

No 511

Circuit Court

Murphy, Gauth & Co

Plaintiff

vs

D. B. Rees & Co v.  
Barclay

Defendant

Action for

Money

Docket

Page

R. Eakin

Attorney for Plaintiff

Attorney for Defendant

Record of the Case

1887  
Apr 6 Petition for Writervs aff'd  
Journal D p 134  
May 12 W. reads report  
Journal D p 159  
May 13 Ordered opened  
Journal A p 159

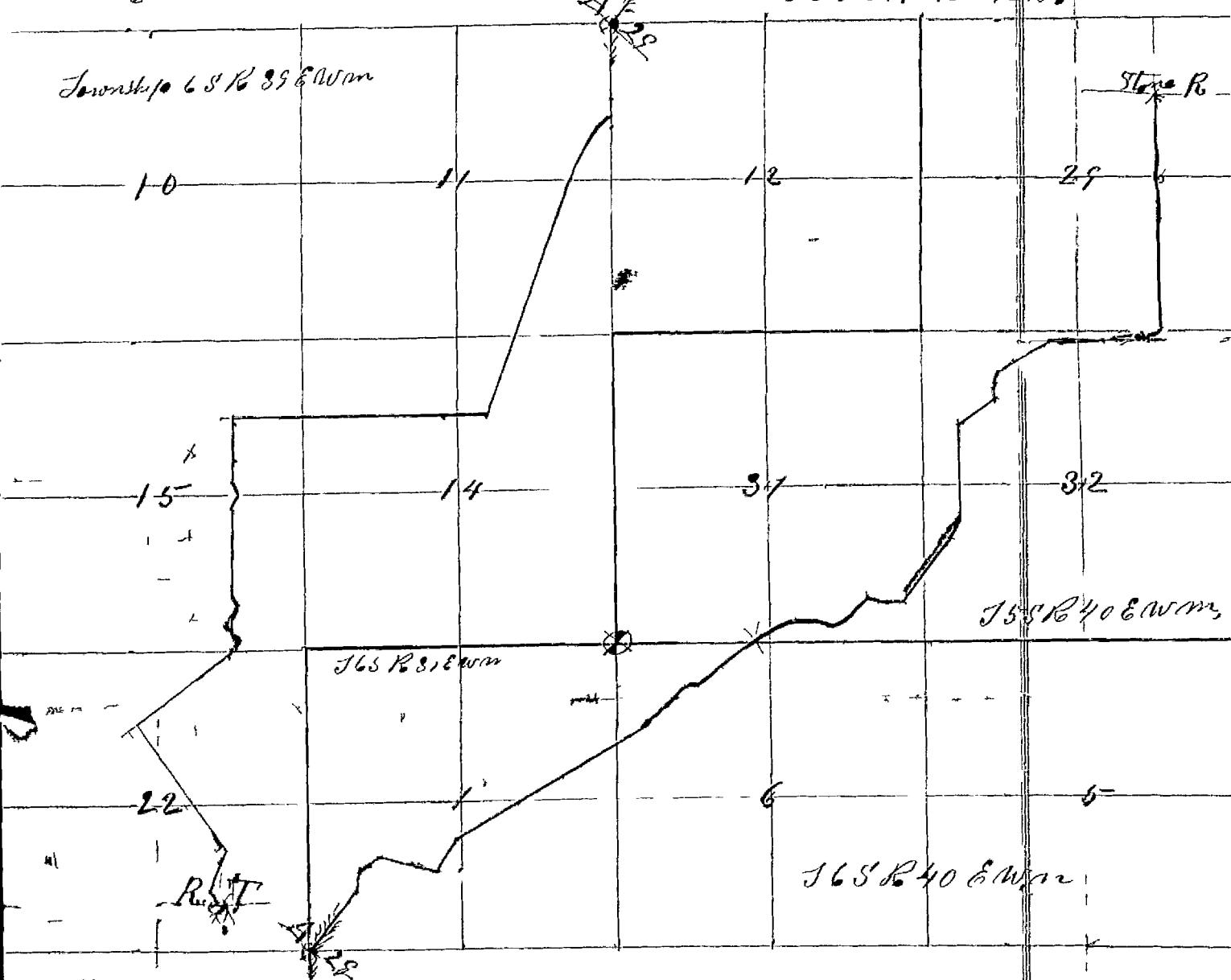
276

WITNESSES

Road

Constituency at fence board near  
on NW<sup>4</sup> sec 29 T 5 S R 43 & to C line  
near center of S E<sup>4</sup> sec 22 T 6 S  
R 39 &

Plat of the Proposed Co Road of E Hager and Others  
Through Sec<sup>s</sup> 29=31=32 S 55 R 46 E worn Sec<sup>s</sup> 5=6 S 65 R 46 E worn and  
A/c Section 19=12=11= 15 1/2 S 65 R 3 E worn



I hereby certify that the above is a correct Plat of the Survey  
of the proposed County Road of E Hager and others ordered viewed and  
Surveyed by the County Court of Union Co Oregon at the Adjourned term of above  
Said Court commencing on April the 4<sup>th</sup> A D 1887 this 13<sup>th</sup> day of April A S 1887 J W Kimball Surveyor

We the Undersigned Members of the above Described Proposed Co Road  
have Carefully Brewed and Examined the same and find it to be a Practicable  
Road and would most Respectfully Recommend the same be established as  
a County Road.

This 13<sup>th</sup> Day of April 1887 W. A. Cate Breweries

Field Notes of Proposed County Road of E Hayes and others  
Starting at angle  $45^{\circ}$  on County Road of C H Prescott and others which is  
a Stone 12 x 12 x 20 inches Marked R and situated at the center of N 8 $\frac{1}{2}$   
of Sec. 19 T 5 S R 40 E or m From which I run E 1 south & 2 Roads to ditto and A

The w West $30^{\circ}$ South 157 Rods Post A 2			Thence West $30^{\circ}$ South 20 Rods A 25		
South 13 $30^{\circ}$ west 18			A 3		
North 20 W 8	A 1		N $7^{\circ} 15' W$ 60	A 26	
S $8^{\circ} 30' W$ 43	A 5		S $18^{\circ} 30' W$ 8	A 27	
N $2^{\circ} 45' W$ 71	1 M		W $6^{\circ} 10' S$ 32	A 28	
N $2^{\circ} 45' W$ 56	A 6		S $53^{\circ} W$ 16	A 29	
S $63^{\circ} 15' W$ 41	A 7		South $112$	A 30	
S $58^{\circ} 30' W$ 25	A 6		W $20^{\circ} 15' W$ 4	A 31 = 5 M.	
W $22^{\circ} 30' S$ 71	A 9		W $26^{\circ} S$ 40	A 32	
E 4 S 25	A 10		W $23^{\circ} 15' S$ 276	A 33	
S $56^{\circ} 30' W$ 42	A 11		" N 30 West $4^{\circ} W$	6 M	
South 90	A 12		, N 30 $270^{\circ} 15' W$	A 34	
W $29^{\circ} 15' S$ 27	A 13 = 2 M		South $49^{\circ} 15' W$	1 M	
S $51^{\circ} 45' W$ 80	A 14		South $17$	A 35	
S $2^{\circ} 45' W$ 25	A 15		E $9^{\circ} 25' S$	A 36	
N $18^{\circ} 30' W$ 13	A 16		W $8^{\circ} 15' S$	A 37	
S $45^{\circ} W$ 43	A 11		South $11$	A 38	
N $16^{\circ} 30' W$ 20	A 18		E $19^{\circ} S$	A 39	
N $22^{\circ} 30' W$ 24	A 19		W $32^{\circ} 30' S$	A 40	
S $4^{\circ} 25' W$ 10	A 20		E $4^{\circ} 45' S$	A 41	
W $44^{\circ} S$ 74	A 21		S $32^{\circ} 20' E$	A 42	
S $15^{\circ} 30' W$ 28	A 22 = 3 M		W $31^{\circ} 15' S$	A 43	
S $49^{\circ} W$ 70	A 23		S $52^{\circ} W$	8 M	
S $31^{\circ} 28' W$ 220	A 24		E $38^{\circ} S$	A 44	
W $30^{\circ} S$ 30	A 24 M.		W $20^{\circ} S$	A 45	
			" W $27^{\circ} 30' S$	A 46	
			E $34^{\circ} S$	A 47	
			21	R T's Structure on Ridge	
in center of North Powder River and 31 Rods South $21^{\circ}$ west from center of S 64 Sec 2 165433 E worn					
Surveyed April 12 and 13 1887					

J. W. Kimball Surveyor

July 12th 1887  
At Nell Clark  
By J. Brown & Son

STATE OF OREGON

AFFIDAVIT OF ROAD PETITIONERS—Held by E. J. Waterhouse

County of

Union

J W Kimball

being first

deposed and sworn on oath say that I posted three notices (a copy of which is hereto annexed) of the proposed road in the following places to wit One on the store door of Hall Eckles & Co in North Laddon & one the fence at the Hager Place on Clova Creek one on the Post-Office door at Telocassette and one on the Court House door in the City of Union all in the County of Union State of Oregon and all being in public places

and one at the Court House door in Union 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 W Kimball

Subscribed and sworn to before me this

6

day of

April

A D 1887

A T Null Clerk

by Turner Olmstead Deput

APR 6 1887

at o'clock min m

John G. Hall  
County Clerk  
West Virginia State

Notice of Petition for County Road

Notice is hereby given to all whom it may concern that a Petition will be Presented to the  
County Court of Union County Oregon at the adjourned Term of said Court on April 1887  
Provided said Court meets in adjourned Term in said month of April to meet on the sixth  
Day of April, or if there be no adjourned Term of County Court in April 1887 then said  
Road Petition above named will be Presented at the regular Term of said Court on May  
1887 to court on the Day of said month of May, Praying said County  
Court to cause to be reviewed Surveyed and Established a County Road described  
as follows to wit, - Commencing at a Finger Board or Post Standing in the Public  
Road as now Traveled from the Town of Union to the Town of North Powder said  
Finger Board stands near the southwest corner of Joseph Bessette's field and a the North East  
Quarter of Section Twenty nine Township five South Range forty East W.M. and about  
one half mile Northwest of Illecillewaet Station on the O.R.G.C. R.R. Road Thence  
bearing in a Southwesterly direction on the most practicable road and near the town  
of Union Traveled from the Town of Union to the Town of North Powder from said above  
Named starting Point to a Point on the SW corner of N.E. 1/4, Sec 14, T. 6, S. 32 E. W.M.  
thence west 60° 30' thence south to a Point 100 feet west of Post or Survey of Sec 12 T. 6  
S. 33 E. W.M. Thence in a Southwesterly direction on the west side of and Parallel  
with, and about 80 feet from the O.R.G.C. R.R. Road about 1 miles to  
a Point about 176 Paces East of S.E. corner of N.E. 1/4, N.W. 1/4, Sec 14, T. 6, S. 33 E. W.M.  
Thence west to the SW corner of N.E. 1/4, N.E. 1/4, Sec 15, T. 6, S. 33 E. W.M.  
thence South to the Town of North Powder, at a Point 30 feet North  
of Lot No 3 in Block No. 44 of the Town of North Powder  
thence in a Southwesterly direction about 153 Rods to the Northern Extension  
of E street Thence in a South Easterly direction down the center of E  
street to First street thence on the most practical road to North Powder  
River and terminating at County Line Near the Center of the S.E. 1/4  
of Sec 22, T. 6, S. 33 E. W.M. all the above Named Points being  
within the County of Union State of Oregon  
Names  

C. C. Chapman	J. E. Carroll
J. C. Coates	S. J. Turner
John G. Bain	A. W. Ryerson

~~Mr. Kue~~

*H. J. M. B. S.*

H. O. Barker

J. A. Steiner

John George

*John Prescott*

D. Bernardo

John B. B. O'Neil

## Pond-like Edge

H. S. Bush

*G. E. Allen*

John D. Hall

Kel Blauw

R. Thackeray

R. Pineda

*V.M. Brewster*

*John C. Calhoun*

T. B. Johnson

~~See my book~~

*21 H H 11*

—  
—

Third Street 6-story  
AT Mill  
Court  
By James Gleeson  
Deputy

# Petition for County Road

To the Honorable County Court of Union County State of Oregon, we the undersigned resident Householders of the vicinity of the proposed County road hereinafter described would respectfully petition your Honorable body to cause to be reviewed Surveyed and established a County Road as follows:

Town, commencing at a finger Board or post standing in the Public Road as now traveled from the Town of Union to the Town of North Powder, said Finger Board stands near the South west corner of Joseph Bassett's field and on the North East Quarter of section Twenty nine Township five North in Range Forty East N.M., and about one half mile Northwest of Talcassette Station on the O.R.B.N Co's Rail Road, thence running in a South west easterly direction on the most practicable route on or near the Road as now traveled from the Town of Union to the Town of North Powder from said above named starting point to a point near the S.E. corner of N.E. 1/4, N.W. 1/4 Sec. 14 T 6 S R 35 E W.M. thence west to Bluff, thence south west to a point 30 feet west of RR and South West corner of sec 12 T 6 S R 35 E W.M. thence in a South westerly direction on the west side of and parallel with and about 80 feet from the O.R.B.N Co's Rail Road about one miles to a point about 176 Paces East of S.E. corner of N.E. 1/4, N.W. 1/4 Sec. 14 T 6 S R 35 E W.M. thence west to the S.W. corner of N.E. 1/4, N.W. 1/4 Sec 15 T 6 S R 35 E W.M. thence south to the Town of North Powder at a point 30 feet north of Lot No 3 in Block No 44 of the Town of North Powder thence in a Southwesterly direction about 153 rods to the Northern Extent of E street thence in a Southeasterly direction down the center of E street to Trust Street thence on the most practical route to North Powder by way and terminating at County Line near the center of the S.E. 1/4, Sec 22, T. 6 S. R. 35. E W.M. all the above named points being within the county of Union State of Oregon and yours Petitioners will ever pray

Names

E. Flage.

John H. Leathers

Gwendolyn

R. M. C. Nelson

Harmonie Rutherford

J. E. S. F. E.

O. D. H. Wadson

Wm. Summers

H. J. Vanier

Mike Riddle

A. L. L.

Job E. L.

Oscar Jacobson

Freda Chittenden

Lulu W. Kunkel

H. R. L.

Seth Haggard

D. H. Webb

P. S. McGehee

E. F. G. Jones

Lucie Dupre

Cyrilla Bassett

B. Mack

W. J. Lovley

Names

J. E. Carroll

S. H. Johnson

F. J. Price

J. M. D. A. L.

J. O. Barbareau

Bob Newman

J. E. Brown

G. H. Prescott

D. Redenbacher

O. B. Bowman

Frank Lee

H. S. Bill

E. F. Allen

H. J. Hale

N. L. Black

R. J. Chesser

R. D. L.

J. M. Brown

Pardee Castle

T. C. Johnson

J. Hart

P. H. Humphrey

W. L. Lovell

J. D. Whaley

APR 6 1887

at o'clock min m  
A. N. Bell

County Clerk

by Clerk D. P.

## County Court of the State of Oregon,

FOR THE COUNTY OF Union

ss

KNOW ALL MEN BY THESE PRESENTS;

That I N Sanders

of the County of Union and State of Oregon are held  
 and firmly bound unto Union County in said State in  
 the sum of One Hundred 00 Dollars

for the payment of which we well and truly to be made we hereby  
 bind ourselves our heirs & executors and Administrators jointly and severally  
 by these Presents as witness our Hands and Seals this 4<sup>th</sup>

day of April A D 1887

The Condition of the above obligation is such that Whereas

E Hager and others have petitioned  
 the Honorable County Court of  
 Union County for a road from  
 Lelocasset to North Pawlet and if  
 such is accepted by said court  
 then the above obligation to null  
 and void otherwise to be in full  
 force and effect

I N Sanders C.S.  
L.S.

State of Oregon  
 County of Union

I N Sanders being duly  
 sworn say I am a resident  
 Household and resident of  
 Union County and worth Two  
 Hundred Dollars averaged  
 above all debts and liabilities  
 and exclusive of property  
 exempt from execution

I N Sanders

Subscribed and sworn to before  
 me this 4<sup>th</sup> day of April A.D.  
 1887

D M Chapman  
 Notary Public

N.D.

Board of Directors

100

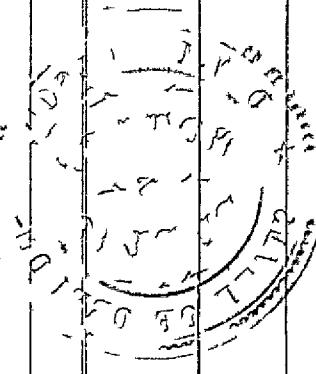
APR 6 - 1987

at 9 o'clock, min  
m

M. H. Bell

County Clerk

by Order of City



First Judicial Day

Wednesday April 6<sup>th</sup> 1884

In the Matter of the Proposed  
County Road petitioned for  
by C. H. Prescott et al.

At this time is presented to the Court  
the Reports of the Viewers and Surveyor heretofore appointed in the  
above entitled matter, and the said reports having been read  
in open court for the first time they are laid over for  
a second reading on another day of this term

In the Matter of the Proposed  
County Road petitioned for  
by J. W. Parker et al.

At this time is presented to the Court  
the Reports of the Viewers and Surveyor heretofore appointed in  
the above entitled matter, and the said reports having been  
read in open court for the first time as required by law,  
they are laid over for a second reading on another day of  
this term

In the Matter of the Proposed  
County Road petitioned for by  
E. Hoager and others

At this time is presented to the Court the  
petition of E. Hoager and 45 others praying that a County road  
be laid out and established as follows to wit:- Commencing  
at a finger board or post standing in the Public Road as now  
traveled from the town of Union to the town of North Powder, said  
finger board stands near the south West corner of Joseph  
Bassett's field and on the North East quarter of Section 29 Twp S. in  
R 43 E. N. M. and about  $\frac{1}{2}$  mile NW of Gilcasseh Station on the  
O.R. & N. Co's Rail Road. Hence running in a South Westerly direction  
on the most practicable route on or near the road as now  
traveled from the town of Union to the town of North Powder to a  
point near the S.E. corner of N.E. of sec 1, S. 6 L. R. 39 E. N. M. Hence West  
to Bluff. Hence South West to a point 80 ft. West of R.R. and South of  
NW corner of sec 12 S. 6 L. R. 39 E. N. M. Hence in a South Westerly direction  
on the West side of, and parallel with and about 80 feet from the  
O.R. & N. Co's Rail Road about one mile to a point about 176  
paces East of S.E. corner of N.E. of N.W. of sec 14 S. 6 L. R. 39 E. N. M.  
Hence West to the S.W. corner of N.E. of N.E. of sec 15 S. 6 L. R. 39 E.  
N. M. Hence South to the town of North Powder, at a point 80

First Judicial Day

Wednesday April 6<sup>th</sup> 1887

feet North of Lot No 3 in Block No 44 of the Town of North Powder, thence in a South Westerly direction about 153 rods to the Northern Extension of E. Street thence in a Southeasterly direction down the center of E. Street to First street, thence on the most practical route to North Powder River and terminating at County line near the center of the S.E. Sec 22 T.6 S. R.39 E. W. M. all the above named points being within the County of Union and State of Oregon.

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 required by law, that more than twelve of said petitioners are legal householders living in the vicinity of the proposed road and that a good and sufficient undertaking has been filed herein. It is therefore ordered by the Court that Wm Blakelee, W. A. Bates, and W. H. Huffman be appointed viewers and J. W. Kimball Surveyor to view, survey and report on the said proposed road and that they meet at the town of Delcasset on Monday April 11<sup>th</sup> 1887 at 9 o'clock A.M. and duly qualify before they enter upon the discharge of their duties in this behalf.

Thompson Court adjourned till tomorrow morning at 9 o'clock

Second Judicial Day

Thursday May 12<sup>th</sup> 1884

Court met pursuant to adjournment, the same officers being present as of yesterday.

Due proclamation of the opening of Court having been made the Journal of yesterdays proceedings was read, approved and is here now signed.

O. P. Goodall  
County Judge

Whereupon the following proceedings were had, to wit:-

In the Matter of Road

Petitioned for by E. B.

Gaylord et al

This matter coming on to be heard upon the petition of E. B. Gaylord for a County road, and it appearing to the Court that there is no proof of posting notice herein therefore this matter is deferred until some future time for consideration.

In the Matter of Road

Petitioned for by L. Loyd

et al.

This matter coming on for hearing on the petition filed herein and it appearing to the Court that there is no proof of posting notice herein, therefore this matter is deferred for consideration at some future time.

In the Matter of Road

Petitioned for by E. Hager

and others

At this time is presented to the Court the reports of viewers and Surveyor in the Road petitioned for by E. Hager et al. And the said reports having been read in open Court for the first time are laid over for further consideration on another day of this term.

Whereupon Court adjourned till tomorrow morning at 9 o'clock

Third Judicial Day

Friday May 13<sup>th</sup> 1887

Town of Cornucopia in Union County Oregon for the period of Six Months from the date hereof.

In the Matter of a Claim  
of  
Dr G.W. Biggers

At this time is presented to the Court a Claim of Dr G.W. Biggers for certain money which he alleges is due and owing to him from the County, Said Doctor appearing by O.F. Bell his attorney and after hearing the Argument of Counsel it is considered and adjudged that said Claim be and the same is hereby disallowed.

In the Matter of An  
Appropriation for a County  
Road

Inasmuch as a good County Road from Langrells Mill to the town of Cornucopia would be of vast utility and is very much needed by miners and business men in Granite Mining District It is therefore now ordered by the Court that the sum of One Thousand Dollars be appropriated by the County to assist in placing that part of the County Road lying between said town of Cornucopia and a point near Langrells Mill in good repair and condition. It is further ordered by the Court that said money be disbursed by a Superintendent appointed by this Court who shall have the power of making slight changes in the line of said road where, in his judgment such changes would make a better grade or otherwise improve the road.

In the Matter of Road  
petitioned for by E Dager  
and others

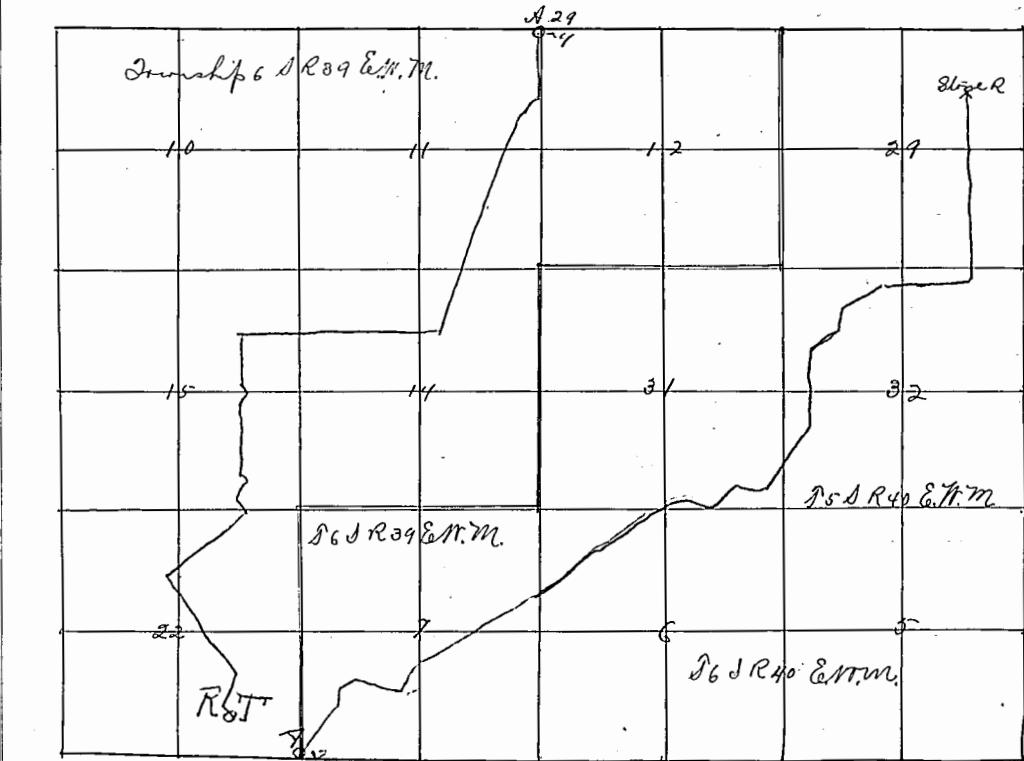
At this time is presented to the Court the reports of viewers and surveyor heretofore appointed herein And it appearing to the Court that said reports are favorable and having been now read in open Court on two different days of this term and no remonstrance or bill for damages having been filed herein. And it further appearing that all the proceedings herein have been regular and according to law. It is therefore considered, ordered and adjudged that the said reports of viewers and surveyor be received

Third Judicial Day

Friday May 3<sup>rd</sup> 1884

and placed on record and the proposed road declared a public highway and opened according to Law.

Plot of the proposed County road petitioned for by E. Hager et al. Through secs 29, 31, 32 & 5 S.R 40 E.W.M. Secs 5, 6 & 6 S.R 40 E.W.M. and Sections 11, 12, 14, 15 & 22 T.R 39 E.W.M.



I hereby certify that the above is a correct plot of the survey of the proposed County Road of E. Hager and others ordered viewed and surveyed by the County Court of Union Co. Oregon at the Adjourned Term of above said Court commencing on April the 4<sup>th</sup> A.D. 1887 This 13<sup>th</sup> day of April A.D. 1887 J.W. Kimball

Surveyor

We the undersigned Viewers of the above described proposed Co. Road have carefully viewed and examined the same and find it to be a practicable route and would most respectfully recommend the same be established as a County Road. This 13<sup>th</sup> day of April 1887.

W. B. Blakely

W. A. Gates <sup>of</sup> Viewers

Field notes of proposed County Road of E. Hager and others starting at angle stake 45 on County Road of L.H. Prescott and others which is a stone 12x12x20 inches marked R and situated about the center of N.E. of sec 29 T.R 40 E.W.M. from which run E 1° South 82 rods to stake marked A1

Third Judicial Day

Friday May 13<sup>rd</sup> 1884

Hence West 30° South 157 rods to Post A 2							
" South 13° 30' West	19	"	"	"	A	3	
" North 20° "	8	"	"	"	A	4	
" South 80° 30'	43	"	"	"	A	5	
" North 1° 45'	11	"	"	"	I M		
" 2° 45'	56	"	"	"	A	6	
" South 63° 15'	41	"	"	"	A	7	
" 38° 30'	28	"	"	"	A	8	
West 22° 30' S	11	"	"	"	A	9	
E 4° S	25	"	"	"	A	10	
S 38° 30' W	42	"	"	"	A	11	
S	90	"	"	"	A	12	
W 29° 15' S	27	"	"	"	A	13 - 2 M	
S 51° 45' W	80	"	"	"	A	14	
S 2° 45' W	28	"	"	"	A	15	
N 18° 30' W	13	"	"	"	A	16	
S 49° W	43	"	"	"	A	17	
N 16° 30' W	20	"	"	"	A	18	
N 22° 30' W	84	"	"	"	A	19	
S 4° 25' W	10	"	"	"	A	20	
W 44° S	74	"	"	"	A	21	
S 15° 35' W	28	"	"	"	A	22 - 3 M	
S 49° W	70	"	"	"	A	23	
S 31° 28' W	220	"	"	"	A	24	
W 30° S	30	"	"	"	-	4 M	
W 30° S	28	"	"	"	A	25	
N 7° 15' W	60	"	"	"	A	26	
S 18° 30' W	8	"	"	"	A	27	
W 6° 10' S	32	"	"	"	A	28	
S 53° W	76	"	"	"	A	29	
South	112	"	"	"	A	30	
W 20° 15' W	4	"	"	"	A	31 - 5 M	
W 26° S	40	"	"	"	A	32	
W 23° 15' S	276	"	"	"	A	33	
N 30° W	4	"	"	"	-	6 M	
N 30° W	270	"	"	"	A	34	
South	49	"	15"	"	-	7 M	
"	17	"	"	"	A	35	
E 9° 25' South	8	"	"	"	A	36	
W 8° 15'	11	"	"	"	A	37	
E 19°	80	"	"	"	A	38	

Third Judicial Day

Friday May 13-1887

Then	South	17 rods	to Post	A 39
"	W 32° 30' S	11 "	"	A 40
"	E 4° 45' S	27 "	"	A 41
"	S 32° 25' E	9 "	"	A 42
"	W 31° 15' S	15 "	"	A 43
"	S 52° W	131 "	"	— 8M
"	S 52° W	8 "	"	A 44
"	E 38° S	124 "	"	A 45
"	W 20° S	12 "	"	A 46
"	W 27° 30' S	53 "	"	A 47
"	E 34° S	21 "	"	R T Situated

on Bridge in center of North Powder River and 31 rods  
South 29° West from center of SE<sup>4</sup> Sec 22 T6 R 39 E. W. M.

Surveyed April 12-13-1887

J. W. Kimball, Surveyor

In the Matter of the Petition  
of  
W. H. Griggs & Co for Liquor Licence

At this time is presented to the Court the petition of W. H. Griggs & Co for a Liquor Licence to sell Spirituous Malt or Vinoous liquors in quantities less than one quart in the town of Elgin for the period of six months And it appearing to the Court from proof filed herein that due and legal notice of the pendency of this proceeding has been given as required by law, that said petitioner has paid into the County Treasury the sum of Fifty Dollars being the price required by law herefor, and has produced and filed the Treasurer's receipt for the same and having filed a good and sufficient undertaking herein, and having in all things else complied with the law herein; And no remonstrance having been filed or reason shown why such license should not issue, It is therefore considered and ordered that a license issue to said W. H. Griggs & Co authorizing and empowering them to keep and sell or offer for sale Spirituous, Malt and Vinoous liquors in quantities less than one quart in the town of Elgin in Union County Oregon for the period of six months from the date hereof.