

No. 35

in
Circuit Court.

The J. S. Case
Brushing Machine Company

Plaintiff

vs.

J. H. Baskitt and
John Shaid
Defendant

Action for

Judgment Roll Sept Term
1886

Docket Page

Sheldon & Baudrey
Attorney for Plaintiff

Attorney for Defendant

Record of the Case.

1877
Feb 5 Petition for Viewers app'd
Journal B. of 87 ✓
Mar 12 1st reading report
Journal B. of 93 ✓
Mar 13 Ordered opened
Journal B. of 94 ✓

88

Starts

Road

*Commencing at County Bridge on Little
Cagle to the West Hayland Ferry on
Snake River.*

WITNESSES.

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

88

State of Oregon,)
(ss.
County of Union,)

I, Willis Skiff, County Surveyor in and for
the County and State aforesaid, do hereby certify that the within
plat and field notes of the survey of the proposed County Road from
the Bridge on Little Eagle creek, to Wests' Ferry on Snake River
are correct as surveyed by me under the supervision of the viewers
between the 19th and 25th days of February, 1877.

Willis Skiff, Co. Surveyor.

AT A SPECIAL TERM OF THE COMMISSIONERS COURT begun and held at the Court room in Union County, for said County, on the 12th day of March, 1877, pursuant to adjournment of Wednesday last, there was present:-

Hon. E. Brainard, County Judge,
Jesse Imbler &
E. T. Dick, County Commissioners,
S.O. Swackhamer, sheriff,
And R. S. Gates, Clerk.

When on the 12th day of March, A.D. 1877, on the first judicial day of said term, among other proceedings, the following was had, to-wit:

Heath Mining Dist County Road.)
-----)

Now on this day was read the first time the report of the viewers on the above proposed Co. Road.

(Signed) E. C. Brainard,

County Judge.

The foregoing order is entered in Comr's Jnl. B. at page 93 thereof.

At a special term of the Commissioners Court begun and held at the Court Room on the 12th day of March, 1877, pursuant to adjournment of Wednesday last, there was present:-

Hon. E. C. Brainard, County Judge,

Jesse Imbler, &

F. T. Dick, County Commissioners,

S. O. Swackhamer, Sheriff,

And R. S. Cates, Clerk.

When on the 12th day of March, A.D. 1877, or the Second Judicial day of said term, among other proceedings, the following was had, to-wit:-

In the matter of viewers report. }

- - - - - }

~~Now at this time was read a second time and day the report~~
of the viewers on the proposed County road from the bridge on Little Eagle to the West and Gaylord Ferry on Snake River, which report was accompanied by a plat of the survey, which is as follows:- (Here follows plat and field notes as above set forth, also report of viewers as follows:-)

REPORT OF THE VIEWERS.

To the Honorable County Court of Union County, Oregon:-

The following report is respectfully submitted by us, the undersigned viewers appointed to view out a proposed County road commencing at the County Bridge on Little Eagle Creek, thence to West and Gaylord's Ferry on Snake River.

We met on the 19th day of February, 1877, the day set in your order, and after being first duly sworn, in company with the surveyor proceeded to view, survey and lay out said road as directed and shown by the surveyor's report, and plat submitted herewith. We find this road to be in an extremely rough section of Country

think it ought to be granted.

F. H. Murray,

G. E. Benson,

Hoses La Grandeur, Viewers.

The Court having fully considered the report of the viewers and taking into consideration the benefits and advantages to be derived by the location of said route as a County road, It is therefore ordered that the same be and is established and ordered open as a County road.

(Signed) H. C. Brainard, County Judge

The foregoing order is entered in Comr's Jul. B. at page 96 thereof.

In the County Court of the State of Oregon.

For Union County.

§ §
 *
 * In the matter of the County *
 * road petitioned for by *
 * *
 * *W. S. Carter* et al. *
 * *
 § §

STATE OF OREGON.)
) ss.
 County of Union.)

I, J. W. Minnaugh, County Clerk of Union County, Oregon, do hereby certify that the foregoing is a true and correct transcript of the original papers in the above entitled matter transferred to Baker County, Oregon, including a copy of the orders of the Court in said matter.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the County Court, this 31st day of March, A. D. 1903.

J. W. Minnaugh
 Clerk.

Report to the viewers of the proposed County Road from the bridge on
Little Eagle Creek to Wests' Ferry on Snake River.-

Beginning at a tree marked R. at the bridge on Little Eagle,

Thence	S.	47°	E.	51	Chains	to	post	marked	A.	I.
Thence	S.	54°	E.	36	Chains	"	"	"	A.	II.
Thence	S.	41	E.	8.50	"	"	"	"	A.	III.
Thence	N.	74	E.	36.50	"	"	"	"	A.	IV.
Thence	N.	46°	E.	16	"	"	"	"	A.	V.
Thence	N.	70	E.	31.50	"	"	"	"	A.	VI.
Thence	East			23.50	"	"	"	"	A.	VII.
Thence	N.	70	E.	20	"	"	"	"	A.	VIII.
Thence	N.	46	E.	40	"	"	"	"	A.	IX.
Thence	N.	63	E.	80	"	"	rock	"	A.	X.
Thence	East			85	"	"	"	"	A.	XI.
Thence	N.	36	E.	35	"	"	"	"	A.	XII.
Thence	S.	85	E.	55	"	"	"	"	A.	XIII.
Thence	S.	58	E.	129	"	"	"	"	A.	XIV.
Thence	South			105	"	"	"	"	A.	XV.
Thence	N.	63	E.	120	"	"	"	"	A.	XVI.
Thence	N.	86	E.	94	"	"	"	"	A.	XVII.
Thence	N.	48	E.	142.50	"	"	"	"	A.	XVIII.
Thence	N.	78	E.	70	"	"	"	"	A.	XIX.
Thence	N.	46	E.	140	"	"	"	"	R.T.	

at Wests' Ferry on Snake River.

Endorsed:- Surveyor's Report, Filed March 12th, 1877.

R. S. Cates, Clerk.

P E T I T I O N

To the Hon. The County Court of Union Co. Oregon:-

Gentlemen:-

We, the undersigned twelve citizens and house holders of Union County, Oregon, living in the vicinity and along the line of said road would very respectfully petition your honorable body to locate a County Road commencing at the County bridge on Little Eagle, running thence on the nearest and most practicable route down Powder River, to its mouth, or near that point, and running thence on the nearest and most practicable route to the ferry on Snake River, known as the West and Gaylord Ferry, and your petitioners will ever pray.

All of which points and places are in Union County, Oregon.

D. Tarter,	H. P. Swisher,
Wm. A. West,	E. H. Swisher,
H. Foster,	William Wright,
A. Augustus,	Eli Chandler,
A. Norris,	Joseph Gale,
Rudolph Depenbrock,	W. H. Tobin,
Abraham Swisher,	G. W. Moody,
Joseph Beck,	C. H. Craig,
Hiram T. Dodge,	A. J. Tarter,
Geo. B. Sturgill,	W. N. Young,
F. F. Schlickeisen,	J. N. Young,
Joel B. Dolby,	Wm. Ainsworth,
Wm. Hanlelton	B. F. Fewell,
Stewart A. Spears,	Leander Furgason,
J. B. Sams,	Williamson & Co.
C. Barnes,	L. Frederick Simonis,
P.H. Miles,	E. D. Cohn,
Dunham Wright,	W. J. Gilbert,
Justus Wright,	J. G. Fisher,

T. T. Goble,
Lyman Wright,
D. B. Wilson,
C. J. Wilson,
P. H. Steigelman,
David Goble,
John Van Order,
Samuel Van Order,
D. D. Estes,
F. Smith,
J. Dill,
William Hobbs,

G. W. Thoesstrum,
W. W. Ross,
Louis Furgason,
Jas. M. Henderson,
N. S. Barnard,
D. Steele,
T. B. Bowan,
W. H. Dennison,
John Furman,
Samuel Gover,
A. T. Merwin,

No filing:-

Know all men by these presents:- That we, Lucien Remillard, and W. H. McComas, are held and firmly bound unto Union County, Oregon, in the sum of One Hundred Dollars, lawful money of the United States, to be paid to the said his executors, administrators, or assigns, for which payment, well and truly to be made, we bind ourselves, our, and each of our heirs, executors administrators and assigns jointly and severally firmly by these presents.

Sealed with our seals, dated this 5th day of February, one thousand eight hundred and seventy seven.

The condition of the above obligation is such, that whereas a petition to the County Court of Union County, Oregon at the Feb Term thereof, for the year 1877, asking for a County Road commencing at the County Bridge on Little Eagle and terminating at West & Gaylord's Ferry on Snake River.

Now, therefore, if said petition be not granted and allowed we will pay all costs and expenses that may be incurred by reason of such view, not to exceed the above amount of \$100.00

W.H.McComas, (Seal)

L. Remillard, (Seal)

Signed, sealed and delivered in presence of E. C. Brainard,

No filing.

State of Oregon,)
(ss.
Union County,)

I, W. H. McComas, first being sworn, say that I have posted three notices on a certain route, prayed for in a petition asking for a County Road commencing at the Co. Bridge on Little Eagle, and terminating at West & Gaylord's Ferry, on Snake River, and one on the Court House Door, and have posted the same in the time and manner required by law.

W. H. McComas.

Subscribed and sworn to before me this 5th day of Feb. A.D. 1887.

E. C. Brainard,
County Judge.

E ndorsed:- Road petition.

To Heath Mining District.

Filed Feb. 5", 1877.

R. S. Cates, Co. Clerk,

At a special Term of the County Commissioners Court of Union County, Oregon, begun and held at the Court House in Union in said County on the 5th day of Feb. 1877, there was present:-

Hen. E. C. Brainard, County Judge,

Jesse Imbler & F. T. Dick, Co Commissioners.

R. S. Cates, Clerk,

And S. O. Swackhamer, Sheriff,

When on the 5th day of Feb. 1877, or the First Judicial day of said term, among other proceedings the following was had, to-wit:

In the matter of petition for County Road.)

-----)

On this day was presented a petition praying for the view, survey and location of a county road as follows, to-wit:

Commencing at the County Bridge on the Little Eagle, running thence on the nearest and most practicable route down Powder River to its mouth, or near that point, and running thence on the nearest and most practicable route to the ferry on Snake River, known as the West & Gaylord Ferry, all of which points are in Union County, Oregon. And petition being signed by more than twelve householders residing in the vicinity of the proposed road, and the said petition being accompanied by satisfactory proof that notice has been duly given as by law required, also by a good & sufficient bond to pay all expenses of the view & survey in case said route is not established.

It is therefore ordered by the Court that Pat Murray, Gideon Benson, and Moses La Grandeur, be appointed viewers and Willis Skiff, surveyor, to meet at the house of Gideon Benson, on the 19th day of Feb. 1877, and after being duly qualified, proceed to view, survey & make due report to this Court of these proceedings.

(Signed) E. C. Brainard, Co. Judge.

The foregoing order is entered in Comr's Jnl. B. at page 86 thereof.

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

The following report is respectfully submitted by us, the undersigned viewers appointed to view out a proposed County Road, commencing at the County Bridge on Little Eagle Creek, thence to West or Gaylord Ferry, on Snake River.

We met on the 19th day of February, 1877, the day set in your order, and after first being duly sworn, in company with the surveyor, proceeded to view survey and lay out said road, as directed and as shown by the surveyor's report, and plat submitted herewith.

We find this road to be in an extremely rough section of country, and very expensive to put in travelling condition.

Taking into consideration the benefits to be derived by the establishment of this route, as a County Road and the cost of building it we do not think it ought to be granted.

P. H. Murray,

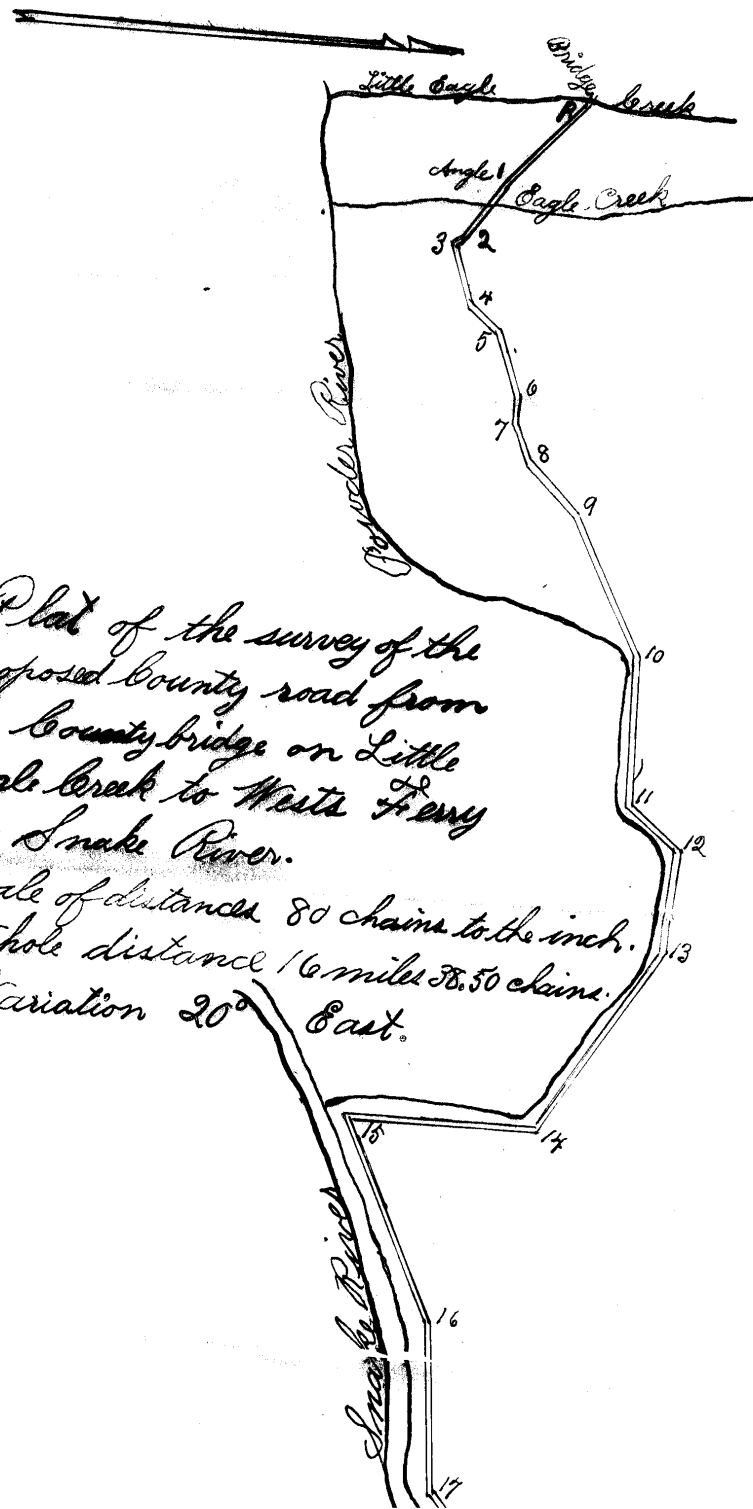
G. H. Benson,

Moise La Grandeur,

Viewers.

Endorsed:- Filed Mch. 12, 1877.

R. S§ Cates, Clerk.



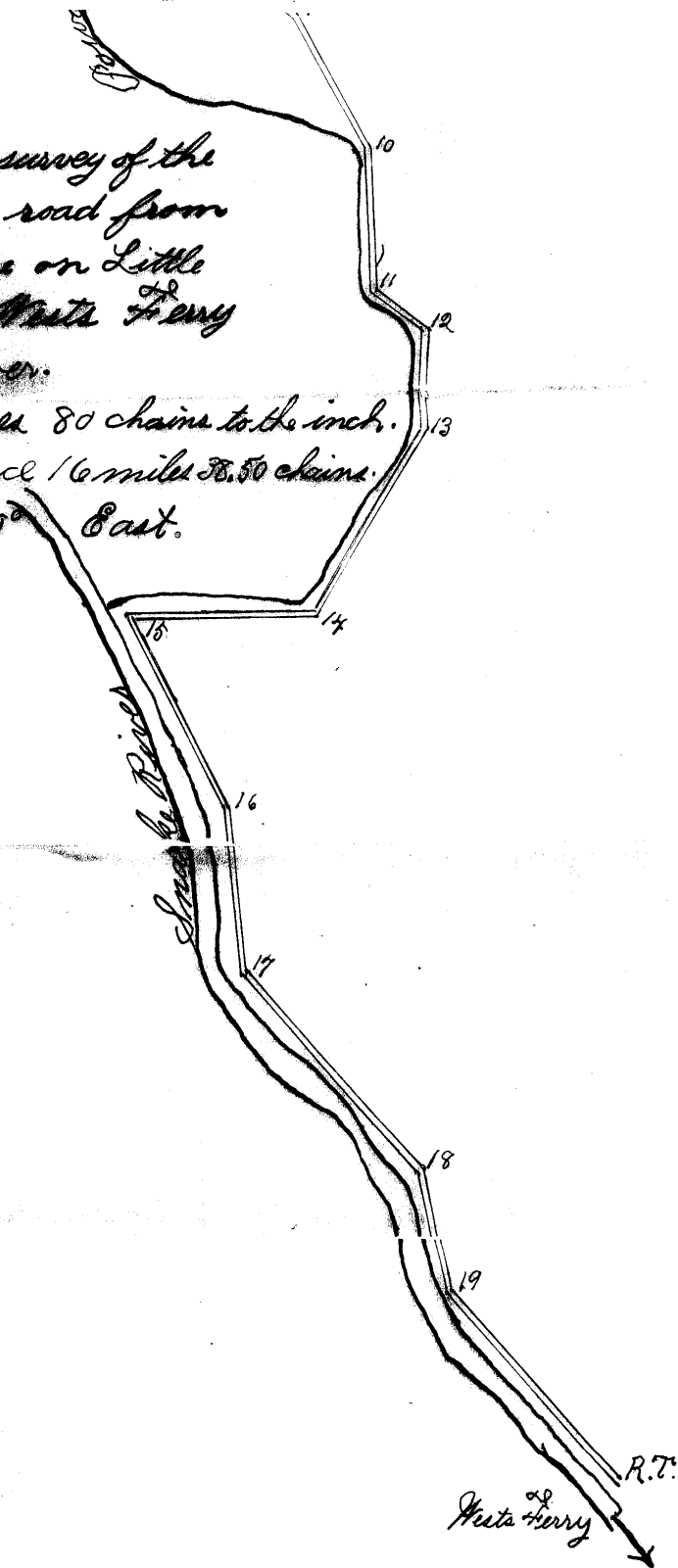
Plat of the survey of the
 proposed county road from
 the County bridge on Little
 Eagle Creek to Wests Ferry
 on Snake River.
 Scale of distances 80 chains to the inch.
 Whole distance 16 miles 38.50 chains.
 Variation 20° East.

Plan of the survey of the
proposed County road from
the County bridge on Little
Cage Creek to White Ferry
on Snake River.

Scale of distances 80 chains to the inch.

Whole distance 16 miles 38.50 chains.

Variation 20° East.



In the matter of Petition
for
County Road

On this day was presented a petition, praying for the view, survey, and location of a County road as follows to wit:

Commencing at the County Bridge on the little Eagle, running thence on the nearest and most practical route down Powder River to its mouth or near that point, and running thence on the nearest and most practicable route to the ferry on Snake River known as the West of Gayland, Ferry, all of which points are in Harlan County Oregon. And Petition being signed by more than twelve householders, residing in the vicinity of the proposed road, and the said Petition being accompanied by satisfactory Proof that Notice has been duly given as by law required, also by a good & sufficient Bond to pay all expenses of the view & survey in case said route is not established.

It is therefore ordered by the Court that Pat Murray = Gideon Benson & Moses LaGrandeur be appointed viewers and Willis Shiff Surveyor to meet at the home of Gideon Benson on the 19th day of Feb 1877 and after being duly qualified, proceed to view Survey & make due report to this Court of their proceedings.

Supervisor Report
of
Road Dist No 18

Now comes Gideon Benson Supervisor of Road Dist No 18 and files his report which is accepted

Supervisor appointment of Now at this time it is ordered that Gideon Benson be and he is hereby appointed Supervisor of Roads in Road Dist No 18 for the year ending Jan 1st 1877. Thereupon the Court adjourned until tomorrow morning at 9 O'clock

duly posted as by law required, it is therefore Ordered that Willis Skiff be appointed Surveyor and D. G. Lucas; B. H. Lewis & Charles Thompson be and they are appointed viewers to meet on the 23 day of March 1877, at the house of A. Little and after being duly sworn proceed to view said road proposed to be vacated & report the same at the April Term of this Court.

Thomas Ousley }
 Claiming Damages } March 12th 1877.
 Now at this time comes Thomas Ousley, Claimant for damages by breaking of Island City County Bridge, Claiming \$700. dollars damages, and it was finally agreed by and between all parties herein that the same is hereby settled in full by the payment of the sum of five hundred dollars to Thos Ousley.

Heath Mining Dist }
 County Road } Now on this day was read the first time the report of the viewers on the above proposed Co Road.

Thereupon the Court adjourned until tomorrow morning at 9 O'clock

In the Commissioners Court
 Second Judicial day
 March 7th 1877.

Court met pursuant to adjournment
 Same officers present as on yesterday.

Due Proclamation of the Opening of
 Court having been made the record
 of yesterday's proceedings were read
 approved, and is now signed.

And the following proceedings were
 had to wit:

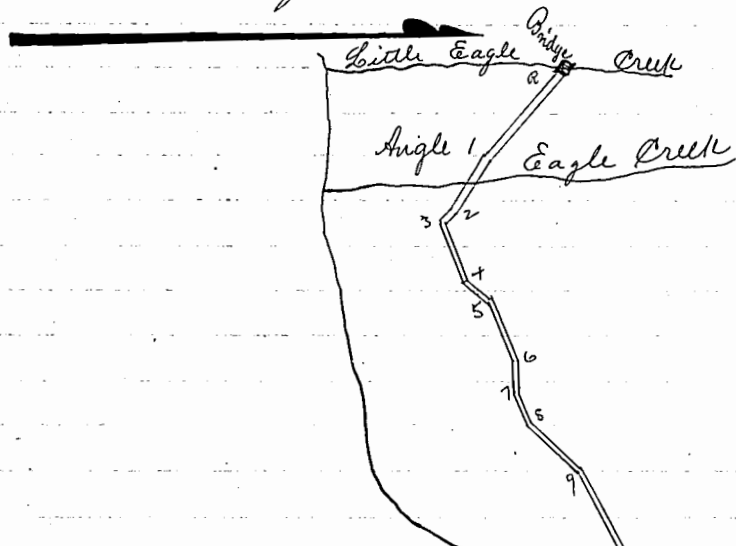
In the matter of }
 Change of Road. }^{ss}

Now at this time
 come W^m Hunter and presents to
 the Court a petition praying for
 the vacation of a portion of the Co
 road leading from Island City
 and at the same time come Thos
 Childers and files a remonstrance
 against said Change which re=
 monstrance has a greater number
 of names than was on the Petition
 it is therefore ordered that said petition
 be not granted.

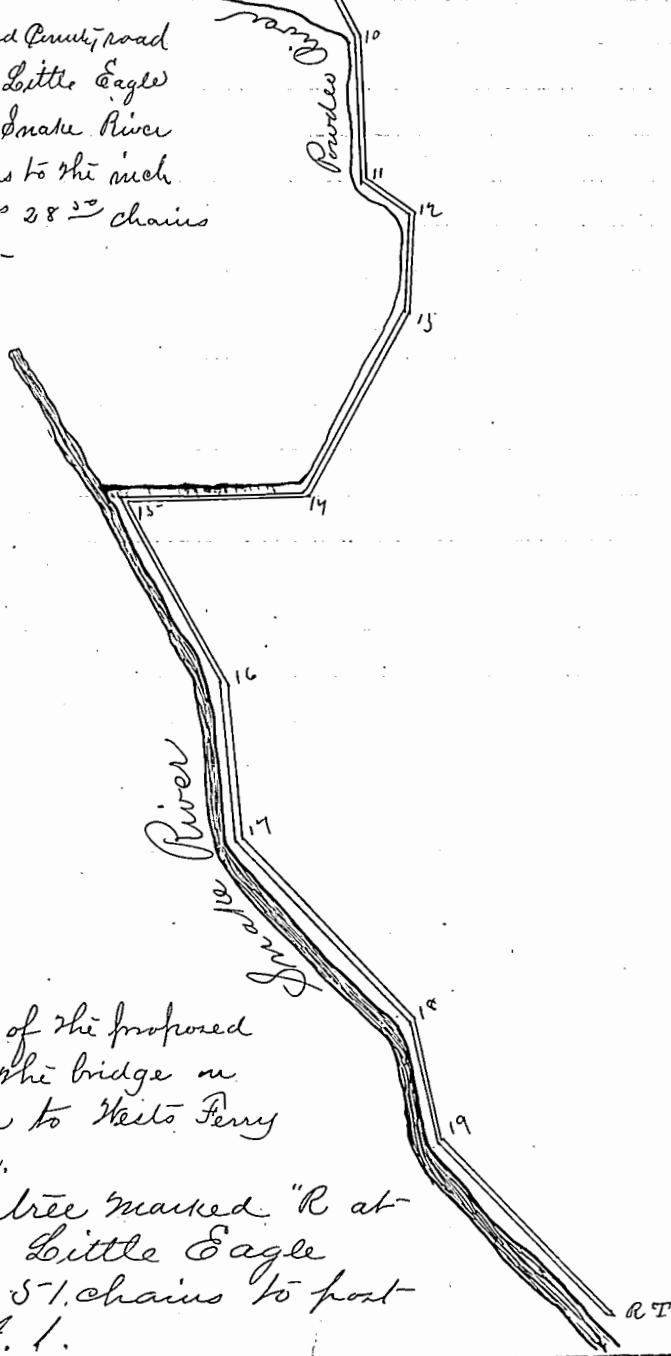
In the matter of }
 viewers Report }^{ss}

Now at this time was
 read a second time and day, the report
 of the viewers on the proposed County
 road from the bridge on little Eagle
 to the West and Bayland ferry on
 Snake River which Report was

accompanied by a Plat of the Survey which is as follows.



Plat of the Survey of the proposed County road from the County Bridge on Little Eagle Creek to west Ferry on Snake River
 Scale of distances 80 chains to the inch
 Whole distance 16 miles 28⁵⁰ chains
 Variation 20° East



Report to the viewers of the proposed County road from the bridge on Little Eagle Creek to West Ferry on Snake River.

Beginning at a tree marked "R" at the bridge on Little Eagle
 Thence S. 47° E, 51 chains to post marked A. 1.

Thence South	54° E	36	chains to post-marked A 11
"	"	41 "	8.50 " " " " A 111
"	North	74 "	36.50 " " " " A 1 V
"	"	46 "	16. " " " " A V
"	"	75 "	31.50 " " " " A V I
"	East -		28.50 " " " " A V I I
"	North	70 "	20. " " " " A V I I I
"	"	46 "	40. " " " " A I X
"	"	68 "	80. " " " " A X
"	East -		80. " " " " A X I
"	North	36 "	35. " " " " A X I I
"	South	85 "	55. " " " " A X I I I
"	"	58 "	129. " " " " A X I V
"	"		108. " " " " A X V
Thence North	63 "	120.	" " " " A X V I
"	"	86 "	94. " " " " A X V I I
"	"	48 "	142.50 " " " " A X V I I I
"	"	78 "	70. " " " " A X I X
"	"	46 "	140. " " " " R T

at West and Haylands ferry on Snake River.

State of Oregon }
 County of Union }
 I Willis Skiff County Surveyor
 of and for the County and State aforesaid
 do hereby certify that the within plat
 and field notes of the Survey of the
 proposed County Road from the bridge
 on little Eagle to West Ferry on Snake
 River are correct as Surveyed by me
 under the Supervision of the Viewers
 between the 19th and 25th days of Feb. 1877
 Willis Skiff
 Co Surveyor

Report of the Viewers
 To the Hon County Court of Union County
 Oregon.
 The following Report is respectfully
 Submitted by us the undersigned
 viewers appointed to view out a pro-
 posed County Road commencing at
 the County bridge on little Eagle

Creek thence to Wests and Baylords Ferry on Snake River.

We met on the 19th day of February 1877. The day set in your order and after being first duly sworn in company with the Surveyor, proceeded to view, survey and lay out said Road as directed and shown by the Surveyors report and plat submitted therewith.

We find this road to be in an extremely rough section of County and very expensive to put in travelling condition, taking into consideration the benefits to be derived by the establishment of this rout as a County road and the cost of building it we do not think it ought to be granted.

P. H. Murray
G. H. Benson
Moise LaGrandem
Viewers

The Court having fully considered the report of the viewers and taking into consideration the benefits and advantages to be derived by the location of said rout as a County Road, It is therefore ordered that the same be and is established and ordered open as a County Road.

In the matter of Damages } March 13th
Claimed by Heilner & Co }
Now at this time was taken into consideration the bill claimed by Heilner & Co as damages sustained to goods by the breaking of the Ordell bridge, and the Court having found that said bridge is not now nor never was the property of the County it is therefore ordered that the same be not allowed.