

No 357

in

British

Court

Pratt Bros et al

Plaintiff

vs

Frank Brothers,  
Implement Co et al

Defendant

Action for Damages

Docket

Page

J. H. Crawford

Attorney for Plaintiff

for

Attorney for Defendant

RECEIVED  
FBI  
JUL 1 1951  
FBI  
RECEIVED  
JUL 1 1951  
FBI

185

1884  
 May 7 Petition rec Viewers exhibit  
 Journal C of 29  
 May 16 Let rec sign of report  
 Journal C of 56  
 May 17 ordered assessed  
 Journal C of 66

Road

Commencing 200 ft N of ford on deck Eak  
of Mallowa River to Alder

185

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

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

The undersigned Citizens  
and householders living in the vic-  
inity of the proposed road here-  
inafter described, would most  
respectfully petition your Hon-  
orable body to cause the same to be sur-  
veyed located & established as a  
County road, to wit:

Commencing at a point  
200 ft north of the ford on the left fork  
of Wallawa river <sup>the same</sup> also being the first  
ford on said stream west of the resi-  
dence of James McCallister Esq. and on  
the N.E. quarter of the North east quarter of  
Section No (32) Thirty two Township No (1) one  
South Range No (44) forty four east, thence  
in a southerly direction on the most  
practicable route to the N.E. corner of the  
S.W. 1/4 of the S.E. 1/4 of section No 32. Township  
No 1 Range 44, thence <sup>a distance of 1/2 or 3/4 miles</sup> south to the section  
line dividing sections No. 5 & 8 Township  
No. 2 South Range 44 east a distance of 1 1/4  
miles more or less, thence east with said section  
line 1 3/4 miles or to the N.E. corner of the N.W. 1/4 of  
section No 10 thence south 3/4 of a mile  
to the S.E. corner of the N.E. 1/4 of the S.W. 1/4 of section  
No 10, thence east 1/4 mile to the town of Alder  
the terminus of said proposed road. Total length  
of road 4 3/4 miles more or less.

Witness

- 1 E A Hunt
- 2 D B Hazel
- 3 W B Weaver
- 4 John M Weaver
- 5 W P Simmons
- 6 Wm B Chenoweth
- 7 H F Burleigh
- 8 J W Wright
- 9 Wm Reavis
- 10 R L Carpenter
- 11 Francis Durr
- 12 James Bingle
- 13 Wm McConnel
- 14 B W Davis
- 15 Benja Boswell
- 16 Mark Loman
- 17 J A Reavis

would recommend for owners on above road

Would be covered for business on about <sup>the</sup> road  
Thus H. Veasy D. B. Keavis & Henry Miller  
All of Alder, P.O.

Small Pictures

31  
E. J. Hartshorn  
of the Regt

Pittman

Filed March 1, 1883  
W. P. King  
Secy

# Notice

There will be a Petition presented to the Union County Court at the March term 1883, by the undersigned petitioners asking for survey, location & establishment of the following as a County road, "Covit"

Commencing at a point 200ft north of the Ford on the Lake fork of Wallawa river. The same being the first ford on said stream west of the residence of James McCallister Esq and on the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section No. 32, Township No. 1 South, Range No. 44 East. Thence in a southerly direction on the most practicable route to the NE corner of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section No. 32, Township No. 1 South, Range No. 44 East a distance of  $\frac{1}{2}$  or  $\frac{3}{4}$  of a mile, thence south to the section line dividing Sections No. 5 & 8 Township No. 2 South, Range No. 44 East, a distance of  $\frac{1}{4}$  mile more or less, thence east with said line  $1\frac{3}{4}$  miles or to the NE corner of the NW $\frac{1}{4}$  of Section No. 10, thence south  $\frac{3}{4}$  of a mile to the SE corner of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section No. 10. Thence east  $\frac{1}{4}$  mile, to the town of Alder. The terminus of said proposed road. Total length  $4\frac{3}{4}$  miles more or less.

Names of Petitioners

E. A. Hart

J. C. Keger

W. H. Weaver

John M. Weaver

W. P. Samms

Wm. J. Chennith

H. F. Burleigh

R. R. Wright

Wm. Reavis

Names of Petitioners

R. L. Carpenter

Francis Davis

Tom Boyle

Wm. McCormick

B. W. Davis

Benja. Boswell

Mark Homan

J. A. Reavis

Posted Feb 5 - 1882

R. G. R.

Proposed County Road  
between & by  
E. A. Hunt  
J. L. Rogers et al

Proof of Posting

Filed March 7, 1883

W. S. Wright  
Clerk

The time & hour court to  
be on petition is the court  
is much smaller & should be  
ordered signed at once.

W. S. Wright, County Clerk  
Please post this up on the  
court house door so the bar knows in advance  
Don't let Alder Bond & firm of affidavit that  
Peterson has been part of the road elsewhere  
addressed to Benjamin Bond

State of Oregon  
County of Union J.S.S

D. R. J. Rogers being first duly  
sworn say that I posted the within notice  
on the Court house door in Union Union  
County Oregon on the 5th day of February  
A. D. 1883

R. J. Rogers

Subscribed & sworn to  
before me this 7th day  
of March - A. D. 1883  
W. S. Wright  
Clerk

State of Oregon }  
Union County } SS

I Mark Homan  
being duly sworn say, that I posted  
three copies of the annexed notice in  
three public places in the vicinity of the  
within proposed County road, in Union County  
Oregon, on the 3<sup>rd</sup> day of Feb 1883, and  
more than thirty days, prior to the presentation  
of ~~the~~ petition herein "to wit" March 5<sup>th</sup> 1883  
and that said notices was posted up at  
the following places, A C King's Store house  
Alder, James Wilson's Black Smith Shop, Alder,  
and, one in front of the residence of M Homan  
on the road leading from Alder to Lostine

Sworn and subscribed to before me  
This 13<sup>th</sup> day of February A.D. 1883

M P Sammis

J. T.



# Notice

There will be a Petition presented to the County Court of Union County Oregon at the March term of said Court 1883. asking for the survey, location & establishment of the following as a County road "to wit"

Commencing at a point 200 ft north of the Ford on the Lake fork of Wallama river. The same being the 1st ford west of the residence of James McCallister Esq. and on the NW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section No 32, Township No 1 South Range No 44 east. Thence in a southerly direction on the most practicable route to the NE corner of the SW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section No 32, <sup>Township No 1 South</sup> Range No 44 east, a distance of  $\frac{3}{4}$  mile more or less. Thence south to Section line dividing sections No 5 & 8, Township No 3, South, Range No 44 east, a distance of  $\frac{1}{4}$  mile more or less. Thence east with said section line  $\frac{3}{4}$  of a mile or to the NE corner of the NW<sup>1</sup>/<sub>4</sub> of section. Thence south  $\frac{3}{4}$  of a mile to the SE corner of the NE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of section No 10. Thence east  $\frac{1}{4}$  of a mile, to the town of Alder. The terminus of said proposed road. Total length of road  $4\frac{3}{4}$  miles more or less.

Names of Petitioners, E. A. Hart, J. C. Rager, W. H. Weaver, John M. Weaver, W. P. Sumner, Wm. J. Cheninuth, H. A. Burleigh, R. R. Wright, Wm. Reavis, R. L. Carpenter, Francis Davis, Tom Boyles, Wm. McCormick, B. W. Davis, Benji Boonell, Mark Harmon, J. A. Reavis, - 17 -

Deputy of Justice

Proposed Amity Road  
petitioned for by  
E. A. Hoar - J. W. Hooper  
et al.

Part of Postings

Filed March 9, 1883

W. P. Knight  
Clerk

# Know all Men by these Presents:

THAT WE, Benjamin Boswell Union  
 and J. C. Smith Union, of the County of Marion and  
 State of Oregon, are held and firmly bound unto the said County of Marion 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 17<sup>th</sup> day of February A. D. 1883

Now the condition of the above obligation is such, that whereas, if the County Road petitioned  
 for by E. A. Hunt, J. C. Roger and others, and presented  
 at the March term, 1883, of the County Court of said Marion county, commencing

at a point 200 ft. north of the Ford on the Lake fork  
 of Wallona river the same being the first and west of the residence  
 of James McCallister Esq. on the NE 1/4 of the NE 1/4 of Section No 32  
 Township No 1 South Range No 44 East. Thence in a southerly direc-  
 tion to the NE corner of the SW 1/4 of the SE 1/4 same Sec & Range Thence south  
 to the Sec line dividing sections No 5 & 8. Town 2, R. 44. Thence east  
 with said line 1 3/4 mile. Thence south 3/4 mile Thence east to the  
 Town of Aleley.

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

Benjamin Boswell  
J. C. Smith

STATE OF OREGON, }  
 COUNTY OF Marion, } ss.

I, Benjamin Boswell and  
J. C. Smith each for himself says that I am worth the sum  
 of Two 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.

Benjamin Boswell  
J. C. Smith

Subscribed and sworn to before me, this 17  
 day of February A. D. 1883

H. F. Burleigh  
 Notary Public for Oregon

Know all Men by these Presents:

For and to the use of the  
 Perpetual Cemetery Fund  
 authorized for by E. A. Hook  
 D. Co. Register of Deeds

Bond

Filed March 7, 1883  
 Wm. H. Wright  
 Clerk

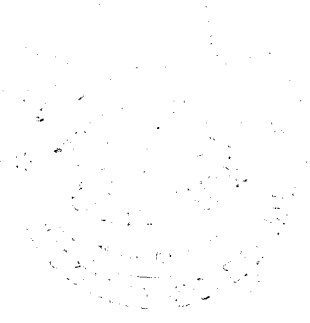
STATE OF MICHIGAN

County of ...

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 as the same appears in the records of the County of ...

Witness my hand and seal of office this ... day of ... 1883

Wm. H. Wright



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 as follows: to wit, commencing 200 ft North of the first ford on the lake fork of the Willowa River near the residence of Jas<sup>r</sup> McAllister on the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> Sec 32. T 1 S. Range 44 East of T 7 N thence in a southerly direction on the most practicable route to the NE corner of the SW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Sec 32 - thence South to the section line between 5. & 8 in Township 2 South Range 44 East - thence East with said section line 1 <sup>3</sup>/<sub>4</sub> miles to the NE corner of the NW<sup>1</sup>/<sub>4</sub> of Sec 10 - thence South <sup>3</sup>/<sub>4</sub> of a mile to the SE corner of NE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> of Sec 10 - thence East <sup>1</sup>/<sub>4</sub> of a mile to the town of Alder submit the following report in relation thereto. We met on the 23<sup>d</sup> day of March 1883 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 according  
to your order and as shown  
by surveyors plat and report  
submitted herewith. We find the  
road to be located on good ground  
and consider it to be a public  
benefit - We therefore recommend  
it be established as a county road

F. H. Beasey  
L. B. Reavis  
Henry Miller

Viewers of proposed  
Geo. Road

Road for the first time  
May 16. 1883 -

2<sup>d</sup> time  
May 17

Filed May 16. 1883

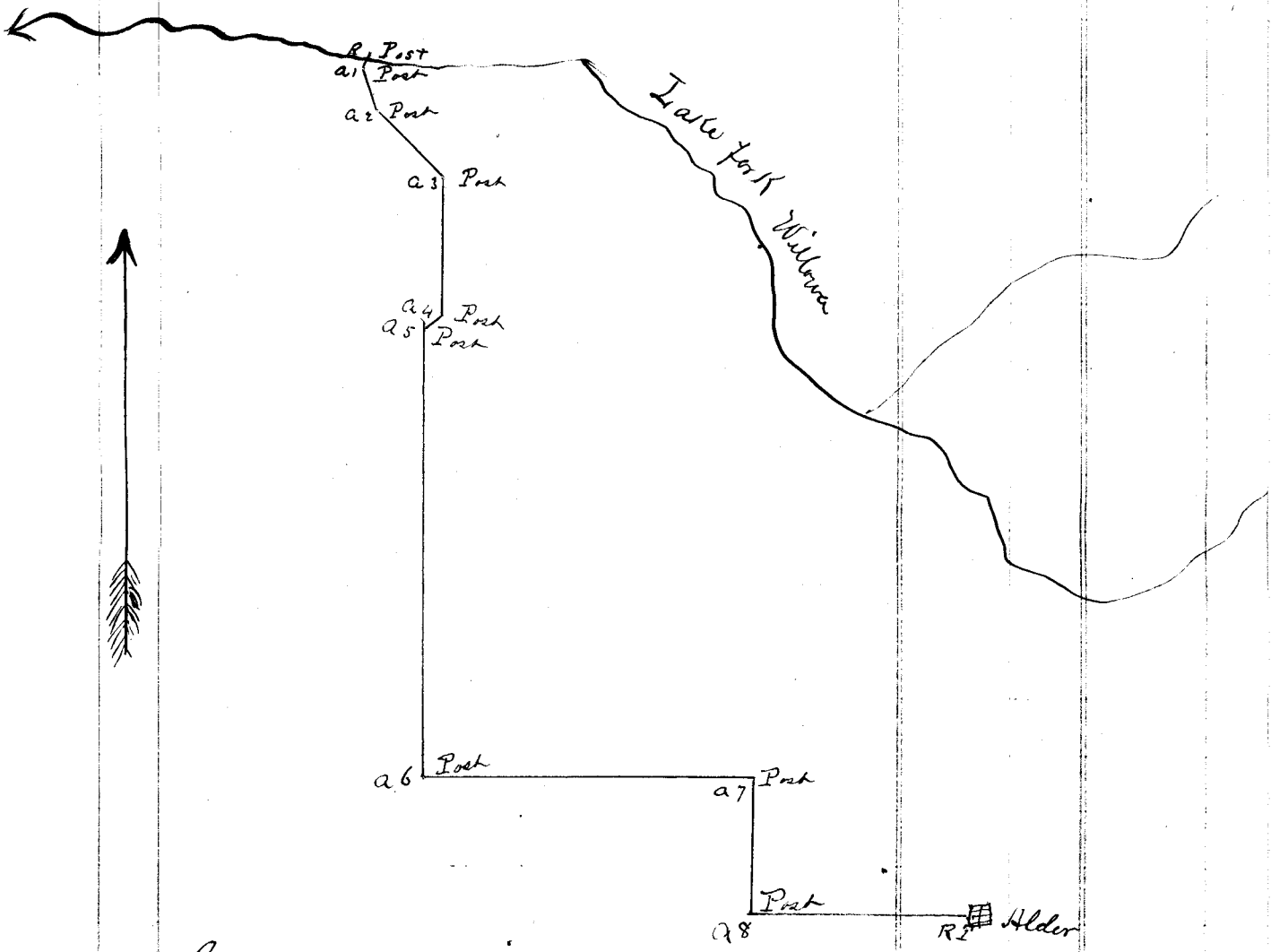
W. H. Wright  
Ch. Clerk

J. James Black  
Deputy

Report of Surveyor to the viewers  
of a proposed County Road as  
follows - to-wit; commencing at a point  
200 ft North of the ford on the Lake  
fork of Willowa River west  
of the residence of Jas<sup>r</sup> M<sup>c</sup> Alister on  
the N E  $\frac{1}{4}$  of the N E  $\frac{1}{4}$  of Sec 32  
Thence in a southerly direction on the  
most practicable route to the N E corner  
of the S W  $\frac{1}{4}$  of the S E  $\frac{1}{4}$  of Sec 32  
T 1 S Range 44 East thence South  
to the section line dividing Sec 5 + 8  
T 1 S 44 East thence East with said  
line to the N E corner of the N W  
 $\frac{1}{4}$  Sec 10 thence South  $\frac{3}{4}$  mile  
thence East  $\frac{1}{4}$  mile to the town  
of Alder Union Co Or

The following are the field notes  
commencing at a post marked R  
placed in the field of said James  
M<sup>c</sup> Alister near the above named  
ford thence S 20° W 22 rods to post marked A 1  
thence 20° E 54 rods to post marked A 2 thence  
S 45° E 112 rods to post marked A 3 thence South  
160 rods to post marked A 4 thence S 60° W  
20 rods to post marked A 5 thence South 1 mile  
and 214 rods to post marked A 6 thence  
East 1 m + 80 rods to post marked A 7 thence  
South 158 rods to post marked A 8  
thence East to post marked R at the town  
of Alder

State of Oregon }  
County of Union } ss I Eugene Chase do hereby  
certify that the above field notes are correct  
as surveyed by me under the supervision of the viewers  
on the 23<sup>rd</sup> day of March 1883 E Chase, Co Surveyor



Scale 200 rods to inch  
 Whole distance 5 miles 273<sup>5</sup> rods  
 Surveyed March 23<sup>d</sup> 1883  
 V 20° E



Read Petition

for by E. A. Howard

Surveyor's Report

Filed May 17, 1883

W. F. Bradford

Clerk

Range 44 East, all in Union County Oregon. - and it appearing to the Court from due and proper part of our file that notice of the pendency of these proceedings has been given as by law required - and that a good and sufficient bond has been given which bond is approved by the Court - and that said petition is signed by more than twelve householders residing in the vicinity of said proposed County Road -

It is therefore ordered that - S. H. Francis - James Noble and J. W. McCubbin - three disinterested householders of Union County Oregon be appointed viewers and Eugene Lechase be appointed Surveyor of <sup>to view, survey and report upon</sup> said proposed County Road - and that they meet at the House of S. H. Francis on the 20<sup>th</sup> day of March A. D. 1883 and duly qualify before entering upon the discharge of their duties on this behalf.

In the matter of proposed County Road  
 petitioned for by E. A. Hoat, J. L. Koger  
 and others

On this day came E. A. Hoat and his presents to the Court the petition of himself and sixteen others praying for the laying out and location of a new county road as follows, to wit: -  
 Commencing at a point 200 ft. north of the ford on the lake fork of the Wallowa River, the same being the first ford on said stream west of the Residence of James McAllister Esq. and on the N. E. Quarter of the North East quarter of Section No. (32) thirty two Township No. (1) one South Range No. (44) forty four east. Thence in a southerly direction on the most practicable route to the N. E. corner of the S. W. 1/4 of the S. E. 1/4 of Section No. 32 Township No. 1. Range 44. a distance of 1/2 or 3/4 mile thence south to the Section line dividing Sections No. 5 & 8 - Township No. 2. South Range 44 East. a distance of 1 1/4 miles more or less. Thence East with said Section line 1 3/4 miles or to the N. E. corner of the N. W. 1/4 of Section No. 10, Thence South 3/4 of a mile to the S. E. corner of the N. E. 1/4 of the S. W. 1/4 of Section No. 10 Thence East 1/4 mile to the town of Alder

the terminus of said proposed road. total length of said road  $4\frac{3}{4}$  miles more or less.

And it appearing to the court from proof on file herein that notice of the pendency of these proceedings has been given as by law required - and that a good and sufficient bond has been given which bond is approved by the court - and that more than twelve householders residing in the vicinity of said proposed county road have signed said petition - It is therefore ordered by the court that P. H. Veasey, D. B. Reavis, and Henry Miller - three disinterested householders of Union County Oregon be and they are hereby appointed viewers and Eugene Chase Surveyor of said proposed County Road - and that they meet at the house of James McAllister on the 23<sup>d</sup> day of March A. D. 1883 and duly qualify before entering upon the discharge of their duties in this behalf -

In the matter of County Road  
petitioned for by J. K. Reader }  
Matt Johnston and others } 3

On this day came J. K. Reader who presents to the court the petition of himself and twenty one others praying for the location and establishment of a new county Road as follows, to wit: Beginning where the present county road leading to Lostine crosses the west line of Section 10, Township one South Range 43 East, and running thence on said line, to the South West corner of the  $10\frac{1}{2}$  of the N. W.  $\frac{1}{4}$  of Section 15 Town 1 South Range 43 E. thence west about  $\frac{1}{4}$  mile as near the line as practicable to the Lostine saw mill all in Union County,

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 A. L. Tully, A. McAlexander and Jacob Sturgill be appointed viewers and Eugene Chase

In the matter of views  
Report on proposed  
County Road - } Wm. Hoefburn et al.

Now at this time is presented to the court the report of the views on the proposed County Road petitioned for by Wm. Hoefburn and others - which report is read in open court and laid over for reading a second time at another day of this term. -

In the matter of views Report  
on proposed County Road } E. A. Heat et al.

Now at this time is presented to the court the report of the views on the proposed County Road petitioned for by E. A. Heat and others - which report is read in open court for the first time - and is laid over for a second reading on another day of this term. -

In the matter of Report  
of views on proposed  
County Road - } J. K. Reader et al.

Now at this time is presented to the court the report of the views on the proposed County Road petitioned for by J. K. Reader and others - which report is read a first time in open court and laid over for second reading at another day of this term.

Therefore Court adjourned until tomorrow morning at 8 o'clock -

presented to the Court the viewers report of the proposed change of County Road leading from Lake House on Walla Walla Road to intersection with LeGrand & Summerville Road - which report is read the first time and laid over for a second reading at another day of this term of Court. -

In the matter of viewers  
Report on proposed County  
Road } E.A. Hunt et al. -

Route 'at' this time is filed the viewers report on a proposed County Road, petitioned for by E.A. Hunt and others 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 remonstrances or bills of damage filed herein -

It is therefore ordered by the Court that said viewers report and field notes and plot of the surveyor be placed on record and said Road be established as a County Road and opened according to law. -

viewers Report -

" In the Hon. County Court of Union County Oregon We the undersigned viewers appointed by your Honorable body to view out a proposed County Road as follows, to wit. Commencing 200 feet north of the first ford on the lake fork of the Walla Walla River near the residence of James McAllister on the N. E. 1/4 of the N. E. 1/4 Sec. 32 T. 1 S. Range 44 East of W. M. thence in a southerly direction on the most practicable Route to the N. E. Corner of S. W. 1/4 of the S. E. 1/4 of Sec. 32 thence South to the section line between 5-8 mi Township 2. South Range 44 East - thence East with said section line 1 3/4 miles to the N. E. Corner of the N. W. 1/4 of Sec 10 - thence South 3/4 of a mile to the S. E. Corner of N. E. 1/4 of the S. W. 1/4 of Sec 10, thence East 1/4 of a mile to the town of Alder submit the following report in relation thereto. We met on the 20th day of March 1883 as

Mentioned in your order and after being first duly sworn in company with the Surveyor proceeded to survey and lay out said road according to your order and as shown by surveyors plat and report submitted herewith. We find the road to be located on good ground and consider it to be a public benefit. We therefore recommend it be established as a County Road

D. L. Veasey

D. B. Reavis } members of proposed

Henry Miller } Co Road "

Surveyors Report -

" Report of Surveyor to the owners of a proposed County Road as follows, to wit: Commencing at a point 200 ft. North of the ford on the Lakefront of Wallowa River West of the Residence of Jas. McAllister on the N. E. 1/4 of the N. E. 1/4 of Sec. 32. Thence in a southerly direction on the most practicable route to the N. E. corner of the S. W. 1/4 of the S. E. 1/4 of Sec 32 T. 1 S. Range 44 East thence South to the section line dividing sec 5 + 8 T. 1 S. 44 East thence East with said line to the N. E. corner of the N. W. 1/4 Sec 10 thence South 3/4 mile thence East 1/4 mile to the town of Alder Union Co. Or.

The following are the field notes. -

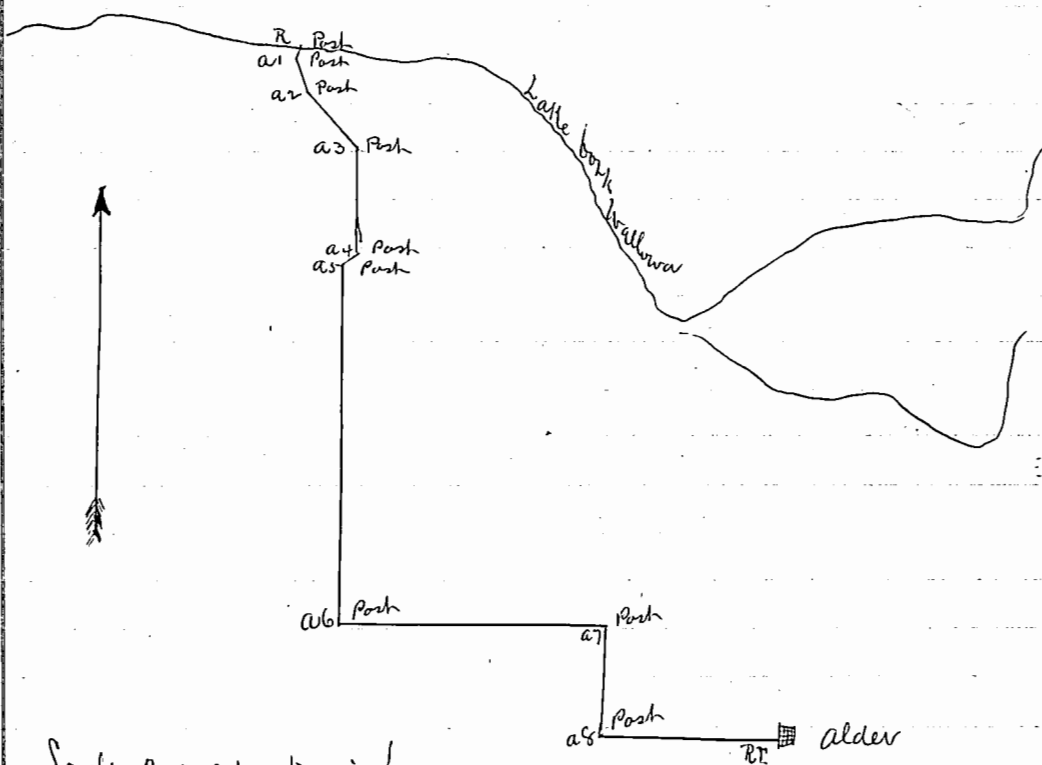
Commencing at a post marked R placed in the field of said James McAllister near the above named ford - thence S. 20° W. 22 Rods to post marked A. 1. - thence 20° E. 54 Rods to post marked a. 2. - thence South 45° E. 112 Rods to post marked a. 3. thence South 160 Rods to post marked a. 4. thence S. 60° W. 20 Rods to post marked a. 5. thence South 1 mile and 214 Rods to post marked a. 6. thence East 176 + 80 Rods to post marked a. 7. thence South 158 Rods to post marked a. 8. thence East to post marked R at the town of Alder. -

State of Oregon }  
County of Union } S. D.

J. Eugene Chase do hereby certify that

The above field notes are correct as surveyed by me under the supervision of the views on the 23<sup>rd</sup> day of March 1883

E. Chase Jr. Surveyor



Scale 200 rods to miles  
 whole distance 5 miles 273 ~ 700  
 Surveyed March 23<sup>rd</sup> 1883  
 T 20° E -

In the matter of County Road petitioned for by Wm. M. Hoefburn and others } Claim for damages

Now at this time is presented to the court the report of the views on the proposed County Road petitioned for by Wm. M. Hoefburn and others - which report was favorable and was read a fortnight on yesterday - at the same time is presented the petition of M. M. Johnston through whose premises said road is laid out claiming damages in the sum of 500 \$

It is thereupon ordered by the court that said report shall lay over until the next regular term of this court - and it is further ordered that David Hoock - T. H. Deary and R. W. Bloom three disinterested householders of this County be and they are hereby appointed - to view and