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July 12 9

No 37 Equity
in
Circuit Court

H P Throe
Plaintiff

vs

G J Throe
Defendant

Action for Foreclosure

Docket Page

Baker Shelton Baker
Attorney for Plaintiff

Attorney for Defendant

Record of the Case

99

WITNESSES

1977
 Sept 16. Petition rec Viewers aff'd
 Journal B p 146

Nov 1. Petitioner's report & appraisers' aff'd.
 Journal B p 154

1978
 Jan 12. Pet. dismissed
 Journal B p 176

Road

Commencing at E cor of lot of SW 4
 Sec 18 T 4 S R 40 S thence N 1/2 mile
 to intersect Co road



99

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

To the Honorable County Court
of Union County Oregon.
We the undersigned hereby
petition your honorable body
to have viewed, surveyed &
established a County road
as follows, to wit:

Commencing at the North East
corner of the S.W. 1/4 of the S.W. 1/4
of Sec No 18 T. 4, S, R. 40, E, run-
ning thence North one half mile
to the N.E. Corner of the N.W. 1/4
of the S.W. 1/4 of Sec 18, T. 4, S, R. 40, E,
intersecting the County Road leading
from the N.E. Corner of E. C. -
Lewis' farm to Orvell, all of
which points & places are in
Union County Oregon

Ed: [unclear]
S. J. [unclear]
W. J. Blakeley
L. B. Thomson
O. R. [unclear]
John Burns
A. F. Benson

Wm. A. [unclear]
H. J. [unclear]
J. W. [unclear]
H. [unclear]
Wm. [unclear]
Thomas [unclear]

yes

Hebert Bassette
M.A. Johnston
G. H. Crab
Joseph Smith
J. P. Sullivan
W. Carrall
E. C. Hayden
M. Heritage
H. A. Thomas
W. B. Bowman
W. C. Erickson
J. N. Cromwell
H. F. Black & Co
John Adams
A. Chassey
W. H. Prescott
W. H. W. W. W. W.
The Miller
Isaac Waggoner
D. B. Rice
Wm. Francis
Dan J. Moore
Geo. Starke
J. B. Eaton Jr
Cammie Wagon
Geo. Whyte

E. S. Lomas
Wm. Roth
M. J. D. D. D.
M. J. Barner
J. Hannah
E. C. Goodspeed
Sam. Hoffmann
J. E. Davis
S. N. Washburn
R. Beavers

Filed Sept-6-77

P. H. Taylor Clerk

By Wm. H. Taylor
Deputy

Filed Sept-3-77

1877

R. J. Bates
Clerk

Notice is hereby given that a
Petition will be presented to the
County Court of Union County Oregon
at the September Term thereof 1877
for the view survey & location of a county
Road commencing at the N.E. corner
of the S.W. 1/4 of the S.W. 1/4 of section
18 T. 4 S. R. 40 E running thence north
one half mile to North East corner
of the N.W. 1/4 of the S.W. 1/4 of section
18 the Terminus

Filed
Sept 6-1877
J. S. Clark
County Clerk
By W. H. Clark
Deputy

State of Oregon }
County of Union }

I George Heiningen
being duly sworn say that I posted
four of the within notices as follows
one on the Court house door in Union
in said County; one at the commencement
one at the terminus & on in the vicinity
of the proposed road

Subscribed & sworn to
before me this 6th of
Sept-1877

Geo Heiningen

R. J. Clatis
Clerk

Whereas a petition has been presented
to the County Court of Union County
Ohio at the Sept term thereof for the year
1877, asking for a County Road from
Union to Ames farm, as described in
said petition. Now therefore we
are held and fully bound to
the County of Union in the
sum of One hundred dollars,
Conditioned. That if said road is
not granted and allowed we
will pay all costs and expenses
by reason of such ^{view & survey}
not exceeding the above amount

Dated Sept 3
C^o A 1877 3

J. T. Moore
J. W. Kimbrell

Filed for
Ct 1877

B. J. Baker Clerk
By Walter
Dunlop

Approved
Sept 6th 1877

W. H. Brown
County Judge

To the Honourable County Court of Union
County Oregon;

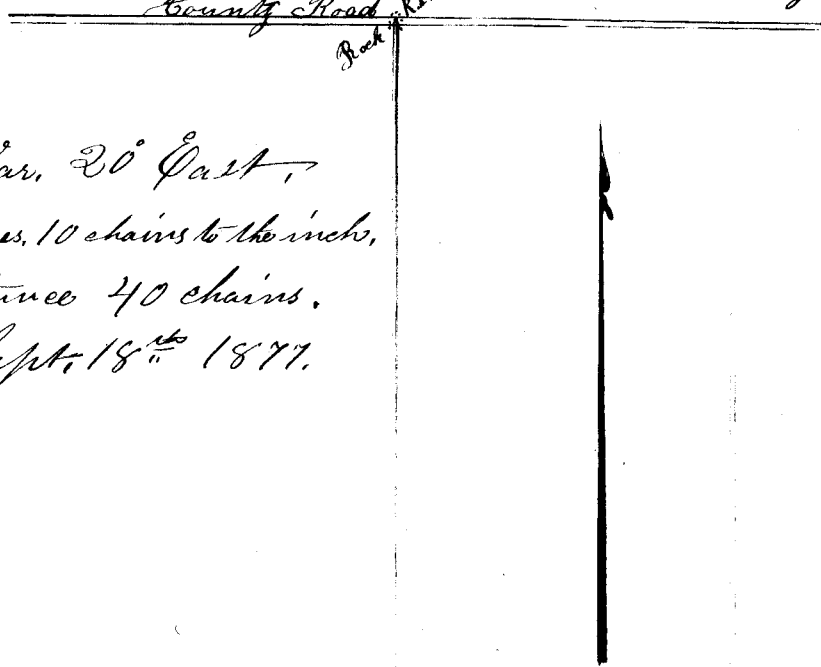
The undersigned viewers appointed
by said Court to view and locate a
proposed County Road - commencing at
the North East Corner of the S. W. $\frac{1}{4}$ of
the S. W. $\frac{1}{4}$ of Sec. no. 18, T-4 S. R. 40
E - running thence North one half mile
to the N. E. Corner of the N. W. $\frac{1}{4}$ of the
S. W. $\frac{1}{4}$ of Sec 18, T-4 S. R. 40 E -
intersecting the County road leading
from the N. E. Corner of E. H. Lewis'
farm to Oradell - submit the
following report -

We met on the 18th day of Sept.,
1877 the day named in your order
and after first being duly sworn -
in company with the surveyor
proceeded to view, survey and lay
out said road as directed and
shown by the surveyors report submitted
herewith - We find the same a
practicable, and necessary road
and recommend that the same
be located according to the prayer
of the petitioners and the surveyors
plat thereof -

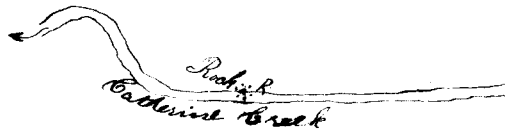
W. D. Wright
L. Remiller
J. A. Carrick

Union Oregon }
Nov. 6. 1877 }

Plot of a proposed County road commencing at or near the town of Union
thence North one half mile to intersect the County road.



Var. 20° East,
Scale of distances, 10 chains to the inch,
Whole distance 40 chains,
Located Sept. 18th 1877.



Field notes of the above proposed County road,
Beginning at a rock marked R, said rock being the S. E.
corner stone of the S. W. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Sec. 18
Town 4 S, Range 40 E, Thence due North
40 chains to a rock marked R.T. and intersecting
the County road at the N. E. corner of the N. W.
 $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Sec 18, T 4 S, R. 40 E,

State of Oregon } ss,
County of Union }

I Willis Skiff County Surveyor in and for the
County and State aforesaid do hereby certify that the above
field notes of the location of a proposed County road commencing
at or near the town of Union thence North $\frac{1}{2}$ mile to
intersect the County road, ~~is~~ is correct as made by
me under the supervision of the viewers on
the 18th day of Sept. 1877.

Willis Skiff Co. Surveyor.

January

In the County Court of Union
County Oregon

In the matter of an
application for damages
to the premises of E. T.
Lewis by the laying out
of a County road from
Union to Arns Farm
in said County

E. T. Lewis would respectfully
complain and show to the Hon
County Court of Union County
Oregon

That at its regular term in the
month of Sept 1877 a petition was
presented to said Court praying for the
laying out and establishment of a
County road commencing at
the North East Corner of the S.W.
1/4 of the S.W. 1/4 of Sec 18 T 4 S. R. 40 E.
running thence North one half mile
to the N.E. Corner of the N.W. 1/4 of the S.W.
1/4 of Sec 18 T 4 S. R. 40 E. intersecting the
County road leading from the N.E.
Corner of E. T. Lewis farm to Brodell
Upon which said petition said Court
made an order directing the viewing
of said proposed road the Survey
thereof and appointed viewers to

view the same and report thereon

That in obedience to said order said viewers together with the Surveyor of Union County have viewed said proposed road and the report of said viewers with the plot of survey thereof was made to said Court at this November term and filed with the Clerk of this Court the day of Nov 1877.

That your Complainant is the owner of the $N\frac{1}{2}$ of $S\frac{3}{4}$ of Sec 18 T 4 S R 40 E in fee simple that said road as viewed out and surveyed runs upon the East line of said tract and if opened will cause great damage to Complainant

That Complainant would respectfully show to the Court that the opening of said road will cause Complainant to move his fence for a distance of about $\frac{1}{4}$ mile to his damage in the sum of \$100.⁰⁰ And that said road will destroy or render useless valuable shrubs and fruit trees on said tract standing and growing to his damage in the further sum of \$100.⁰⁰

Wherefore your Complainant prays that viewers be appointed to view

said premises and app^{rs} the damages
and the complement herefor
the sum of \$200.⁰⁰

John H. Slater
att^y for Complained

State of Oregon
Union County }
I John H. Slater being
sworn say that I am att^y for the
complained in the above
named petition and believe
the said petition to be true

That I make this verification
because the said petition is
alleged for the county
Subscribed & sworn John H. Slater
to before me this 7th
day of Nov 1877.

R. G. Bates
Clerk

In the County Court
for Union County

Return of
to ~~Sherrill~~ for
Samuel

Filed Nov 9 1899

R. F. Lucas
Clerk

To the County Court
of Union County Oyo

Shutten

We the undersigned
appointed by you, to view and assess
damages on the Road leading from
Union to the end of the lane, and
described as follows. Commencing at
the north east corner of the S. W. $\frac{1}{4}$ of the
S W $\frac{1}{4}$ of Sec 18 T 4 S R 40 E, and
thence North one half mile to the
N. E. Corner of the N W $\frac{1}{4}$ of S 28 $\frac{1}{4}$ of Sec 18
T 4 S R 40 E intersecting the County Road
leading from the N E Corner of 8th
Levitts farm to One Mile, By leave
to make the following report,
That we met according to your
order, on the 21st day of Nov 1877
and after a careful view of said
Road, and having taken into con-
sideration all the circumstances as
required by Law, have assessed the
damages on the same—

Wm Hutchins
J. Carroll
D B Flitts

State of Oregon
Union County

I J Carroll,
William Hutchison & David B. Hitts,
first being sworn say each for
himself and not for the other, that
I will faithfully and impartially view
a certain Road as by order of the
County Court directed, and assess and
determine the value if any, of the
damages that may accrue to the
Complainant by reason of the
establishment of said Road through
his premises.

Subscribed and
sworn to before me
this 24th day of
Nov 1877

Wm Hutchison
J. J. Carroll
D. B. Hitts

W. J. Darnell
County Judge

Filed Nov 24 1877

A. J. Baker
Clerk

In the matter of }
 Road Petition }

Now comes George Heisinger and presents to the ^{Court} a Petition signed by more than twelve resident-householders of Union County Oregon living along the vicinity of a route of which they ask to be established as a County Road, described as follows.

Commencing North East Corner of the S.W. 1/4 of the S.W. 1/4 of Sec No 18, T. 4, S. R. 40, E. running thence north one half mile to the N.E. Corner of the N.W. 1/4 of the S.W. 1/4 of Sec 18 T. 4, S. R. 40. E. intersecting the County road leading from the N.E. Corner of E. Lewis's farm to endell

Said Petition was accompanied by satisfactory proof that due notice of the pendency of this proceeding has been duly given as by law required and the petitioners having filed a good and sufficient bond to pay all costs in case said Petition is not granted.

It is therefore ordered that Willis Skiff be appointed Surveyor and S Hannah, W. J. Wright and Low Remillard be appointed viewers to meet at Union in said County on Tuesday the 18th day of Sept-1877 and after being duly sworn proceed to view Survey & mark said proposed road and report the same to this Court on the 1st Monday in Nov next.

Nov 7th 1877.

In the matter of Viewers Report
and
Claim for damages

Now at this
was read the report of the viewers appointed
at the Sept Term of this Court to view &
report their opinion of the location of a
certain proposed County Road commencing
at the North East corner of the SW¹/₄ of the SW¹/₄
of Sec No 18, T. 4. S. R. 40. E. running thence
north one half mile to the NE corner of the
NW¹/₄ of the SW¹/₄ of Sec. 18, T. 4. S. R. 40. E., intersecting
the county road leading from the NE corner
of E. M. Lewis' farm to Orrell.

And said viewers having reported favorable
and at the same time Comel E. H. Lewis
by his atty Jas H. Slater and files a
claim for damages in the sum of \$200.
Thereupon the Court appointed W. Hutchinson
J. D. Carroll & D. B. Hills viewers, to meet
at the store of George Wright & son in Union
on Saturday the 24th day of Nov 1877 and
after being duly sworn proceed to view and
assess the damages said Complainant E.
H. Lewis would sustain by reason of the
location of said proposed county road.

at the South line of T. 1. N. R. 39. E running with the river to the north line of Holgates Brothers land, thence east to the west line of T. 1. N. R. 40 E. thence north on the township line to the center of Sec 18. thence East $\frac{1}{2}$ mile, thence north $\frac{1}{2}$ mile thence east to the N. W. corner of Sec 16 thence north $\frac{1}{2}$ mile, thence east 2 miles thence south $\frac{1}{2}$ miles thence east to the township line, this being the east line of T. 1. N. of R. 40 E. and that all that lying north of said line be a new district,

It was therefore ordered that said change be made as above described and that said new Dist be designated Dist No 21.

In the of Appointment
of
Road Supervisor No 21

Now at this time it was ordered that Nathan Baker be and he is hereby appointed Supervisor of Road Dist No 21 for the year ending Jan 1st 1849.

In the matter of Petition
for
County Road & claim of Petition
being defective

Form Union to Ames

Now at this time comes Est Lewis by Jas H Slate of Counsel and moves the Court to dismiss the Petition herein from the fact that the Petition does not state facts sufficient to give the Court Jurisdiction thereof. And after careful consideration had thereon it was ordered that said motion be sustained and it further appearing to the Court that said Road would have been granted but for the defect in said petition, the Court considered that the Bondsmen be released from paying the expenses of the survey & view.

Court adjourned until 9 o'clock tomorrow morning.