

No 314

in

Circuit

Court

S O Swackhamer
et als -

Plaintiff

vs

Amanda H. Starke
et als -

Defendant

Action for

Docket

Page

John R. Levitt
Attorney for Plaintiff

Attorney for Defendant

REVENUE
M F T
LAW DIVISION
U S DEPT OF JUSTICE

1927
July 8 Petition per Viewers accepted
Journal D p 180
Sept 1st Road - report
Journal D p 191
Sept 4 ordered opened
Journal D p 195

Road

commencing at foot of Western Slope of
Red Rock Bridge to intersection of Pine
Creek road near S line of W St Boyles farm
all in T 6 S R 41 E

To The Honorable County Court
of Union County State of Oregon

We The undersigned
Citizens of Union County State of Oregon
and legal householders living in the vicinity of the proposed Co Road
Petition your Honorable Body Praying
for the Laying out and locating of a
County Road Commencing, at a Point on
County Road that Leads from Union to
Eagle valley at via of Selocasset and
Big Creek, at the Foot of Western Slope
of what is known as Bedrock Ridge
Thence in an Easterly Direction to or
near the House of E. H. Marshall Thence
in an Easterly Direction to the Cañon of
Beagle Creek Thence in a North East Direction
to the Intersecting of the Pine Creek Road
at or near the South Line of the Tract of
W. H. Bayles all in Township 6, South
Range 41 East - in Union County State
of Oregon For which your Petitioners
will ever Pray

Names

Danham Wright
A. Vandevanter
E. Vandevanter
Gustus Wright

Names

Isaac Goble
David Goble
Seigle Hoffman
George W. Hoffman

Names

Lysman Wright
G. S. Vanderwater
W. S. Morrell
S. Z. Marsale

J. Vanorder
P. B. Hoopengartner
S. Vanorder
R. M. South

Names

The within petition
for County Road.

Alfred

and Mr Martin
and Wallace Bogles
and Sharon Marshall
are appointed, to view
and J. W. Kimbrell
to survey said road
and to meet at the house
of Mr S. H. Marshall,
on the Wednesday the 23rd
day of July 1887.
at 10 o'clock A.M.

Dated June 24 1887
Ed. Neill clerk
Ray S. Olin Deputy

STATE OF OREGON,

UNION COUNTY,

} SS.

I, being
duly sworn, say: That I posted ^{one} three copies of the annexed notice in three public places in the vi-
cinity of the ~~within proposed county road~~, and one on the Court House door in Union County, Oregon,
on the 1st day of June 1887, and more than thirty days prior to the
presentation of the petition herein. and that the same has been
continually posted for 30 days prior to this date.

Subscribed and sworn to before me this 8th day of July A. D. 1887.

W. H. Kelly

STATE OF OREGON,

County of

Union

} ss.

1, *Dunham Wright*

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 foot of the Western slope of Redrock Ridge, ^{which is the limit of} one at the intersection of the Pisco Creek road, at or near the South line of W. N. Boyles' Farm, (which is the terminus) and one on Dunham Wrights Hall, all of which are in the vicinity of said proposed road and all public places and that I posted one of said notices on the 2nd one on the 3rd and one on the 4th days of Jun 1887

and one at the Court House door, in *Union* in said *Union* ^{County} 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.

Dunham Wright

Subscribed and sworn to before me, this 8th day of *July* A. D. 1887

A. T. Melf

Notice

All Persons Concerned are hereby
 Notified that- application will Be Made
 By the undersigned Citizens of Union County
 and ^{as per a} ^{has} ^{resholders} ^{along} ^{the} ^{vicinity} ^{of} ^{the} ^{proposed} Rd ^{Road}
 State of Oregon ^{as} ^{described} ⁱⁿ ^{the} ^{petition} ^{to} ^{the} ^{County} ^{Court} ^{of}
 Union County at the July Term for 1887
 for laying out and locating a County Road
 Beginning at the foot of the western slope
 of Bedrock Ridge thence in an Easterly
 Direction to or near the fence of S H Marshall
 Thence in an Easterly Direction to the Canyon
 of Beagle Creek thence in a North East Direction
 to the intersecting of the Pine Creek Road
 at or near the south line of W H Beagle
 Farm, all in Township 6 South Range 41 East
 Union County State of Oregon

Names

Names

Dunham Wright
 A Vandewater
 J Vandewater
 Julius Wright
 Isaac Gobb
 David Gobb
 Single Coffman
 George W Coffman
 Lyman Wright

J. S. Vandewater
 G H Marshall
 W B Marshall
 J B Vander
 W B Hoopengardner
 S Vander
 R M South

Know all Men by these Presents:

THAT WE, Dunham Wright 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 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 Eighth day of July 188 7

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by,
Dunham Wright and others, and presented at the July
 Term, 1887 of the County Court of said Union County, commencing at the foot
 of the western slope of Beaurock Ridge thence
in an easterly direction to or near the House
of G. H. Marshall thence in an easterly direction
to the canyon of Beagle Creek thence in a north
east direction to the intersecting of the Pine Creek
Road at or near the south line of W. W. Boyles
farm—all in township 6, south Range 41 East
Union County State of Oregon.

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

Dunham Wright—

STATE OF OREGON,

County of Union } ss.

I

Dunham Wright and

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.

Dunham Wright

Subscribed and sworn to before me, this

8th

day of

July

A. D. 18 87

A. D. Neill

Clerk,

By

Deputy.

Bond of Road Petitioners.

Petitioners.

Filed July 8 1887

A. Mull

County Clerk.

By

Deputy.

Field Notes of

Proposed County Road of Gunham Wright and Others

I started at a point at a Post marked R situated West $8^{\circ}46'S$

60 Rods from N.E. Corner of S.E. $\frac{1}{4}$, S.E. $\frac{1}{4}$, Sec, 20, T. 6, S, R. 41, E, W. m.

from which I run
East 16° North 160 Rods to A. 1.

Hence $E 20^{\circ} 30' N$ 30 Rods A. 2.

" East $19^{\circ} 30' N$ 120 " 1 Mile

" E $19^{\circ} 30' N$ 72 " A. 3.

from which the $\frac{1}{4}$ Sec. Stake between
Sec 21 and 22 T. 6, S, R. 41, E, W. m.

Bears W $53^{\circ} N$ 233 links distant

Hence E $1^{\circ} S$ 34 Rods to A. 4.

" E $10^{\circ} 15' S$ 116 " A. 5.

" E $1^{\circ} 45' S$ 54 " A. 6.

" E $10^{\circ} 45' N$ 94 " A. 7. 2 M.

" E $36^{\circ} N$ 36 " A. 8.

" E $9^{\circ} 30' S$ 44 " 20 links A. 9.

to $\frac{1}{4}$ Sec. Corner between Sec. 5

22, 23, T. 6, S, R. 41, E, W. m.

Hence E 10° North 23 Rods 5 links A. 10.

" E 23° South 12 " Rods A. 11

" E 13° North 37 " A. 12

" E 2° South 14 " A. 13

" E 18° North 12 " A. 14

" E 18° " 12 " A. 15

" E 39° " 8 " A. 16

" E 42° " 10 " A. 17

" E 50° " 10 " A. 18

" E 52° " 12 " A. 19

" E 53° " 10 " A. 20

" E 29° " 33 " A. 21

" E 35° " 33 " A. 22

" E 33° North 55 3 M. A. 22

" E 44° " 48 Rods A. 23

" E 50° " 42 " A. 24

" E 29° " 68 " A. 25

" E 72° " 36 " RT

from the ~~corner~~ N. W. Corner

of the S W $\frac{1}{4}$ S W $\frac{1}{4}$ Sec 13 T 6

S R 41 E W m Bears South 34° West

100 links distant

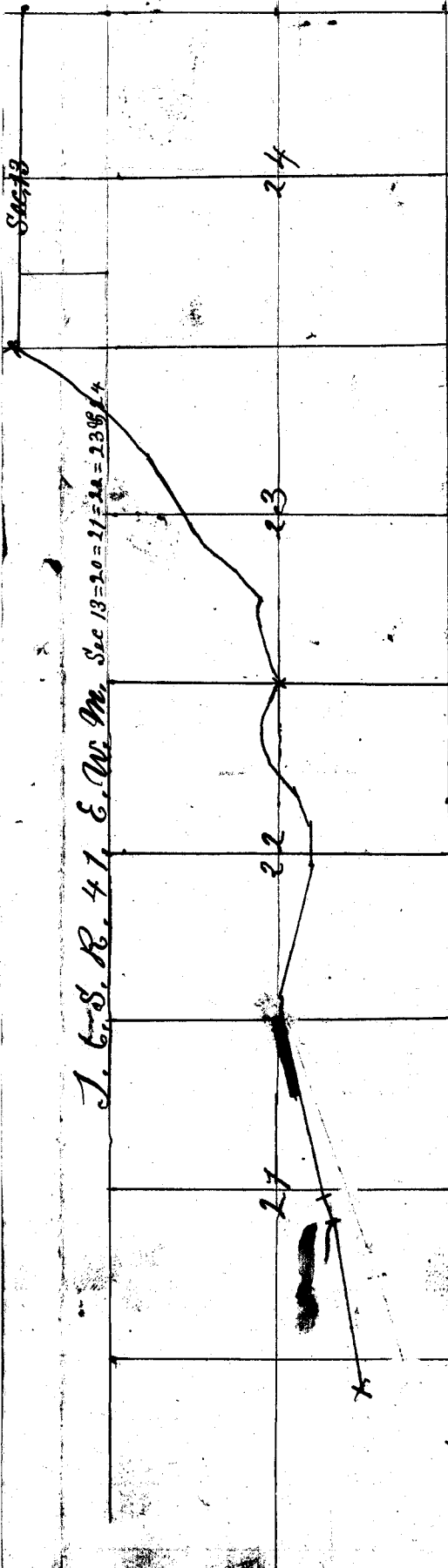
J. W. Kimbrell
Surveyor

being in length $3\frac{1}{2}$ miles and 86 Rods
and situated in Union County Oregon

Filed Aug 1, 1887

Asst. Hill clerk

By P. Oliver Dapay



I hereby certify that the above is a correct plat of survey of the proposed County Road of Durham Wright and others ordered viewed and surveyed by the County Court of Union County Oregon at the regular term of said Court in July 1887 J. W. Kimbrell
 this 21st day of July 1887

In the matter of the proposed county road of Durham Wright and others We the undersigned Viewers have on this 20th day of July 1887 Carefully viewed and examined the above proposed road and find it to be a good and practicable road and would most respectfully recommend the same established as a Public Highway, this 21st day of July 1887

Shannon Marshall
 M. J. Martin
 Viewers

Dunham Wright-
Road.

Five Days - 87.
A. M. M. M.
C. M. S.

Third Judicial Day

Friday July 8th 1887

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

One proclamation of the opening of Court having been made the Journal of yesterday's proceedings were read, approved and is here now signed

G. P. Goodall
County Judge

Thereupon the following proceedings were had to-wit:-

In the Matter of the
Proposed County Road
Petitioned for by Dunham
Wright and others

This matter comes on now to be heard on the petition of Dunham Wright and 15 others for the laying out and establishment of a County Road as follows to-wit:- Commencing at a point on County Road that leads from Union to Eagle Valley via of Delocasset and Big Creek at the foot of Western Slope of what is known as Red Rock Bridge thence in an Easterly direction to or near the house of G. H. Marshall thence in an Easterly direction to the Canyon of Beagle Creek, thence in a North East direction to the intersection of the Pine Creek road at or near the South line of the Farm of W. N. Boyler, all in Township 6 South Range 41 East in Union County State of Oregon, 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 more than twelve of said petitioners are legal householders living in the vicinity of the said proposed road, that a good and sufficient undertaking has been filed herein and that all the proceedings herein have been regular and according to law, It is therefore ordered and adjudged that W^m Martin, Wallace Boyler and Shannon Marshall shall be appointed viewers and and J. W. Kimbrell surveyor to view and survey said proposed road and report to the Court and that they meet at the house of G. H. Marshall on Wednesday the 20th day of July 1887 at ten o'clock A.M. and duly qualify before they proceed with their duty in this behalf.

Thereupon it was ordered that Court stand adjourned till tomorrow morning at 9 o'clock.

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 on Wednesday the 7th day of September A.D. 1887 or the first Wednesday in said month and the time fixed by law for holding a regular term of this Court, when the following officers were present, to-wit:-

The Hon O. P. Goodall County Judge
 John F. Chrisman Commissioner
 Elles Loop "
 A. J. Neill Clerk
 A. N. Hamilton Sheriff

When on Wednesday Sept 7th 1887 or the first Judicial Day of this Term, due proclamation of the opening of Court having been made, the following proceedings were had, to-wit:-

In the matter of the County }
 Road petitioned for by }
 J. Koopman et als }

This matter came on to be heard at this time on the reports of viewers and surveyor heretofore appointed herein, and the reports having been read in open court for the first time are laid over for another reading on some other day of this Term.

In the Matter of the Proposed }
 County Road petitioned for }
 by Dunham Wright et als }

At this time is presented to the Court the reports of viewers and surveyor heretofore appointed in this matter and the reports having been read in open court for the first time are laid over for a second reading on some other day of this term.

In the Matter of the Proposed }
 County Road petitioned for by }
 William McKinnell et als }

At this time is presented to the Court the report of the appraisers heretofore appointed by the Court to view and assess the damages that would accrue to Samuel Painter, Samuel Perry and A. W. Motley and it appears to the Court from said report that said parties would not

Second Judicial Day

Thursday Sept 8th 1887

and it appearing to the Court from proof filed herein that due and legal notice of the pendency of this proceeding has been given, that said petitioner has paid into the County Treasury the sum of Fifty Dollars, being the price required by law therefor, and has produced and filed the Treasurers receipt for the same, and having filed a good and sufficient undertaking herein and in all things else complied with the law, and no remonstrance having been filed herein or reason shown why such License should not issue; It is therefore considered and ordered by the Court that a license issue to said Union County Agricultural Society authorizing and empowering it to sell spirituous malt and vinous liquors in the Precinct of Lalsprade for the period of six months from the date hereof

In the Matter of }
Opening Bids }

At this time it is ordered by the Court that the sealed bids for furnishing the County with wood be now opened.

In the Matter of the }
Proposed County Road }
petitioned for by Durham }
Wright and others }

This matter comes on at this time for a second reading of ~~the~~ reports of viewers and surveyors heretofore appointed and it appearing to the Court that such reports are favorable, and having been read on two different ^{days of this} terms of this Court and no remonstrance or bill for damages having been filed herein, and it appearing to the Court that all the proceedings herein have been regular and according to law. It is therefore ordered by the Court that said reports of viewers and surveyor be received and placed on record and the road is hereby ordered to be opened according to law and declared a public highway.

Field Notes

of Proposed County road of Durham Wright and others.

I started at a point at a post marked R situated West $8^{\circ}45'$ S 60 rods from NE corner of $SE\frac{1}{4}$ $SE\frac{1}{4}$ Sec 20

Second Judicial Day

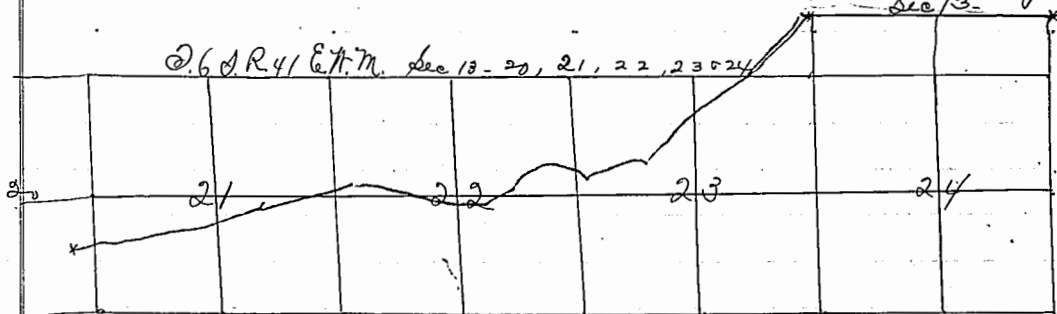
Thursday Sept 8th 1887

S 6 S R 41 E. N. M. from which I run
 East 16° North 160 rods to A 1
 Thence E 20° 30' N 30 rods " A 2
 " E 19° 30' N 180 " " " 1 M
 " E 19° 30' N 72 " " A 3 from which the
 1/4 Sec Stake between Sec 21 and 22 S 6 S R 41 E. N. M. bears
 N 53° N 233 links distant, Thence E 1° S 34 rods to A 4
 Thence E 10° 15' S 116 rods to A 5, Thence E 10° 45' S 54 " " A 6
 " E 10° 45' N 44 " " A 7-2 M " E 36° N 36 " " A 8
 " E 9° 30' S 44 " 20 links A 9 to 1/4 Sec Corner between Secs
 22 & 23 S 6 S R 41 E. N. M. Thence E 10° North 23 rods 3 links A 10
 Thence E 23° South 12 rods A 11, Thence E 13° North 31 rods to A 12
 " E 2° " 14 " A 13, " E 18° " 12 " " A 14
 " E 39° North 12 " A 15, " E 42° " 8 " " A 16
 " E 42° " 10 " A 17, " E 50° " 10 " " A 18
 " E 53° " 12 " A 19, " E 29° " 10 " " A 20
 " E 33° " 33 " A 21, " E 33° " 55 " " A 22-3 M
 " E 44° " 48 " A 23, " E 50° " 42 " " A 24
 " E 79° " 68 " A 25, " E 72° " 36 " " R. T.

from the N.W. corner of the S. N. 1/4 of S. N. 1/4 Sec 13 S 6 S R 41 E. N. M.
 bears South 34° West 100 links distant. Being in length
 3 1/2 miles and 36 rods and situated in Union County Oregon

J. H. Kimbrell

Surveyor



I hereby certify that the above is a correct plat of survey of the proposed
 County Road of Dunham Wright and others ordered viewed and
 surveyed by the County Court of Union County Oregon at the regular
 Term of said Court in July 1887, this 21st day of July 1887

J. H. Kimbrell
 Surveyor

Viewers Report

In the matter of the Proposed County Road of Dunham Wright
 and others.

We the undersigned viewers have on this 30th to 21st

Second Judicial Day

Thursday Sept 5th 1887

day of July 1887 carefully viewed and examined the above proposed road and find it to be a good and practicable route and would most respectfully recommend the same established as a Public Highway, this 21st day of July 1887,

Shannon Marshall
W. D. Martin

Viewers

✓ In the Matter of the }
Proposed County Road }
1. Petitioned for by W^m }
McKinnell and others }

This matter came on to be heard at this time on the reports of the viewers and surveyor heretofore appointed herein. And it appears to the Court that this matter came on to be heard at the last regular term of this court on said reports of viewers and surveyor but a claim for damages having been filed herein by Samuel Painter, Samuel Perry and A. W. Motley this court thereupon appointed W^m Nash, Eli Chandler and Louis Ferguson to view said premises and appraise the damages that would accrue to said claimants by reason of the establishment of said road, and the further consideration of the matter was continued till this term of this court.

And it appearing to the court that said appraisers have performed their said duty and filed in this court their verified report from which it appears that said claimants will be damaged not at all by the establishment of said road and the said reports of viewers and surveyor having been read now in open court for the second time as required by law and said viewers having reported favorably and recommended that the road be established as petitioned for, viewed, and surveyed. And no other remonstrance, or claims for damages having been filed herein, and it further appearing to the court that all the proceedings herein have been regular and according to law. It is therefore ordered by the court that said reports be received and placed on record, and that said road be declared a public highway and opened according to law.

Viewers Report

New Bridge, Union Co Or June 1/87

To the Hon County Court of Union County Oregon
The undersigned having been appointed viewers to locate a County