

No 238

ⁱⁿ
Circuit

Court

John P Bowen

Plaintiff

vs

D. J. Kinsey

Defendant

Action for Money

Docket

Page

Hyde & Hyde

Attorney for Plaintiff

Attorney for Defendant

REVEREND CHIEF JUSTICE
JAMES M. WELLS
COURT HOUSE
NEW YORK

1889
 Jan 9 Petition rec Viewers aff'd
 Journal B p 473
 Mar 6 Appraisers aff'd
 Journal B p 518
 July 3, Order opened
 - Jul 3 p 558

Road

Commencing at S E cor of S W 4 Sect 318
 R 39 E to S E cor of S E 4 Sect 10 31-8
 R 39 E

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

STATE OF OREGON,
COUNTY OF UNION. } ss.

I John Macdonald 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~~
~~day of~~ 1888, and that thereafter ~~and thirty days~~ ^{or about 17th} ~~previous to the presentation of said road petition therein mentioned, to-wit: on the~~
day of November 1888, 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.

Subscribed and sworn to before me this 8th day of Jan 1889
John Macdonald
By J. Neill clerk
By J. Howard

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

To commence at the South East corner of South West 1/4 Sec 1 Town 1 South Range 38 E thence West to the South East corner of Sec 4 Town 1 South Range 38 East thence South to the North East corner of Sec 16 Town 1 South Range 38 E thence East to the South West corner of the South East 1/4 Sec 10 Town 1 South Range 38 East and thence terminate

And in duty bound your petitioners will ever pray &c

NAMES

NAMES

James E. Woods

B. H. Meyer

John Coontz

John Lewis Sr

John Lewis Jr

H. G. Perkins

J. C. May

L. F. Shutter

P. C. Palmer

J. M. Knecht

John White

M. M. Richardson

K. M. Richardson

S. J. Brooks

C. S. Knapp

W. C. Smith

J. A. Bruce

C. A. Reddy

J. W. Norvell

H. W. Oliver

Wm. M. Gibson

A. Shaw

J. S. Williams

J. C. McDowell

E. B. Morelock

John York

J. S. McKenzie

H. Mira

G. P. Wade

J. S. Wade

B. D. Hubers

J. S. Hubers

H. W. Leavelle

B. S. Savy

E. D. York

J. S. Meyer

Jacob Collins

Wm. R. Rickett

W. E. Marshall

R. S. Obidier

G. W. Kuckman

R. D. Ruckman

James P. Collins

J. S. Cobb

J. W. Carlides

J. W. Robinson

L. E. Myers

E. J. Myers

W. C. Moore

A. S. Savy

C. W. Knapp

Filed Jan'y 8th 1889
Attest Clerk
By Thomas Oliver Esqy

STATE OF OREGON,
COUNTY OF UNION. } ss.

I

R. C. Palmer

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 on a pine tree at the S.E. corner of SW 1/4 Sec 1 of T. 1 R. 38 E. N. 1/2 (the beginning). one on the abandoned of J. H. Kimbarto, near Summerville - and one at the NW corner of of the S.E. 1/4 Sec 10. T. 1 R. 38 E. N. 1/2 (the terminus), all being in the vicinity of said road

Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 17th day of November 1888, and that thereafter and thirty days

~~previous to the presentation of said road petition therein mentioned, to-wit: on the~~ day of 1888, 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.~~

Subscribed and sworn to before me this

8th

day of

R. C. Palmer
Jany
at Summerville

1888

Filed Jan'y 8th 1889
A. G. Hall, Clerk
By J. Thunroder, Secy

Notice of Road Petition

To all Persons Concerned. You and each and all of you will take notice that the undersigned, householders for Union County Oregon residing in the vicinity where the hereinafter described road is proposed to be will at the next session of the County Court for Union County Oregon to wit On Wednesday the 9th day of January 1889, respectfully present to said Court a petition praying said Court to lay out and establish a County road within said County on the following line or route, to wit

To commence at the South East corner of South West 1/4 Sec 12
 Town 1 South Range 38 East - thence West to the South East
 corner of Sec 4 Town 1 South Range 38 East, thence South
 to the North East corner of Sec 16 Town 1 South Range 38 E
 thence East to the South West corner of the South East
 1/4 Sec 12 Town 1 South Range 38 East

of 2 1/2 rods.
 John Cornitt et al
 John Lewis sr
 John Lewis jr
 W. G. Palmer
 R. A. Palmer

B. F. Hooper
 Road Engineer
 B. F. Hooper
 W. E. Lyons

J. M. Bruehart
 Alice Choate
 M. M. Morrison
 R. M. Morrison
 E. B. Brackets
 E. S. G. G. G.
 A. G. G.
 L. M. G.
 W. M. G.
 E. B. Morlock
 John York
 J. C. M. G.
 H. Myers
 W. S. Wade
 Wm. W. G.
 R. B. Hubers
 S. S. Whitley
 Wm. G. G.
 B. S. G.
 E. R. York
 S. G. G.

J. J. G. G.
 C. A. Beeler
 J. W. Norval
 J. H. G.
 Wm. G.
 Jacob G.
 Wm. G.
 W. E. G.
 R. J. G.
 A. W. G.
 G. D. G.
 James G.
 J. H. G.
 G. M. G.
 W. G. G.
 R. G. G.
 E. J. G.
 W. G. G.
 R. G. G.
 L. W. G.

Filed Jan 8th 1889
A. P. Nell clerk
By Thomas Oliver Deputy

Know all Men by these Presents:

THAT ~~we~~ *R. C. Palmer* 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~~ ^{myself} ~~our~~ ^{my} heirs, executors and administrators, firmly by these presents.

Signed this *8th* day of *January* 188*8*.

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by *James E. Woods* and others, and presented at the *January*

Term, 1887, of the County Court of said *Union* County, commencing at the *S. E. corner of S. W. 1/4 Sec. 1. T. 1. S. R. 38. E. thence West to the S. E. corner of Sec. 4 T. 1. S. R. 38. E. thence South to the N. E. corner of Sec. 16 T. 1. S. R. 38. E. thence East to the N. W. corner of S. E. 1/4 Sec. 10. T. 1. S. R. 38. East the said line terminates.*

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

R. C. Palmer

STATE OF OREGON,

County of *Union* } ss.

R. C. Palmer and

being duly sworn ~~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.

R. C. Palmer

Subscribed and sworn to before me, this *8th* day of *January* A. D. 18*88*

J. A. Miller Clerk,

By _____ Deputy.

Board of Road Petitioners

Viewers appointed
in the meeting read
as follows to wit
George Johnson
David Hery and
James E. Woods
Thomas N. Small
and M. Kimball

Petitioners.

Filed Jan 8th 1889

at Richmond Va.
Jan 16th 1889 at 9 o'clock

A. N. Neill

County Clerk.

By James Oliver

Deputy.

REPORT OF VIEWERS.



TO THE HONORABLE COUNTY COURT FOR UNION COUNTY, OREGON:

The undersigned viewers heretofore on the 8 day of January, 1882, 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 R. C. Palmer, et al, beg leave to report that on the 16 day of January 1889, 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.

Henry Gressman
H. McDonald

Filed July 7th 1889
A. J. Will check
By J. C. Hunter Deput

Sec

4

Sec

3

Sec

2

Sec

1

T1S R38 E W 1/4

County Road 2m of R.C. Palmes and others 1m

Proposed
3m

Sec

9

Sec

10

Sec

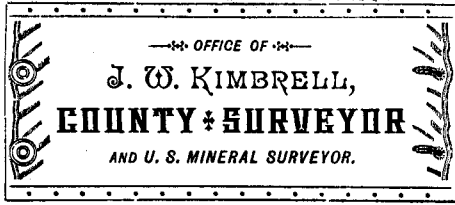
11

Sec

12

2

1/4



Or., 1889

Field Notes of Survey of the Proposed
County Road of R. C. Palmer and Others
I commenced by planting a Stone marked R. at the
S.E. corner of the S.W. 1/4 Sec. 1, in T. 1, S. 16, 38, E. W. 10.

Thence west var, $20^{\circ} 45' E$, at 320 Rods Planted a Stone
marked 1.M. as by Law required

Thence west var, $20^{\circ} 45' E$, at 320 Rods Planted a Stone marked
2.M. as required by Law.

Thence west var, $20^{\circ} 45' E$, 167 Rods and 18 lks to the S.E. corner Sec
4 in T. 1, S. 16, 38, E. W. 10. A. 1.

Thence South 152 Rods and 7 lks Planted a Stone marked 3.M.
as by Law Required

Thence South 170 Rods and 2 lks. to the S.W. corner Sec 10 in T. 1,
S. 16, 38, E. W. 10. A 2

Thence East 150 Rods and 23 lks Planted a Stone marked 4.M.

Thence East 10 Rods and 5 lks to the S.E. corner S.W. 1/4 Sec.
10 in T. 1, S. 16, 38, E. W. 10. a Stone marked R. T.

This the 16th day of Jan 1889

J. W. Kimbrell Co. Surveyors

Stiel Jan 24th 1889
At New York City
Eugene O'Brien

In the County Court of the County of
Union and State of Oregon
To the Hon County Court of
the above County

In the matter of laying out a road
petitioned for by Palmer and others
the accurate description in which is unknown to petitioner
Your petitioner John Murchison
respectfully represents that he is a
^{of said county} resident and owner of the following des-
cribed land to wit the N. $\frac{1}{2}$ of the N. E. $\frac{1}{4}$
and the N. E. $\frac{1}{4}$ of the N. W. $\frac{1}{4}$ of section
eleven in Township one South of R. 38
East of Willamette Meridian.
That one Palmer and others have or are
about to petition your hon. body to lay out
survey and locate a public road begin-
ning near the N. E. corner of the ^{said} lands
of the said John Murchison and thence
running west a distance of about 1280
rods along the north boundary of your pe-
titioner's land x That the said lands
which will be occupied by the said
proposed road are petitioner's meadow
and valuable hay land x That
your petitioner will be damaged
by reason of the location of said road
to the amount of \$250 x That your petitioner
further believes that the location and

building of said road will deflect
the waters rising on or near the line of said
proposed road from your petitioner
said land and make your petitioner
said meadow lands less productive
and valuable. That your petitioner
further represents that his lands above
described are already cut up by reason
of another road running north from
D. D. Glenn's to lands occupied by
J. P. Childers and that the west forty
acres of your petitioner's land is
thus cut off from the east portion
of said John Murchison. That
the public uses said road. That
your petitioner has never been
remunerated for said land
occupied by said road running
north. That your petitioner believes
that your Hon. body should from
an equitable point of view, see that
those petitioning for said road in Union County
should recompense your petitioner for any
and all roads hereafter to be laid out
or created on his said lands.

Dated at Sumnerville N.C.
Jan 7th A.D. 1889

John ^{W.} Murchison
mark

Receipt for Damages
of John Murchison
Esq. in case of a Road
Road between the
Road between the

of Dalmen & other
of the year 1889
Sum of Twenty
pounds - 20

Attest James B. 8th 1889

Attest J. B. Clerk
James B. Clerk
Deputy