

No 521

in
Leicestershire, Court

Baer & Church

Plaintiff

vs

Jas A. Murchison

Defendant

Action for Money

Docket

Page

Baker & Baker

Attorney for Plaintiff

Attorney for Defendant

RECORDED & INDEXED
MAY 1 1891
LIBRARY
FBI

Record of the Case

1884

May 14 Petition & rec Viewers aff. Feb
Journal C p 227 ✓

July 10 let reach report
Journal C p 212 ✓

July 11 ordered assessed
Journal C p 281 ✓

204

P ✓

Joel Hewitt

Road

Commencing at S W cor Sec 4 to 1/4 stone
on Sec line bet 3 + 10 S 3 S R 46 E

WITNESSES.

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

204

Pine Valley, Union County, State of Oregon,

April 3rd, 1884.

Mr. W. T. Wright,

Clerk of Union County, State of Oregon,

Dear Sir:-

Please put the accompanying road petition and bonds on file for presentation at the May term of the Honorable County Court of Union County, State of Oregon, and I would most humbly suggest to the Honorable County Court of Union County, State of Oregon, the following named persons as road viewers, as being gentlemen of families, householders who do not own land along the lines of said proposed roads, and are not signers of the said road petitions to-wit:- Alexander Buchanan, Mr. Isaac McMullen and Mr. M.A. Scott, all of Pine Valley, Union County, State of Oregon, and oblige,
Yours, most respectfully,

Crosby C. Coffinberry, and
many citizens.

no filing;-

2

Y

Petition.

In the County Court of Union County,

To the Honorable County Court of Union County, 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 the southwest corner of Section No. 4, and northwest corner of Section No. 9, thence following said section lines east eighty rods, thence turning at right angles and running eighty rods north, thence turning right angles and running due east as near as practicable $1/2$ mile or 160 rods, thence turning at right angles and running due south $1/4$ mile, or eighty rods, thence turning right angle, and running on the section lines, of No. 4, and 9, eighty rods to the southwest corner of Section No. 3, and northwest corner of Section No. 10, thence running ²⁹east on the section lines of Section No. 3, and 10, one half mile to the quarter stone on said section lines, in Township No. 8, south Range 46, east of the Willamette Meridian.

All of the said points and places being in Union County, State of Oregon, Pine Valley Precinct.

Witness our hands this 19th day of March, A.D. 1884.

Jowel, Hewitt,

Isaac N. Pancake,

A. R. Curry,

W. Denney,

John S. Curry,

James McNutt,

James H. Chandler,

T. Leep,

Louis Zeph,

J. J. Ludiker,

Jos. Bragg,

A. P. Greener,

G. H. Oliver,

H. K. Oliver,

C. A. Oliver,

F. Koopman,

Joseph Keiffer,

Thos. R. Irwin,

Reuben Reed,

L. Elery,

Endorsed:- Petition.

Filed May, 14, 1884.

W. T. Wright, Co. Clerk.

by O. F. Bell, Deputy.

Notice.

To Whom it may concern; Notice is hereby given that the undersigned persons being the petitioners hereinafter mentioned will on the 7th day of May, A. D. 1884, 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 the southwest corner of Section No. 4, and northwest corner of Section No. 9, thence following said section lines east eighty rods, thence turning at right angles and running i eighty rods north, thence turning right angles and running due east as near as practicable 1/2 mile or 160 rods, thence turning at right angles and running due south 1/4 mile, or eighty rods, thence turning right angles and running on the section lines of No. 4, and 9, eighty rods to the southwest corner of Section No. 3, and northwest corner of Section No. 10, thence running east on the section lines of Sections No. 3, and 10, one halfmile to the quarter stone on said section lines, town No 8, south range 46, East of the Willamette Meridian,

Witness our hands this day of 19th day of March, A.D.1884.

Jewel Hewitt,

A. R. Currey,

John S. Curry,

James H. Chandler,

Louis Zeph,

Jes. Gragg,

G. H. Oliver,

C. A. Oliver,

Joseph Keiffer,

Ruben Reed,

I. N. Pancake,

W. Denney,

James McNutt,

T. Leep,

NJ. J. Lüdiker,

A. P. Greener,

H.K. Oliver,

F. Koopman,

Thos. R. Irwin,

L. Flory,

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

I/ Joel Hewitt, being first duly sworn, say that
I posted three copies of the within notice in three public place
in the vicinity of the within described proposed County Road on
the 19 day of March, 1884, as follows, to-wit:

One at the place named therein as the commencement of said
road, on a tree; one at the place named therein as the terminus of
the road on a tree, and one at middle on a tree, and that said
notices wase posted more than thirty days prier to the date of the
presentation of the petition herein named.

Joel Hewitt,

Subscribed and sworn to before me this 2nd day of April, A.D.1884.

L. L. Holcomb, J.P.

Endorsed:- Proof of Posting.

Filed May, 14, 1884,

W. T. Wright, Co. Clerk,

By O. F. Bell, deputy.

Notice.

To whom it may concern; Notice is hereby given that the undersigned persons being the petitioners hereinafter mentioned will on the 7th day of May, A. D. 1884, 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 the southwest corner of section No. 4, and northwest corner of Section No. 9, thence following said section lines east eighty rods, thence turning at right angles and running eighty rods north, thence turning right angles and running due east as near as practicable 1/2 mile or 160 rods, thence turning at right angles and running due south 1/4 mile or eighty rods, thence turning right angles and running on the section lines of No. 4, and 9, eight rods to the southwest corner of Section No. 3, and northwest corner of Section No. 10, thence running east on the section lines of Sections No. 3 and 10, one half mile to the quarter Stone on said section lines, town No. 8, south Range 46, east of the Willamette Meridian.

Witness our hands this 21st day of March, A.D. 1884.

Joewl, Hewitt,

A. R. Currey,

John S. Curry,

James H. Chandler,

Louis Zeph,

Jes. Bragg,

G. H. Oliver,

C. A. Oliver,

Joseph Keiffer,

Rueben Reed,

I. N. Pancake,

W. Denney,

James McNutt,

T. Leep,

J. J. Ludiker,

A. P. Greener,

H. K. Oliver,

F. Keopman,

T. R. Irwin,

L. Flory,

Posted March 21- 1884, Bell.

State of Oregon,)
Union County,) ss.

I, O. F. Bell, being first duly sworn, say that
on the 21st day of March, A. D. 1884, I posted the within notice
on the door of the Court House in the City of Union, Union County,
Oregon, being the place at which the County Court of said Union
County Holds its sessions.

O. F. Bell,

Subscribed & sworn to before me this 14th day of May, 1884.

W. T. Wright, Co. Clerk.

Endorsed:- Proof of Posting on Court House.

Filed May 14th, 1884,

W. T. Wright, Co. Clerk,

BY O. F. Bell, Deputy.

Know all men by these presents; That we, James McNutt, and Joel Hewitt, 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 2nd day of April, A.D. 1884.

Now the condition of the above obligation is such that whereas, if the County Road petitioned for by Joel Hewitt, and others, and presented at the May Term, 1884, of the County Court of said Union County, Commencing at the southwest corner of Sec. 4, T. 8, Range 46, E. W. M. and ending at the $\frac{3}{4}$ quarter post between sections 3 and 10, T. 8, R. 46, E. W. M. James Mc.N. be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

James McNutt,

Joel Hewitt,

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

I, James McNutt, and Joel Hewitt, each for himself says that I am worth the sum of two 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.

James McNutt,

Joel Hewitt,

Subscribed and sworn to before me this 2nd day of April, A.D. 1884,

L. L. Helcomb, J.P.

Endorsed:- Bond,

Filed May 14, 1884,

W. T. Wright, Co. Clerk,

BY O. F. Bell, deputy.

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

We the undersigned viewers appointed by your honorable body to view out a County Road as follows, to-wit:

Commencing at the S.W. Corner Sec. 4, T. 8, south Range 46, east W. M. thence east 80 rods, thence north 80 rods, thence east 1/2 mile, thence south 80 rods, thence east 3/4 mile to the quarter stone on the south line of Section 3, Township 8, South Range 46, east, submit the following report in relation thereto.

We met on the 5th day of June, A.D. 1884, 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 according to your order, and as shown by surveyor's plat and report submitted herewith. We found the road to be laid on the best ground which the country ever which the road is laid will admit of, and taking into consideration the necessity which exists for said route, we therefore recommend that it be established as a County road.

M. A. Scott,

Isaac McMullen,

A. Buchanan,

Viewers of proposed county road.

Endorsed:- Viewers Report.

Filed July 10, 1884,

B. F. Wilson, Co. Clerk.

Report of surveyor to the viewers of a County Road as follows,

Commencing at the S.W. Corner of Sec. ⁴ 4, & N.W. Corner Sec. 9, thence following said section lines east 80 rods, thence 80 rods north, thence due east 1/2 mile, thence due south 1/4 mile, thence running on the sections lines of 4 & 9 eighty rods to the S.W. Corner of Sec. 3, thence east on section lines of 3 & 10, 1/2 mile to the quarter stone on said section lines, in Township No. 8, south range 46, east W. M.

The following are the field notes of the above described road, Commencing at the above named S.W. Corner Sec. 4, at a post marked R.

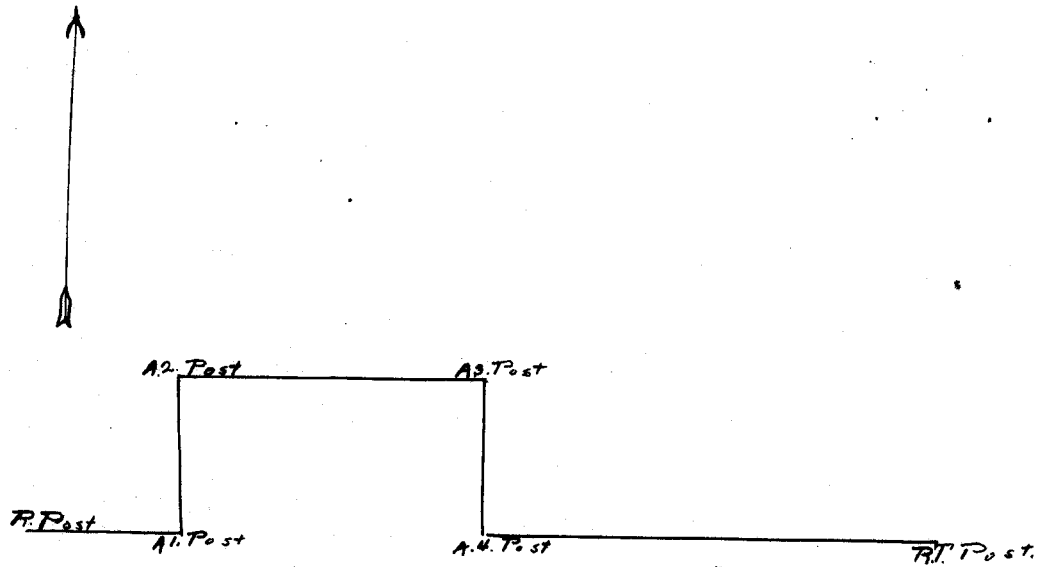
Thence east	80	Rods to	Post marked	A. 1,
" north	80	" "	" "	A. 2,
" East	160	" "	" "	A. 3,
" S.	80	" "	" "	A. 4,
" East	240	" "	" "	R. T. at the S.E.

Corner of S.W. 1/4 Sec. 3, Township 8, south range 46, East W.M.

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

I, Eugene Chase, do hereby certify the field notes of the above described road are correct as surveyed by me on the 5th day of June, A.D. 1884.

Eugene Chase,
County Surveyor.



Scale 100 rods to the inch.

Variation 21° East.

Whole distance 2 miles.

Endorsed:- Surveyer's report.

Filed July 10, 188⁴.

B. F. Wilson, Co. Clerk.

Lower Eagle, May 6th, 1884.

To Board of County Commissioners of Union County, we recommend
for viewers on the Gall Road, L. L. Helcomb, G. W. Benneheff,
and Joseph Hartley, et al, of New Bridge, Orgn.

George Holstine,

John Swisher,

No filing:-

BE IT REMEMBERED That 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 the City of Union, in said County and State on Wednesday the 14th day of May, A.D. 1884, being the time appointed by law for holding a regular term of said Court for the transaction of County business, present:-

Hen. A. C. Craig, Judge presiding,

Hen. Wm. H. Woodell, Commissioner,

Hen. Joel B. Delby, Commissioner,

W. T. Wright, Clerk,

R. J. Rogers, Sheriff,

When on Wednesday the 14th day of May, A.D. 1884, on the First judicial day of said term, among other proceedings the following was had, to-wit:-

In the matter of a proposed County road
petitioned for by Joel Hewitt, and others.

Now at this time is presented to the Court the petition of Joel Hewitt and nineteen other citizens of Union County, praying for the location of a County road as follows: Commencing at the southwest corner of Section No. 4, and northwest corner of Section No. 9, thence following said section lines east eighty rods, thence turning at right angles and running eighty rods north, thence turning right angles and running due east as near as practicable 1/2 mile or 160 rods thence turning at right angles and running due south 1/4 mile or eighty rods thence turning right angle and running on the sections lines of No. 4, and 9, eighty rods to the southwest corner of Section No. 3, and northwest corner of Section No. 10, thence running east on the section lines of sections No. 3, and 10, one half mile to the quarter stone on said section lines, in Township No. 8, south Range 46, east of Willamette Meridian, all the said points and places being in Union County, State of Oregon, Pine Valley precinct.

And it satisfactorily appearing to the Court from proof filed

herein that due and legal notice of the pendency of this proceeding has been given as by law required; that more than twelve of said petitioners are legal householders, living in the vicinity of the proposed County road, and that a good and sufficient bond has been filed herein. It is therefore ordered by the Court that Alexander Buchanan, Isaac McMillen, and M. A. Scott, be appointed viewers and Eugene Chase, surveyor, to view, survey and report upon said proposed county road, and that they meet at the house of Joel Hewitt, on the 5th day of June, A.D. 1884, at 10 O'clock, A.M. 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. C. at page 227 thereof

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon, for Union County, sitting in the transaction of County Business, begun and held at the Court House in the City of Union, County and State aforesaid, on Wednesday the 9th day of July, A.D. 1884, being the day appointed by law for holding such term, there were present:-

Hon. A. C. Craig, Judge presiding,
George Ackles, Commissioner,
John C. Standley, Commissioner,
W. T. Wright, Clerk,
R. J. Rogers, Sheriff,

When on Thursday the 10th day of July, A.D. 1884, or the fourth judicial day of said term, among other proceedings the following was had, to-wit:

In the matter of the proposed County Road
petitioned for by Joel Hewitt, et als. }
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Now at this time is presented to the Court the report of the viewers heretofore appointed by the Court in the above entitled road, accompanied by the report of the surveyor, and field notes and plat of the survey which report is read in open Court for the first time and pursuant to the provision of the statute in such cases made and provided, it is ordered that said reports be laid over for a second reading on another day of this term.

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

The foregoing order is entered in Court's Jul. C. page 272 thereof.

BE IT REMEMBERED, That at a regular term of the County Court of the State of Oregon for Union County, sitting in the transaction of County business, begun and held at the Court House in the City of Union, County and State aforesaid, on Wednesday the 9th day of July, A.D. 1884, being the day appointed by law for holding such term, there were present:-

 Hon. A. C. Craig, Judge presiding.
 George Ackles, Commissioner,
 John C. Standley, Commissioner,
 W. T. Wright, Clerk,
 R. J. Rogers, Sheriff,

When on Friday the 11th day of July, A.D. 1884, or the fifth Judicial day of said term, among other proceedings the following was had to-wit:-

In the matter of a proposed County road
petitioned for by Joel Hewitt, et als.

Now at this time the viewers and surveyors reports on proposed County road petitioned for by Joel Hewitt, et als, comes on for a second reading as provided by law, and said reports being favorable and having been read on two different days of this Term of Court, and it appearing to the satisfaction of the Court the proceedings herein are regular and according to law, and there being no remonstrances or bills or claims for damages filed herein, it is therefore ordered by the Court the said viewers report and surveyors plat be placed on record, and said road be established as a County road and opened according to law.

(Here follows report of the viewers and report of the surveyor, as filed, and set out above)

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

The foregoing order is entered in Comr's Jnl. Book C. page 281.

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

In the matter of the County
road petitioned for by

Joel Hewitt

et al.

STATE OF OREGON.

County of Union.

ss.

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 seal
of the County Court, this 31st day of March, A. D. 1903.

J. H. Minnaugh
..... Clerk.

It is remembered that 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 the City of Union in said County and State on Wednesday the 14th day of May A.D. 1884, being the time appointed by law for holding a regular Term of said Court for the transaction of County business.

Present Hon. A. B. Craig Judge presiding
 Hon. Wm. C. Woodell Commissioner
 Hon. Joel P. Solby Commissioner
 M. J. Wright Clerk
 A. J. Rogers Sheriff

The proclamation of the opening of the Court having been made the following proceedings were had, to-wit:

In the matter of a proposed
 County Road petitioned
 for by Joel Newick & others

Now at this time is presented to the Court the petition of Joel Newick and nineteen other Citizens of Union County praying ~~proving~~ for the location of a County Road as follows:— Commencing at the South west corner of Section No. 4 and North west corner of Section No. 9 thence following said Section lines East eighty rods, thence turning at right angles and running Eighty rods North, thence turning right angles and running due East as near as practicable $\frac{1}{2}$ mile or 160 rods thence turning at right angles and running due South $\frac{1}{2}$ mile or Eighty rods thence turning right angle and running on the Section lines of No. 4 and 9 eighty rods to the South west corner of Section No. 3 and North west corner of Section No. 10 thence running East on the Section lines of Sections No. 3 and 10 one half mile to the quarter stone on said Section lines: In Township No. 8 South Range 46 East of the Willamette Meridian All of the said Points and places being in Union County State of Oregon Pine Valley Precinct And it satisfactorily appearing to the Court from proof filed herein that due and legal notice of the pendency of this proceeding has been given as by law required; that more than twelve of said Petitioners are legal householders living in the vicinity of the proposed county road, and that a good and sufficient bond has been filed herein. It is therefore ordered by the Court that Alexander Buchanan, Isaac McMullen and W. S. Cook be appointed Viewers and Eugene Chase Surveyor, to view, survey and report upon said proposed County road, and that they meet

First Judicial Day

Wednesday May 14th 1884.

at the house of Joel Bewick on the 5th day of June A.D. 1884 at 10 o'clock A.M. and duly qualify before entering upon the discharge of their duties in this behalf:

In the matter of a proposed
County Road petitioned for
by E. Flory et al.

Now at this time is presented to the Court the petition of E. Flory and twenty four others, Citizens of Union County praying for the location of a County Road as follows: to wit: commencing at the North west corner of section No 32 and the South west corner of section No 29 thence running along said section lines east to the North west corner of section No 33 and South west corner of section No 28 thence angling South on the said section lines between section No 33 and section No 32 to the South west corner of section No 33 and South east corner of section No 32 of Township No 7 South of Range No 46 East of the Willamette Meridian thence running South as near as practicable between and as the section lines of section No 4 and 5 to what is known as the McKak ford of Clear Creek thence South on the lines of sections No 8 and 9 to the South west corner of section No 16 thence South along the line of sections No 16 and 17 right to the North west corner of the South west 1/4 of the north west 1/4 of section No 16 thence angling and running in a South easterly direction over what is known as the Gravel ridge through section No 16 to and intersecting the County Road known as the Eagle Valley and Brownlee Ferry Road as near as practicable at Parkers Store located upon the North 1/2 of the North west 1/4 of section No 21 in Town No 8 South Range 46 East of the Willamette Meridian. All of McKak Ford, Gravel Ridge Points and places being in Union County State of Oregon Pine Valley Precinct. And it satisfactorily appearing to the Court from proof filed herein that due and legal notice of the pendency of this proceeding has been given as by law required that more than twelve of said petitioners are legal householders living in the vicinity of the proposed County road and that a good and sufficient bond has been filed herein It is therefore ordered by the Court that Alexander Buchanan, Isaac McMullen and M. A. Scott be appointed Viewers and Eugene Chas Surveyor, to view survey and report upon said proposed County Road and that they meet at the house of E. Flory on the 6th day of June A.D. 1884 at 10 o'clock A.M. and duly

Fourth Judicial Day

Thursday July 10-1884

In the Matter of a Proposal
County Road petitioned for
by Perry Gregg et al.

Now at this time is presented to the Court - the report - of the Viewers appointed by the Court - in the above entitled road accompanied by the report - of the Surveyor and field notes and plat of the Survey which report - is read in open Court - for the first time and pursuant - to the provisions of the Statute in such cases made and provided it is ordered that said reports be laid over for a second reading on another day of this term.

In the Matter of the Proposal
County Road petitioned for
by Joel Hewett et al.

Now at this time is presented to the Court - the report - of the Viewers heretofore appointed by the Court - in the above entitled road accompanied by the report - of the Surveyor and field notes and plat of the Survey, which report - is read in open Court - for the first time and pursuant - to the provisions of the Statute in such cases made and provided, it is ordered that said reports be laid over for a second reading on another day of this term.

In the Matter of a Road of Public
Easement. Petitioned for by J. F. Johnson
June 7, 1884

Now at this time it appearing to the Court - that the proceedings of June 16th 1884 in relation to a road of Public Easement - petitioned for by J. F. Johnson on defectum it - is therefore ordered that said proceedings and matters be and the same are hereby dismissed without - prejudice

Fifth Judicial Day

Friday, July 11-1884

On the matter of a proposal }
 County Road petitioned for }
 Joel Stewart et al's }

Now at this time the viewers and Surveyor's reports on proposed County Road petitioned for by Joel Stewart et al's comes on for a second reading as provided by law, and said Reports being favorable and having been read on two different days of this term of Court and it appearing to the satisfaction of the Court the proceedings herein are regular and according to law and there being no remonstrance or bills or claims for damages filed herein, It is therefore ordered by the Court the said Viewers Report and Surveyor's field be placed on Record and said Road be established as a County Road and opened according to law.

Viewers Report.

To the Hon County Court of Union County Oregon

We the undersigned viewers heretofore appointed by your Honorable body to view out a County Road as follows: to wit: Commencing at the S. W. Corner Sec 4. T. 8 South Range 46 East N. W. thence East 80 Rods, thence North 80 Rods thence East 1/2 mile, thence South 80 Rods, thence East 1/2 mile to the Quarter Stone on the South line of Sec. 3 T. 8 South Range 46 East. Submit the following Report in relation thereto, We met on the 5th day of June A. D. 1884 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 according to your order and as shown by Surveyors field and Report submitted herewith. We found the Road to be laid on the best grounds which the Country over which the Road is laid will admit of and taking into consideration the necessity which exists for said route we therefore recommend that it be established as a County Road.

Mal. Scott }
 Isaac McMullen } Viewers of proposed
 A. Buchanan } County Road