

No 312

in

Circuit

Court

Hulner, Otterhemmer  
& Co -

Plaintiff

vs

Ah Chow

Defendant

Action for Money

Docket Page

Hyatt Hyde  
Attorney for Plaintiff

Attorney for Defendant

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1894  
 Nov 6 Petition see Deems affidavits  
 Journal C p 347  
 1895  
 Jan 8 1st reading report  
 Journal C p 393  
 Jan 9 ordered opened  
 Journal C p 396

Road

change in  
 Beginning at Co Road on Clover Creek  
 at point marked "A" and intersecting  
 North Powder at the Pine Trees -  
 Change bearing commencing 150 ft E of  
 SW cor of Sec 15 T 6 S R 29 E thence  
 due N 3/4 mile + 150 ft thence S to again  
 intersect road

To the Hon the county Court of Union County  
State of Oregon

The Petition of the undersigned householders  
of Union County State of Oregon residing in the  
vicinity of the proposed change of county Road  
would respectfully ask your Honorable Body  
to change the location of the county Road running  
from Mr Hagers ~~Road~~ on Clover Creek  
to the Pine trees on North Powder, and  
whien road is described as follows to wit:  
"Beginning at the county road on clover creek  
at a Point marked R-

Hence S 42° W 72 rods to a Post marked A I  
" S 37° W 120 rods to a Post marked A II  
" S 50° W 207 " " " A III  
" S 56° W 144 " " " A IV  
" N 76° W 359 " " " A V  
" N 55° W 32 " " " A VI  
" N 60° W 92 " " " A VII  
" S 70° W 156 " " " A VIII  
" South 5 rods " " A IX  
" S 88° W 157 rods to Post marked A X  
" S 89° W 158 " " " A XI  
" S 88° W 8 " " " A XII  
" South 42 rods " " A XIII  
" S 87° W 80 " " " A XIV  
" west 58 " " " A XV  
" S 89° W 20 " " " A XVI  
" N 87° W 40 " " " A XVII

Hence N 69° W	26 rods to Post marked	A XVIII
" N 60° W	9 " " "	A XIX
" North	82 " " "	A XX
" West	82 " " "	A XXI
" North west	2 " " "	A XXII
" West	58 " " "	A XXIII
" N 64° W	20 " " "	A XXIV
" S 70° W	31 " " "	A XXV
" West	188 " " "	A XXVI
" S 36° E	24 " " "	A XXVII
" S 1½° E	200 " " "	A XXVIII
" S 40° E	78 " " "	A XXIX
" S 18° E	132 " " "	A XXX
" S 42½° E	80 " " "	A XXXI
" S 17½° E	324 " " "	A XXXII
" S 4° W	32 " " "	A XXXIII
" S 17° E	42 " " "	A XXXIV
" S 9° E	96 " " "	A XXXV
" South	109 " " "	RT

and in its vicinity with Powder at the Pine Trees, all the above points, being in Union County State of Georgia.

The change desired being as follows,

Commencing at a Point (one Terminal) upon said above described road about 150 feet East from the S.W. corner of the N.E.

¼ of the N.E. ¼ of Section 15 Township Six S.R. 39 E. W.M. Running from thence due west three fourths of a mile, and

150 feet to the S W corner of the N W 1/4 of  
 N W 1/4 of Section 15 Township 39 S R 39  
 E W M and thence at Right angles  
 due North until it intersects with the  
 above described road being the (the testimony)  
 and vacate the old portion of said Road  
 the change being in length nearly one mile  
 and all being in Union county State  
 of Oregon -  
 and as in and to said general Petition  
 will ever pray

Dated this 26<sup>th</sup> day of Sept 1884

J. W. Kimbrell  
 James S. K...  
 W. H. ...  
 S. B. ...  
 J. M. ...  
 J. ...  
 J. H. ...  
 J. E. ...  
 J. M. ...  
 J. F. ...  
 A. D. ...  
 C. ...  
 S. ...  
 J. H. ...

O. ...  
 W. ...  
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 J. ...  
 B. ...  
 C. ...  
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 S. ...  
 J. ...  
 W. ...

W. ...  
 W. ...  
 G. ...  
 J. ...  
 S. ...

W. ...  
 S. ...  
 C. ...  
 J. ...  
 J. ...

County Court  
Miss County

*Very*

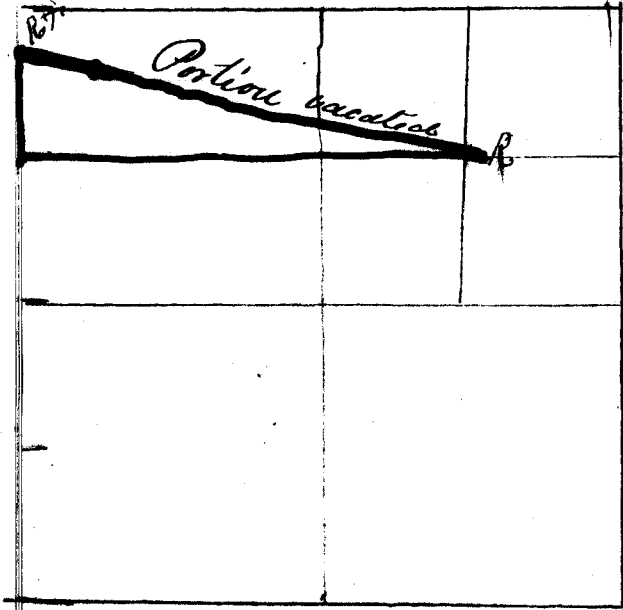
*Petition for change  
in location of County  
Road leading from  
Mr. Hooper's on Spruce  
Creek to the Pine  
River in north part*

Filed NOV 3 1834

at o'clock min m

*J. H. Johnson*  
County Clerk

Dec. 15 Township Six South of Range  
89 to Will One.



Sumner Robinson  
in name of  
J. W. Robinson

Filed DEC 15 1884

at ... o'clock, ... min. .... m.

*B. F. Wilson*  
County Clerk.

*By C. J. Robinson*  
Deputy



To the Hon County Court of Union  
County State of Oregon.

We the Undersigned viewers appointed  
by your body to view out the proposed County  
Road petitioned for by John Kimbrell and  
others as follows to wit: / to commence at  
a point ~~150 feet East of~~ one terminus upon  
said Road about 150 feet east from the West  
corner of the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Sec 15 T. 6 S. R.  
39 E W<sup>m</sup> Running from thence due west  
three fourths of a mile and 150 feet to the  
S. W. corner of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Sec 15  
T 6 S R 39 E W<sup>m</sup> and thence at right  
angles due north until it intersects with  
the said County road being the other  
Terminus and vacate the old portion of  
said Road. Submit the following Report  
thereto We D. W. Nelson W<sup>m</sup> Riggs & Henry  
Bauer appointed to Survey said Road  
met at the place designated in your  
order and being first duly sworn entered  
upon our duties as Viewers. D. W. Nelson  
and W<sup>m</sup> Riggs were sworn as Chain Bearers

We proceeded to view, Survey & lay out  
said proposed Road as mentioned in your  
order and shown by Surveyors Plat and report  
submitted here with we found the Road to  
lay on good ground and taking into  
consideration the necessity of a road as proposed  
we Recommend that it be established as  
a County Road Respectfully

D. W. Nelson  
W<sup>m</sup> Riggs  
Henry Bauer

Quinn Report  
In Book  
F. J. W. Kimbrell

Filed DEC 15 1884  
at ....o'clock, ....min. ....no.

B. J. Ireland  
County Clerk.  
By C. J. Ireland clerk

Report of Surveyors to the viewers of a  
County Road as follows to wit. Commencing  
at R. Post 150 feet East of the S. W. Cor. of the  
N. E.  $\frac{1}{4}$  of the N.  $\frac{1}{2}$  of Sec. 15. Township six  
S. R. 39. E. com. from thence over  
along the subdivision line 61,69 Chains  
to A Post 1 at the S. W. cor. of the N. W.  
 $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of Sec. 15 of said Township  
and Range thence N. on sec. line  
16,30 Chains to R. T. at the intersection  
of the County Road.  
whole distance 77,99 Chains

State of Oregon  
Union County ) SS

I do hereby certify that the field  
notes of the above Road are correct  
as surveyed by me on the 4<sup>th</sup> day  
of Dec 1884 under the supervision of  
The Viewers

Fred Damonis  
County Surveyor

By Moses Austin  
Depd.

# Know all Men by these Presents:

THAT WE, J. W. Kimbrell  
and \_\_\_\_\_, of the County of Union and  
State of Oregon, are held and firmly bound unto the said County of Union in the sum of  
Twenty 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 3<sup>rd</sup> day of November A. D. 1884

Now the condition of the above obligation is such, that whereas, if the County Road petitioned  
for by J. W. Kimbrell et-al and others, and presented  
at the November term, 1884, of the County Court of said Union county,  
commencing 150 feet East from S. W. corner of N. E. 1/4 of  
N. E. 1/4 of section 15 Township 6 S. R. 39 E terminate  
about 200 ft. S. of S. W. corner of section 15 in  
T. 6 S. R. 39 E

be located and established, then this obligation to be void; otherwise to remain in full force  
and virtue in law.

J. W. Kimbrell

## STATE OF OREGON,

COUNTY OF Union } ss.

I, J. W. Kimbrell and  
~~each for himself say~~ that I am worth the sum

of 200 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.

J. W. Kimbrell

Subscribed and sworn to before me, this 3<sup>rd</sup>

day of November A. D. 1884

B. F. Wilson

Clerk.

Know all Men by these Presents

*to wit*

*David*

Filed NOV 3 1884  
at ... o'clock, ... min. ... m.

*D. F. Wickard*  
County Clerk.

STATE OF OREGON

COUNTY OF

*[Faint, mostly illegible text, likely the body of a legal document or deed.]*

# Road

Notice is hereby given that a Petition will be presented to the Hon<sup>ble</sup> the County Court of Union County State of Oregon at the next regular Term of said Court to be held at the Court House in the City of Union in said County and State commencing on the first Monday in November A. D. 1884 Praying for a Change in the Location of the County Road leading from Mr Hagers on Clover to the Pine Trees on North Powder River Described as follows beginning at the south Road on clove Creek at a Point Marked R

Thence	S 42°	W 72	Roads	to a Post	Marked	A I
	S 37°	W 120				A II
"	S 50°	W 207				A III
"	S 56°	W 144				A IV
"	N 76°	W 358				A V
"	N 55°	W 32				A VI
"	N 60°	W 82				A VII
"	S 70°	W 156				A VIII
"	South	5	Roads			A IX
"	S 88°	W 157				A X
"	S 89°	W 158				A XI
"	S 88°	W 8				A XII
"	South	42	Roads			A XIII
"	S 87°	W 80				A XIV
"	West	58				A XV
"	S 88°	W 20				A XVI
"	N 87°	W 40				A XVII
"	N 68°	W 26				A XVIII
"	N 60°	W 8				A XIX
"	North	82				A XX
"	West	82				A XXI
"	North West	2				A XXII
"	West	58				A XXIII
"	N 64°	W 20				A XXIV
"	S 70°	W 31				A XXV
"	West	18				A XXVI
"	South	36°	E 24			A XXVII
"	S 1 1/2°	E 200				A XXVIII
"	S 40°	E 78				A XXIX
"	S 18	E 182				A XXX
"	S 42 1/2°	E 30				A XXXI
"	S 17 1/2°	E 324				A XXXII
"	S 4°	W 32				A XXXIII
"	S 17°	E 42				A XXXIV
"	S 9°	E 86				A XXXV
"	South	109				R T

and intersecting North Powder at the Pine Trees all the above bounds being in Union County State of Oregon

The Change Yeared being as follows commencing for one Terminus at a point upon said above described Road about 150 feet East from the S W Corner of N 8 1/2 of N 8 1/2 Sec 15 Township Six South Range 38 E Willamette Meridian Running thence due West three fourths of a mile <sup>and 150 feet</sup> to the S W Corner of N W 1/4 of N W 1/4 of Sec 15 Township Six South Range 38 East of Willamette Meridian Thence ~~due North~~ at right angles due North until it intersects with the above described Road being the other Terminus. and to vacate the portion of the Old Road intervening between the two Terminus as described in the foregoing all the bounds being in Union County State of Oregon the Change being in length about One mile

Dated This 26 Day of Sept A. D. 1884

Wed Aug 20 1884

Names

J. W. Kimbrell

Names

Henry Williams

Wm. Johnson

James Kelch

Mike Riddle

W. B. [unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

William H. [unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

[unclear]

State of Oregon  
County of Union S.S.

I John W Kimbrell Deputy Sheriff  
Sworn say that I am one of the Petitioners  
and who signed the attached notice that  
I did on 27<sup>th</sup> day of September A.D. 1884  
Post three notices, one of which is hereto attached  
and the other ~~attached~~ two exact copies of the  
same in three public places in the vicinity  
of the proposed <sup>change of course</sup> Road therein described  
to wit one at front market in north Powder  
and out side of front door  $\frac{1}{4}$  miles from said  
Road, one at the Eastern terminus  
of the proposed change of Road on the fence  
in a conspicuous place - and one near  
the west terminus of said proposed change  
in Road on the fence in a conspicuous  
position and I also had a copy of  
said notice posted on the front door  
of the Court house in the city and  
County of Union State of Oregon, and  
that all of said notices were kept  
continuously posted since the date of  
their posting till to day the 3<sup>rd</sup> day of Novem-  
ber 1884 - more than 30 days previous  
next preceding this the 3<sup>rd</sup> day of November

1884  
Subscribed and sworn to before  
me this 3<sup>rd</sup> day of November 1884

John R. [unclear] J. W. Kimbrell  
Notary Public for Oregon



Provy of *Worshiping*  
*Method. of Protested*  
*County Court*  
*Board of Commissioners*  
*for the* *Albuquerque*  
*County*

Filed NOV 3 1884

at ...o'clock, ...min. ...m.

*A. F. Williams*  
County Clerk.

Second judicial Day

Thursday November 6<sup>th</sup> 1884

And duly qualify before entering upon their duties in this behalf.

In the matter of a proposed circuit road petitioned for by J. W. Kimbrell et al }  
 Now at this time is presented

to the Court the petition of J. W. Kimbrell and others praying that a road <sup>be made in the</sup> localit<sup>y</sup> as follows to-wit:

- Beginning at the circuit road on Silver creek at a point marked A. Thence S. 42° 1/2 72 rods to a post marked A 1 Thence south 57° 1/2 209 rods to a post marked A 11 Thence S. 50° W. 209 rods to a post marked A. 111
- |   |            |         |   |   |   |   |   |   |       |
|---|------------|---------|---|---|---|---|---|---|-------|
| " | S 56° W    | 144     | " | " | " | " | " | " | A 111 |
| " | N 76° W    | 369     | " | " | " | " | " | " | A 112 |
| " | N 55° W    | 32      | " | " | " | " | " | " | A 113 |
| " | N 60° W    | 92      | " | " | " | " | " | " | A 114 |
| " | S 70° W    | 156     | " | " | " | " | " | " | A 115 |
| " | South      | 5       | " | " | " | " | " | " | A 116 |
| " | S 88° W    | 159     | " | " | " | " | " | " | A 117 |
| " | S 89° W    | 158     | " | " | " | " | " | " | A 118 |
| " | S 88° W    | 8       | " | " | " | " | " | " | A 119 |
| " | South      | 42 rods | " | " | " | " | " | " | A 120 |
| " | S 87° W    | 80      | " | " | " | " | " | " | A 121 |
| " | West       | 58      | " | " | " | " | " | " | A 122 |
| " | S 89° W    | 20      | " | " | " | " | " | " | A 123 |
| " | N 87° W    | 40      | " | " | " | " | " | " | A 124 |
| " | N 69° W    | 26      | " | " | " | " | " | " | A 125 |
| " | N 60° W    | 9       | " | " | " | " | " | " | A 126 |
| " | North      | 82      | " | " | " | " | " | " | A 127 |
| " | West       | 82      | " | " | " | " | " | " | A 128 |
| " | North West | 2       | " | " | " | " | " | " | A 129 |
| " | West       | 58      | " | " | " | " | " | " | A 130 |
| " | N 64° W    | 20      | " | " | " | " | " | " | A 131 |
| " | S 70° W    | 31      | " | " | " | " | " | " | A 132 |
| " | West       | 188     | " | " | " | " | " | " | A 133 |
| " | S 36° E    | 24      | " | " | " | " | " | " | A 134 |
| " | S 1 1/2° E | 200     | " | " | " | " | " | " | A 135 |

Second Judicial Day

Thursday Nov. 1884

Thence	S	40°	E.	48	rods	to	a	post	marked	A	XXIX
"	S	18°	E.	132	"	"	"	"	"	A	XXX
"	S.	42 1/2°	E.	30	"	"	"	"	"	A	XXXI
"	S.	17 1/2°	E.	324	"	"	"	"	"	A	XXXII
"	S.	4°	W	32	"	"	"	"	"	A	XXXIII
"	S.	17°	E.	42	"	"	"	"	"	A	XXXIV
"	S	9°	E	96	"	"	"	"	"	A	XXXV
"	South			109	"	"	"	"	"	R	T

and intersecting North Powder at the Pointers all the above points being in Union County State of Oregon.

The desired change being as follows commencing at a point (now Termini) upon said above described road about 150 feet East from the S. W. corner of the N. E. 1/4 of sec 15 Township six S. R. 39 E. W. M. running from thence due West three fourths of a mile and 150 feet to the S. W. corner of the N. W. 1/4 of N. W. 1/4 of section 15 Township six S. R. 39 E. W. M. and thence at right angles due north until it intersects with the above described road being the other Termini) and vacate the old portion of said road. The change being in length nearly one mile and all being in Union County Oregon and it appearing to the satisfaction of the court from proof filed herein that due and legal notice of the pendency of this proceeding had been given as by law required in such cases made, and provided that more than twelve of the said petitioners were householders residing in the vicinity of the proposed County road and that a good and sufficient bond had been filed herein it is therefore ordered by the court that W. M. Nelson, Wm. Biggs, Henry Bauer be appointed jurors and Moses Austin Denny to view survey and report upon said proposed County road and that they meet at the old Starks ranch on the 4th day of Dec. 1884 at 10 o'clock A. M. and duly qualify before entering upon the discharge of their duties in this behalf.

Second Judicial Day      Thursday Jan-8th 1886

Court met pursuant to adjournment present  
the same officers as on Yesterday.

By proclamation of the opening of Court having  
been made the Journal of Yesterdays proceedings  
were read and approved and are now here signed

A. B. Craig

Clerk Judge

Whereupon the following proceedings were had  
(to-wit:

In the matter of the proposed County  
road petitioned for by S. Hamell  
et al.

Now at this time  
this matter comes on to be heard upon the  
report of the viewers and surveyor hereto-  
fore appointed by the Court to view and  
lay out a county road and said report  
is read in open Court for the first time  
and according to the provisions of the Statute  
in such cases made and provided said report  
is laid over for a second reading on an-  
other day of this term.

In the matter of the proposed  
County road petitioned for  
by J. W. Kimball et al.

Now at this time this matter  
comes up for hearing upon the report of the viewers  
heretofore appointed in the above entitled road  
which report is accompanied by the surveyors  
field notes and said viewers report is read for  
the first time in open Court and according to the  
provisions of the Statute in such cases made and  
provided said report is laid over for a second  
reading on another day of this term.



Third Judicial Day

Friday Jan-9th 1880.

In the matter of the proposed  
County road petitioned for  
by Geo. W. McConnell et al

Now at this time this  
time this matter comes upon for hearing upon  
the second reading of the reports of the Viewers and  
Surveyor heretofore appointed in the above entitled  
road and it appearing to the Court upon and  
examination of the reports aforesaid and the  
plat of the Surveyor that said plat is  
deficient and needs to be corrected by the  
Surveyor it is therefore ordered by the Court  
that further action in this matter be and  
is hereby deferred until said plat is corrected.

In the matter of the proposed  
County road petitioned for by  
J. W. Kimbrell et al

Now at this time the Viewers  
and Surveyor's Report in road as proposed  
County road petitioned for by J. W. Kimbrell et al  
is read a second time in open Court and said report  
being favorable and 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 plowstrance or bills of damage filed here-  
in 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 County road.

Viewers Report

In the How County Court of Union County State  
of Oregon

Vis the undersigned viewers appointed by  
your body to view out the proposed County road  
petitioned for by John Kimbrell and others as  
follows to wit: To commence at a point on Division  
upon said road about 100 feet east from the S. W.

Third Judicial Day

Friday Jan-9th 1885

Corners of the N.E. 1/4 of the N.E. 1/4 of Sec. 16-T. 6 S. R. 39 E. W. 1/4  
 (Now Running from thence due West three fourths of a mile  
 and 150 feet to the S. W. Corner of the N.E. 1/4 of the S.W. 1/4  
 of Sec. 16-T. 6 S. R. 39 E. W. 1/4 and thence at right angles  
 due North, until it intersects with the said County road  
 being the other terminus and vacate the odd portion  
 of said road. Submit the following report thereto  
 And J. W. O. Nelson View Riggs and Henry Bauer appointed  
 to survey said road met at the place designated  
 in your order and being first duly sworn entered  
 upon our duties as Viewers. J. W. O. Nelson and View  
 Riggs were sworn as chain bearers, We proceeded  
 to view, Survey and Lay out said proposed road  
 as mentioned in your order and shown by Surveys  
 Plat and report submitted herewith we found  
 the road to lay on good ground and taking  
 into consideration the necessity of a road as proposed  
 we recommend that it be established as a  
 County road respectfully,

J. W. O. Nelson }  
 J. W. Riggs } Viewers  
 Henry Bauer }

Report of Surveyor to the Viewers of a County road  
 as follows to-wit: Commencing at R. Post 150 feet East  
 of the S. W. Corner of the N.E. 1/4 of the N.E. 1/4 of Sec. 16  
 Township Six S. R. 39 E. W. 1/4 from thence west  
 along the subdivision line 61.67 Chains to A Post 1  
 at the S. W. Corner of the N.W. 1/4 of the N.W. 1/4 of Sec.  
 16; of said Township and Range, thence N. on Sec.  
 line 16.30 Chains to R. Post at the intersection of the County  
 Road. Whole distance 77.97 Chains

State of Oregon  
 Mineral County

I do hereby certify that the field notes  
 of the above road are correct as surveyed by me on  
 the 4th day of Dec. 1884 under the Supervision of the  
 Viewers

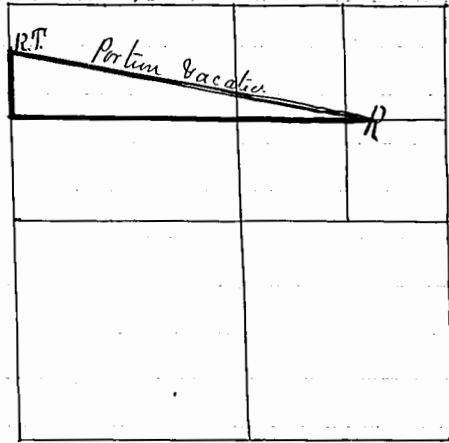
Fred Simons  
 County Surveyor

By Moses Austin  
 Deputy

Third Judicial Day

Friday Jan-9th 1885-

Sec. 15 Township Six South of Range 89 E.  
Mill. Mer.



In the matter of the  
jury list for the year 1885.

Now at this time the following

named persons were chosen by the Court to constitute  
the jury list for the year 1885.

	Names	Residence	Occupation
1	M. Foster	Union	Butcher
2	L. L. Abrams	"	Merchant
3	Victor Cillier	"	Farmer
4	Ch. D. Bidleman	"	Mechanic
5	W. L. Eaton	"	Clerk
6	Corra Fickle	"	Farmer
7	Joseph Davis	"	Farmer
8	W. L. Wolf	"	Peddler
9	Blasius Ashbi	"	Farmer
10	Joseph Quinn	"	Laborer
11	Ch. L. Eatal	"	"
12	John Blize	"	Farmer
13	Wm. Webb	"	"
14	Arthur Busic	"	"
15	Ed. Draper	"	"
16	W. C. Cassic	"	"
17	W. A. Catis	"	Laborer
18	L. A. Henry	"	Mechanic
19	Stephene Connor	"	Farmer
20	Alvizo Vancolt	"	"