said Section 14 and there terminates. And it appearing to the Court that said petition is signed by more than twelve householders of this County residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to-wit: at Union, County of Union State of Oregon, and, also in three public places in the vicinity of said proposed road, to-wit: One on the bridge at Oro Dell, one at top of hill about a mile from Oro Dell on a pine tree by the roadside, and one on a tree by the road side near the place of B. O. Griffin, for more than thirty days immediately prior to the presentation of said petition to the Court, notifying all persons concerned that application would be made to this Court at the present session of the Court and that the notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost of this proceeding had been duly given, It is therefore ordered that A. J. Hughes Henry Young and J. Chesley be appointed Viewers of said roads, and that J. W. Kimball be appointed

First Judicial Day

Wednesday July 3rd 1889

Surveyor of said road, and that they meet at Oroville bridge on the 17th day of July 1889 at the hour of 9 o'clock A.M. and after qualifying, to view, survey and lay out said road according to law.

In the matter of the }
proposed County Road }
petitioned for by J.J. }
Junner et al. }

Comes now J.J. Junner one of the petitioners for the above named proposed County road, and presents to the Court the petition of himself and others, praying for the location and establishment of a County road described as follows, to-wit:— Beginning at a point in the S.E. of N.E. Sec 13 T. 8 S. R. 40 E. N. M. South $4^{\circ}45'$ N 100 rods from the N.E. corner of said Sec 13 thence S 49° N 16 rods, thence S 35° N 60 rods, thence S $69^{\circ}30'$ N 4 rods, thence N 74° N 14 rods, thence N $45^{\circ}30'$ W 10 rods, thence S $46^{\circ}45'$ N 28 rods, thence S 45° N 28 rods, thence S $64^{\circ}15'$ N 16 rods, thence S $24^{\circ}30'$ N 28 rods, thence S $70^{\circ}30'$ N 28 rods, thence S 44° N 44 rods, thence N $88^{\circ}30'$ N 24 rods, thence N $72^{\circ}30'$ N 23 rods, thence N 21° N 33 rods, thence N $61^{\circ}30'$ N 43 rods, thence N 10° N 73 rods, thence N $29^{\circ}45'$ E 21 rods, thence N 52° E 6 rods, thence N 41° N 37 rods, thence N 71° N 36 rods, thence N $10^{\circ}30'$ N 36 rods, thence S $64^{\circ}13'$ N 40 rods, thence N $81^{\circ}30'$ N 16 rods, thence N 72° N 36 rods, thence N 60° N 24 rods, thence S $82^{\circ}30'$ N 37 rods, thence N $33^{\circ}30'$ N 43 rods, thence N 14° N 64 rods, thence N $38^{\circ}45'$ N 36 rods, thence N 51° N 74 rods, thence N $15^{\circ}30'$ N 14 rods, thence N 3° N 44 rods, thence N 11° E 27 rods and terminating at a point on the N.W. Sec 11 from which the S.W. corner of the N.W. Sec 11 T. 8 S. R. 40 E. N. M. bears South 16° N 77 rods distant. And it appearing to the Court that said petition is signed by more than twelve householders of this County residing in the vicinity of said proposed road, and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court, to-wit:— at Union, County of Union, State of Oregon, and also in three public places in the vicinity of said proposed road, to-wit:— One at terminus of proposed road on a post fronting the road, One nailed to a post fronting the road at the beginning of said proposed road, and one on J.J. Junner's barn by the side of the public road, for more than thirty days immediately prior to the presentation of said petition of this Court, notifying all persons concerned that application would be made to this Court at the present session of this Court; and that the notices so posted were in due form and duly signed by the petitioners, and that a bond for the cost

First Judicial Day

Wednesday Sept 4th 1889

pass and determine how much less valuable the premises of said claimants, in Union County, would be rendered by reason of the construction of said proposed road and report the same to this Court in writing. And the further consideration of this matter is continued for the term.

In the matter of the }
Road petitioned for }
by A. Good et al. }

This matter came on to be heard at this time and it appearing to the Court that the viewers and surveyor heretofore appointed failed to report on said proposed road and the surveyor in person came before the Court and stated that said proposed road is impracticable and would be impossible to make a road as prayed for in the petition. It is therefore ordered that the whole matter be dismissed.

In the matter of the }
Road petitioned for by }
J. J. Turner et al. }

This matter came on to be heard on the Report of the Viewers and surveyor heretofore filed herein, and said reports having been read in open Court for the first time are laid over for a second reading on some other day of this term.

In the matter of the }
Road petitioned for by }
A. J. Nicholson et al. }

This matter came on to be heard on the Report of the Viewers and surveyor heretofore filed herein and said Report having been read in open Court for the first time are laid over for a second reading on some other day of this term.

In the matter of the }
Road petitioned for by }
Rudolph H. H. H. et al. }

This matter came on to be heard at this time on the Reports of the Viewers and Surveyor heretofore appointed herein and said reports having been read in open Court for the first time are laid over for a second reading on some other day of this Court.