

No 59 Law

in

Circuit Court

Sommer Blum  
and Company  
Plaintiffs

vs

Thos F. Hall  
et al

Defendant

Action for Money

Docket

Page

Geo H. Slaters & Son

Attorney for Plaintiff

Attorney for Defendant

REVEREND FATHER JOHN J. GARDNER, BOSTON, MASS.  
AT THE DEPT. OF THE COMMONS, BOSTON, MASS.  
IN WITNESS WHEREOF, I HAVE HEREUNTO  
SET MY HAND AND SEAL OF OFFICE  
THIS 1st DAY OF SEPTEMBER, 1881.

**Record of the Case**

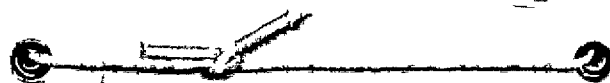
97

**WITNESSES.**

1977  
 May 23 Pelletier rec. Diguera's app'd  
 Journal B of 126  
 July 5 let rec'd inq reports  
 Journal B of 130  
 July 6 Pelletier dismissed  
 Journal B of 134

Road

Commencing S E cor of N 1/4 Sec 16  
 T 3 S R 40 E thence S to intersect  
 road from Sulhander to Cove and for  
 vacatur of old road



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

97



James  
W. M. ...  
W. J. ...  
O. J. ...  
P. L. ...  
George May  
E. A. ...  
Ben. E. ...  
S. B. ...  
Wm. A. ...  
L. A. ...  
C. ...  
H. J. ...  
P. ...  
J. ...  
M. ...  
D. ...  
G. ...  
O. ...  
A. ...  
J. ...  
Wm. ...

James  
James ...  
J. ...  
D. ...  
T. ...  
A. ...  
S. ...  
W. ...  
J. ...  
J. ...  
J. ...  
L. ...  
O. ...  
J. ...  
L. ...  
O. ...  
J. ...

James ...  
David ...  
H. ...  
J. ...  
J. ...  
D. ...  
W. ...  
S. ...  
L. ...  
J. ...  
J. ...  
M. ...  
S. ...  
C. ...  
B. ...  
S. ...  
J. ...  
E. ...

Notice is hereby given that  
there will be a petition presented  
to the Board of Supervisors of  
the May term thereof, praying  
the location of a Co Road  
commencing at the South East  
corner of N E  $\frac{1}{4}$  of Sect 16 T  
3. S. R. 40 E - Running due  
South over the Sect Series known  
as Sects 15 + 16 + 21 + 22 until  
it intersects the Co Road leading  
from La Grande Depot,

also, for the vacation  
of a portion of the Co Road  
- leading from the lower part of  
the Co Road South - beginning at  
the S E corner of N E  $\frac{1}{4}$  of Sect  
16 and terminating at the  
S E corner of N W  $\frac{1}{4}$  of the S  $\frac{1}{4}$   
of Sect 16 T 3. S. R. 40 E,  
Situated in Unincorporated  
March 5<sup>th</sup> 1877

Wm  
3

State of Oregon }  
Union County } SS

A. L. Dougherty first being sworn say  
that I have posted three of  
the within notices, along the  
route of the within described  
road, and one on the  
Court House door, in the  
time, and manner, prescribed  
by law

Subscribed A. L. Dougherty  
and sworn to }  
before me this }  
23 day of May }  
A. D. 1877 }  
C. C. Bramard }  
County Judge }  
}

Whereas a petition has been presented to the County Court of Union County, Oregon at the May term thereof for the year 1877, asking for a County Road Commencing at the S.E. Corner of N.E. 1/4 of Sec 16 T 3 S R 40 E and terminating at the intersection of said road with the Co Road leading from La Grange to the Cove, and to vacate a portion of the County Road leading from the lower part of the Cove South, Beginning at the S.E. corner of N.E. 1/4 of S 16 T 3 S R 40 E and terminating at the S.E. corner of N.W. 1/4 of S 16 T 3 S R 40 E all of which parts and places are more particularly described in the accompanying petition marked A. Now therefore we

petitioners on said petition, do hereby and firmly bind to Union County in the sum of (\$100<sup>00</sup>) One hundred dollars

Condemned that if the prayer of the petitioners be not granted and allowed then we or

either of us will pay all expenses that may accrue by reason of such review and survey not exceeding the above amount, Otherwise to be null and void

Dated this 24<sup>th</sup> day of May A.D. 1877

Thos Jones

Wm. McKim

Joseph Shoemaker

Jeff. Dougherty

S. B. May

J. M. Mason

A. B. Robinson

A. D. Hart

To The Hon. County Court  
of Union Co & State of Oregon  
The following Report is  
Submitted by us the under  
signed viewers, in the m  
atter of a proposed change  
in the county road  
beginning at the S. E. corner  
of the N. E. 1/4 of Sec. 16<sup>th</sup> Town  
3. S. R. 40, E. thence here  
South to intersect the La  
grand & Cove County Road  
We met on the day set  
in your order, and after  
being first duly sworn  
in company with the  
surveyor proceeded to view  
survey & layout said change  
as directed, and as shown  
by the surveyors Plot and  
report submitted here with  
We find the distance on  
the road as now located  
to be 229 rods and on the  
proposed road 194 rods



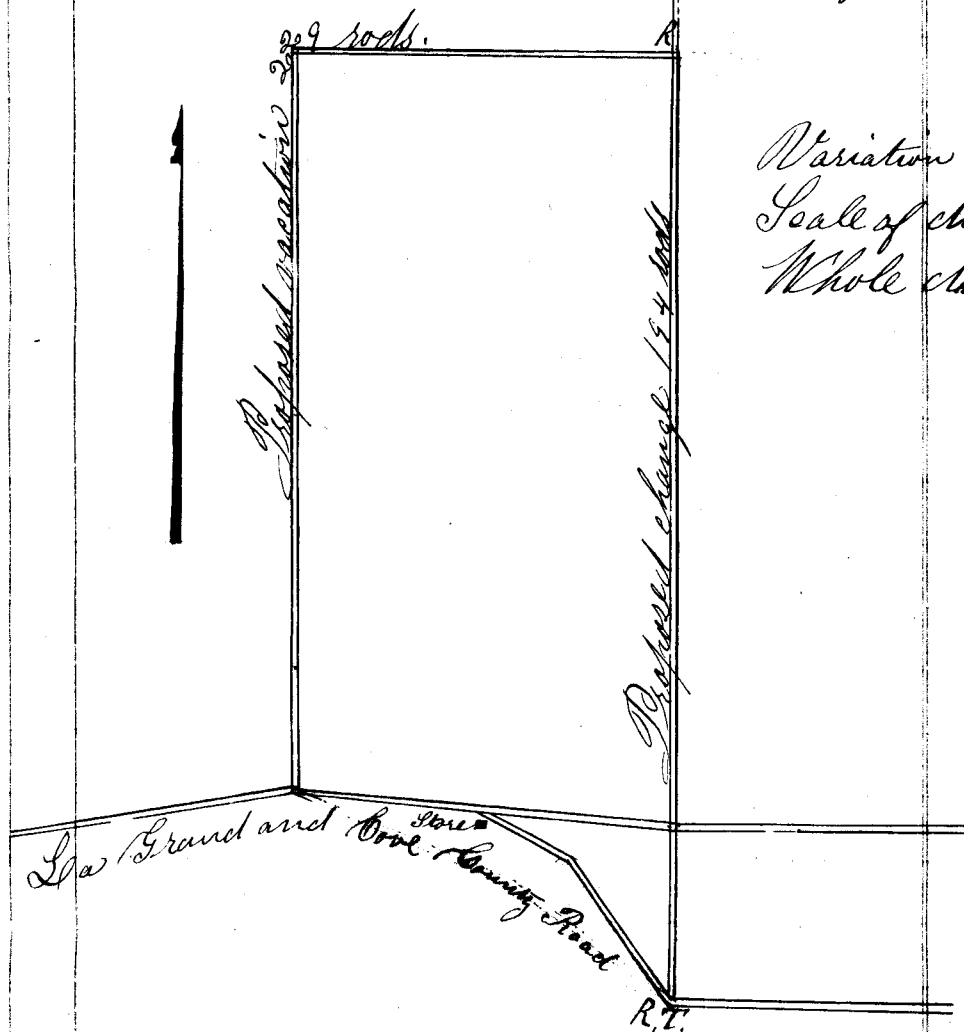
Taking into consideration  
the expense of building the  
Proposed road and the incon-  
venience ~~to the parties~~ owning the  
land through which the  
road is laid we do think  
the change ought not to be  
granted. Respectfully Subm-  
itted

R. D. Buckman  
P. H. Chrisman  
Oliver Perin } viewers

Witness Report

Filed July 5<sup>th</sup> 1877  
R. J. Cairns  
Perin

Plan of a proposed change in the County road  
 Beginning at the S. E. corner of the N. E.  $\frac{1}{4}$  of Sec. 16,  
 Town & T. R. 40 E, thence due South to intersect  
 the De Grand and Cove County road.



Variation 30° East.  
 Scale of distances 40 rods to the inch  
 Whole distance 194 rods.

Field notes of the survey of the above proposed change  
 of County road.

Beginning on the County road at the S. E.  
 corner of the N. E.  $\frac{1}{4}$  of Sec. 16. T 3 S. R 40 E, at a  
 post marked R. Thence due South 194 rods to  
 a rock marked R.T. and intersecting the County road.

State of Oregon }  
 County of Union. } S.S.

I Willis Schiff County Surveyor in and for the  
 County and State aforesaid do hereby certify that the field notes  
 of the above survey are correct as made by me under the  
 supervision of the viewers on the 18<sup>th</sup> day of June 1877.

Willis Schiff Co. Surveyor.

*James*

1877  
May 23<sup>rd</sup>

Bills allowed out of Contingent fund.	for what allowed.	cents
Wm. F. Picklin	2 cords of wood	10 00
John Burns	Heating stove, bucket, dipper stove pipe &c	30 00
George Wright & Son	Stationery, paint &c, &c.	24 00
A. J. Isen	Trees for Court house yard	7 50
Burman & Argeringer	Balance on Court house seats & Dester	185 00
S. C. Swackhammer	Contingent Expenses on jail & Court house	36 74
R. J. Bates	Cancelling Stamp & bucket for Co	6 50
Elmer Brainard	Paints & oils for Court house	26 25
Heritage & Catts	\$82. <sup>00</sup> on contract of painting, less 15. <sup>00</sup> pd. by Burman & Argeringer	67 00
J. B. Thompson	Balance on Court house. (Extra)	50 00
R. J. Bates	Blank order books & arrears blanks	36 81
		479 80

In the matter of }  
County Road. }

Now comes on for hearing petition praying for the view, survey & location of a certain proposed County road beginning at the South East corner of the North East quarter of Sec 16 T. 3. S. of R 40 East from thence due South on the section lines between Sections 15, 16, 21 and 22 until it intersects the County Road leading from Lalsand to Cove and also praying for the location of all that portion of the County Road leading from the lower Cove South, beginning at the S. E. corner of the E. 1/4 of Sec 16 and termination at the S. E. corner of the W. 1/4 of the SW 1/4 of Sec 16 T. 3. S. of R 40 E.

And it appearing to the Court that said petition is signed by more than 12 resident householders of this County and that due notice of this proceeding has been given as by law required and that a good and sufficient

May 23<sup>rd</sup> 77

bond has been executed, and filed herein as  
as required by law by said petitioners as  
by law required, & the said bond being approved  
by the court

It was therefore ordered that R. D. Ruckman  
Peter Frismann, and Oliver Perrin be appointed  
viewers and Willis Skiff Surveyor to meet  
at McDaniels old Store in the Cove on  
the 18<sup>th</sup> day of June A.D. 1877 and after being  
sworn proceed to view said proposed County  
and also the said proposed vacation, and  
report the same to the County Court  
at the July Term

Thereupon the Court, adjourned until  
to morrow morning, at 9 O'clock.

E. G. Drinnard  
County Judge

Sufficient bond has been filed - It is therefore ordered by the Court that J. J. Hunter Thomas, Qualey and B. S. Halley be appointed Viewers and Willis Skiff Surveyor to view, survey and report upon said proposed change and that they meet at the house of J. A. Ellis on the 14<sup>th</sup> day of July A. D. 1877 and duly qualify before entering upon the discharge of their duties in this behalf.

In the Matter of }  
Viewers Report }  
}

Now on this day was read the first time the report of the Viewers on the proposed change in the County road beginning at the South East corner of the North East quarter of Section Sixteen Township Three South of Range Forty East - thence due south to intersect the La Grande and Cove County Road.

In the Matter of }  
Viewers Report } Road from East Creek to Pine Valley  
}

Now on this day was read the first time the report of the Viewers on the above proposed County Road

Whereupon Court adjourned until tomorrow morning at nine o'clock.

In the matter }  
 of }  
 Change of County Road }  
 v

Now at this time was read the report of the viewers upon the proposed change of County Road beginning at the S E corner of the N E 1/4 S. 16. T. 3. S. R. 40. E. thence due South to intersect the La Grande and Cove County Road. And said report being unfavorable it was ordered by the Court that the proposed change be not allowed and that the Sureties in the undertaking be held for the costs of the review and survey.

In the matter } application for issue  
 of } of County order in lieu of one  
 J. Shoemaker } lost -

Now at this time comes on to be heard the application of J. Shoemaker asking for the issue of a County warrant in place of Order No. 350 Class O. And it appearing to the satisfaction of the Court from the affidavit of said Shoemaker that said order had been lost - had never been presented and paid it was ordered by the Court that the County Clerk be and he is hereby authorized to draw a warrant on the Treasurer for the sum of fifty seven dollars in lieu of said lost order in favor of said J. Shoemaker of the same number, date, class, and amount