

How
No 56

in
Circuit Court

Carolan Cory
& Co

Plaintiff

vs
F A Foster

Defendant

Action for Money

Docket Page

Baker & Baker

Attorney for Plaintiff

5-53

Attorney for Defendant

REPRODUCED FROM THE
ORIGINAL IN THE
FBI LIBRARY

Record of the Case

1880

Sept 8 Petition see Views appended
Journal B p 514 ✓
Nov 3 1st sending Report
Journal B p 526 ✓
Nov 4 ordered opened
Journal B p 538 ✓

145

X

WITNESSES

○ Road ○
Commencing near residence of
James Sams on Big Creek to
Sturgill Bridge

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

145

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

We the undersigned citizens and householders of Union County, Oregon, living along and in the vicinity of the hereinafter described route, respectfully petition your Hon. Body to grant and cause to be established as a County Road and public highway, the following described route, to-wit:-

Commencing at or near the residence of James Sams, on Big Creek and running thence in a southerly direction about four miles on the road now known as the Dean Road to Powder River, at a point near the mouth of the canyon, about one mile, above what is known as the Dean Place, thence in an easterly direction and intersect the County road at or near Sturgill's Bridge, all said points and places being in Union County, Oregon, and your petitioners will ever pray.

I. E. Corpe,

C. C. McGarvey,

F. M. Dean,

W. E. Turner,

L. A. Ress,

John G. Vandyke,

Henry Kibblewhite,

Thos. Keating,

Robert Erwin,

R. H. Babbington,

D. D. Wilson,

P. H. Miles,

Jas. S. Wilson,

S. A. Spears,

Wm. D. Emile,

Dunham Wright,

Lyman Wright,

T. G. Cook,

C. N. Jamison,

H. H. Briggs,

J. M. Dean,

Wm. Rawlings,

B. R. Fruit,

Phillip Houghton,

Lewis C. Sturgill,

John D. Bates,

William Goble,

C. J. Wilson,

P. Brannin,

Dr. Thompson,

P. Spears,

Wm. Wilson,

Justus Wright,

John D. Wright, Jr.

M. Martin,

Wm. N. Boyles,

J. S. Vandevander,
R. M. South,
T. Goble,
Jeel B. Delby,
G. W. Wright,
John A. Tucker,
G. Q. Harson,

Samuel South,
David Goble,
J. A. Goble,
I. W. Spears,
I. B. Sams,
R. B. Davis,

Endorsed:- Road Petition of James Sams, et al.

Filed Sept. 8th, 1880.

Willis Skiff, Co. Clerk.

NOTICE.

Notice is hereby given that a petition will be presented to the Hon. County Court of Union County, Oregon, at the September Term, 1880, praying the location and establishment of a County Road, as follows, to-wit:-

Commencing at or near the residence of James Sams, and running thence in a southerly direction about 4 miles on the road now known as the Dean Road to Powder River, at a point at or near the mouth of a canyon, thence easterly down Powder River intersecting the County Road at what is known as Sturgill Bfidge.

James Sams.

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

I, James Sams, 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, and one on the
Court House door in Union County, Oregon, and more than thirty days
prior to the presentation of the petition herein.

J. B. Sams,

Subscribed and sworn to before me this 8th day of September, A.D.1880

Willis Skiff, Co. Clerk.

J. B. Sams.

Endorsed:- Proposed Road, J. B. Sams, et al.

Notice & Proof of Posting.

Filing made, Sept. 8th, 1880.

Willis Skiff, Co. Clerk.

Know all men by these presents:- That I, James Sams, 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, I bind myself, my heirs, executors and administrators firmly by these presents.

Signed this eighth day of September, A. D. 1880.

Now the condition of the ^{above} obligation is such, that whereas, if the County Road petitioned for by said James Sams and others, and presented at the Sept. term, 1880 of the County Court of said Union County, commencing at or near the residence of James Samsen Big Creek, thence to intersect the County Road near the Sturgill bridge, be located and established, then this obligation to be void; otherwise to remain in full force and virtue in law.

J. B. Sams.

Endorsed:-

James Sams, etal. Bond.

Filed Sept. 8th, 1880/

Willis Skiff, Co. Clerk.

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

We submit the following as our report as viewers of road, viz:
From near the residence of James Sams on Big Creek to intersect the County Road near the Sturgill Bridge, on Powder River.

We met on the 17th day of September, 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 and closing said survey on the 18th. We select from said surveyor's plat of surveys which as shown, by surveyor's plat, one which we heartily recommend for County Road and public travel.

We therefore submit the above hoping the same will meet your approval.

Wm. Frasier,

S. F. Cusick,

J. T. Cronwell,

Viewers of proposed County Road.

Endorsed:- Filed Nov. 3d, 1880.

Willis Skiff, Clerk.

By Ed. E. Cates, Dpy.

To. Wm. Frasier, J. T. Cromwell & Frank Cusick, viewers appointed to review a County Road, leading from Big Creek to intersect the County Road at the Sturgill Bridge.

The following are the field notes of the survey of the above described road:-

Beginning near the residence of Jas. Sams, at a post marked R.

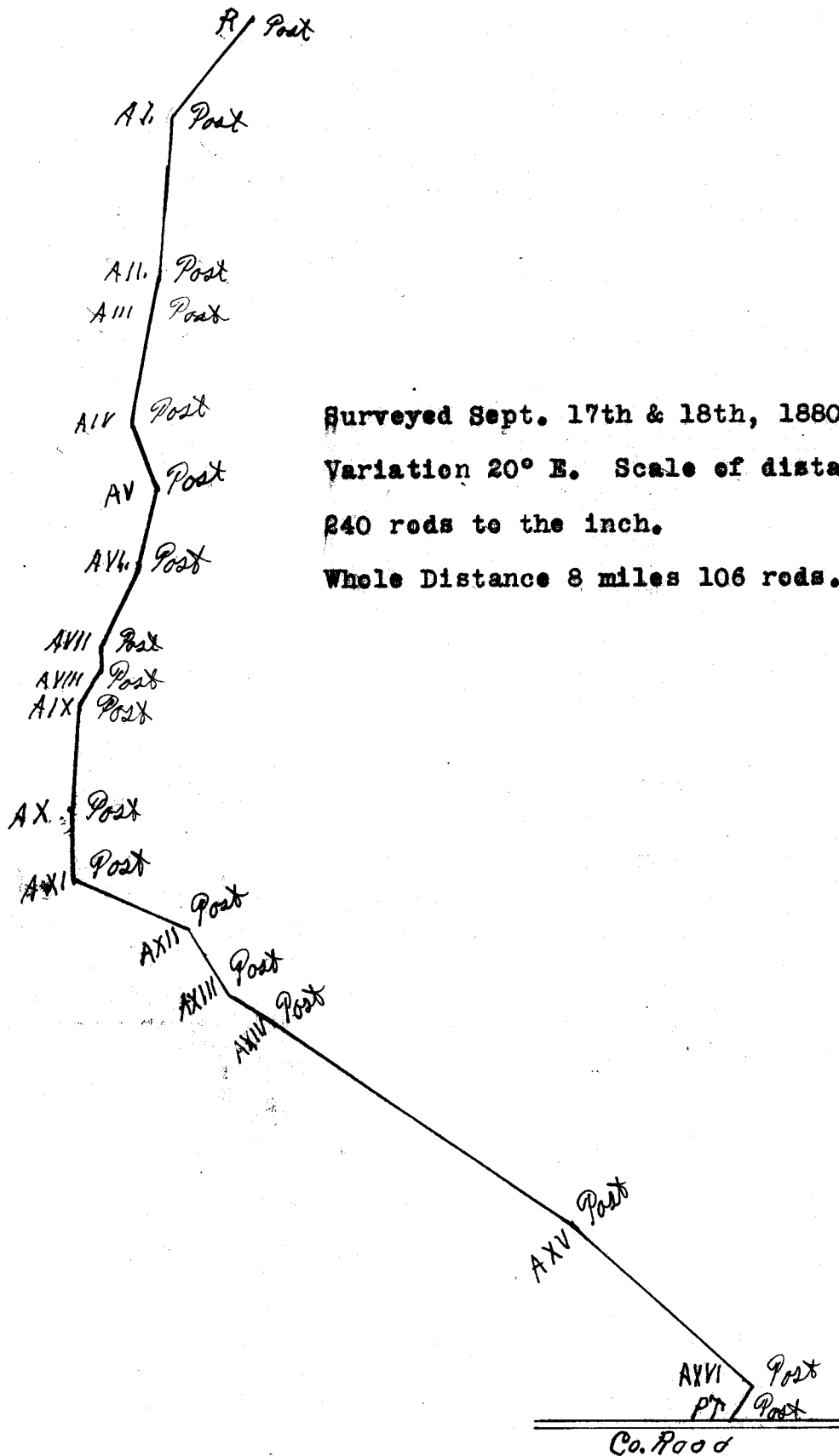
Thence	S.	39° W.	198	rds. to	post marked	A.	I.
"	S.	4° W.	234	" "	" "	A.	II.
"	S.	13° W.	62	" "	" "	A.	III.
"	S.	10° W.	156	" "	" "	A.	IV.
"	S.	20° E.	106	" "	" "	A.	V.
"	S.	13° W.	116	" "	" "	A.	VI.
"	S.	22-1/2 W.	120	" "	" "	A.	VII.
"	S.	3° W.	44	" "	" "	A.	VIII.
"	S.	33° W.	44	" "	" "	A.	IX.
"	S.	6° W.	180	" "	" "	A.	X.
"	E.	6-1/2 E.	100	" "	" "	A.	XI.
"	S.	68° E.	164	" "	" "	A.	XII.
"	S.	36° E.	122	" "	" "	A.	XIII.
"	S.	55° E.	96	" "	" "	A.	XIV.
"	S.	57° E.	540	" "	" "	A.	XV.
"	S.	50° E.	342	" "	" "	A.	XVI.
"	S.	28° W.	62	" "	" "	R.T. and inter-	

secting the County Road.

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

I, Eugene Chase, County Surveyor, in and for the County and State aforesaid, do hereby certify that the field notes of the survey of the above described road are correct as surveyed by me under the supervision of the viewers on the 17th & 18th, days of September, 1880/

Eugene Chase,
 County Surveyor.



Surveyed Sept. 17th & 18th, 1880.

Variation 20° E. Scale of distances,
240 rods to the inch.

Whole Distance 8 miles 106 rods.

Endorsed:- Survey of County Road from Big creek to Sturgill's Bridge,
Filed Nov. 3rd, 1880,

Willis Skiff, Clerk,

By Ed. E. Cates, depy.

At a regular term of the County Commissioners' Court begun and held at the Court House in Union, in said County, on the 8th day of Sept. 1880, present:

 Hon. A. C. Craig, Judge of said Court,
 R. J. Rogers, Sheriff,
 And Willis Skiff, Clerk.

When on the 8th day of September, A.D. 1880, or the first Judicial day of said term, among other proceedings the following was had, to-wit:-

In the matter of petition for County
Read, J. B. Sams, et al.

On this day was presented the petition of J. B. Sams, and more than twelve others, praying for the location and establishment of a County road, as follows, to-wit: Commencing at or near the residence of James Sams on Big Creek, and running thence in a southerly direction about four miles on the road now known as the Deane Road, to Powder River at a point near the mouth of the canyon about one mile above what is known as the Deane Place, thence in an easterly direction to intersect the County Road at or near the Sturgill Bridge. And it satisfactorily appearing to the Court from proof filed herein, that due notice of the pendency of these proceedings 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 Wm. Fraser, Sr. J. T. Cromwell, and a Frank Cusick, be appointed viewers and Eugene Chase surveyor, to view, survey and report upon said proposed road, and that they meet at the residence of J. B. Sams on the 17d day of Sept. 1880, and duly qualify before entering upon the discharge of their duties in this behalf.

(Signed) A. C. Craig, County Judge.

The foregoing order is entered in Comr's Jnl, B. 51 & thereof.

At a regular term of the County Court for Union County, begun and held at the Court House in Union, in said County, on November 3rd, 1880, there was present:-

Hon. A. C. Craig, Judge,

R. J. Rogers, Sheriff,

Wm. G. Hunter, Co. Commissioner,

And Willis Skiff, Clerk.

When on the 3rd day of November, A.D. 1890, or the first 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 the first time the report of the viewers on an a County road from James Sams' on Big Creek to Sturgill Bridge on Powder River.

(Signed) A. C. Craig, County Judge.

The foregoing order is entered in Comr's Jnl. B. at page 526 thereof.

At a regular term of the County Court of Union County, State of Oregon, begun and held at the Court House in Union, in said County, on November 3rd, 1880, therewas present:-

Hen. A. C. Craig, Judge,
R. J. Rogers, Sheriff,
Wm. G. Hunter, Co. Commissioner,
And Willis Skiff, Clerk,

When on, the 4th day of November, A.D. 1880, ⁶ or the Second Judicial day of said term, among other proceedings the following was had, to-wit: ⁷

In the matter of viewers report on
Big Creek Road, J. B. Sams, and others.

Now at this time was read the second time the report of the viewers appointed to view, survey and lay out the proposed Co. road from James Sams' on Big Creek to Sturgill's Bridge on Powder River, which report is as follows, to-wit:

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

We submit the following as our report as viewers of road, viz: From near the residence of James Sams on Big Creek to intersect the County road near the Sturgill bridge on Powder river. We met on the 17th day of September, 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 and closing said survey on the 18th, we select from said surveyors plats of surveys, which as shown from surveyor's plats, one which we heartily recommend for County road and public travel. We therefore submit the above hoping the same will meet your approval.

Wm. Fraser, .
S. F. Cusick,
J. T. Cronwell, Viewers of

proposed County road.

And it appearing to the Court that the proceedings herein

have been regular and in due form of law, and no person having claimed damages by reason of the location of said road, and it appearing to the Court that said road would be of great public utility, it was ordered by the Court that said road be opened and established as a public road, and as a County road in accordance with the surveyors plat and field notes thereof, of which the following are copies, to-wit:- (Here follows copy of the Field notes and surveyors report, as shown above)

(Signed) A. C. Craig, County Judge.

The foregoing order is entered in Comr's Jnl. B/ at page 538 thereof.

(2911)

70145-

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In the County Court of the State of Oregon,
For Union County,.

In the matter of the County
Road petitioned for by

J. B. Davis... et al.

STATE OF OREGON.

County of Union.

} s s.

I, J. H. 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. H. Minnaugh
.....Clerk.

Sept 8th 1880

In the matter of
Petition for
County Road

J.B. Sams et al

On this day was presented the petition of J.B. Sams and more than twelve others praying for the location and establishment of a County Road as follows, to wit: Commencing at or near the residence of James Sams on Big Creek and running thence in a Southerly direction about four miles on the road now known as the Deaw road to Powder River at a point near the mouth of the Canyon about one mile above what is known as the Deaw place thence in an easterly direction to intersect the County road at or near the Sturgill Bridge. And it satisfactorily appearing to the Court from proof filed herein that due notice of the pendency of these proceedings 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 W^m Frazier Sr., J.P. Lomwell and Frank Leusich be appointed viewers and Eugene Lehare, Surveyor to view, survey and report upon said proposed road and that they meet at the residence of J.B. Sams on the 17th day of Sept-1880 and duly qualify before entering upon the discharge of their duties in this behalf.

In the matter petition
for County Road

W.F. Haines et al

On this day came W.F. Haines who presents to the Court the petition of himself and more than twelve others praying for the location and establishment of a County Road as follows, to wit: Commencing at the Daley Bridge on North Powder (bridge near Andrew Riggs) from thence Eastward down the river by the Taylor Green place across the land of James Hutchison to intersect the County Road leading from Union to Baker City near Welches Mill

In the matter } W. B. Gray road

Viewers report } Now at this time was read
the first time the report of the viewers on a co
road petitioned for by W. B. Gray and others

In the matter }

Viewers report }

Now at this time was read the
first time the report of the viewers on a County
road from James Sams on Big Creek to
Sturgills bridge on Powder River

In the matter }

Viewers report }

Now at this time was read
the first time the report of the viewers on
a proposed road from the Daly bridge
on North Powder River to intersect the Co
Road from Union to Baker City.

In the matter }

Viewers report }

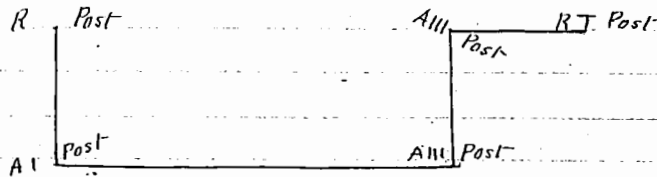
Now at this time was
read the report of the viewers upon a proposed
co road from W. Hagers on Clover Creek
to the Pine trees on North Powder.

In the matter }

Viewers report }

Now at this time was
the second first time read the report of
the viewers on a proposed County road
from near the house of E. B. Morelock to
about the house of Edw. Nicholls

Survey of W. B. Gray change of road



Surveyed Sept. 27th 1880, Variation 20° East.

Scale of distances, 80 rods to the inch.

Whole distance 1 mile, 160 rods, Distance on old road 240 rods

State of Oregon }
 County of Union } I Eugene Chase County
 Surveyor in and for the County and State
 aforesaid do hereby certify that the field notes of
 survey of the above described road are correct
 as surveyed by me under the supervision of the
 Viewers on the 27th day of September 1880
 Eugene Chase
 County Surveyor

In the matter of }
 Viewers Report } J. B. Sams and others
 on }
 Big Creek Road }

Now at this time was read the second time the report of the Viewers appointed to view survey and lay out a proposed Co. Road from James Sams on Big Creek to Sturgill's bridge on Powder River which report is as follows, to wit:

' Do the Hon. County Court of Union County Oregon:

We submit the following as our report as viewers of road viz: from near the residence of James Sams on Big Creek to intersect the County road near the Sturgill bridge on Powder River. We met on the 14th day of September 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 and closing said Survey on the 18th. We select from said Surveyors flat of Survey which as shown

Your Surveyors flat, one which we heartily recommend your County road and public travel, we therefore submit the above hoping the same will meet your approval

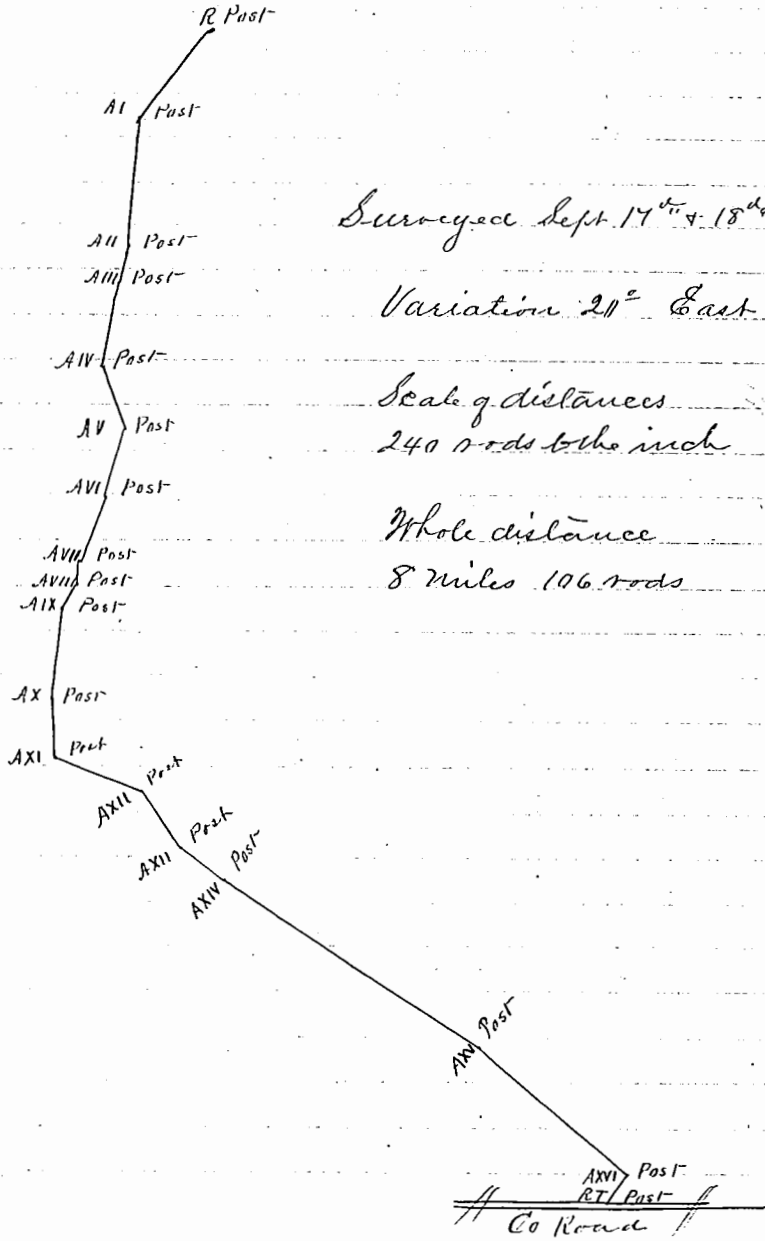
W^o Frasier }
 S. F. Leusick } Viewers of proposed
 J. T. Linnwell } County Road

And it appearing to the Court that the proceedings herein have been regular and in due form of law, and no person having claimed damage by reason of the location of said road And it appearing to the Court that said road would be of great public utility. It was ordered by the Court that said road be opened and established as a public road and as a County road in accordance with the Surveyors flat and field notes thereof of which the following are copies, to wit:

Beginning near the residence of Jas. Lannu at a Post marked R, Thence, S 39° W 198 rods to post marked

A I	"	S. 4° W	234	"
"	"	S 13° W	62	"
"	"	S 10° W	156	"
"	"	S 20° E	106	"
"	"	S 13° W	116	"
"	"	S 22½° W	120	"
"	"	S 3° W	44	"
"	"	S 33° W	44	"
"	"	S 6° W	160	"
"	"	S 6½° E	100	"
"	"	S 68° E	164	"
"	"	S 36° E	122	"
"	"	S 55° E	96	"
"	"	S 57° E	540	"
"	"	S 57° E	342	"
"	"	S 28° W	62	"
"	"	R.T.	and intersecting the	County Road.

(see flat next Page)



State of Oregon
 County of Union
 I Eugene Chase County Surveyor
 in and for the County and State aforesaid do
 hereby certify that the field notes of the Survey of
 the above described road are correct as surveyed
 by me under the supervision of the viewer on the 17th
 & 18 days of September 1880

Eugene Chase
 County Surveyor