

U.S. DISTRICT COURT
SOUTHERD DISTRICT OF NEW YORK
CLERK OF COURT
100 WALL STREET
NEW YORK, N.Y.

No 359

in

Circuit

Court

Mike Fitzgerald

Plaintiff

vs

AK Jones Recorder of City
of Union and the City of
Union

Defendant

Action for

Review

Docket

Page

J M Shelton

Attorney for Plaintiff

Attorney for Defendant

Record of the Case

226 P

WITNESSES

1894
 Nov 6 Petition see Viewers app'd
 Journal C of 346
 1895
 Jan 8 Interceding report
 Journal C of 393
 Jan 9 Review ordered
 Journal C of 395
 Feb 13 ordered opened
 Journal C of 412

Road

Commencing at SW cor of NW⁴ sec 18
 T³ S R 40² thence in a direct line
 in a S Ely direction to intersection
 with Hendershott Point & Sumnerville
 Road

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

226

Road Petition

To the Honorable the County Court of
the State of Oregon for Union County

We the undersigned Householders living
in the Vicinity of the proposed change of
County Road, and Citizens of Union County
State of Oregon, respectfully
petition Your Honorable Body to order to
be viewed surveyed and laid out a change
in the present County Road leading from
Lalmand to Forest Cove, and to order
the same opened as a County Road, as
follows Commencing at a point on
said Lalmand and Forest Cove Road
at the South West Corner of land owned
by H. Harral, ^{being the N.W. 1/4 of Sec 18. T. 3. S. R. 40 P.} formerly owned by J. Gephart,
the same being the South East Corner of the
ranch known as the Tully Ranch, now
owned by Mrs 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 portion sought to be changed, until
it intersects the County road known as
the Mendershott's Point and Junnerville
Road, a distance of about half a mile;
And to vacate that portion of said road

as now laid and run, between the
point of commencement of such change
and the said Hendershott's Point and
Summerville Road. All of said
points and places, being in Union
County State of Oregon.

And as in duty bound your petitioners
will ever pray &c.

C. Harrell
M. D. Rice
L. R. Brown
L. A. Wagner
James Peyster
~~L. Hendershott~~
John Beach
James Bloom
J. C. Doney
Franky Russell
Geo. W. Russell
J. J. Banks

Petition

*In the matter of a
proposed change in
County Poor Petitions
for by St. Harold & Co.*

Filed NOV 5 1884

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

D. F. Palmer
County Clerk.

State of Oregon
Union County I J Hardy Harrell being first duly
sworn say that on the 3rd day of October AD 1884
I posted three notices, of which the within is one,
in three places in the vicinity of the proposed
change in County road as set forth in said notice
to wit, one on the Bridge near the starting point
of such proposed change, one at the terminus
of said proposed change on the Hendershott Point
and Sumnerville Road, and the third on a
fence about half way between said points
and that said notices remained so posted
for thirty days prior to this time

W. Harrell

Subscribed & Sworn to before
me this 5th Nov^r 1884
J. P. H.

Notary Public for Oregon

Proof of Posting

Filed NOV 5 1884

at 10 o'clock a.m.

W. H. Johnson
County Clerk

State of Oregon
Union County, J. O. F. Bell being first duly sworn
says that on the 4th day of October A.D. 1884 I posted
the within notice on the door of the Court House
in the City of Union County of Union & State of
Oregon, that being the place where the County
Court of said County holds its sessions
and that said notice has remained posted
for thirty days prior to this time
J. O. F. Bell

Subscribed & sworn to before
me this 5th Nov^r 1884

B. G. Nixon
Clerk

Road Notice

To all whom it may concern Notice is hereby given that the undersigned Householders living in the vicinity of the proposed change of County Road, and Citizens of Union County, Oregon, will present a petition to the Honorable County Court of the State of Oregon for Union County at its November Term A.D. 1884 at the Court House in the City of Union, in said County and State, praying for a change in the County Road leading from Lalnaude to Forest Cove as follows, commencing at a point on said Lalnaude and Forest Cove Road, at the South West corner of land owned by H. Harrell, being the NW 1/4 of Sec 18 T 3 R 40 E. formerly owned by J. Gephart, the same being the South East corner of the ranch known as the Lully Ranch, now owned by Mrs. E. G. Hebbler, 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 portion sought to be changed until it intersects the County Road known as the Hendershotts Point and Summerville Road a distance of about half a mile and to vacate that portion of said road as now laid out and run, between the point of commencement of such change and the said Hendershotts Point and Summerville Road. All of said points and places being in Union County State of Oregon.

Dated at Union County aforesaid this 2nd day of October A.D. 1884

H. Harrell
M. Brees
S. P. Bloom
J. A. Wagner
James Payne
Jas Hendershotts
John Beach
James Bloom
J. C. Dorn
Grant Magrill
Geo. W. McConnell
J. J. Bonley

Postpaid Oct 4/84
Bey

*Proof of Posting
on Court House*

Filed NOV 5 1884
at o'clock
O. F. Williams
County Clerk

Know all Men by these Presents:

THAT WE, H. Harrell

and _____, of the County of Union and State of Oregon, are held and firmly bound unto the said County of Union in the sum of Fifty 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 fifth day of November A. D. 1884

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by H. Harrell and others, and presented at the November term, 1884, of the County Court of said Union county,

commencing at a point on LaGrande and Forest Cove Road at the S.W. corner of land owned by H. Harrell being the NW 1/4 of Sec 18 T. 3. S. R. 40 E. and thence following the direction of the portion of said Road lying west of the portion sought to be changed until it intersects the County Road known as the Henderson Holt Point and Jemmerville Road a distance of about 1/2 mile and to locate a portion of said road

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

H. Harrell

STATE OF OREGON,

COUNTY OF Union

ss.

I, H. Harrell and _____

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.

H. Harrell

Subscribed and sworn to before me, this 5 day of Nov A. D. 1884

R. F. Milora

Clerk.

Success is not a goal, it is a way of life.

Frank

Filed NOV 5 1884

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

A. F. Williams
County Clerk.

STATE OF GEORGIA

Faint, illegible text and markings at the bottom of the page, possibly including a signature or official stamp.

To the Hon. County Court of Union
County Oregon We the undersigned are
appointed by your Body to view and a proposed
County Road petitioned by H Herald & others
as follows to wit To commence at a Point
on the La-Grande & Field Cove Road by
the South west Cor of the S $\frac{1}{4}$ of Sec-
18 Township 5 South of Range 48 East of the
Mill Run and from thence in a direct line
in a South easterly direction following the
direction of the portion of said Road by
road of the portion sought to change until
it intersects the County Road known as
the Kundershot Pond & Summersville
Road

Submitted the following report in relation
there to We met on the 26th day of November
1884 as mentioned in your Order and
after being sworn duly sworn in Com-
pany with Moses Austin Surveyor and
Edam Bloom & Lincoln Austin as Cham-
man. proceeded to view survey and lay
out said change in the Road as mention-
ed in your Order and shown by Surveyors
Plat and report submitted herewith
We found the Road to lay on very good
ground with the exceptions of some
sloughs (Cathlamet Creek and Mill Creek
which will require quite an amount of
work to make a good Road
But giving into consideration the necessity
that exist for said Road

We recommend that it be established as a
County Road

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

Second Report
in Council of
Michigan State Board

Filed DEC 1 1881

at o'clock

W. H. Johnson
County Clerk

Report of Surveyors to the view of a
County Road as follows to wit
Commencing at a Point on the La-Grande
and Forest Cove Road, at the South west
Cor. of the N. W. 1/4 of Sec. 18, Township 8
South of Range 40, East of the Will Mer-
by setting R Post. From thence East 6.20
Chains to A Post 1. Thence curving South &
East around a Slough 4.25 Chains to
A Post 2 on bank of Catherine Creek.
Thence South 82°50' E. 1 Chain to A Post III
on the Opposit bank of said Creek thence
N. 84° E 12 Chains to A Post IV on bank
of Mill Creek. Thence S. 78°50' E across
said Creek 2 Chains to A Post V thence
N. 88°45' E. 15 Chains to R T Post
at the intersection of the Henderson
Road and Summerville Road
whole distance 20.75 Chains
over, 20° E.

State of Oregon
Union County) S S

I do hereby certify that the field notes
of the above Road are correct as surveyed
by me on the 26th day of Nov. 1884
under the supervision of the viewers

Fred Dimonis

County Surveyor

By Moses Austin
Depd Surveyor

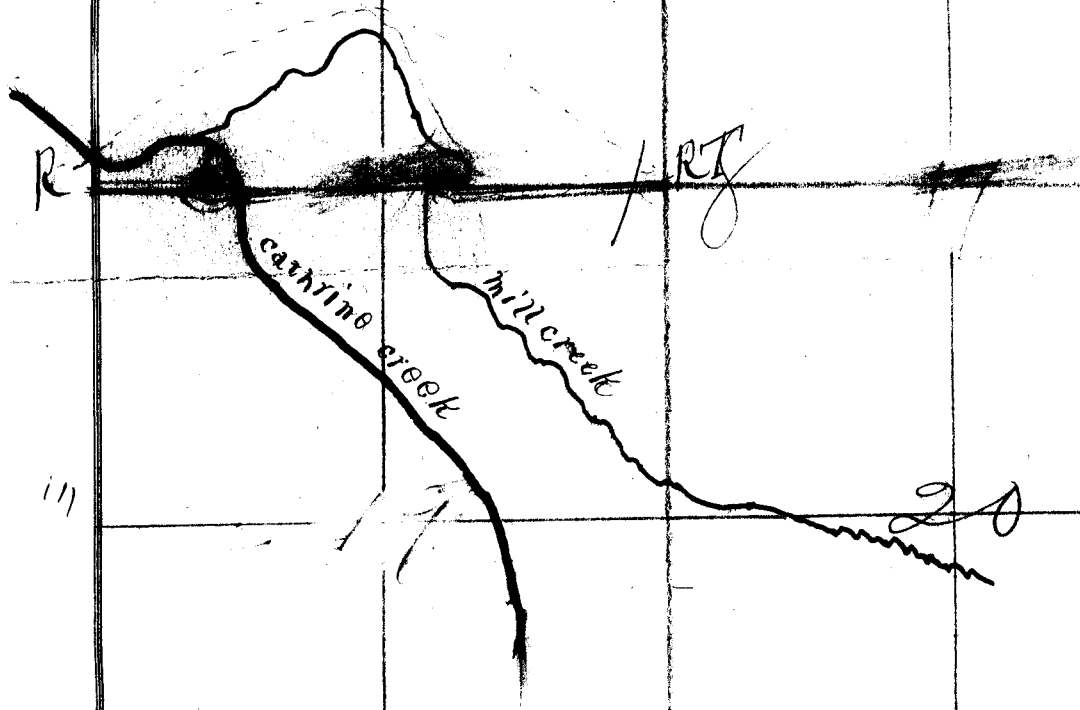
Report of Surveyor
David of N. H. Turner

Filed DEC 16 1884

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

D. F. Williams
County Clerk

Sec. 18 Township 5 South of Range
40 & Wall Ave



To The Hon- County Board of Union
County Oregon. We the undersigned
Viewers Appointed by your Body
to view out a proposed ^{Change in} County Road
Petitioned for by H. Hurrall. and others
as follows to wit. To commence at
a point on the La Grande & Forest Cove
Road being the south west corner
of the N^W 1/4 of section 18. Township
5 South of Range 40 East. of the
Will- Mer- and from thence East.
on the subdivision line till it
intersects the County Road known
as the Hendershott Point. and
Sumnerville Road.

Submitted the following Report in
relation thereto.

We met on the 19th day of Jan. 1885
as mentioned in your Order.
and after being first duly sworn
in Company with Moses Austin
Surveyor. and Ed. M. Danell and
L. B. Holms as Chairman.
Proceeded to view. Survey and lay
out said change in said Road
as mentioned in your Order.
and shown by Surveyors Plat &
report. Submitted here with

We found by running direct
on the subdivision line that
at 7 Chains we came to the
bank of slough and from
thence to bank of Catherine Cra
At 262 Chains one Chain needs
about 10 foot fill. The remain-
der about 6 foot fill. The
banks are some what ^{lower} than they
are at the crossing of the former
Survey. Creek, 70 Chains wide
with low land for 75 Chains
further. Then 2 Chains distance
a slough about 5 Rods wide.
Then to the bank of Mill Creek
the ground is good. Mill Creek
70 Chains wide and ground is
low for 5 Rods further from thence
to the intersection of the Hender
Hott Pains Road is good.
We agree that the present surveyed
Road would cost about \$100 in
Coin more than the former
surveyed road. Mr H Herral
proposes to give 10 days work
with man and team & deraps
on the present surveyed road
if granted & leave the Old
Road open till the change is ^{completed}

E. P. McDaniel }
L. R. Holmes } Review
S. M. Bloom }

Filed Feb. 8th 1885.
B. J. Wilson
Clerk

Report of Surveys to the owners
 of a County Road as follows to wit-
 Commencing at a Post marked P. ad.
 as near the S W. corner of the S W. 1/4
 of Section 18 Township S D of Range
 40 east of the well-Mer- from thence
 east on the subdivision line
 at 7 Chains bank of Slough at
 9.62 Chains bank of Catherine Creek
 1 Chain requires about 10 foot fall
 at 1.62 Chains requires about 6 foot fall
 Catherine C, 70 Chains wide at 12.
 Chains Slough $1\frac{25}{100}$ Chains wide
 at 2280 Chains bank of Mill Creek
 70 Chains wide requiring a fall
 $1\frac{30}{100}$ Chain pretence to High land
 at 59,60 Chains to intersection
 of the County Road known as
 the Hendershott Pond and Summer-
 ville Road Cres- 20' east

State of Oregon
 Union County } SS

I do hereby certify that the
 field notes of the above Road are
 correct as surveyed by me under
 the supervision of the owners
 on the 19th day of Jan 1888

Fred Simmons
 County Surveyor

By
 Moses Austin
 Deput County
 Surveyor

Feb 24 1883
D. S. Adams
Clerk

Road Notice

To all whom it may concern Notice is hereby given that the undersigned Householders living in the vicinity of the proposed change of County Road, and Citizens of Union County Oregon, will present a petition to the Honorable County Court of the State of Oregon for Union County, at its November Term A.D. 1884 at the Court House in the City of Union, in said County and State, praying for a change in the County Road leading from LaGrande to Forest Grove, as follows, Commencing at a point on said LaGrande and Forest Grove Road at the south west corner of land owned by H. Starrell, being the N.W. 1/4 of Sec 18 T 3 S R 40 E, formerly owned by J. Shephard, the same being the south east corner of the Ranch known as the Tully Ranch now owned by Mrs E. G. Hobbler, 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 portion sought to be changed, until it intersects the County Road known as the Hendershott's Point and Summerville Road, a distance of about half a mile and to vacate that portion of said road as now laid out and run between the intersection of

said change and the said Hendershott's Point and Summerville Road All of said Points and places being in Union County State of Oregon.

Witness my hand and seal of office this 10th day of October 1884
J. G. [Signature]



Road Notice

To all whom it may concern Notice is hereby given that the undersigned householders living in the vicinity of the proposed change of County Road, and Citizens of Union County Oregon, will present a petition to the Honorable County Court of the State of Oregon for Union County, at its November Term A.D. 1884 at the Court House in the City of Union, in said County and State praying for a change in the County Road leading from LaGrande to Forest Grove, as follows, commencing at a point on said LaGrande and Forest Grove Road at the south west corner of land owned by H. Starrell, being the N.W. 1/4 of Sec 78 T 38 R 40 E, formerly owned by J. Sephart, the same being the south east corner of the Ranch known as the Tully Ranch now owned by Mrs. E. G. Hobbler 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 portion sought to be changed, until it intersects the County Road known as the Hendershotts Point and Summerville Road a distance of about half a mile and to vacate that portion of said road as now laid out and run between the west of

ment of such change and the said Hendershotts Point and Summerville Road All of said Points and places being in Union County State of Oregon.

Witness my hand and seal of said County at Union Oregon this 1st day of October 1884

Geo. W. Smith

County Clerk

James G. Brown

John H. Brown

John H. Brown

John H. Brown

John H. Brown

John H. Brown

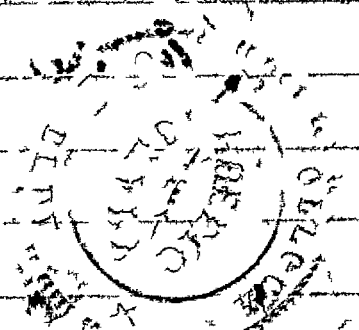
John H. Brown

John H. Brown

John H. Brown

John H. Brown

John H. Brown



Second Judicial Day Thursday November 6th 1884

filed herein It is therefore ordered by the court that Sam Brown W. P. M^r 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 Fox 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 ^{point} 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^r 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 26th day of Nov-1884 at 10 o'clock A. M.

Second judicial Day

Thursday November 6th 1884

And duly qualify before entering upon their duties in this behalf.

In the matter of a proposed circuit road petitioned for by J. W. Kimbrell et al }
 Now at this time is presented to the court the petition of J. W. Kimbrell and others praying that a road ^{be made in the} localit^a as follows to-wit:
 Beginning at the circuit road on Silver creek at a point marked A. Thence S. 42° 1/2 72 rods to a post marked A 1 Thence south 57° 1/2 209 rods to a post marked A 11 Thence S. 50° W. 209 rods to a post marked A. 111
 " S 56° W 144 " " " " " A IV
 " N 76° W. 369 " " " " " A V
 " N 55° W 32 " " " " " A VI
 " N 60° W 92 " " " " " A VII
 " S 70° W 156 " " " " " A VII
 " South 5 " " " " " A IX
 " S 88° W 157 " " " " " A X
 " S 89° W 158 " " " " " A XI
 " S 88° W 8 " " " " " A XII
 " South 42 rods " " " " " A XIII
 " S 87° W. 80 " " " " " A XIV
 " West 58 " " " " " A XV
 " S 89° W 20 " " " " " A XVI
 " N 87° W 40 " " " " " A XVII
 " N 69° W 26 " " " " " A XVIII
 " N 60° W 9 " " " " " A XIX
 " North 82 " " " " " A XX
 " West 82 " " " " " A XXI
 " North West 2 " " " " " A XXII
 " West 58 " " " " " A XXIII
 " N 64° W 20 " " " " " A XXIV
 " S 70° W 31 " " " " " A XXV
 " West 188 " " " " " A XXVI
 " S 36° E. 24 " " " " " A XXVII
 " S 1 1/2° E. 200 " " " " " A XXVIII

Second Judicial Day Thursday Jan-8th 1886

Court met pursuant to adjournment present the same officers as on Yesterday.

By proclamation of the opening of Court having been made the Journal of Yesterdays proceedings were read and approved and are now here signed

A. B. Craig
Circuit Judge

Whereupon the following proceedings were had to-wit:

In the matter of the proposed County road petitioned for by S. Hamell et al.

Now at this time this matter comes on to be heard upon the report of the viewers and surveyor heretofore appointed by the Court to view and lay out a county road and said report is read in open Court for the first time and according to the provisions of the Statute in such cases made and provided said report is laid over for a second reading on another day of this term.

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

Now at this time this matter comes up for hearing upon the report of the viewers heretofore appointed in the above entitled road which report is accompanied by the surveyors field notes and said viewers report is read for the first time in open Court and according to the provisions of the Statute in such cases made and provided said report is laid over for a second reading on another day of this term.

Third Judicial Day

Friday Jan- 9th 1886

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

Now proclamation of the opening of Court having been made the Journal of yesterday's proceedings were read and approved and are now here signed.

A. S. Brown,
County Judge

Whereupon the following proceedings were had to-wit:

In the Matter of the proposed
County road petitioned for by
S. Hamell and others

Now at this time this matter comes on to be heard upon the second reading of the report of the Viewers & Surveyor heretofore appointed to view and lay out the above entitled road and after an examination of the said reports it appears to the Court that the survey was not made in strict accordance with the provisions of the petition of said S. Hamell et al, in as much as it was understood by all parties concerned that the road should be located upon the line specified in said petition. It is therefore ordered by the Court that the viewers and Surveyor heretofore appointed be and they are hereby required to review said road and locate the same if practicable upon the described line as petitioned for, but if not as practicable to specifically report the same to the Court and specify the most practicable route across on the line of the road petitioned for as possible to build a good road. And it is further ordered that all three of the viewers heretofore appointed meet and act in said review in conjunction with the surveyor heretofore appointed, and in the absence of any one of the said viewers the others shall adjourn until such time as the said three can be got together not exceeding five days. That said viewers shall meet at the house of Sam Blood on Monday the 19th day of Jan- 10, 1886 at 9 o'clock A.M. And it is further ordered that said viewers & Surveyor submit with their

A copy estimated of the difference in cost between the making of a road on the line between Hamell and they laid a road as before reported by them.

Sixth judicial day

Friday Feb-15-1885

In the Matter of Appointing }
 Supervisors of Roads }

Now at this time it appearing to the Court that reports of Supervisors of roads of Districts Nos 6, 14, 19 & 24 have been filed since the regular appointment of Supervisors for the year 1885 at the Jan Term of this Court it is thereupon ordered by the Court that the following named persons be and they are hereby appointed Road Supervisors for the Districts sets opposite their names for the year ending Dec. 31 1885-

Jas. Rinchgarh	Dial. No	6
John Swisher	" "	14
J. B. Courtney	" "	19
Peter O'Sullivan	" "	24

And it further appearing that H. L. Dougherty refuses to serve as Supervisor of roads in Dist. No. 4 and J. L. Cairnes objects to serving as such in Dist. No. 11 It is thereupon ordered that J. J. Jewell and G. M. Robinson be and they are hereby appointed as Supervisors in their respective Districts

In the Matter of the proposed
 County Road petitioned for by
 H. Harold et al

Now at this time this matter comes on to be heard upon the Report of the Viewers heretofore appointed to view the line of the proposed road as petitioned for, and it appearing to the Court from an examination of said Report that it would be very expensive to establish and put in traveling condition a Road on the direct line between G. M. Phig's land and H. Harold's lands, and that the variation made from the direct line on the former survey are admissible and that it would be to the best interests of the County and District in which said Road is to be located to establish it, in accordance with the former survey, and Reports of Viewers and Surveyor thereon, and it appearing that said Reports, have been read on two different

Sixth judicial day Friday Feb. 18 1885
 days of this term and that said reports are favorable and also that the proceedings herein have been regular and according to law and that there has been no remonstrance or bill for damages filed herein it is therefore ordered by the court that said reports and surveys plat be placed on record, and the road established as a county road and opened according to law; and further that the old road as now traveled shall continue open for travel till said proposed road is fully opened and put in traveling condition

Viewers Report
 To The Hon County Court of }
 Union County Oregon }

We the undersigned viewers appointed by your body to view out a proposed county road petitioned by H. Howard & others as follows To wit: To commence at a point on the La Grande & Forest Cove Road being the South west cor of the N. W. 1/4 of Sec 18 Township 3 South of Range 40 East of the Mill Mer. and from thence in a direct line in a South Easterly direction following the direction of the portion of said road lying west of the portion sought to change until it intersect the county road known as the Henderson Point & Sumnerville Road. Submit the following Report in relation thereto we met on the 26th day of November 1884 as mentioned in your order and after being first duly sworn in company with Moses Austin Surveyor and Sam Bloom & Lincoln Austin, as chains men proceeded to view survey and layout said change in the road as mentioned in your order and shows by Surveyors Plat and Report submitted herewith to be found the road to lay on very good ground with the exception of some slight Catherine creek and Mill creek which will require quit and amount of work to make a good road but taking into consideration the necessity that exist for said road we recommend that it be established as a county road

S. M. Bloom } viewers
 L. C. Holmes }

Sixth Judicial Day
Surveyors Report

Friday Feb. 13 - 1885

Report of Surveyor to the owners of a County Road
as follows To Wit - commencing at a point on the La
Grande and Forest Cove Road. At the South west cor.
of the N.W. 1/4 of Sec 18 Township 3 South of Range 40 East
of the Mill Mer. by setting A Post ^{from} there east 620 Chains
to A Post 1, thence curving South & East around a Slough
11.25 Chains to A Post 2, on bank of Catharine creek thence
North 82° 30' E, 1 Chain to A Post III on the opposite bank of said
creek thence N 84° E 12 Chains to A Post IV on bank of Mill
Creek thence S 78° 30' E across said creek 2 Chains to A Post V thence
North 88° 40' E 18 Chains to R T Post at the intersection of the
Hendershott Point & Summerville Road whole distance
40.75 Chains. Dep. 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 26th
day of Nov 1884 under the Supervision of the Owners
Fred, Simonis

County Surveyor
Moses Austin
Deputy Surveyor

Sec 18 Township 3 South Range 40 East Mill Mer

