

No 490

in

Superior Court

James Butterfield

Plaintiff

vs

L. L. Holcomb  
et al

Defendant

Action for

Damages

Docket

Page

J. A. Crawford

Attorney for Plaintiff

R. Walker + Co. - Erie,

R. Walker + Co. - Erie,

Attorney for Defendant

U. S. DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

**Record of the Case.**

1886  
Sept 10 Petition see Viewers appals  
Journal D p 11  
Oct 15 1st Reading report  
Journal D p 26  
Oct 16 ordered opened  
Journal D p 28

264

Road

Beginning 65 rods S of NW cor Sec 31  
T 28 R 45 E to NE cor of NW<sup>4</sup> of NW<sup>4</sup>  
of NW<sup>4</sup> Sec 18 T 38 R 45 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

264

In the County Court  
County of Union } a Road Petition  
July Term 1886

We the undersigned legal voters <sup>and</sup>  
householders in Union County Oregon  
would most respectfully represent  
to the Hon<sup>ble</sup> County Court of  
said Union County Oregon that we  
want and convenience requires that a  
County Road be surveyed laid out  
and established as follows:

To wit: Beginning at a stake driven  
in the ground on the range line bet-  
ween Ranges 44 & 45 E. 1/2 and Sixty  
five rods south of the North west  
Corner of Section 31 Township 2 South  
Range 45 E. 1/2 and on the main road  
from Alder to Joseph in Union Co.  
Running thence South on the said  
Section and range line about 340 rods  
to the N.W. Corner of the SW of Section  
Six (6) Twp 3 South of Range 45 E. 1/2  
thence east on half (1/2) Section line  
Seventy (70) rods to the N.E. Corner of  
the SW of the SW of said Section 6 -  
thence South One and one half (1 1/2) Miles  
on ~~the~~ quarter section line to the

N.E. corner of the N.W. of the N.W. of  
 Section 18 Twp 3 South of Range  
 45 E. 10m and there terminating.  
 All of said points and places  
 above described being in Union  
 County Oregon and to be 40 feet in  
 width

Names

Names

- J. D. Lact
- A. Lawson
- Geo. M. Haley
- J. L. Fisher
- J. L. Hamilton
- O. P. Prout
- Wm. Hall
- J. W. Hall
- W. Kernan
- J. Burnett
- H. H. Coles
- M. J. Knight
- W. P. Coles
- G. L. Cole
- M. Newby
- J. P. Rees
- J. P. Rees
- R. H. Beale
- James M. Mitchell

Read first & several times  
of laws of Missouri on  
the 10. 11. 1886.  
Olson. James Bayles  
Wash. Blom & Beetha  
Sawyer. J. M. Bunker?  
Next day beginning of the  
trial decided by  
on 22nd Sept 1886 at 9 o'clock  
A.M.

Filed JUN 3 1886  
at ... o'clock, ... min. ... m.  
R. W. Leonard  
County Clerk.

Names

Names

J. T. D. Lacey

W. W. Halsey

W. W. Halsey

A. L. Halsey

J. D. Hamilton

O. J. Hout

A. M. Hall

A. D. Hall

W. Kernan

T. Burnett

H. E. Cole

M. V. Knight

W. P. Cole

S. L. Cole

N. Newby

J. W. Rees

J. Rees

R. Rees

B. F. Beale

James M. Mitchell

16

Filed JUN 3 1886  
at ... o'clock ... min. ... m.  
B. D. Wilson  
County Clerk.

# Notice

Notice is hereby given that the undersigned  
legal voters and householders living in the vicinity  
of the proposed road will petition the Hon.  
County Court of Union County Oregon,  
at their July term 1886. to be held in the City of  
Union Oregon beginning on the 5<sup>th</sup> day of  
said month that a County road be surveyed  
and established as follows to wit;

Beginning at a stake driven in the ground on  
the range line between ranges 44 and 45 E. 1/4  
and 65 rods south of the N.W. corner of sec.  
31 T 2 S R 45 E. 1/4 and on the main  
road from Alder to Joseph in Union  
County Oregon running thence south  
on said section and range line a bark  
340 rods to the N.W. corner of S.W. quarter  
of sec. 6 T 3 S, R. 45 E. 1/4. Thence east  
on half section line 70 rods to the N.E. corner  
of N.W. quarter of the S.W. of said sec. 6.  
Thence south 1 1/2 miles on quarter line  
to the N.E. corner of N.W. quarter of N.W. quarter  
of sec. 18 T 3 S, R. 45 E. 1/4.  
and thence terminating all of said points  
and places above described being in Union  
County Oregon, and to be 40 feet in width.

1886



STATE OF OREGON,

County of Union }<sup>86.</sup>

1, J. T. D. Lacert being first

duly sworn, on oath say, that I posted three notices (a copy of which is hereunto annexed) of the proposed road, in the following places, to-wit:

One at the beginning of said road bet. at a stake driven in the ground on the range line between Ranges 44 & 45 and 65 rods south of the N.W. Corner of Sec 31 T 2 S R 44 E 1st and on the main road from Alder to Joseph  
One at N.W. corner of the SW of Sec 6 Twp 3 South R 45 E 1st on line of said road. One at the terminus (the annexed being the identical one last posted) N.E. Corner N.W. Sec 18 Twp 3 South Range 45 E 1st and one at the Court House door, in Union City in said Union County and State of Oregon, thirty days prior to the presentation of petition herein, and that all of said petitioners are householders residing in the vicinity of said proposed road in said Union County and State of Oregon.

J. T. D. Lacert

Subscribed and sworn to before me, this 6<sup>th</sup> day of July A. D. 1886

Newton Public

# Notice

Notice is hereby given that the undersigned loyal voters and householders living in the vicinity of the proposed road, will petition the Hon. County Court of Union County Oregon at their July term, 1886, to be held in the City of Union Oregon, to grant an order directing that a County road be surveyed and established as follows, to wit,

Beginning at a stake corner in the ground in the range line between ranges 44 and 45 Ewm. and 65 rods south of the NW corner of sec 31 T. 2 S R. 44 Ewm. and on the main road from Alder to Joseph in Union County Oregon, running thence south on said section and range line about 340 rods to the NW corner of the SW quarter of sec 6 T. 2 S R. 45 Ewm. Thence east on half section line 70 rods to the NE corner of the NW quarter of the SW quarter of said sec 6. Thence south 1/2 mile on quarter section line to the NE corner of the NW quarter of NW quarter of sec 18 T. 3 S of R. 45 Ewm. and then terminating. All of said points and places above described being in Union County Oregon and to be run south

Names

Names

- J. D. Lockett
- and several
- G. W. Haining
- J. L. Hamilton
- D. J. Prout
- and Hall
- D. W. Cal
- W. Kwan
- T. B. Bennett
- H. H. Cole
- W. P. Cole
- G. L. Cole
- A. Kenney
- G. W. ...
- J. Rees
- R. Rees
- R. F. Beale
- James M. Mitchell

# Know all Men by these Presents:

THAT WE, J. A. Newby & W. P. Cole  
 and Willie P. Cole Sr, of the County of Union and  
 State of Oregon, are held and firmly bound unto the said County of Union in the sum of  
Five 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 6th day of July A. D. 1886

Now the condition of the above obligation is such, that whereas, if the County Road petitioned  
 for by J. T. D. Lacerh Wm Kernan and others, and presented  
 at the July term, 1886, of the County Court of said Union county, commencing  
 at a State draw in the ground on the range line  
 between ranges 44 & 45 E 2d Sec 31 T. 2 N. Range 4 E 2d and  
 terminating at the N E Corner New Sec 18  
 Twp 3 South Range 4 E 2d  
 be located and established, then this obligation to be void; otherwise to remain in full force  
 and virtue in law.

A. Newby  
W. P. Cole

**STATE OF OREGON,**  
Union } ss.  
**COUNTY OF MARION,**

Willie P. Cole and A. Newby  
 each for himself says that I am worth the sum  
 of Five 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.

A. Newby  
W. P. Cole

Subscribed and sworn to before me, this 6th  
 day of July A. D. 1886

J. W. Gowen  
Notary Public

know all those by these

Filed JUL 8 1926  
at ... o'clock, ... m. ... n.  
*As With*  
County Clerk

RECEIVED AT THE  
COUNTY CLERK'S OFFICE

Be it Remembered, That at a term of the Honorable County Court of Union County, State of Oregon, begun and held at the Court House, in the Town of Union in said County, on the 6<sup>th</sup> day of Sept A. D. 1886, and from day to day thereafter, during the continuance of said term.

Present: Hon. O. P. Goodall County Judge, J. F. Christman Commissioner, J. A. Rumble Commissioner, A. T. Neill Clerk, A. N. Hamilton Sheriff.

The following, among other proceedings, were had, to-wit: Sept 10<sup>th</sup> 1886

IN THE MATTER OF a proposed Road petitioned for by J. D. D. Laeert and others

On this day came J. D. D. Laeert who presents to the Court the petition of himself and nineteen others, praying for a Road to be laid out and established.

as follows, to-wit:

18 Beginning at a Stake driven in the ground  
19 on the range line between Ranges 44 & 45 E. & M.  
20 and 65 rods South of the North W. cor. of  
21 Sec 31, T. 2 S. R. 45 E. & M. and on the main  
22 road from Alder to Joseph in Union  
23 County Or, running thence South on the  
24 said Sec and Range line about 340 rods  
25 to the N.W. cor. of the S. 1/4 of Sec. 6, T. 2 S. R. 45  
26 E. & M. thence East on 1/2 Sec line 70 rods  
27 to the N.E. corner of the NW 1/4 of the S 1/4 of  
28 said Sec 6, thence South One 1/2 miles on  
29 1/4 Sec line to N.E. cor. of the NW 1/4 of NW 1/4  
30 of Sec No. 18, T. 2 S. R. 45 E. & M. and there  
31 terminating  
32

And it is further to be seen to the Court from proof filed herein that due notice of the pendency of the proceeding has been given as by law required that more than twelve of said petitioners are householders residing in the vicinity of said road and that a road and sufficient land has been filed

IT IS THEREFORE ORDERED BY THE COURT that

Thomas Boyd

Wash Bloomer

and

Henry Bealman

be appointed commissioners

P. M. Brainerd

Sui exor to or sui ex int part

upon said heretofore described road

and that they meet at

the beginning of said road on the 22 day of September 1886 and duly qualify before entering upon the discharge of their duties in this behalf

September 1886

(Signed)

O. P.

Hoodall

County Judge

COUNTY COURT

—OF—

*Union* County,

STATE OF OREGON.

Appointment of Road Viewers and Surveyor.

*P. M. Bardsley*  
Surveyor

*Wash. Bloom*

*Thos. B. Byles*

*Henry Beecher*

*Viewers*

State of Oregon }  
 County of Union } ss.

I hereby certify that I have necessarily been employed as surveyor to survey ~~in accordance~~ with the provisions of Title one (1) chapter 50 of the Miscellaneous laws of the State of Oregon to survey a certain County Road petitioned for by J. C. & La Cosh et al. and presented at the September term <sup>1886</sup> of the County Court of said Union County Oregon, and in accordance with a notice of appointment issued by said County Court on the 10<sup>th</sup> day of Sept. 1886, and I was directed as said surveyor and with Wash. Bloom, Thos. Boyle and Henry Beecher viewers.

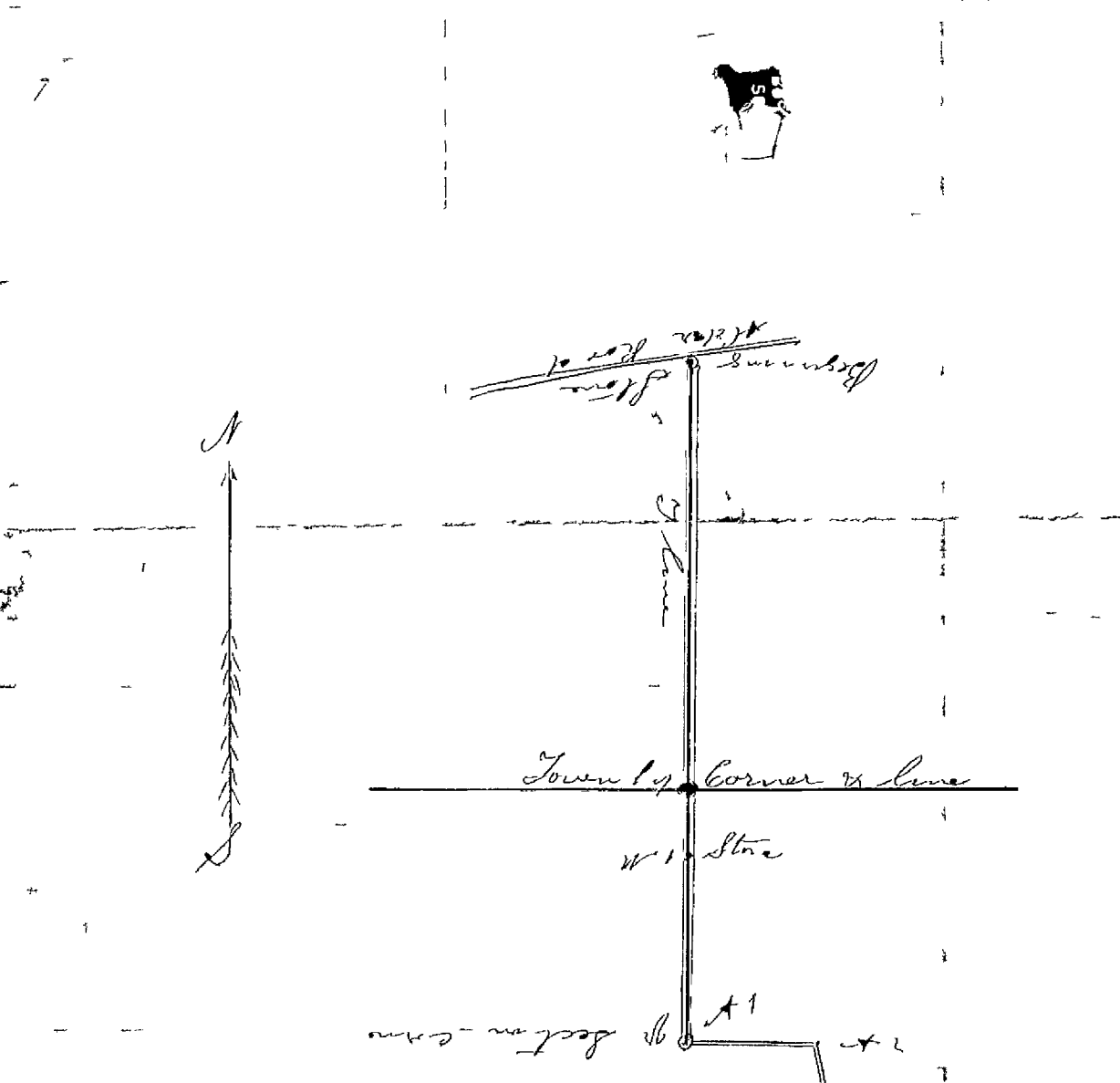
That I have been so employed as follows:

1886	Sep. 22	To One day as surveyor	\$ 5.00
"	"	" 10 miles traveled @ 100 p.m.	<u>1.00</u>
			6.00

P. M. Burleigh  
 Surveyor

Viewers  
 Thomas Boyle  
 Wash Bloom  
 Henry Beecher





Beginning at a stone set in the ground on the line between Ranges 4-4 to 4-5 E W M 64 Rods South of the W. 1/2 Sec of Sec 31 S 2 S R 4 E and on the main Road for older to Joseph in W. Co. Oregon Running the line one mile and 17 1/2 Rods to A1 the W. Corner of Section 31 S 2 S R 4 E thence East Seven Rods to A2 thence S 1 E 45 Rods to Angle No 3 thence S 35 E 50 Rods to Angle No 4 thence S 10 E 18 1/2 Rods to Mile Stone No 2 thence same bearing 42 Rods to Angle No 5 thence S 5 W 160 Rods to Angle No 6 thence S 40 W 20 Rods to Angle No 7 thence South 16 Rods to angle No 8 thence S 40 E 14 Rods to corner of Road

J. M. Birtleugh  
Surveyor

Surveyed Sept 22<sup>d</sup> 1886

Thomas Boyle  
R. W. Bloom  
Henry Beecher

State of Oregon Sept 22 1886

We the viewers of said Chain  
Curses of the J. D. D. Lovatt  
Road Report lawfully  
on said Road

Thomas Boyle  
R. W. Bloom  
Henry Beecher

to view of Chain carrying  
and 1/4 mile Travel  
10 per mill

Thomas Boyle  
R. W. Bloom  
Henry Beecher

Beginning at a Store  
 Sit in the Road lead from  
 Joseph to Pine Creek at  
 a point where, said Road  
 Crosses and intersects the  
 Subdivision line running  
 East & West through Sec. 13 T.  
 1 N. R. 45 E. W. M. and run-  
 ning thence S. 85° E. 18 Rods to A. 1  
 Thence N. 70° W. 65 Rods to A. 2 Thence  
 S. 65° W. 21 Rods to A. 3 Thence N. 14° W.  
 56 Rods to A. No. 4 Thence N. 50° W. 152  
 Rods to A. No. 5 Thence S. 40° W. 8 Rods to  
 Mile Stone No. 1 Thence S. 40° W. 28 R. to A.  
 No. 6 Thence S. 75° W. 8 R. to A. No. 7 Thence  
 West 32 Rods to A. No. 8 Thence N. 60° W.  
 28 R. to A. 9 Thence N. 40° W. 53 R. to A. 10 Thence N. 15° W.  
 50 R. to A. 11 N. 40° W. 38 R. to A. 12 N. 20° W. 78 R. to A. 13  
 N. 57° W. 36 Rods to A. 14 N. 27° W. 75 R. to A. 15 N. 5° W. 16 R.  
 to A. No. 16 N. 30° W. 136 R. to A. No. 17 Thence N. 55° W. 48 Rods to  
 A. No. 18 S. 65° W. 28 R. to A. 19 N. 40° W. 36 R. to A. 20  
 S. 88° W. 10 R. to A. 21 N. 55° W. 56 R. to A. 22 N. 38° W. 80 R.  
 to A. 23 N. 50° W. 30 R. to A. 24 N. 13° W. 106 R. to A. 25  
 N. 58° W. 40 R. to A. 26 S. 52° W. 39 R. to A. 27 N. 74° W. 60 R.  
 to A. 28 N. 67° W. 32 R. to A. 29 N. 40° W. 136 R. to A. No. 30

Thence N. 55° W. 42 R. to A. 31 Thence N. 22° W. 20 R.  
 to A. No. 32 N. 50° W. 28 R. to A. 33 N. 17° W. 44 R. to A. 34  
 N. 4° E. 86 R. to A. 35 N. 20° E. 42 R. to A. 36 N. 18° W. 48  
 R. to A. 37 N. 10° E. 70 R. to A. 38 N. 10° W. 20 R. to A. 39  
 N. 20° W. 84 R. to A. 40 N. 15° E. 54 R. to A. 41 N. 7° E.  
 42 R. to A. 42 N. 27° W. 20 R. to A. 43 N. 7° W. 82 R. to  
 A. 44 N. 36° W. 28 R. to A. 45 Thence N. 85° E. 44 R.  
 to A. 46 N. 30° W. 28 R. to A. 47 N. 5° E. 16 R. to A. 48  
 Thence N. 40° E. 28 R. to A. 49 N. 10° E. 24 R. to A.  
 No. 50 Thence N. 60 E. 40 R. to terminus of Road being  
 eight miles and 96 Rods Surveyed Sept 25<sup>th</sup>  
 1886

P. M. Burleigh  
 Surveyor

Friday Sept 10<sup>th</sup> 18863<sup>rd</sup> Judicial Day.

In the matter of a proposed  
 ✓ Road petitioned for by J. D. D.  
 Laceret and others

On this day came J. D. D. Laceret who presents to the Court the petition of himself and nineteen others praying for the establishment of a County Road forty feet wide as follows to wit: Beginning at a Stake driven in the ground on the range line between Ranges 44 & 45 E. N. W. and sixty five rods South of the North West Corner of Section 31, Township 2, South of Range 45 E. N. W. and on the main road from Alder to Joseph in Union County Or, running thence South on the said Section and Range line about 340 rods to the N. W. corner of the S. E. of Section Six (6) Twp 3. South of Range 45 E. N. W. thence East on half Section line seventy rods to the N. E. corner of the N. W.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of said Section 6. thence South One and One half Miles on quarter Section line to the N. E. corner of the N. W.  $\frac{1}{4}$  of the S. E.  $\frac{1}{4}$  of the N. W.  $\frac{1}{4}$  of Section No 18. T. 3 South of Range 45 E. N. W. and there terminating all of said points and places above described being in Union County Oregon and to be 40 feet wide -

And it satisfactorily appearing to the Court from proof filed therein 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 Thomas Boyles, Wash Bloom and Henry Beecher be and they are hereby appointed Viewers and P. M. Donleigh be and he is hereby appointed Surveyor to view, survey and report upon the said proposed road and that they meet at the beginning of said proposed road as described in said petition at on the 22<sup>nd</sup> day of September A. D. 1886 at 9 O'clock A. M. of said day and duly qualify before entering upon the discharge of their duties in this behalf -

In the Matter of the Construction of a Bridge across Eagle Creek

Now at this time it is ordered by the Court that sealed bids will be received by the County Clerk of Union County Oregon, up to November 30th 1886 at 12 o'clock M. of said day, for the construction of a bridge across Eagle Creek on the line of the County Road running from Union to Cornucopia, of the following description, to wit:-

A substantial crib of hewn logs filled with stone, near the edge of the stream on either side, and also a crib of like kind near the center of said stream on a high bar that is in said stream, and to place five stringers, hewn of good sound red fir timber, 10x12 inches in size, on said stone abutments, and to floor said bridge with timber hewn of fir timber not less than six inches thick. The said bridge to be built across Eagle Creek far enough above the place where the bridge stood that burned to put it on ground high enough to avoid the necessity of an approach on the south west side of said creek.

The court reserves the right to reject any and all bids.

In the Matter of the Construction of a Bridge across the

Wallowa River

Now at this time it is ordered by the court that sealed bids be received at the office of the County Clerk in Union County Oregon up to Nov. 30th at 12 o'clock M. of said day for the construction of a bridge across the Wallowa River near the farm of J.C. Standley in the lower Wallowa Valley similar to the County bridge on the Wallowa River near the farm of Barton.

The court reserves the right to reject any and all bids.

In the Matter of Viewers Report on the Proposed County Road petitioned for by J. D. D. Lacerb et al.

Now at this time comes out to be heard the report of the viewers heretofore appointed, in the above entitled road; which report is accompanied by the report, field-notes of the survey and the plat of said road. And said report being read in open court for the first time in accordance with the provisions of the

## COMMISSIONERS JOURNAL "D" PAGE 27

statute in such cases made and provided. It is ordered that said report be laid over for a second reading on any other day of this term.

In the Matter of Making }  
 further search for the body }  
 of Willis Skiff and the }  
 further investigations of the }  
 manner, means and persons }  
 causing his death. }

Now at this time came on for consideration by the Court, the matter of making an appropriation for the continuation of the search for the body of Willis Skiff and to further investigate the manner, means & persons causing his death. And it appearing to the court from the facts and evidence before it that in order to promote the ends of justice, further search and investigation should at this time be made and prosecuted. And to that end that an appropriation by Union County should be made for that purpose. And it further appearing to the court that W. T. Carroll is a suitable person to have the management of said appropriation and to conduct and manage said search and investigation. It is therefore considered and ordered that the sum of Five Hundred Dollars or so much thereof as shall be necessary for said purpose be and the same is hereby appropriated therefor. It is further ordered that the said W. T. Carroll be and he is hereby appointed to take charge and control of said appropriation and the disbursement of the same or so much thereof as shall be necessary in the continuation of said search and investigation and that the County Clerk of said County be and he is hereby ordered and directed to draw a warrant or warrants on the treasurer of said County for said sum or so much thereof as the said W. T. Carroll shall deem sufficient for said purpose in such sums and at such times as he shall be by said Carroll requested so to do, and it is further ordered that in case any portion of said appropriation shall at the close of said search and investigation remain unexpended that said W. T. Carroll be and he is hereby ordered and directed to return the same to said County Treasurer for cancellation.

Order made October 15<sup>th</sup> 1886.

Thereupon Court adjourned till Tomorrow-morning at 9 o'clock

Saturday Oct. 16<sup>th</sup> 1886

Fourth Judicial Day

Court met pursuant to adjournment

The same Judges and officers present as on yesterday

Minutes read, approved, and signed

O. P. General

County Judge

One proclamation having been made the following proceedings were had, to-wit:

In the matter of the proposed }  
County Road petitioned for }  
by J. D. D. Lacert et al. } Now at this time comes  
on the viewers and surveyors report on a proposed  
County Road petitioned for by J. D. D. Lacert et al. for  
a second reading as provided by law and such 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 remonstrance, or bill or claims for damages filed  
herein. It is therefore ordered by the Court that said Viewers  
Report and the plat of the Survey be placed on record,  
and said road be established as a County road and  
opened according to law and that Henry Miller, Super-  
visor of Road District No. 33, be notified of the fact,  
and that said road be declared a public highway.

### Viewers' Report

We the viewers and chain-carriers of the J. D. D.  
Lacert Road Report favorably on said Road.

Thomas Boyle

R. W. Bloom

Henry Beecher

### Surveyors' Report

In accordance with an order of the honorable County  
Court of Union County, Oregon, O. P. M. Busleigh, appointed  
by the above named Court to survey a road petitioned  
for by J. D. D. Lacert and others did meet the

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viewers at the time and place appointed by said court and there duly sworn the above named viewers, to wit: Thomas Boyle, R. W. Bloom, Henry Beecher, to faithfully perform their various duties, and they proceeded to survey said road as follows, to wit:-

Beginning at a stone set in the ground on the line between Ranges 44 & 45 E. N. M. and 65 rods south of the N. W. corner of Sec. 31 T. 2 S. R. 45 E. and on the main Road from Alder to Joseph in Union County Oregon, Running Thence South on the said Section and Range line one mile and 133 1/2 rods to A. 1 the gr. corner of Section six T. 2 S. R. 45 E. Thence East Seventy Rods to A. 2, Thence S 90° E 48 Rods to Angle No 3, Thence S 35° E 56 Rods to Angle No 4 Thence S. 10° E. 18 1/2 Rods to Mile Stone No. 2, Thence same bearing 42 rods to Angle No. 5, Thence S 5° W. 160 rods to Angle No. 6, Thence S 50° W. 20 Rods to Angle No 7, Thence South 16 rods to Angle No 8 Thence S. 40° E. 14 rods to terminus of Road.

P. M. Burlingame  
Surveyor.

