

No 17 L

in

Account

Court

Wm E Ruchart

Plaintiff

vs

John P Bawel

Defendant

Action for Money

Docket

Page

A Meachen

Attorney for Plaintiff

Attorney for Defendant

REVENUE & TAX DEPARTMENT  
LAWYER GENERAL  
1 ST 118

ENVELOPE NO 10  
N.Y. STATE  
1 ST 118

1872  
 July 7 Petition see Viewers report  
 Journal B p 432 ✓  
 Sept 7 1st reading report  
 Journal B p 463 ✓  
 Sept 9 ordered opened  
 Journal B p 467 ✓

*[Handwritten scribbles]*

*[Handwritten scribbles]*

*[Handwritten scribbles]*

Road  
 beginning at a point where Co  
 road crosses N line of A Swisher's  
 land claim being 1/4 Sec 26 T. 9. S.  
 R. 45 E to NW cor of S. W. Moody's  
 land claim being 1/4 of NW 1/4 Sec. 14  
 T. 9. S. R. 45 E. W. M.

Camps

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

Pine Valley  
Oregon

Aug 24<sup>th</sup> 1882

Mr Woodell,

In my talk with you concerning our roads, I forgot to tell you there was a portion of the old road running parallel with the road now being ~~so~~ viewed only three quarters of a mile distant. Said part of the old road is not dead, for it has been travel for the last fifteen years, & there never has been an obstacle in the way. These facts we can prove & it can not be proven to the contrary. Also the men who are viewing the road all have their names on the petition, and are personally interested in the road. When they come to make their report ask them if the old road running West from Olo Dedrickson's gate & the new one remaining along the north line of Jim Holstine's Ranch are a mile apart. If the road is granted we are going to have a lawyer take hold of it, & investigate the matter. I have reference to the road running East & West through the Valley.

very respectfully yours

F. M. Officer  
Pine Valley  
Ore

In the County Court of Union County, Oregon:-

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

The undersigned persons being householders of Union County, State of Oregon, and residing in the vicinity where the following described proposed County Road is to be laid out and located most respectfully pray the Court to lay out and locate a County Road as hereinafter described, viz:-

Commencing at a point where the present County Road crosses the north line of A. Swisher's land claim, being the south west 1/4 of Sec. 26, Township 9, South of Range 45, East and running thence east about one half mile to the northwest corner of (Dan'l <sup>Swisher's</sup> ~~Swisher's~~ land claim, being) the east 1/2 of southeast 1/4 of Sec. 26, T. 9, S. of R. 45, east thence north three fourths of a mile thence west about one fourth of a mile to intersect the Main travelled road thence Thence to follow the line of said road in a northwest direction about one and one half miles to the northwest corner of G. W. Meedy's land claim, being the S.1/2 of N.W.1/4 of Sec. 14, T.p, S. of R. 45, E.

All of said points and being in Union County, Oregon, Lower Eagle Precinct.

Witness our hands this sixth day of May, 1882.

Names:-

Louis Furgason,  
J. Swisher,  
E. H. Swisher,  
B. F. Fewell,  
P. Babcock,  
G. N. Reed,  
P. H. Hobbs,  
Will. C. Beck,  
L. J. Williams,

Names:-

Wm. Babcock,  
C. H. Craig,  
C. B. Swisher,  
A. Swisher,  
Daniel Foster,  
G. W. Meedy,  
I. N. Yeung,  
Eli Chandler,  
Fred Simonis.

Endorsed:-

County Court, Union County.

petition of J. Swisher, et als. for County Road.

Filed July 6, 1882.

W. T. Wright, County Clerk.

NOTICE.

To Whom It May Concern;

Notice is hereby given that the undersigned persons being the petitioners hereinafter mentioned will on the 5th of July, 1882, being the next regular term of the County Court of Union County, Oregon, present to said Court a petition for the location and opening of a County Road as follows;

Commencing at a point where the present County Road crosses the north line of A. Swisher's land claim, being the southwest 1/4 of Sec. 26, Township 9, south of range 45, east and running thence east about one half mile to the northwest corner of Daniel Tarter's land claim, being east one half of the southeast 1/4 of Sec. 26, Township 9, S. of R. 45, E. thence north three fourths of a mile, thence west about one fourth of a mile to intersect the main travelled road, thence to follow the line of said road via. north-west direction about one and one half miles to the northwest corner of G. W. Moody's land claim, being the S. 1/2 of N.W. 1/4 of Sec. 14, T. 9, S. of R. 45, E.

Names:-

Louis Furgason,  
J. Swisher,  
Daniel Tarter,  
I. N. Young,  
C. H. Craig,  
C. Babcock,  
Eli Chandler,  
Will. C. Beck,  
L. J. Williams,

Names:-

E. H. Swisher,  
C. B. Swisher,  
S. W. Moody,  
Wm. Babcock,  
B. F. Fewell,  
A. Swisher,  
G. N. Reed,  
P. H. Hobbs,  
Fred Simonis.

All of the above names are in the vicinity of the above described road, all of Union County, Oregon, Lower Eagle precinct.  
No filing:-

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

I, H. P. Swisher, being first duly sworn, say that I posted three copies of the within notice, in three public places in the vicinity of the within described County Road on the 23rd day of May, 1882, as follows, to-wit: One at each end of said proposed road, and one near the center of said proposed road, and that said notices were posted more than 30 days prior to the date of the presentation of the petition herein.

H. P. Swisher

Subscribed and sworn to before me this 7 day of July, A.D. 1882.

W. T. Wright,

Co. Clerk,

By Willis Skiff, deputy.

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

I, Willis Skiff, being first duly sworn, say that I posted a copy of the within notice on the Court House door in Union, Union Co. Orgn. more than 30 days prior to the date.

Willis Skiff.

Subscribed and sworn to before me this 7 day of July, 1882.

W. T. Wright, County Clerk.

Endorsed:- Prefeef of Pesting,

. Filed July 7, 1882.

W. T. Wright, Co. Clerk.

By Willis Skiff, deputy.

BOND OF ROAD PETITIONERS.

Knew all men by these presents;- That I, Jehn Swisher 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 7 day of July, A.D. 1882.

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by Louis Furgason and others, and presented at the July Term, 1882, of the County Court of said Union County, commencing where the present County Road crosses the north line of A. Swisher's Land Claim, being the S.W.1/4 of Sec. 26, T. 9, S.R. 45, E. thence as described in petition to the N.W. Corner of G. W. Moody's land claim, be located and established, then this obligation to be void; otherwise to remain in full force and virtue in law.

John Swisher,

Endorsed:- Bend,

Filed July 7, 1882.

W. T. Wright, Co. Clerk.

By Willis S Skiff, deputy.



At a regular term of the County Court of the State of Oregon for the County of Union, begun and held at the Court House in Union in said County on the 5th day of July, A.D. 1882, there was present:-

Hen. A. C. Craig, Judge,  
William Woodell, and  
J. B. Delby, County Commissioners,  
R. J. Rogers, Sheriff,  
And Willis Skiff, Clerk.

When on ..... the 7th day of July, A.D. 1882, or the third judicial day of said term, among other proceedings, the following was had, to-wit:

In the matter of the petition for  
County road, petitioned for by Lewis Furgason, et al. }  
----- }  
----- }

Now at this time comes Lewis Furgason, who presents to this Court the petition of himself and more than twelve others, praying for the location and establishment of a County road beginning at a point where the present County Road crosses the north line of A. Swisher's Land Claim, being the S.W.4 of Sec. 26, T.9, S. R. 45, E. and running thence east about one half mile to the N.W. Corner of (D. Tarter's Land Claim) being the E.1/2 of S.E.1/4 of Sec. 26, T. 9, S.R. 45, E. thence north 3/4 of a mile thence west about 1/4 of a mile to intersect the main travelled road, thence to follow the line of said road in a northwest direction about 1-1/2 miles to the northwest corner of G.W. Moody's land claim, being the S.1/2 of N.W.1/4 of Se . 14, T. 9, S.R. 45, E. W. M. and it satisfactorly 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 Leander Furgason,

and N. J. Yeung, be appointed viewers and Eugene Chase, surveyor  
to view, survey and report upon said proposed County Road and that  
they meet at A. Swisher's House on the 21 day of July, 1882,  
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. at page 732 thereof

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

I, Eugene Chase, being first duly sworn, say that I will perform the duties of the within appointment to the best of my ability, so help me God.

Eugene Chase.

Subscribed and sworn to before me this 17 day of July, 1882.

W. T. Wright, County Clerk.

Entered:- Oath of Surveyor,

Filed Sept. 6, 1882,

W. T. Wright, Co Clerk.

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

We the undersigned viewers appointed by your honorably body to view out a proposed County Road, viz: "Beginning at a point where the present County Road crosses the north line of A. Swisher's land claim, being the S.W.4 of Sec. 26, in T. 9, South of Range 45, East and running thence east about 1/2 mile to the N.W. Corner of D. Tarter's land claim, thence north 3/4 of a mile thence west about 1/4 of a mile to intersect the main traveled road, thence to follow the line of said road in a northwest direction about 1-1/2 miles to the northwest corner of G. W. Moody's land claim, being the S.1/2 of the N.W.1/4 Sec. 14, T. 9, South Range 45, East W.M." submit the following report in relation thereto.

We met on the 21st day of July, A.D. 1882, the three viewers and being present, after being first duly sworn in company with the surveyor, proceeded to view, survey and lay out said road as directed in your order, and as shown by the surveyor's plat, and report submitted herewith.

We find the road to be located on as good ground as the section of Country over which the road is laid will admit of, therefore we recommend that said route be established as a County road.

I. G. Thompson,  
W. N. Young,  
Leander Furgason,  
Viewers of proposed Co. Road.

Endorsed:- Viewer's report.

Filed Sept. 7, 1882,  
W. T. Wright, Co. Clerk,

Report of surveyor to the viewers of a proposed County Road in Eagle Valley:-

The following are the field notes,- Beginning at a post marked R. Placed in the County Road where it crosses the north line of A. Swisher's claim, (S.W.4 Sec. 26, T. 9, S.R. 45, E. ).

Thence	east	136	rods	to	post	marked	A. I. mound,
✓ "	North	240	" "	"	"	"	A. II.
✓ "	East	80	" "	"	"	"	A. III.
✓ "	N. 16° W.	90	" "	"	"	"	A. IV.
✓ "	N. 5° W.	112	" "	"	"	"	A. V.
✓ "	N. 16° W.	256	" "	"	"	"	R.T. mound,

and terminating at the N.W. Cor. of the S.W.4 of the N.W.4 Sec. 14, T. 9, S.Range 45, East.

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

I, Eugence 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 21st day of July, 1882.

Eugence Chase,  
 Co. Surveyor.

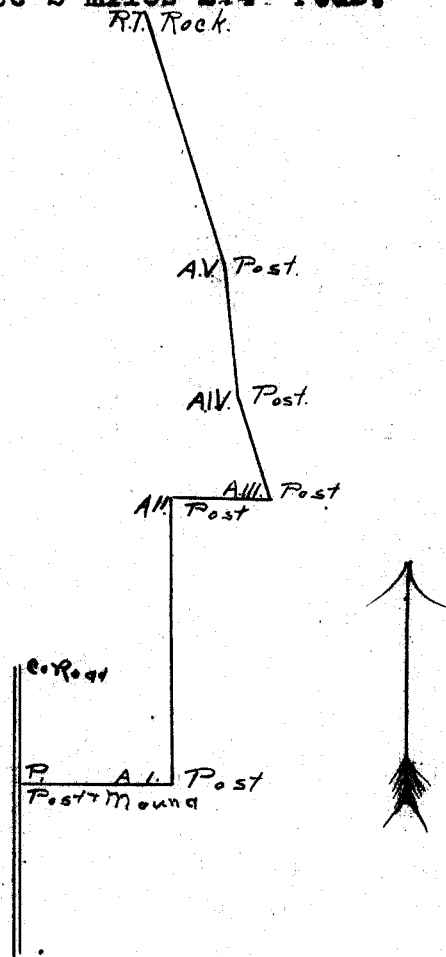
Survey of proposed County Road in Eagle Valley, Surveyed  
July 21st, 1882.

D A T A

Variation 20° East.

Scale 160 reeds to the inch.

Whole Distance 2 miles 274 reeds.



Endorsed:- Surveyor's Report, Filed Sept. 6, 1882,

W. T. Wright, Co. Clerk.

At a regular term of the County Court for the State of Oregon,  
for the County of Union, begun and held at the Court House in  
Union, Union County, Oregon, on Wednesday the 6th day of Sept.  
A. D. 1882, there were present:-

- The Hon. A. C. Craig, County Judge,
- Hon. Wm. Woodell, County Commissioner,
- Hon. Jeel B. Delby, County Commissioner,
- W. T. Wright, County Clerk,
- And R. J. Rogers, Sheriff,

When on ..... the 7th day of September, A.D. 1882, or the  
second judicial day of said term, among other proceedings the  
following was had, to-wit:

The matter of the proposed County road )  
petitioned for by Lewis Furgason, and others. )  
----- )

Now at this time is presented the viewers report on a  
certain proposed County road, petitioned for by Lewis Furgason  
and others, which report is read for the first time, and laid  
over for a second reading.

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

The foregoing order is entered in Comr's Jnl. B. at page 763 thereof.





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

In the matter of the County  
Road petitioned for by

*Louis Furgason et al*

STATE OF OREGON.  
County of Union.

ss.

I, J. H. Hinnaugh, 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. Hinnaugh*  
.....Clerk.

Third Judicial Day July 7<sup>th</sup> A.D. 1882

Court met pursuant to adjournment with some officers present as yesterday -

Due proclamation of the opening of Court having been made the proceedings of yesterday were read and are now signed.

Whereupon among other <sup>County Judge</sup> the following proceedings were had. - to wit; -

In the matter of Petition  
for County Road petitioned  
for by Lewis Furguson et al.

Now at this time comes Lewis Furguson who presents to this Court the petition of himself and more than twelve others, praying for the location and establishment of a County Road Beginning at a point where the present County Road crosses the North line of A. Swisher's land claim being the S.  $\frac{1}{4}$  of Sec. 26 T. 9 S. R. 45 E. and running thence East about one half mile to the N. W. corner of (D. Parter land claim being the E.  $\frac{1}{2}$  of S. E.  $\frac{1}{4}$  of Sec. 26 T. 9 S. R. 45 E. Thence North  $\frac{3}{4}$  of a mile. Thence West about  $\frac{1}{4}$  of a mile to intersect the main traveled road - thence to follow the line of said road in a north west direction about  $1\frac{1}{2}$  miles to the North West corner of H. H. Moody's land claim being the S.  $\frac{1}{2}$  of N. W.  $\frac{1}{4}$  of Sec. 14 T. 9 S. R. 45 E. N. W. 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 house holders 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 Leander Furguson J. H. Thompson and N. J. Young be appointed viewers, and Eugene Chase surveyor, to view, survey and report upon said proposed County Road and that they meet at A. Swisher's house on the 21 day of July 1882 and duly qualify before entering upon the discharge of their duties in this behalf, -

Second Judicial Day Thursday Sept. 7. 1882

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

Due proclamation was made of the opening of Court, whereupon the following proceedings were had, to wit: -

In the matter of proposed  
County Road petitioned for  
by Lewis Ferguson and others

Now at this time is presented the review report on a certain proposed County Road petitioned for by Lewis Ferguson and others - which report is read for the first time, and laid over for a second reading -

In the matter of Review  
Report on proposed County  
Road -

Now at this time comes Job. Leavelle in by Mess. Bell & Levitt of Counsel and moves the Court to dismiss the proceedings herein in the matter of proposed County Road No. 1 petitioned for by A. P. Greener and others - And it appearing to the satisfaction of the Court upon hearing the law and hearing the argument of Attorneys - that the Court has not obtained jurisdiction of the subject matter; in this:

That no notices have been given by or to of the proposed petition as required by law. -

That no such petition has been filed as is required by law. -

That no sufficient proof of posting of any notice has been filed -

It is therefore ordered by the Court that the proceedings herein be dismissed - and it is further ordered that the Bond given herein be declared forfeited -

Third Judicial day - Friday Sept. 8. 1882

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

Due proclamation was made of the opening of Court whereupon the following proceedings were had, to wit:

In the matter of Comity }  
 Road petitioned for by }  
 Lewis Ferguson and others } pro

Now at this time is read the viewers report on a proposed Comity Road petitioned for by Lewis Ferguson and others - and said report being favorable, and said 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 remonstrance of bills of damage filed herein, It is therefore ordered by the Court that said viewers report and plat of the Surveyor be placed on record and said road be established as a Comity road and opened according to law. -

"Viewers Report"

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

We the undersigned viewers appointed by your Honorable Body to view out a proposed Comity Road - viz - Beginning at a point where the present Comity Road crosses the North line of A. Swishers land claim being the S.W. 4 of Sec 26 in T. 9. South of Range 45 East and running thence East about 1/2 mile to the N.W. corner of D. Trutes land claim thence North 3/4 of a mile thence west about 1/4 of a mile to intersect the main travelled road - thence to follow the line of said road in a North West direction about 1 1/2 miles to the North West corner of S. H. Moody's land claim being the S 1/2 of the N. W 1/4 Sec. 14 T. 9. South Range 45 East W. M. submit the following report in relation thereto: -

We met on the 21<sup>st</sup> day of July A. D. 1882 the three viewers being present and after being fully duly sworn proceeded to view, survey and lay out said road, as directed in your order and as shown by the surveyors' plat and report submitted hereunto. We find the road to be located on as good ground as the section of country over which the road is laid will admit of, therefore we recommend that said route be established as a County Road.

(Signed) J. H. Thompson }  
 W. H. Young } viewers of  
 Alexander Ferguson } proposed County Road

Report of Surveyor to the viewers of a proposed County Road in Eagle Valley.

The following are the field notes -  
 Beginning at a first marked R. placed in the County Road where it crosses the North line of A. Swisher's claim (S. 21<sup>st</sup> Sec. 26. T. 9. S. R. 45 E.)  
 Thence East 136 Rods to a first marked A I + mound  
 " North 240 " " " " " A II  
 " East 80 " " " " " A III  
 " N. 16° W. 90 " " " " " A IV  
 " N. 5° W. 112 " " " " " A V  
 " N. 16° W. 256 " " " " " R. T. + mound  
 and terminating at the N. W. Cor. of the S. 21<sup>st</sup> of the N. 21<sup>st</sup> Sec. 14. T. 9. S. Range 45 East.

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

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 21<sup>st</sup> day of July 1882

Eugene Chase  
 Co. Surveyor

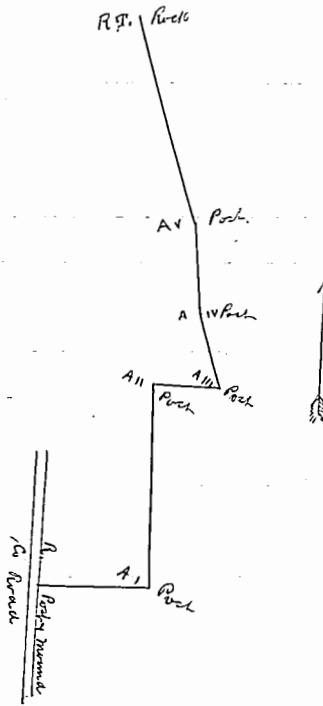
Survey of proposed County road in Eagle Valley  
 Surveyed July 21<sup>st</sup> 1882

Data

Variation 20° East

Scale 160 rods to the inch

Whole distance 2 Miles 274 Rods -



Thereupon the following bills were allowed - to wit:

Class R. No.	Name	For what for	amt. -
1174	A. L. Craig	Salary Co. Judge	50 00
1175	Wm. Woodel	Expenses as Co. Commissioner	19 00
1176	Joel B. Dolby	do do do	19 40
1177	A. F. Benem	Salary as Co. Treasurer	25 00
1178	do	do	25 00
1179	do	do	33 33
1180	W. T. Wright	fee as Co. Clerk	25 00
1181	do	do	25 00
1182	do	do	25 00
1183	do	do	25 00
1184	do	do	20 40
1185	R. J. Rogers	Sheriff's Fees - State Cases	65 35
1186	do	Jailors fee	50 00
1187	do	do	50 00
1188	do	do	50 00
1189	do	do	50 00
1190	do	do	50 00
1191	do	do	57 37
1192	do	Sheriff's fee	56 60
1193	P. A. Makoffey	Crown fee	10 00