

No 240

in

Circuit

Court

S Baer

Plaintiff

vs

W B Campbell

Defendant

Action for Money

Docket A Page 524

M. Baker

Attorney for Plaintiff

Attorney for Defendant

THE OFFICE OF THE CLERK OF THE SUPREME COURT OF THE STATE OF NEW YORK
149 W. 4th St. New York City

1888
 Nov 24 Petition rec Viewing affidt
 Journal D of 468
 1889
 Jan 10 1st reading report
 Journal D of 477
 Jan 11 ordered opened
 Journal D of 485

Road

Beginning at S E cor of N W⁴ of S E⁴ Sec 15
 T 36 R 36 E to near Wm Arnolds House
 Also beginning near Arnolds Saw Mill
 to entered Co Road near Chas Souls House

F Aldenberg

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

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: Beginning at the South West corner of the NW 1/4 of Sec 14 of Section 15 Township 3 S Range 3 E W 1/4

Thence running in a northerly direction to a point 12 rods more or less north of the Grand Round River, thence easterly on the most practicable ground or route to intersect the County road at a point near Wm Arnold's ~~house~~ ^{House}, also to discontinue the County road between the beginning and terminus of this ^{proposed} road, also to lay out a road beginning on the County road near Wm Arnold's saw mill and running easterly on the most practicable route to intersect the County road near Charles Sauls Dwelling House also to discontinue what is now the County road between these two points of intersection
 And in duty bound your petitioners will ever pray, &c.

NAMES.

L. Holenburg
 S. H. Richardson
 George A. Brown
 Isaac Stinson
 S. E. Becker
 Henry Sunderland
 L. La. Northcott
 C. J. Glass
 D. G. Ferguson
 C. C. Garwood
 J. E. Ripley
 C. A. Thompson

W. G. James
 J. W. Buck
 J. C. Moore
 J. Brooks
 C. J. Fox
 L. A. Talcott
 W. H. Simpson
 J. Lake
 C. C. Arnold
 J. H. Hunter
 J. J. Clive
 J. P. Clive
 W. H. French
 J. R. French

Filed Nov 24 1888
Attest Clerk.
J. H. Bell Depy

STATE OF OREGON

County of Union

} S. J. Richardson being first

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

- One on S. J. Richardson's place with shape
 - One on Henry H. Linsley's place near the Duling House
 - One on a tree about half way on his proposed road,
- all being public places on this proposed road

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

S. J. Richardson

Subscribed and sworn to before me this 24th day of November 1888

Attest Correctly
By J. H. Bell Deputy

STATE OF OREGON,
COUNTY OF UNION. } ss.

I Turner Oliver 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~~

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 2nd day of October 1888, ~~and that thereafter and thirty days previous to the presentation of said road petition therein mentioned, to wit: on the day of _____ 188~~ I posted a true and correct copy of said notice at the place of holding Court for Union County, Oregon, to-wit: On the front of 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.

Turner Oliver

Subscribed and sworn to before me this 24th day of November 1888

Attest Clerk
By V. P. [Signature] Deputy

Notice of Road Petition

To all persons concerned, you & each and all of you take notice that the undersigned
 Homeholders of Union Co Oregon
 Residing in the vicinity where^(the house) after described
 road is proposed to be built at the next
 session of the County Court of Union County
 Oregon To wit-

on Wednesday the 7th day of November 1888
 Respectfully present to said Court a Petition
 praying said Court to lay out ~~the~~ ^{after} established
 a County Road within said County on the
 following line or route.

To wit- Beginning at the S E corner of NW 1/4
 of the S 8 1/4 of Sec 15 Township 3 South of Range 36
 E W M thence running in a northerly
 direction to a point 12 rods more or less north
 of the Grand Round River thence easterly on
 the most practicable road or route, ~~to a point~~

to intersect the ^(bar by) road now laid out at a point
 near Wm Arnold's dwelling house
 also to discontinue the County road between the
 beginning & termination of this proposed road
 also to lay out a road beginning at a point
 near Wm & Fred Arnold's Saw Mill on the County
 road & running easterly on the most prac-
 -ticable route to intersect the County road near
 Charles Senter's dwelling house also to discontinue
 what is now the County road between these
 two points of intersection

L. Abernethy
 S. H. Chapman
 George A. Brown
 Isaac Stinson
 J. E. Barker
 Henry Sanderson
 L. Leitch
 C. L. Glass
 D. H. Ferguson
 C. C. Garwood
 J. P. Ripley

James Moore
 G. W. Buck
 F. Brooks
 J. J. Elliott
 C. H. Johnson
 J. Lake
 C. C. Crowell
 J. H. Hunter
 J. J. Colme
 J. P. Coline
 C. C. ...
 J. P. ...

Wm. B. ...
 J. ...
 ...

Received and posted this Oct 20th 1888

Free November 21 1885
O. T. Wood Clerk
By J. B. Wood Acting

Know all Men by these Presents:

THAT WE, J. J. Richardson 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 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 24th day of November 1888

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by L. Oldenburg
and others, and presented at the November

Term, 1888 of the County Court of said Union County, commencing at the South East
Corner of the N^o 1/4 of S. E 1/4 of Section 15 Township 3 S of Range 36 E 11th Mer.
running in a Northwardly direction to a point 12 rods more or less north of the
Grand Ronde River thence easterly on the most practicable ground or route to intersect the
County road at a point near Wm Arnold's dwelling house also to discontinue the County
road between the beginning and terminus of this proposed road. Also to lay out a
road beginning on the County road near Wm & Mad Arnold's saw Mill and running
easterly on the most practicable route to intersect the County road near Charles
Sorel's dwelling house also to discontinue what is now the County Road between
these two points of intersection.

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

J. J. Richardson

STATE OF OREGON,

County of Union } ss.

I, J. J. Richardson and

each for himself says that I am worth the sum of

Two hundred 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. J. Richardson

Subscribed and sworn to before me, this 24th day of November A. D. 1888

A. T. Heile Clerk,
J. P. Bell Deputy.

Bond of Road Petitioners.

Petitioners.

Filed Nov 24th 1888

A. T. Bee

County Clerk.

By

C. J. Miller

Deputy.

REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 7th day of *November*, 1887, appointed to view and lay out and alter the proposed County road, of which the survey hereto attached is a true and correct description, as petitioned for by *S Oldenburg*, et al, beg leave to report that on the 1st day of *Dec*, 1888, in pursuance with said appointment and order, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should _____ be laid out *and* established as a public highway of UNION COUNTY, OREGON. That the same *is* _____ practicable and would add *much* to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be _____ laid out *and* declared a public highway of said county.

This the 3rd Day of Dec. 1888

A. S. Apple
W. D. Arnold
W. Hayes

RECEIVED OF AIR/ERS

Filed Dec 17. 1888
At Mexico Cent
By J. S. Bell Agent

36

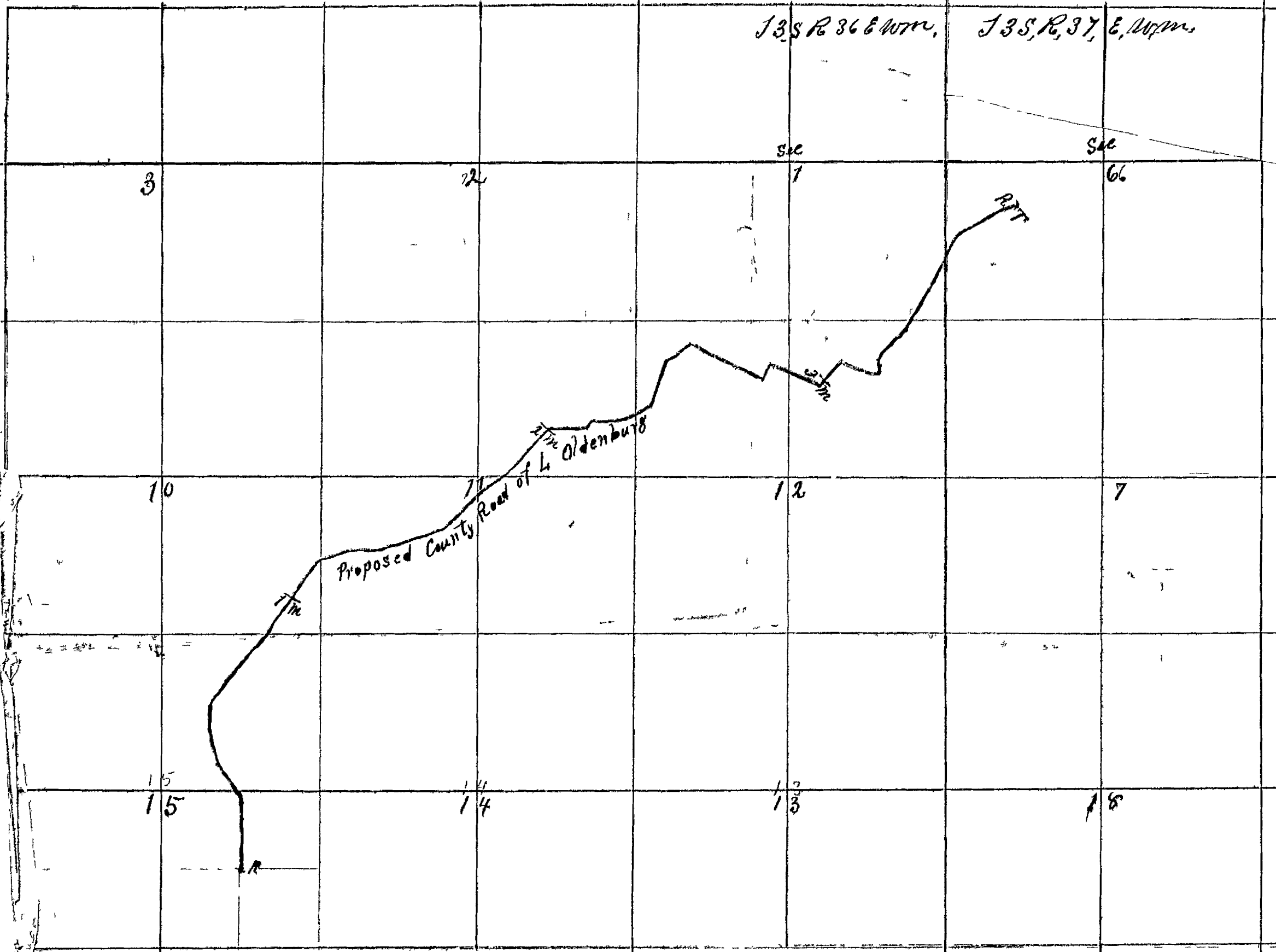
37

T 2 S R 36 E 10 m

T 2 S R 37 E 10 m

T 3 S R 36 E 10 m

T 3 S R 37 E 10 m



3

22

Sec

7

Sec

6

10

Proposed County Road of L Oldenburg

12

7

15
15

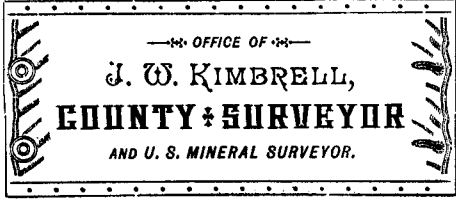
14

13

18

R

P.M.



Field Notes of The Proposed County Road of S. Oldenburg and others



Surveyed, Dec 1st 1888

I Commenced by Marking a Pine Tree 36 inches Diameter R.
and situated about the center of the S. E. 1/4 Sec, 15 in T. 3. S. R. 36 E. W. M.

- Thence North 76 Rods to A1
- " N 35° W 40 " A2
- " N 15° W 36 " A3
- " N 4° W 24 " A4
- " N 36° E 49 " A5
- " N 39° 30' E 55 " A6
- " N 34° E 40 " 1
- a Post from which a Pine
Tree Bears N 45° W 57 links dist.
- Thence N 34° E 40 Rods to A7
- " N 70° 30' E 36 " A8
- " S 87° 30' E 32 " A9
- " N 72° 45' E 68 " A10
- " N 45° E 44 " A11
- " N 55° E 32 " A12
- " N 47° E 66 " 2 M A13

- a Post in Mound of Earth as
Required by Law.
- Thence N 87° E 32 Rods to A14
- " N 40° E 9 " A15
- " N 86° E 31 " A16
- " N 63° E 25 " A17
- " N 17° E 45 " A18
- " N 57° E 24 " A19
- " S 62° E 6 " A20
- " S 61° 30' E 32 " A21
- " S 66° E 32 " A22
- " N 24° E 18 " A23
- " S 78° E 58 " A24
- " N 42° E 6 " 3 M A25

- a Post in Mound of Earth
as required by Law.
- Thence N 40° 30' E 27 Rods A26
- " S 71° E 30 " A27
- " S 88° 30' E 10 " A28
- " N 7° W 15 " A29

- Thence N 23° E 6 Rods to A30
- " N 40° E 48 " A31
- " N 30° E 26 " A32
- " N 28° E 76 " A33
- " N 60° 15' E 46 " A34
- " N 74° 30' E 20 " R. T.
- a Pine Tree 36 inches
Diameter and situated in
the S. W. 1/4 Sec, 6 in T. 3. S. R. 37 E. W. M.

J. W. Kimbrell County Surveyor
for Union Co. Or.

Final

Dec^r 17 1888

A. J. Weiss Clerk

By J. H. [unclear] Deputy

Fifth Judicial Day.

Saturday November 24th 1888

Court met pursuant to adjournment

Present Hon O.P. Woodall Judge Presiding
 " John McDonald Commissioner
 A. Heico Clerk
 A. Hamilton Sheriff

Proclamation of the opening of the Court having been made the following proceedings were had, to-wit:

In the matter of a proposed
 County Road petitioned for }
 by L. Oldenburg, & others }

Comes now S. J. Richardson one of the petitioners for the above named proposed County Road and presents to the Court the petition of himself and others praying for the location and establishment of a County Road described as follows to-wit: Beginning at the South east corner of the S.W. 1/4 of S.E. 1/4 of Section 15 Township 3 S. of Range 36 E. and thence running in a Northwardly direction to a point 12 rods more or less north of the Grand Ronde River thence easterly on the most practicable ground or route to intersect the County Road at a point near Wm. Arnolds dwelling house, also to discontinue the County Road between the beginning and terminus of this proposed road. Also to lay out a road beginning on the County Road near Wm. and Fred Arnolds saw mill and running easterly on the most practicable route to intersect the County Road near Charley Souls dwelling house also to discontinue what is now the County Road between these two points of intersection. And it appearing to the Court that said petition is signed by more than twelve householders of this County residing in the vicinity of said proposed road and that said petition properly specifies the place of beginning intermediate points and place of termination of said road and it satisfactorily appearing to the Court that notice has been given by advertisement posted at the place of holding County Court to-wit at the Court House in Union County of Union State of Oregon and also in three public places in the vicinity of said proposed road to-wit: one on S. J. Richardson's Blacksmith Shop one on Henry Heuters fence post near his dwelling house and one on a tree about half way on this proposed road for more than thirty days immediately prior to the presentation of said petition to this Court notifying all persons concerned that application would be made to this Court at the present session of this Court and that the notices so posted were in due form and duly signed by the petitioners and that a bond for the cost of this proceeding has been duly given It is therefore ordered that S. S. Apple, William Boyce and William Arnold be appointed Viewers of said road and that John W. Kimbrell be appointed Surveyor

Fifth Judicial Day

Saturday, November 24, 1888

of said road and that they meet at Mrs. Hayes' Saw Mill on the 1st day of December 1888 at the hour of 8 o'clock A.M. and after qualifying to view survey and lay out said road according to law.

In the matter of the opening
of a County road upon a
subdivision line. -

Now at this time come S. B. McCrean, P. M. Coffin, R. W. Hutchinson and J. H. Hutchinson and present to the Court a petition setting forth that in the survey and location of a certain County road commencing at the south east corner of the north west quarter of section thirteen in Township four south of Range thirty nine east of the Willamette Meridian and running thence west one mile to the south west corner of the north east quarter of section fourteen Township and Range as aforesaid by error of such survey and location said County road was not laid out upon the subdivision line running through said sections 13 and 14 as was intended to be done in so surveying and locating said County road. That said petitioners are the owners of the lands through which said road runs, and praying the Court to cause said County road to be opened upon said section line running through sections 13 and 14 as aforesaid and commencing at the south east corner of the north west quarter of section thirteen and running thence due west one mile to the south west corner of the north east quarter of section fourteen Township four south of Range thirty nine east of Willamette Meridian and the Court having duly considered said petition and being fully advised in the premises It is ordered by the Court that the prayer of such petition be granted and that the County road referred to therein be opened as prayed for upon the section line running through sections 13 and 14 as set forth and asked for in said petition.

In the matter of purchasing
Codes for the County Commissioners.

Now at this time it is ordered by the Court that the County Clerk purchase two copies of Hill's Annotated Code of the State of Oregon for the use of the County Commissioners of this County.

In the matter of the bill
of A. J. Neill County Clerk.

Now at this time comes A. J. Neill County Clerk and presents to the Court his bill for services rendered to the County amounting

Second Judicial Day

Thursday, July 10th 1889

copied precinct to serve, until his successor is duly elected and qualified.

In the matter of the proposed }
 bounty Road petitioned for }
 by L. Oldenburg & others }

This matter came on to be heard at this time upon the reports of the Viewer and Surveyor heretofore appointed herein. And said reports having been read in open court are laid over for a second reading on some other day of his term.

In the matter of the }
 claim of James Moore }
 for Damage. }

At this time comes James Moore and presents to the Court his affidavit and petition for Damages, from which it appears that on Nov 23rd 1888 petitioner lost a valuable mare by reason of a defective County bridge. The mare having broken her leg in same, from which and by reason of which claimant alleges that he was and is damaged in the sum of \$125⁰⁰. And from the affidavits of three other parties it appears that said James Moore has sustained damages herein, but the Court believing that the County is not altogether responsible for said damages and said James Moore having agreed to accept \$60⁰⁰ in full of his claim It is ordered by the Court that the Clerk issue a warrant on the Treasurer for \$60⁰⁰ in full of said claim.

In the matter of a }
 County warrant for }
 G. M. Thompson }

At this time it is ordered by the Court that the Clerk issue a warrant on the Treasurer in favor of Geo. M. Thompson for \$100⁰⁰ in part payment of Contract for bridge at farm of H. B. Peck.

In the matter of a }
 Settlement with John }
 L. M. Kinnis for lumber }

At this time it appearing to the Court from Bill filed herein that the County owes John L. M. Kinnis for Lumber sold and delivered to the County and used in constructing bridges on the County Road petitioned for by M. J. Kinnis et al the sum of Five Hundred Eighteen Dollars and Fifty Eight Cents (\$518⁵⁸).

Third Judicial Day

Friday Jan 11th 1889

Court met pursuant to adjournment.

The same officers were present as on 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. S. Goodall
County Judge

Thereupon the following proceedings were had, to wit:-

Ans. the matter of the
Road petitioned for
by L. Oldenburg & others

This cause came on to be heard upon the Reports of the Viewers and Surveyor for a second reading as required by law, and it appearing to the Court that the viewers report favorably on said proposed road, and said reports having now been read in open court on two different days of this term, and no remonstrance or claim for damages having been filed herein or cause shown why said reports be not approved, It is therefore considered and ordered by the Court that said reports of viewers and surveyor be approved and placed on record and that said road be ordered opened and declared a public highway of Union County.

Report of Viewers.

To the Honorable County Court for Union County, Oregon:-

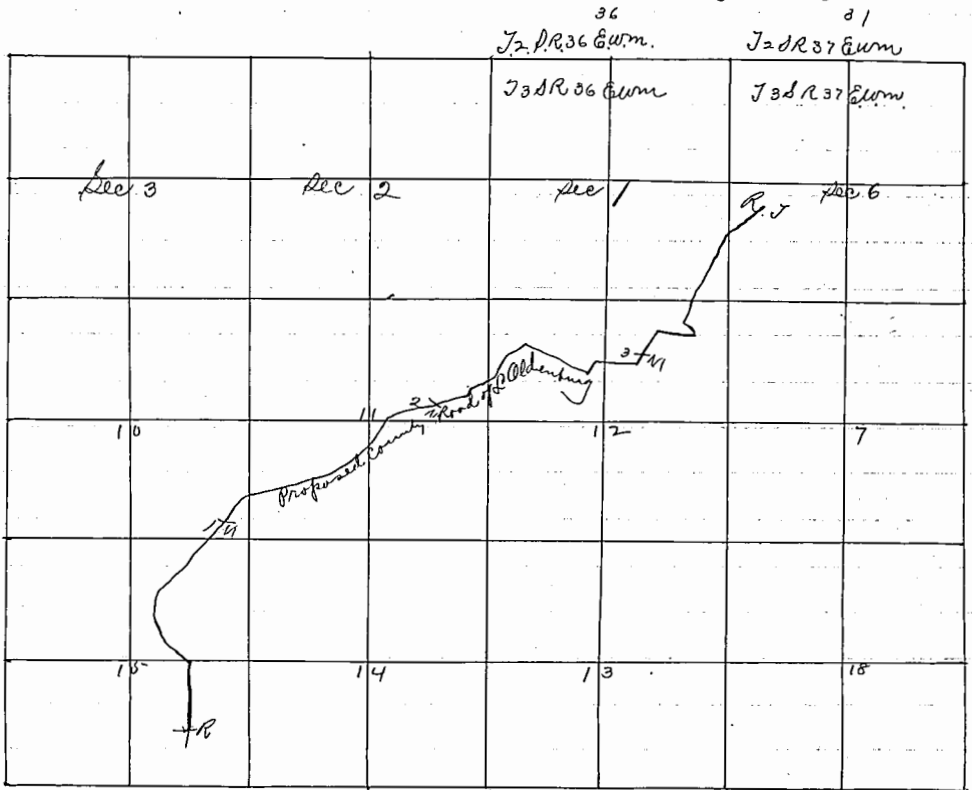
The undersigned viewers heretofore on the 7th day of November 1888 appointed to view and lay out and alter the proposed County road, of which the survey sheets attached is a true and correct description as petitioned for by L. Oldenburg et al, beg leave to report that on the 1st day of Dec. 1888 in pursuance with said appointment and oaths, after being duly sworn to faithfully and impartially discharge the duties of said appointment, we proceeded to view out said proposed road for the whole distance thereof, and that in our opinion said proposed road should be laid out and established as a public highway of Union County, Oregon. That the same is practicable and would add much to the convenience of the householders residing in the vicinity thereof, we therefore recommend that said proposed road be laid out and declared a public highway of said County.

This the 3rd day of Dec 1888.

O. S. Goodall
W. D. Arnold
W. Noyes

Third Judicial Day

Tuesday Janry 11th 1889



Field Notes of the Proposed County Roads of L. Oldenburg and others
 Surveyed Dec 1st & 3rd 1888

Commenced by marking a Pine Tree 36 inches diameter R and situated about the center of the $\frac{1}{4}$ Sec 15 in T. 3 S. R. 36 E. N.M.

- | | |
|--|--------------------------------|
| Thence North 76 rods to A 1 | Thence N 35° W. 40 rods to A 2 |
| " " 15° N 36 rods to A 3 | " N 4° W 24 " " A 4 |
| " " 36° E 49 " " A 5 | " N 39° 30' E 55 " " A 6 |
| " " 34° E 40 " " 1 M a post from which a pine tree bears | |
| N 45° W 51 links distant | Thence N 34° E 40 rods to A 7 |
| Thence N 70° 30' E 36 rods to A 8 | " S 87° 30' E 32 " " A 9 |
| " N 72° 45' E 68 " " A 10 | " N 45° E 44 " " A 11 |
| " N 55° E 32 " " A 12 | " N 41° E 66 " " 2 M A 13 |
| a post in mound of earth as required by law thence N 87° E 32 " " A 14 | |
| Thence N 40° E 9 rods to A 15, | Thence N 82° E 31 " " A 16 |
| " N 63° E 25 " " A 17, | " N 17° E 44 " " A 18 |
| " N 57° E 24 " " A 19, | " S 62° E 6 " " A 20 |
| " S 61° 30' E 32 " " A 21, | " S 66° E 32 " " A 22 |
| " N 24° E 18 " " A 23, | " S 78° E 58 " " A 24 |
| " N 42° E 6 " " A 25, 3 M a post in mound of earth as required by law | |
| " N 40° 30' E 27 " " A 26, | Thence N 71° E 30 rods to A 27 |
| " S 88° 30' E 10. " " A 28, | " N 7° W 15 " " A 29 |
| " N 23° E 6 " " A 30, | " N 45° E 48 " " A 31 |
| " N 30° E 26 " " A 32, | " N 28° E 76 " " A 33 |
| " N 60° 15' E 46 " " A 34, | " N 74° 30' E 20 " " R. 7 |

Third Judicial Day

Friday Jan'y 11th 1889

a fir tree 36 inches diameter and situated in the NW¹/₄ Sec 6 in T3S
R37E.W.M.

J. W. Kimbrell

County Surveyor for Union Co. Or.

In the matter of the petition
of Citizens of Pine and Eagle
Valleys for an appropriation
on County Road

This matter came on to be heard upon the petition of the citizens of Pine and Eagle Valleys for an appropriation of \$30000⁰⁰ to be used and applied in opening up the following described road, heretofore petitioned for, surveyed and ordered opened, to-wit:- Commencing at a Rock 65 rods West from the South East corner of Section 22 Township 9 South of Range 45 E.W.M. in Eagle Valley (Union County, Oregon) and running West up Powder River on the North side to its intersection with the Sparta Road in the South East quarter of the North East quarter of Section 27 Township 8 South of Range 43 E.W.M. And G. W. Bennhoff, one of the County Commissioners who represents that part of the County particularly not being in attendance at this term of the court, It is ordered that said petition be not acted upon at this term, but be continued till the next term of this court.

In the matter of the
petition of J. B. Shea
for a Liquor License

This matter came on to be heard upon the petition of J. B. Shea for a license to sell spirituous malt and various liquors in quantities less than one quart in the Precinct of Cornucopia 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 and petitioner having paid into the County Treasury the sum of Fifty Dollars being the price required by law therefor and having produced and filed the Treasurers receipt for the same and in all things else having complied with the requirements of the law herein. It is therefore considered and ordered by the court that a license issue to said J. B. Shea authorizing and empowering him to keep and sell spirituous malt and various liquors in the precinct of Cornucopia in quantities less than one quart for the period of six months from the date hereof.

Thereupon it was ordered that Court be now adjourned till tomorrow morning at 9 o'clock