

No 3620

Superior

Court

J. J. Wilson

Plaintiff

vs

R. H. Lloyd

Defendant

Action for *Settlement of Partnership*

Docket

Page

J. R. White

Attorney for Plaintiff

Attorney for Defendant

20
10
50
60
70
80
90

625
208
833

THE REGISTER BOOK EXCHANGE CO.
110 N. VINCENNES ST.
INDIANAPOLIS, IND.
EST. 1887

Record of the Case

¹⁸⁶⁹
July 30, Pet Rec Viewers app'd
 Jul 30 74 pages
Sept 4 Viewers Ref'd 1st Reading
 Jul 30 627
Sept 5th Order opened
 Jul 30 632

322

Road

Pet for by Mary Masley

Com 33 rods S of 1/2 mile post between
Dec 29 32 72 OR 3887 m hence
NE 110 ft to C Rd

WITNESSES

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

322

Petition to Turn County Road

To the Hon. County Court for
Union County Oregon

The undersigned householder of Union County Oregon residing in the vicinity where the hereinafter described County Road is desired to be turned and owner of the land through which the said road now passes and also of the land through which it is proposed to be turned respectfully petitions your honorable Court to lay out alter and establish a county road within said county on the following line to-wit:

Commencing at a point about 33 Rods ~~rod~~ south of the $\frac{1}{2}$ mile post between sections 29 and 32 Twp 2 South Range 35 E. W. M. and Eighty feet South of the point where the County road running North from LaGrande through the center of section 32 Twp. 2 South Range 35 E. W. M. turns to the North East. running thence in a north easterly direction 170 feet to a point on the county road 140 feet North east of the first above named point on the county road

Said proposed change being on as
good ground and without materially
increasing the distance to the injury
of the public

And in duty bound your petitioner will
ever pray.

Dated this 1st day of July 1889

Mary Nesby.

Filed July 2nd 1889
A. J. Miller Clerk
By James Oliver
Deputy

Know All Men by these Presents That -
The F. W. Nessly and C. W. Nessly
of the County of Union and State of Oregon
are held and firmly bound unto the said County
of Union in the sum of Two 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 7th day of July A.D. 1889

Now the condition of the above obliga-
tion is such that whereas if the ~~change~~
in F. W. Nessly shall pay all costs and
expenses in the matter of the change of
the County Road petitioned for by said
F. W. Nessly and others and presented to the
County Court of Union County State of
Oregon on Wednesday the 3rd day of July A.D. 1889
commencing at a point about - 33
rods south of the $\frac{1}{2}$ mile post - between sections
29 and 32 Twp 2 South of range 35 E. W. M. and
Eighty feet south of the point where the
county road running north from Saltrande
through the center of Section 32 Twp 2 S. Range
35 E. W. M. turns to the North East - running
thence in a north easterly direction 170
feet - to a point on the county road

140 feet - North East of the first
above named point - on the county road
then this obligation is void otherwise to
remain in full force and virtue in law

F. W. Nessly
C. W. Nessly

State of Oregon }
County of Union }
I

F. W. Nessly and
C. W. Nessly each for himself says that
I am worth the sum of Four hundred
dollars over and above all debts and liabil-
ities and property exempt from execution
and that I am a resident and householder
in said county and state

F. W. Nessly
C. W. Nessly

Subscribed and sworn to before me this 4th
day of July 1889

A. C. Williams
Notary Public
In & for Oregon

Filed July 2nd 1889
at St Paul Clerk
Department of Justice
Dapby

Plot of
Co Road of Mary Mary Jesley



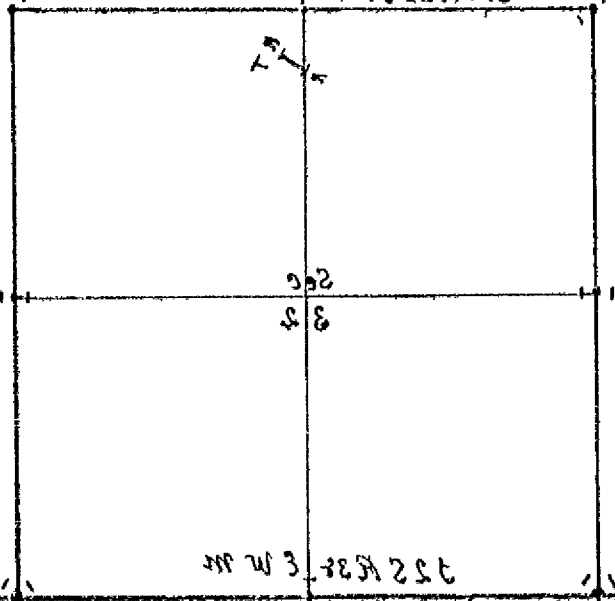
Sec

3 2

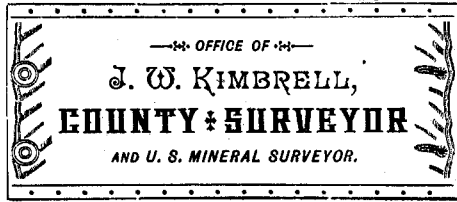
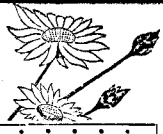
125 R 34 E W M

Order Book for 1880
for 125 R 34 E W M
for 125 R 34 E W M

Co Road of New York
to the
of the



Filed Aug 27th 1889
At Hall Clerk
By Turner Oliver DeJoy



Field Notes of Survey
of the County Road of Mrs Mary Nesley



..... Or., 188.....

I Commenced at a point on the county Road in
Sec. 32 T. 2 S. R. 38, E. W. M. 33 Rods South of the $\frac{1}{4}$ Sec. corner
between Sec. 29, 30, 33. By planting a Stone 6x15x30 inches
Marked R Thence N 61° E 170 feet a Stone 6x14x24 inches
Marked R.T. J. W. Kimbrell County Surveyor

I hereby certify that the foregoing field notes and
Plat of the Proposed G. Road of Mary Vessey is
Correct as Surveyed by me on the 15th day of
July 1889
J. W. Kimbrell County Surveyor
for Union Co. Oregon

Filed Aug 27th 1889

A. Neill Clerk

By Thomas Oliver Deputy

REPORT OF VIEWERS.

TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the ^{3rd} day of *July*, 1889, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by *Mary Nesley, et al*, beg leave to report that on the ^{15th} day of *July*, 1889, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should — be laid out and established as a public highway of UNION COUNTY, OREGON. That the same *is* — practicable and would add *much* to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be — laid out and declared a public highway of said county.

A. Good
C. Leary } Viewers
J. Worley

Filed Aug 27th 1889
At Neill Clerk
By James Oliver Depey

State of Oregon }
County of Union } ss

I, Charles Kessly being first duly sworn say that the road petitioned for by Mary Kessly and described as follows by the Field notes of the county surveyor to wit; I commenced at a point on the County Road in Sec. 33 T. 2 S. R. 38 E. W. 33 rods south of the $\frac{1}{4}$ section corner between sections 29 & 33 by planting a stone 16×30 inches marked R. thence N 61° E 170 feet to a stone $6 \times 4 \times 24$ inches marked R. G.

J. W. Kumbrell
County Surveyor

has been opened a legal width and in all respects made equal to the old road between the above named points of beginning and ending and is more convenient for travelers. And respectfully asks the court to declare such ^{new} road a public highway and make record thereof and at the same time vacate so much of the old road as is ~~impaired~~ in the new

Charles Kessly

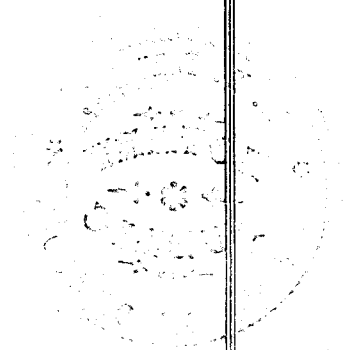
Subscribed and sworn to before me
this 13th day of Sept - 1887

R. E. Bryan
Notary Public for Or

In the County Court
Of the State of Oregon

For Union County

In the Matter of the
County Road
Petitioned for by
Mary Haddy



State of Oregon }
County of Union } ss

I, F. W. Nessly, being first duly sworn say that the road petitioned for by Mary Nessly, and described as follows by the Field notes of the county surveyor, to-wit: I commenced at a point on the County Road in Sec 33 T 2 S, R 35 E. W. M. 33 rods south of the $\frac{1}{4}$ Section Corner between section 29 & 33 by planting a stone 6x15x30 inches marked R thence N 61° E 170 feet to a stone 6x14x24 inches marked R. T.

J. W. Kimbrell

County Surveyor.

has been opened a legal width and in all respects made equal to the old road between the above named points of beginning and ending and is more convenient for travelers. And I respectfully ask the court to declare such new road a public highway and make record thereof and at the same time vacate so much of the old road as is embraced in the new.

F. W. Nessly

Subscribed and sworn to before me
this 13th day of Sept - 1889

R. E. Boyan

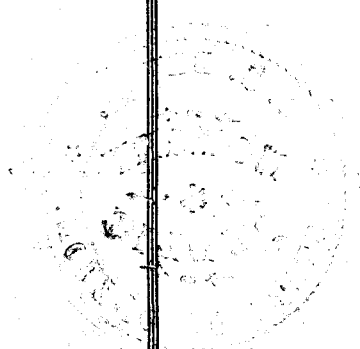
Notary Public for Or

In the County Court
of the State of Oregon
The Placer County

In the matter of
The County Road
Petitioned for by
Mary Hestley

Applicants of
Opening Road

Filed Sept 17th 1889
A. J. Nail, clerk
By James Oliver, Deputy



First Judicial Day

Wednesday July 3rd 1889

They met at D.W.C. Nelson's house on the 9th day of July 1889 at the hour of 9 o'clock A.M. and after qualifying the view, survey and lay out said road according to law.

In the Matter of the
Road petitioned for
by Nathan Nelson et al

Now at this time it appearing to the satisfaction of the Court that the Supreme Court of the State of Oregon has affirmed the Judgment of this Court heretofore rendered, declaring the Road petitioned for in the above entitled proceeding a public highway. It is therefore considered and ordered that J. M. Minshick Supervisor of the Road District wherein said road is situate, to-wit: Road District No 20, be and he is hereby ordered and directed to proceed at once to open said road to public travel. It further appearing that the time for taking an appeal from the award of the viewers in assessing damages in said matter has long since expired. It is therefore further ordered that the appeals of George W. Ames and M. P. Ames from said award to the Circuit Court of the State of Oregon for Union County be and the same is hereby disallowed and that the Notice and undertaking on Appeal heretofore filed in said Cause be and they are hereby stricken from the files thereof.

In the Matter of the Proposed
Change in County Road pe-
titioned for by Mary Nessley

Comes now Mary Nessley the petitioner for the above named proposed County road, and presents to the Court her petition praying for the location and establishment of a change in County road described as follows, to-wit: Commencing at a point about 33 rods South of the 1/2 mile post between Sections 29 & 32 & 2 & R 38 E. N.M. and eighty feet South of the point where the County Road, running North from La Grande through the Center of Section 32 & 2 & R 38 E. N.M. turns to the North East. Running there in a Northeastly direction 170 feet to a post on the County Road. 140 feet North East of the first above named point on the County Road. And petitioner alleges that she is the owner of the land both where the present County Road runs and where the proposed road as changed would be located. That said change would be on good ground, and

First Judicial Day

Wednesday July 3rd 1889

would not materially increase the distance to the injury of the public. And it appearing to the Court that said petition is signed by a householder of this County residing in the vicinity of said proposed road and the owner of the land where proposed road would be and that said petition properly specifies the place of beginning, intermediate points and place of termination of said road, and that a bond for the cost of this proceeding has been duly given. It is therefore ordered that Albert Good, Thomas Cusley and G. Leasy be appointed Viewers of said road, and that J. M. Kimbrell be appointed Surveyor of said roads, and that they meet at the beginning of said proposed road on the 15th day of July 1889 at the hour of 10 o'clock A.M. and after qualifying to view, survey and layout said road according to law.

In the Matter of the proposed }
County Road petitioned for }
by R. Robbs et al. }

Comes now H. Robbs 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 the Grande Ronde river in Cro-Dell Union County Oregon, the same being in the S.W. 1/4 of S.W. 31 T.2 S.R. 38 E. 11. N. Thence running in a Westwardly direction on the North side of said Grande Ronde river and being as near as practicable the bed and meanders of the old Foster Toll Road to a point just East of where the same crosses the West line of Sec 36 T.2 S.R. 37 E. 11. N. Thence leaving the said Foster road bed in said Sec 36 as aforesaid and running thence in a North Westwardly direction through the N.E. corner of Sec 35 and the S.W. corner of Sec 36 and just a little S.W. of Martin Landers house and across the N.E. 1/4 of Sec 27 and the S.E. 1/4 of Sec 22 and just S.W. of H. Robbs ^{Saw} Mill and through the S.W. 1/4 of Sec 22 and the N. of Sec 21 to the, and terminating at the S.E. corner of S.W. 1/4 of S.W. 1/4 of Sec 16. The said Sec 36, 35, 26, 27, 22, 21 and 16 being in T.2 S.R. 37 E. 11. N. The said proposed road being about 5 miles long and all in Union County Oregon. And it appearing to the Court that said petition is signed by more than twelve householders of the 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

First Judicial Day

Wednesday Sept 4th 1889

and that said appraisers meet on Saturday Sept 21st 1889 at 10 o'clock A.M. at the Crodell bridge and after having subscribed an oath to faithfully and impartially perform their duties in this behalf that they proceed to view said premises and determine the amount of said damages, if any as aforesaid. And further consideration of this matter is continued for the term

In the matter of the
Proposed County Road
petitioned for by Wm
L. Busick et al.

This matter came on to be heard upon the Reports of the Viewers and Surveyors 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 term.

In the Matter of the
Proposed Change in
the County Road pe-
titioned for by Mary Neasly

This matter came on to be heard upon the Reports of the Viewers and Surveyors heretofore appointed herein for first reading. 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 C. M.
Hamilton and others

This matter came on to be heard upon the Reports of the Viewers and Surveyors heretofore appointed herein, and upon the claim of J. D. A. Richardson for damages, and said report of Viewers having been read in open court for the first time and being favorable to the same is laid over for a second reading on some other day of this Court. And it appearing that J. D. A. Richardson has filed his claim for damages that would accrue to him by reason of the establishment of the said proposed road in which claim he alleges that he is the owner of the N.E. Sec 11 T2 S. R 39 E. N. M. That the said proposed road would cut that part of claimants land East of the present County Road into ~~three~~ very awkwardly shaped pieces leaving the said lands in such shape as to require a great deal of fencing to enclose the same and rendering one portion of about 20 or 30 acres thereof almost valueless because separated and cut entirely off from water by reason of all of which claimant alleges that he would be damaged in the sum of \$3000. Thereupon it was considered and ordered

Second Judicial Day

Thursday Sept 5th 1889

In the Matter of the Road }
petitioned for by }
Mary Messley }

This matter came on to be heard at this time on the Viewers and Surveyors reports for a second reading. And such report having been read now on two different days of this term of the Court, And it appearing to the Court that the Viewers report favorably therein and recommend that said petition be granted and that said change in the County Road be allowed. And it appearing to the Court that all the proceedings herein have been regular and according to the law. And no Remonstrance having been filed herein or claim for damages or cause shown why such petition be not granted. It is therefore considered and ordered that said Reports of the Viewers and Surveyors herein be approved, and said change in the County road be allowed, and that it be declared a public highway of Union County as soon as the petitioner places the same in as good repair and condition as the portion of road to be abandoned.

It is further ordered that the Viewers report be placed on records in this book and the plat and field notes of the Surveyors be recorded on the County Road plat books.

Report of Viewers.

To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 3rd day of July 1889, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by Mary Messley, beg leave to report that on the 15th day of July 1889, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out and established as a public highway of Union County, Oregon. That the same is practicable and would add much to the convenience of the householders residing in the vicinity thereof we therefore recommend that said proposed road be laid out and declared a public highway of said County.

A. Gold }
C. Leary } Viewers
J. Cusley }