

No 70 L

— IN —
CIRCUIT COURT,
UNION COUNTY OREGON

R. C. Mays & Co

Plaintiff

vs

C. E. Wicker
et al

Defendant

Action for

Decl et

Page

H. C. M. Leod
Attorney for Plaintiff

Attorney for Defendant



THE DUNLAP & PEEBLES ENVELOPE

SIZE NO. 1001 - SPECIAL

MADE BY C. E. O. P. FURNACE & CO.

1. 1. 1. 1. 1.

502

Petitioned for by
A. J. Merwin et al

Commencing at $\frac{1}{4}$ Sec
Corner common to Secs
25 & 26 Tp 8 S R 42
& end terminate at
 $\frac{1}{4}$ mile South of Crane
Copper mine
Baker County
Ore. A. J. Merwin

2 310
3 32
3 38

TO THE HON. COUNTY COURT IN AND FOR
UNION COUNTY , OREGON.

Your undersigned petitioners respectfully represent:

- 1st. That we are residents and householders of Union County, in the State of Oregon.
- 2nd. That we reside in the vicinity of the line of road hereinafter described.
- 3rd. Your petitioners further represent that a County Road is needed for the convenience of the traveling public as well as for the settlers residing in the vicinity thereof. That said road commences at the 1/4 Sec. Corner between Sections 25 and 26 in Township 8 S.R.42 East W.M. in Union County, Oregon. Thence East 930 feet. Thence in a Northerly direction to or near the S.W. Corner of the S.E. 1/4 of S.W. 1/4 of section 13 in said Township. Thence West to the S.W. Corner of said Section 13. Thence North to S.W. Corner of Sec. 12. Thence East through E.P. Cranstons Lane 1/4 of a Mile. Thence Northerly to and intersecting the present Road Leading from John A. Tuckers Old Farm to the Crane Copper Mine the point of intersection being about 1/9 of a Mile Southerly from said Mine.

Your petitioners earnestly but respectfully pray your Hon. Board to take the necessary steps to make said line of road a County Road.

Dated Aug. 18th 1898.

NAMES OF PETITIONERS.

A.T. Merwin. ~~H.B. Cranston~~

H.B. Cranston.

E.F. Eastabrook.

A.J. Brown.

W.S. Love.

F.A. Bennett.

T.B. Perkins.

G.W. Hulick.

Mr. W.P. Crews.

L. Ferguson.

N.G. Jones.

W.B. Gilkison.

W.E. Jones. Edwd Wood.

O. Moffitt. S. Hutton.

E.P. Cranston Jr.

G. Hulick.

G.G. Wellington.

Mrs. Ma Hulick. Filed -- Oct. 5 1898, G.W. Benson, County Clerk. *Comp*

State of Oregon, }
County of Union, (ss

I, D.Y.K.Deering being first duly sworn, say that on the 29th day of August 1898, I posted the hereunto attached notice at the place of holding Court for Union County, Oregon, to-wit: On the bulletin board at the front door of the Court House, in the City of Union, in said County and State, and that said notice remained posted thirty days previous to the presentation of said petition as I verily believe.

D.Y.K.Deering.

Subscribed and sworn to before me this 5th day of October 1898.

G. W. Benson,

Seal of Co. Court.

Co. Clerk.

By J.R.Oliver, Deputy.

Filed---Oct. 5 1898.

G.W.Benson,

County Clerk.

Notice of Road petition as filed has been subjected to the weather, until the same is illegible. The names attached thereto however, are intact, as follows:

NAMES.

A.T.Merwin.
H.B.Cranston.
E.V.Estabrook.
A.J.Brown.
W.S.Love.
F.A.Bennett.
T.B.Perkins.
G.W.Hulick.
(Mrs.)Ma Hulick.
Mr. W.P.Crews.
L.Ferguson.
N.J.Jones.
W.B.Gilkison.
W.E.Jones.
Edward Wood.O.Meffitt.
S.Hutton.
E.P.Cranston Jr.
J.T.Hulick.
G.G.Wellington.

Filed---Oct. 5 1898.

G.W.Benson,
County Clerk.

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

I, E. P. Cranston, being first duly sworn say that I posed three several notices of which the notice hereunto attached is a true and correct copy in three public places in said County, in the vicinity of the proposed road herein described, to-wit: One at the Keating Post Office, on the fence about 30 feet from the Post office building, and about 1/4 of a mile from the beginning of the proposed road; one on a gate at the commencement of the Cranston lane, on the line of the proposed road and one on stake planted in the ground where the proposed road intersects the County road leading from Powder River to Sanger, being the terminus of the proposed road, thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 26" & 27" days of August 1898, the first two notices being posted on Aug. 26, 1898, and the last described notices being posted on Aug. 27, 1898, and that said notices remained posted twenty days previous to the presentation of said petition as I verily believe.

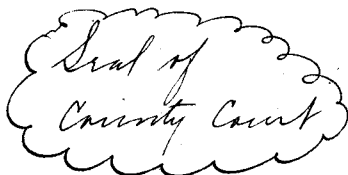
E. P. Cranston,

Subscribed and sworn to before me this 5th day of Oct, 1898.

G. W. Benson, County Clerk.

Endorsed:- Filed Oct. 5, 1898.

G. W. Benson,
County Clerk.



BOND OF ROAD PETITIONERS.

Know all men by these presents, That I John M. Gilkison, of the County of Union, and State of Oregon, am held and firmly bound ^{into} said County of Union in the sum of One hundred dollars, the payment of which, well and truly to be made, ^I ~~we~~ bind ^{myself} ourselves, ^{my} ~~our~~ heirs, executors and administrators firmly by these presents.

Signed this 5th day of October, A. D. 1898.

Now, the condition of this obligation is such, that whereas, A. T. Merwin and others, have petitioned the County Court of said County of Union, at the October term 1898, thereof, for a county road described in the petition and notice hereto attached.

Now, if the above named John M. Gilkison, shall well and truly pay or cause to be paid, all cost and expenses that may be incurred by reason of the view or review of said road, in case the prayer of said petitioners be not granted or allowed, then that this obligation shall be void, otherwise to remain in full force and virtue.

John M. Gilkison, (Seal)

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

I, John M. Gilkison, say that I am worth the sum of two hundred dollars over and above all debts and liabilities and property exempt from execution, that I am a resident and householder in said County and State.

John M. Gilkison,

Subscribed and sworn to before me this 5th day of October, A.D. 1898.

G. W. Benson,

County Clerk.

County Court Seal

BOND OF ROAD PETITIONERS.

Road petitioned for by
A. T. Merwin, et al.

Approved Oct. _____ 1898.

County Judge.

Filed Oct. 5, 1898.

By G. W. Benson,
County Clerk/

Journal Entry
A. T. Merwin

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, in said County and State on Monday the 3rd day of October, A. D. 1898, and from day to day thereafter during the continuance of said term when were present:-

The Hon. B. F. Wilson, County Judge,
R. T. Langrell, Commissioner,
Henry Hug, Commissioner,
G. W. Benson, Clerk,
D. Y. K. Deering, Sheriff.

When on Thursday the 6th day of October, A. D. 1898, or the fourth judicial day of said term, among other proceedings the following was had, to-wit:

In the matter of the proposed County Road)
petitioned for by A. T. Merwin, et al.)
-----)

Comes now A. T. Merwin, 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:

Commencing at 1/4 Section corner between Sections twenty-five and twenty-six, Township 8, South Range forty*two, East. W. M. thence east 930 feet thence in a northerly direction to or near the S.W. Corner of S.E.1/4 of S.W.1/4 of Sec. 13, said township thence west to the S.W. Corner of said section 13, thence north to S.W. Corner Section 12, thence east through E. P. Cranston's lane 1/4 mile, thence northerly to and intersecting the present road leading from John A. Tucker's old farm to the Crane Copper Mining the point of intersection being about one fourth of a mile southerly from said mine 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 the town of Union County of Union, State of Oregon, and also in three public places in the vicinity of said proposed road, to-wit: One at the Keating Post Office on the fence about 30 feet from the post office building, and about 1/4 of a mile from the beginning of the proposed road; one on a gate at the commencement of the Cranston Lane, on the line of the proposed road, and one on stake planted in the ground where the proposed road intersects the County road leading from Powder River to Sanger, being the terminus of the 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 W. H. Leasy, A. J. Ritter, and J. R. Gilkison, be appointed viewers of said road and that Arthur Curtis be appointed surveyor of said road and that they meet at Herbert Cranston's house on the 24th day of October, 1898, at the hour of 9 o'clock, A. M. and after qualifying to view, survey and lay out said road according to law.

(Signed) B. F. Wilson,
County Judge,

The foregoing order is entered in Comr's Jul.

'I' at page 316 thereof.

REPORT OF VIEWERS/

To the Honorable County Court for Union County, Oregon:

The undersigned viewers heretofore on the 6th day of October, 1898, 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 A. T. Merwin et al, beg leave to report that on the 24 day of October, A. D. 1898, 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 greatly add 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.

W. H. Leasy,

A. J. Ritter,

J. R. Gilkison, viewers.

Endorsed:-

Filed Nov. 8, 1898.

G. W. Benson, County Clerk.

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

I hereby certify that in the matter of the County Road petitioned for by A. T. Merwin, ^{and others} ~~et al~~, that the viewers and each of them heretofore appointed by the Court to view and lay out said road, were duly sworn by me to faithfully and impartially perform the duties pertaining to the viewing, laying out and establishing of said road before entering upon the discharge of their said duties in that behalf.

Arthur Curtis,
County Surveyor.

Endorsed:-

Filed Nov. 8, 1898.

G. W. Benson,
County Clerk.

REPORT OF SURVEYOR.

To the Hon. County Court of Union County, Oregon:

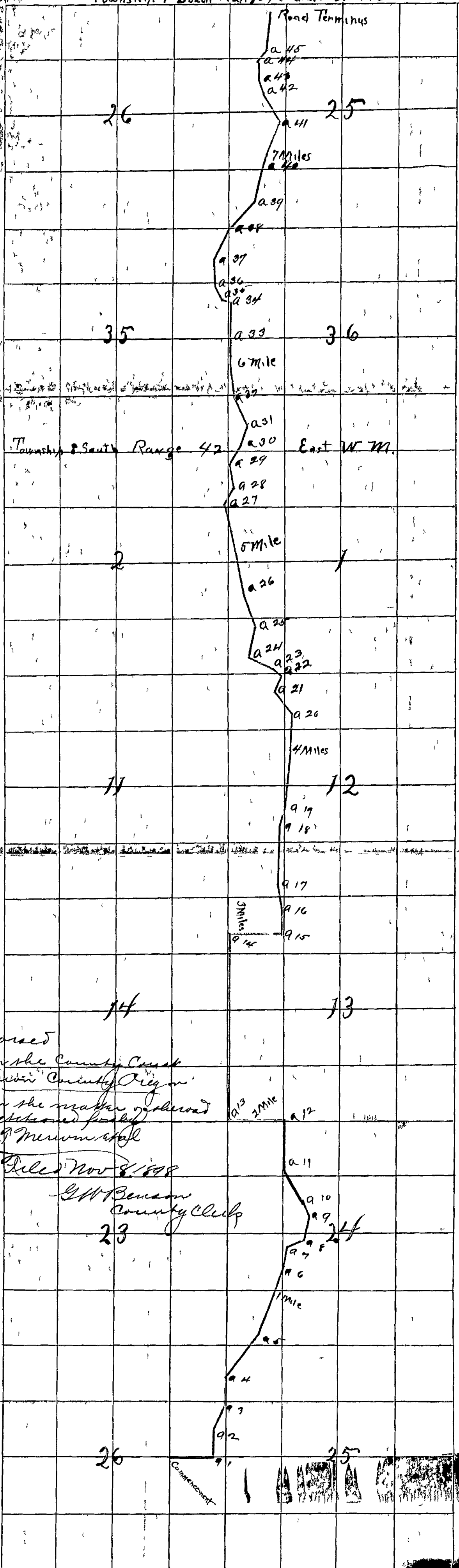
I, the undersigned, County Surveyor, appointed to survey the County Road proposed by A. T. Merwin, et al, beg leave to report that on the 24 day of October, 1898, in pursuance with said appointment and order, I surveyed said proposed road for the whole distance thereof, the following being the field notes of said survey. Attached.

Arthur Curtis, County Surveyor.

Endorsed:- Filed Nov. 8, 1898.

G. W. Benson, County Clerk.

Township 7 South Range 42 East W M



Endorsed
 In the County Court
 Union County Oregon
 In the matter of the road
 petitioned for by
 A. J. Merwin et al

Dated Nov 8, 1898

G. W. Benson
 County Clerk

23

26

25

Cemetery

FIELD NOTES OF A. T. MERWIN ROAD.

I commenced at the north west cor. of the N.E.1/4 of the S.E.1/4 of Sec. 26, T. 8, S.R. 42, E. W. M. then I run east var. 20° *East* chs. Lks. }

14.	80	To Angle 1, a rock	then north			
8.	30	" " 2, " "	" "	28° 30'	East,	
10/	65	" " 3 " "	" "	1° 30'	"	
11.	40	" " 4 " "	" "	39°	"	
20.	40	" " 5 Stake	" "	18°	"	
14.45		" 1 Mile Stake		Same course,		
10.00		" Angle 6 a Stake	" North 8°	"		
6.	00	" " 7, " "	" "	64°	"	
7.	50	" " 8, " "	" "	9°	"	
9.0	00	" " 9 a rock	" "	25°	West,	
5.	00	" " 10 " "	" "	22°	"	
15.	00	" " 11 " "	" "	1°	"	
15.	00	" " 12 " stake	" west			
12.	50	" 2 mile Rock	" "			
8.	50	" Angle 13 a stake	" north			
67.	15	" " 14 " "	" South 88°	East.		
4.	35	" 3 Mile	" "	"	"	
14.	50	" Angle 15 " "	" north 4°	West,		
7.00		" " 16 " "	" "	10°	"	
9.	65	" " 17 " "	" "	3°	East	
21	70	" " 18 " "	" "	12°	"	
7.	00	" " 19 " "	" "	3°	"	
20.	15	" 4 Mile Rock	" "	"	"	
13.	55	" Angle 20 a Stake	" "	30°	West,	
10.	00	" " 21 " Rock	" "	19°	East	

Chs. Lks.

6	00	To Angle	22	a rock	then North	57°	west,
3	25	" "	23	" "	" "	64°	"
9	75	" "	24	" "	" "	12°	East
12	00	" "	25	" "	" "	11°	West
13	00	" "	26,	" "	" "	8°	"
12	45	" 5 Mile Stake,			" "	"	"
20	00	" Angle	27	a stake,	" "	19°	East,
5.	00	" "	28	" "	" "	2°	West
11	45	" "	29	" "	" "	19°	East,
10	00	" "	30	" Rock	" "	3°	"
6.	00	" "	31	" "	" "	14°	West
14	65	" "	32	" Stake	" "	2°	"
12	90	" 6 Mile Stake			" "	"	"
7	25	" Angle	33	" Rock	" North		
13	00	" "	34	" Stake	" "	66°	West,
3	³⁰ 00	" "	35	" "	" "	23°	"
4	00	" "	36	" "	" "	2°	"
9	00	" "	37	" "	" "	18°	East
		Sec Cor of Sec. 25, 26, 35, 36,					
13	65	" "	38	" "	" "	39°	"
13	00	" "	39	" "	" "	15°	"
13	40	" "	40	" "	" "	19°	"
13	40	" 7 Mile			" "	"	"
12	55	" Angle	41	" "	" "	29°	West,
11	25	" "	42	" "	" "	16°	"
4	00	" "	43	" "	" North,		
7	75	" "	44	" "	" "	32°	East,
4	00	" "	45	" "	" "	5° 30'	"

13 80 to Road terminus a point ^{South} 74° east 15.10 chains distance from the N.W. Cor. of Sec. 25, T. 7, S.R. 42, in present County Road leading from John A. Tucker's to Crane Cepper Mine; all points are marked according to law and instruction.

Endorsed:) Filed Nov. 8, 1898, G. W. Benson, County Clerk.

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

I hereby certify that the foregoing field notes made by me in the survey of the County Road petitioned for by A.T. Merwin, and others, are true and correct, and that the plat accompanying the same is a true and correct representation of the course of said road together with the angles and distances.

Arthur Curtis,
County Surveyor.

Endorsed:-

Filed Nov. 8, 1898.

G. W. Benson,
County Clerk.

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, in said County and state on Monday the 7th day of November, A. D. 1898, and from day to day thereafter, during the continuance of said term, when on Wednesday the 9th day of Nov. 1898, or the third judicial day of said term, the said County Court opened for the transaction of business with the following officers present, to-wit:

The Hon. B. F. Wilson, County Judge.
Hon. R. T. Langrell, Commissioner,
Hon. Henry Hug, Commissioner,
G. W. Benson, Clerk,
D. Y. K. Deering, Sheriff.

When on Wednesday the 9th day of November, A. D. 1898, or the third judicial day of said term, among other proceedings the following was had, to-wit:

In the matter of the road petition)
for by A. T. Merwin, et al.)
-----)

This matter came on to be heard at this time on the report of the viewers and surveyor heretofore appointed herein for a first reading and the said report having been read in open Court for the first time as by law required it was ordered that the same be laid over for a second reading on some other day of this term of Court.

(Signed) B. F. Wilson,
County Judge.

The foregoing order is entered in Comr's Jul.
'I' at page 332 thereof.

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 in said County and State on Monday the 7th day of November, A. D. 1898, and from day to day thereafter during the continuance of said term, when on Wednesday the 9th day of Nov. 1898, or the third judicial day of said term the said County Court opened for the transaction of business with the following officers present, to-wit:

The Hon. B. F. Wilson, County Judge,
Hon. R. T. Langrell, Commissioner,
Hon. Henry Hug, Commissioner,
G. W. Benson, Clerk,
D. Y. K. Deering, Sheriff.

When on Thursday the 10th day of November, A. D. 1898, or the Fourth Judicial day of said term, among other proceedings the following was had, to-wit:

In the matter of the proposed County Road)
petitioned for by A. T. Merwin, et al.)
-----)

This matter came on to be heard at this time on the report of the viewers and surveyor heretofore appointed herein for a second reading as provided by law, and the report of viewers being in words following, to-wit:

REPORT OF VIEWERS.

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

The undersigned viewers heretofore on the 6th day of October, 1898, 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 A. T. Merwin, et al. Beg leave to report that on the 24 day of October, 1898, in pursuance of 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

opinions 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 greatly 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.

W. H. Leasy,

A. J. Ritter,

J. R. Gilkison,

And said report of the viewers and the report of the surveyor having been now publicly read in open Court on two several days of the present term of the Court and it appearing to the Court that said viewers report favorably thereon and recommend that said proposed road be established as a County road and be declared a public highway of Union County, Oregon, and all the proceedings herein having been regular and according to law, and no remonstrance of claim for damages having been filed herein and there having been no cause shown why this proposed road should not be declared a public highway and ordered opened according to law, and the Court being satisfied from the report of the viewers that such road will be of public utility it is therefore considered and ordered by the Court ^{report of the viewers and surveyor be approved and adopted by the court and that} ~~that~~ ^{said} that said proposed road be declared a public highway of Union County Oregon, and ordered opened up and placed in repair for travel according to law. It is further ordered that the report of the viewers be placed on record in this journal and that the surveyor's plat of the proposed road and his field notes of the survey thereof be placed on record in the book of plats of County Roads of Union County, Oregon, and that A. S. Love, Road Supervisor of Road District No. 27, the same being the road district in which said road is located be furnished with a copy of the petition herein and a copy of this decree and ordered to open up said road and place the same in repair for travel.

the foregoing order is entered
in Comr's Jul. '11 at
page 338 thereof.

(Signed) B. F. Wilson,
County Judge.

In the County Court of the State of Oregon,
For Union County.

In the matter of the *road*)
petitioned for by)
.....)
A. P. Newn)
.....)
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, trans-
ferred to Baker County, Oregon, including a copy of the orders of
the Court in said matter.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of the County Court, this 5th day of July, A. D. 1902.

G. W. Benson
.....Clerk.

Burke
County Court

of the

State of Oregon
for

Wain County

Burke master of

the ~~old~~ road pe-

titious for by

A. F. McEwen

et al

Transcript of

proceedings for

Wain County, Oregon

This July 5, 1902

G. W. B. Egan

Co. Clerk

Fourth Judicial Day

Thursday Oct 6th 1898

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 yesterday's proceedings was read approved and is here now signed

J. F. Wilson
County Judge

Thereupon the following proceedings were had, to-wit:

In the matter of the }
petition to vacate certain }
streets in Alice.

This matter came on to be heard at this on the petition of Turner Olson to vacate certain streets in Alice and the Court not being fully advised in the premises it is ordered that this matter be continued for the term

In the matter of the proposed }
County Road petitions for by }
A. S. Merwin et al.

Came now A. S. Merwin 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:

Commencing at $\frac{1}{4}$ section corner between sections twenty five and twenty six township 8 south range forty two east W. M., thence east 930 feet, thence in a northerly direction to or near the SW corner of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec 13, said township thence west to the SW corner of said section 13, thence north to SW corner section 12 thence east through E. P. Cranston's lane $\frac{1}{4}$ mile, thence northerly to and intersecting the present road leading from John A. Ducker's old farm to the Crane copper mine - the point of intersection being about one fourth of a mile southerly from said mine 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 termina-