

No

in

Circuit

Court

Clara H. Whitcomb

Plaintiff

vs

Mellou P. Whitcomb

Defendant

Action for

Divorce

Docket

Page

5-20-1911

No costs

John P. Crite

Attorney for Plaintiff

Attorney for Defendant

PAID BY GREENE COUNTY N.Y. 1911
MAY 20 1911
1471 5370-1011
N.Y. 1911

Record of the Case

291

WITNESSES.

1888
Jan 5 Petition rec Viewers aff'd
Journal W p 249
Mar 7 let reading reports
Journal W p 252
Mar 9 ordered opened
Journal W p 311

Road

Beginning at the cor of SW⁴ of S⁴ E⁴
Sec 23 S 9 & R 45 E to intersect
Pine Valley road about 40 rods
N of W Parker's

To be sent to center
No certificate

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

291

PETITION FOR COUNTY ROAD.

To the Honorable ^{County} Court For Union County, Oregon:

The undersigned householders of Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, respectfully petition your Honorable body to lay out, alter and establish a County road within said County on the following line or route, to-wit:

~~Being~~ ^{Beginning} at the Northeast corner of Southwest quarter of Southeast quarter of Sec. 23, Township 9 South of Range 45 E.W.M. and running North 80 rod to 1/2 section line, thence East on said 1/2 sec. line through sections 23 and 24 about one and one-eighth miles to the Southwest corner of A.W.Parker's enclosure, thence north about 40 rds to intersect the Pine Valley road. And in duty bound your petitioners will ever pray, &c.

- | Names. | Names. |
|---------------|-----------------------------|
| C.H.Craig | R.W.Makinson |
| C.E.Holcomb | V.A.Usher |
| Preston Boyer | E.L.Beck |
| A.W.Parker | Wm.Bennehoff |
| G.T.Perry | W. Knoblanck ^{ugh} |
| S. Gover | C.T.Wise. |

Endorsed:

Road petitioned for by C.H.Craig & others.

PETITION.

Filed January 5, 1888.

A.T.Neill, Clerk.

Comp.

AFFIDAVIT.

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

I, Luther Lloyd, being first duly sworn, say that thirty days previous to the meeting of the January Term of the County Court of Union County, Oregon, to-wit, on the sixth day of December, 1887, I posted a true and correct copy of the notice of presentation of a road petition to said Court, of which the notice hereto⁽ⁿ⁾ attached is a true and correct copy, at the place of holding Court for Union County, Oregon, to-wit: On the court house door in the town of Union in said County, and that said notices remained posted thirty days previous to the presentation of said petition as I verily believe.

L.Lloyd.

Subscribed and sworn to before me this 28th day of December, 1887.

C.T.Wise,
Justice of the Peace.

NOTICE OF ROAD PETITION.

To All Persons Concerned:

You and each and all of you will take notice that the undersigned householders of Union Co., Oregon, residing in the vicinity where the hereinafter described road is proposed to be, will at the next session of the Co. Court for Union Co. Oregon, to-wit: On Wednesday, the fourth day of January, 1888, respectfully present to said Court a petition praying said Court to lay out, alter and establish a County road within such County on the line or route, to-wit: Beginning at the Northeast corner of the Southwest quarter of southeast quarter of section 23, Township 9, South of Range 45 E.W.M. and running north 80 rods to 1/2 section line, thence east on said 1/2 section line through sections 23 and 24 about one and one-eighth miles to the southwest corner of A.W.Parkers enclosure, thence north about 40 rods to intersect the Pine Valley road.

C.H.Craig

R.W.Makinson

C.E.Holcomb

V.A.Usher

Preston Boyer

E.L.Beck

A.W.Parker

Wm Bennehoff

G.T.Perry

W.Knoblan^{ck}

S.Gover

C.T.Wise

Endorsed:

Read Petitioned for by C.H.Craig and others.

Proof of posting notice on court house door.

Filed Jany. 5.1888.

A. J. Neill
Clerk

KNOW ALL MEN BY THESE PRESENTS: That we, R.W.Makinson and Joseph Bassett, of the County of Union and state of Oregon, are held and firmly bound unto the said County of Union in the sum of one 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 31 day of December, 1887.

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by C.H.Craig, C.E. Holcomb and others, and presented at the January Term, 1888, of the County Court of ^{said} Union county, commencing at the northeast corner of southwest quarter of southeast quarter of section 23, Township 9 south of Range 45, E.W.M. and running north 80 rods to 1/2 section line, thence east on said 1/2 section line through sections 23 and 24 about one and one-eighth miles to the southwest corner of A.W.Parker's enclosure, thence north about 40 rods to intersect the Pine Valley road, be located and established, then this obligation to be void, otherwise to remain in full force and virtue in law.

R.W.Makinson.

Joseph Bassett.

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

I, R.W.Makinson and Joseph Bassett each for himself says that I am worth the sum of one 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.

R.W.Makinson

Joseph Bassett.

Subscribed and sworn to before me this 31 day of December, 1887. *A.D.*

C.T.Wise,

Justice of The Peace.

Endorsed:

Bond of Road Petitioners. Road petitioned for by C.H. Craig, et. al. ^{Petitioners} Filed Jany 5. 1888.. A.T.Naill, County Clerk.

AFFIDAVIT.

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

I, R.W.Makinson being first duly sworn, say that I posted three several notice, of which the notices hereto attached is a true and correct copy, in three public places in said County in the vicinity of the proposed road therein described, to-wit: One at the northeast corner of Southwest quarter of the southeast quarter of section 23, one on the 1/2 section line at the crossing of the section line between sections 23 and 24 and one on the northwest corner of A.W.Parker's enclosure, as described in notice of petition at the intersection with Pine Valley road, all in Township 9 South of Range 45 E.W.M. Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the fifth day of December, 1887.

R.W.Makinson.

Subscribed and sworn to before me this 31 day of December 1887.

C.T.Wise

Justice of the Peace.

NOTICE OF ROAD PETITION.

To All Persons Concerned:

You and each and all of you will take notice that the undersigned householders of Union Co. Oregon, residing in the vicinity where the hereinafter described road is proposed to be, will at the next session of the Co. Court for Union Co. Oregon, to-wit, on Wednesday the fourth day of January 1888, respectfully present to said court a petition praying said Court to lay out, alter and establish a Co. road within such County on the line or route, to-wit: Beginning at the northeast corner of southwest quarter of southeast ^{quarter} of section 23, Township 9, South of Range 45 E.W.M., and running north 80__ to 1/2 section line, thence east on said 1/2 section line through sections 23 and 24 about one and one-eighth miles to southwest corner of A.W.Parker's enclosure, thence north about 40 rods to intersect the Pine Valley road.

C.H.Craig

R.W.Makinson

C.E.Holcomb

V.A.Usher

Preston Boyer

E.L.Beck.

A.W.Parker

Wm.Bennehoff

G.T.Perry

W.Knoblean^h

S.Gover

C.T.Wise.

Endorsed:

Road petitioned for by C.H.Craig et.als.

Proof of Posting Notices.

Filed Jan'y 5, 1888.

A.T.Neill

Clerk.

New Bridge, Or., Dec. 31, 1887.

Hon. Co. Court,

Union Oregon.

We enclose herewith the petition and other papers to the County Court asking for a county road on the route described therein. The road asked for is directly across the valley (Eagle) from east to west, at about the center, and is very much needed by the residents of the southern part of the valley as the only Co. road now passes through the northern part of the valley near the foot hills. The road will be but little expense to the County, as we think the work of the signers of the petition (1 day each) will open up the road. Everybody on the line of the road desire it, as the road will pass through school district No. 47 about the center. The school house of said district being on the line of the road asked for, to-wit: On the southwest corner of the northwest quarter of section 24 Town. 9 Range 45. this route will be the only road leading to the school house. It is now 1/2 miles from the nearest county road. This route will give us in the southern part of Eagle Valley and opening to Pine Valley about four miles nearer than following present public highways. Trusting your honorable body may deem it advisable to grant the request of petitioners. We are very Respectfully your obt. servts.

C.T. Wise,

R.W. Makinson.

To the Hon. County Court in and for Union County, Oregon.

We, the undersigned Road Viewers appointed by your Honorable Board to view out and locate a line of road petitioned for by C.H. Craig, commencing at a post marked R at the NE corner of the SW 1/4 of SE 1/4 sec. 23, T 9, S. R 45 E.W.M running thence due north north 80__ thence due East 352 rods, thence north 2 degrees West 36 rods to a post marked R intersection the Pine Valley road, hole distance 1 mile and 148 rods, respectfully report that pursuant to our appointment we were duly qualified as road viewers on the 21 of Jan.1888 and immediately thereafter proceeded to view out and locate said line of road and we do now report that the line of road is necessary for the convenience of the traveling public that the same is located on good ground for road purposes and that the establishment of said now as a county road is demanded by the wants of the community adjacent thereto as well as by the public and we do express our opinion in favor of establishment of said and also county road by your Honorable Board.

Louis Ferguson)
F.A.Dawson)
Eli Chandler.) Road Viewers.

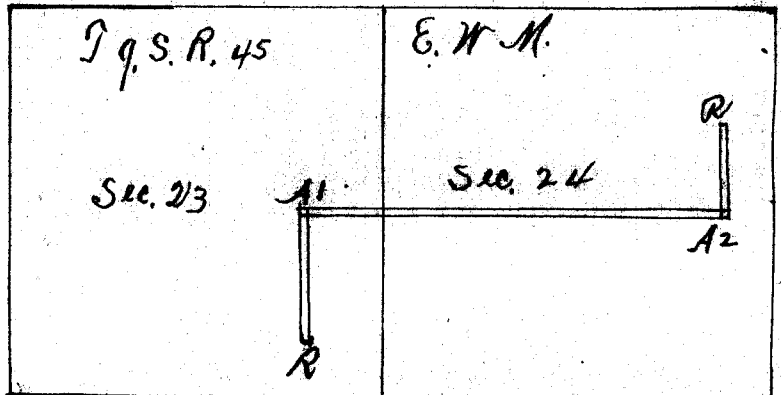
Endorsed:

Filed Feby 22, 1888.

A.T.Neill,

Co.Clerk.

Plat of road petition for by C.H.Craig and others, surveyed January 21, 1888, Whole distance one mile and 148 rods running on a magnetic variation of 20 degrees East. Scale of distance 320 rods to two inches.



Field notes of survey of road petition for by C.H.Craig et.al. Beginning at a Post marked R at the N.E. corner of the S.W. 1/4 of the S.E. 1/4 sec. 23, township 9, S. R 45, E.W.M., running thence due north 80 rods to A 1, thence due east 352 rods to A 2, thence N 2degrees W 36 rods to a Post marked R to intersect the Pine Valley road on the S.E. 1/4 of N.E. 1/4 sec. 24 T. 9, S. R, 45 E.W.M.

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

I hereby certify that the foregoing field notes to be correct as made by me under the supervision of viewers on the 21 day of January, 1888.

Fred Simonis Sr.

Deputy County Surveyor.

Endorsed:

Filed Feb 22-1888.

A.T.Neill, Clerk

By T. Oliver, Deputy.
Deputy.

In the County Court of the State of
Oregon for Union County.

In the matter of the proposed
County Road petitions for
by C. H. Craig, et al

State of Oregon } ss.
County of Union }

I G. W. Benson, 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.

In witness whereof, I have hereunto
set my hand and affixed the seal of
of the County Court of said County
and State, this 30th day of June, A.D. 1902,

G. W. Benson

By P. P. Schow, Clerk
H. H. H.

Wheeler County Clerk
State of Oregon for
Wheeler County

Baker matter of
the road between
and by City Creek,
et al.

Transcript of
papers transferred
to Baker County,
Oregon

Filed June 30, 1903.

E. W. Bennett
Clerk

Second Judicial Day

Thursday Jan 5th 1888

W. Bennett for a merely nominal sum, and he having now reported to the Court that he had performed such duty and had compromised with said Mrs E. W. Bennett, she having paid to the County the sum of Forty Dollars and that he had agreed to accept such sum and satisfy said Judgment in full. and such report coming on now for the approval and ratification of the Court. It is ordered and decreed by the Court that said sum of \$40⁰⁰ be accepted by the Court in full payment and satisfaction of said Judgment and that such satisfaction be acknowledged on the margin of the Judgment entry in the Circuit Court Journal and on the ^{Judgment} docket of said Court.

In the Matter of the }
Proposed County Road }
petitioned for by C. H. }
Craig and others } Comes now C. H. Craig who presents
to the Court the petition of himself and 11 others praying for the establishment of a County Road described as follows to wit: Beginning at the North East corner of South West quarter of South East quarter of Section 23 Township 9 South of Range 45 E. T. M. and running North 80 rods to $\frac{1}{2}$ section line, thence East on said $\frac{1}{2}$ Sec. line through Section 23 and 24 about one and one eighth miles to the South West corner of A. W. Parker enclosure thence North about 40 rods to intersect the Pine Valley Road.

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 all twelve of said petitioners are legal householders of Union County and reside in the vicinity of said proposed road, and a good and sufficient undertaking having been filed herein. It is therefore ordered by the Court that J. A. Dawson, Louis Ferguson and Eli Chandler be appointed viewers and Fred Smith Surveyor to view and survey said proposed road and report to this Court according to law. And that they meet at the house of W. B. Usher on Saturday the 21st day of January at 10 o'clock A. M. and duly qualify

Second Judicial Day Thursday July 5th 1888

before they proceed with their duties on this behalf

In the Matter of the }
Proposed County Road }
petitioned for by J. Koop }
man and others } This matter comes on now to
be heard on the report of the appraisers heretofore
appointed to assess the damages that would accrue
to Joseph Sheppard and Ole Diedrichson on account
of the building of the proposed road and on the reports
of viewers and surveyor heretofore appointed hereina
for a second reading, and the said appraisers
having reported as follows, to-wit:-

" Do the Hon. County Court in and for Union
County Oregon:
" We the undersigned appraisers appointed
" by your Honorable Board to appraise damage
" on the land & premises of Joseph Sheppard and
" Ole Diedrichson by a road survey through
" their land petitioned for by J. Koopman et al.
" respectfully report that we were first duly
" sworn on the 26th day of November 1887 and
" they proceeded to examine the premises of
" J. Sheppard and O. Diedrichson and find the
" damage by said road to J. Sheppard Twelve
" Dollars and Fifty cents (\$12⁵⁰) and to O. Diedrich
" Twelve Dollars and fifty cents (\$12⁵⁰)
" Fred Simonis Sr.
" A. Augustus
" G. H. Bennehoff."

And this matter coming on now regularly to be
heard on the reports of the Viewers and Surveyor
for a second reading as provided by law and
said reports having been now read on two different
days of this term, and no remonstrance or
claim for damages having been filed herein except
those set out in the foregoing report of appraisers
and no cause having been shown why such
road should not be opened, and it further
appearing to the court that all the proceedings herein

First Judicial Day

Wednesday March 7th 1888.

~~should not be surveyed. It is therefore considered and ordered by the Court that F. A. Dawson, Charles Fee, and Thaddeus Leap be appointed Viewers and J. M. Kimball Surveyor, to view, survey and report upon said proposed County road, and that they meet at the store of Dindell & Milkenon in Pine Valley on Monday the 19th day of March AD 1888 at 9 o'clock A.M. and that they duly qualify according to law before entering upon the discharge of their duties in this behalf.~~

In the matter of the proposed
County Road petitioned for
by M. L. Carter & others }

Now at this time is presented to the Court the Report of the Viewers heretofore appointed by the Court upon the above entitled road accompanied by the Report of the Surveyor and field notes and plat of the Survey which reports are read in open Court 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 at another day of this regular term.

In the matter of the proposed
County Road petitioned for
by E. H. Craig & others }

Now at this time is presented to the Court the Report of the Viewers heretofore appointed by the Court upon the above entitled road accompanied by the Report of the Surveyor and field notes and plat of the Survey which reports are read in open Court 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 at another day of this regular term.

In the matter of the Reports of
of Road Supervisors }

Now at this time was presented to the Court the Reports of the Supervisors of the following numbered Road Districts of this County for the year 1887, to-wit: Nos. 2, 3, 8, 10, 12, 13, 17, 18, 24, 25, 28, 29, 32, 33, 34, which reports appearing regular on their face are accepted by the Court.

Whereupon the Court adjourned until tomorrow morning at 9 o'clock.

Third Judicial Day

Friday March 9th 1888.

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

Due Proclamations of the opening of the Court having been made, the Journal of yesterday's proceedings was read, approved, and is now here signed.

O. P. Goodell
County Judge.

Thereupon the following proceedings were read to wit:—

In the matter of the petition
for Liquor License by
Judson Cook.

Now at this time is presented to the Court the petition of the residents and Voters of Sparta Precinct praying that a license may be granted to Judson Cook authorizing him to keep and offer for sale in the Town of Sparta in said Precinct Spirituous Liquors in less quantities than one quart for the period of one year from the 1st day of April AD 1888, and it appearing to the Court that all due and proper notices of the pendency of these proceedings has been made according to the law in such cases made and provided, and a good and sufficient bond having been filed herein as also a receipt from the County Treasurer showing that the amount required therefor has been paid into the County Treasury. Therefore it is ordered and adjudged by the Court that license shall issue to said Judson Cook authorizing him to keep and offer for sale in said Sparta Precinct Spirituous Liquors in less quantities than one quart for the period of one year from the said 1st day of April AD 1888.

In the matter of a proposed
County Road petitioned
for by L. H. Craig & others.

Now at this time the Viewers and Surveyor's Reports on a proposed County road petitioned for by L. H. Craig & others is read a second time, and said reports being favorable, and said reports 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 claims of damage filed herein It is therefore ordered by the Court that said Viewers report and plat and field notes of the

Third Judicial Day

Friday March 9th 1888.

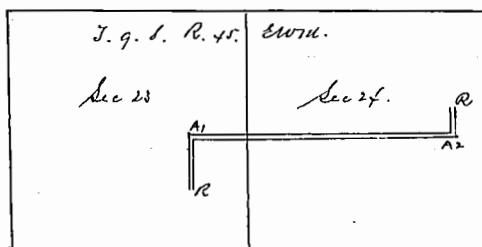
Surveyor be placed on record, and said road be established as a County road and opened according to law.

Viewers Report.

To the Hon County Court in and for Union County Oregon.
We the undersigned Road Viewers appointed by your Honorable Board to view out and locate a line of road petitioned for by C. H. Craig commencing at a post marked R at the N. E. corner of the S. W. 1/4 of S. E. 1/4 Sec 23. T. 9. S. R. 45 E. 11th running thence due North 80 thence due East 352 rods thence North 2° West 36 rods to a post marked A intersection the Pine Valley road whole distance 1 mile and 148 rods respectfully report that pursuant to an appointment we were duly qualified as Road Viewers on the 21 of Jan 1888 and immediately there after proceeded to view out and locate said line of roads and we do now report that the line of road is necessary for the convenience of the travelling public, that the same is located on good ground for road purposes and that the establishment of said now as a County road is demanded by the wants of the community adjacent thereto as well as by the public and we do express our opinion in favor of establishment of said and also County road by your Honorable Board.

(Signed) Louis Ferguson
F. A. Dawson } Road Viewers
Eli Chandler }

Plan of road petition for by C. H. Craig and others surveyed January 21, 1888 whole distance one mile and 148 rods running on a magnetic Variation of 20° east scale of distance 320 rods to two inches.



Field notes of survey of Road petition for by C. H. Craig et al.
Beginning at a post marked R at the N. E. corner of the S. W. 1/4 of the S. E. 1/4 Sec 23. Township 9. S. R. 45 E. 11th running thence due North 80 rods to A1 thence due east 352 rods to A2 thence N 2° W. 36 rods to a post marked R to intersect the Pine Valley Road on the S. E. 1/4 of N. 1/2 Sec 24 T. 9. S. R. 45 E. 11th

State of Oregon

County of Union

I hereby certify that the foregoing field notes to be correct as made by me under the Supervision of Viewers on the 21 day of January 1888

Fred Semonis Jr
Deputy County Surveyor.