

No 298

in

Circuit

Court

Baer & Church

Plaintiff

J. H. Holstine

Defendant

Action for

Money

Docket

Page

W. Baker

Attorney for Plaintiff

Attorney for Defendant

PRINTED AND BOUND BY
LITTON & COMPANY
LITHOGRAPHERS
NEW YORK

1895
 Nov 10 Petition rec. New York appeal
 Journal C p 557
 1896
 Jan 8 Continuance for want of plea
 Journal C p 594
 Apr 8 Continuance
 Journal C p 671
 June 15 1st read. & report
 Journal C p 719
 June 16 ordered opened
 Journal C p 721

Road
 commencing near N E cor Mrs Keating's
 garden on S Wth of Nth Sec 17 thence for
 mile S^{ly}

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 Hon. County Court in and for Union County, State of Oregon:

Your petitioners most respectfully represent:

1st. We are householders of Union County, state of Oregon.

2nd. That we reside in the vicinity of the line of road hereinafter described; and where the alteration is prayed for.

3rd. That the bridge known as the Houghton bridge that spans Powder River near the residence of Mrs. H. Johnson in section 17 in Township No. 8 South of Range NO. 42 E. in said Union county is useless to the traveling public during the season of high water; that the approaches to said bridge are submerged by the overflow of said Powder River and thereby rendered impassible; that a large amount of labor and money have been expended in ~~improving~~ ^{improving} said approaches to no effect; that past experience has shown that the approaches to said bridge cannot be kept in condition for teams and travel during the Spring months.

That there is a good site for a bridge on said Powder River at a point known as the old Prichard bridge at which point the banks of said river are high and above inundation from any overflow of Powder river; that the said bridge site is not to exceed three fourths of a mile below the present Houghton bridge.

Your petitioners further represent, that the portion of the county road extending from the North end of the Houghton bridge aforesaid in a northeasterly direction to the County road extending along Powder river via F.M. Deans, W.W. Ross and Thomas Keating's is useless and cannot be maintained for the use of the public travel during the entire season for the reason above stated; and that a bridge across Powder river at some point in the vicinity of the Houghton bridge is necessary for the convenience of the traveling public; we ask that the following described line of road be laid out as a County road to-wit: Commencing at a point in the County road aforesaid, to-wit: the County road that extends via F.M.

Deans, W.W.Ross' and Thomas Keatings to Sparta, and at a point at or near the Northeast corner of Thomas Keating's garden and the SW1/4 of the NE1/4 of Section No. 17 aforesaid. Thence in a Southerly direction along the old Prichardgrade to the north bank of Powder river a distance of one half of a mile more or less, and your petitioners earnestly but respectfully pray your Honorable Board to take such action and steps as may be necessary to establish said described line of road as a County road and also to cause said Houghton bridge to be removed from its present location to the site of the old Prichardbridge aforementioned, and your petitioners as in duty bound will ever pray.

Dated at Powder River Union County , Oregon October 5 1885.

NAMES OF PETITIONERS.

E.P.Cranston	John Erwin
P. Houghton	C Vadvanter
C.M.Houghton	M.Vadvanter
H. Kibblewhite	Charles Herring
D. ^{R.} Fruit	John A. Tucker
J.M.Dean	J.D.Bates.
Wm. Constable	Thomas Keating.

Endorsed:

Viewers. Cyrus Barnes J.B.Sams, J.B.Dolby and Fred Simonis Surveyor to meet at the house of Thos, Keating Nov. 21st 1885 at 10 o'clock a. m.

Filed Nov 7 1885

ato'clock,min, ...m

B.F.Wilson, County Clerk.

By J.M.Carroll Dept.

N O T I C E.

All persons concerned are hereby notified that application will be made to the Hon. County Court in and for Union County, Oregon, at their next session for laying out the following described line of road, to-wit:-

Commencing at a point in the present County road leading via F.M.Dean's W.W.Ross' and Thomas Keating's to Sparta, which point is near the north east corner of Thomas Keating's garden and on the SW1/4 of NE1/4 of section 17 in Township 8 South of Range No. 42 E.W.M. in Union County, Oregon. Thence in a southerly direction along the old Prichard grade to the North bank of Powder river. That application will also be made for the removal of the Houghton bridge to the site of the old Prichard bridge on Powder River.

Dated at Powder River, Union County, Oregon, October 5th. 1885.

E.P.Cranston

John Erwin

P.Houghton

C.Vandvanter

C.M.Houghton

M.Vandvanter.

H.Kibblewhite

Charles Herring

John A. Tucker

L.C.Sturgill

J.D.Bates

J.M.Sturgill

D.R.Fruit

N.J.Jones

J.M.Dean

STATE OF OREGON,)
) ss.
Union County.)

I, Ed E. Cates, being duly sworn say that I posted the within notice on the court house door at Union in said County on the 10th day of October, A.D. 1885.

Ed.E.Cates.

Subscribed and sworn to before me this 7th

day of Nov. 1885.

B.F.Wilson, Clerk.

By J.M.Carroll Dept.

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

I, John A. Tucker, being duly sworn say that I posted 2 copies of the within notice within the immediate vicinity of the within proposed road on the 5th day of Oct. A.D. 1885.

John A. Tucker.

Subscribed and sworn to before me this 7th day of Nov. 1885.

B. F. Wilson, Clerk.

By J. M. Carroll Deputy.

Endorsed:

Filed Nov. 7 1885.

at..o'clock,..min...m

B. F. Wilson,

County Clerk.

KNOW ALL MEN BY THESE PRESENTS:

That we, John A. Tucker and Willis Skiff of the County of Union and state of Oregon, are held and firmly bound unto the said County of Union in the sum of Forty 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 7th day of Nov. A.D.1885.

Now the condition of the above obligation is such, that whereas, if the County Road petitioned for by John A. Tucker and others, and presented at the Nov. term, 1885, of the County Court of said Union county, commencing at Powder River at the Prichard bridge, thence in a northeasterly direction be located and established, then this obligation to be void; otherwise to remain in full force and virtue in law.

John A. Tucker

Willis Skiff.

Endorsed:

In County Court Union County, State of Oregon.
County Road petitioned for by John A. Tucker et.al.

UNDERTAKING.

Filed Nov. 7, 1885,

B.F. Wilson, County Clerk.

By C.J. Wilson Deputy.

To the Honorable County Court in and for Union County, Oregon:

The undersigned Road Viewers appointed by your Hon Board to view out and locate a line of road commencing at a point marked R in the Sparta road on the SW1/4 of the NE1/4 Sec. 17 T 8 S. R 42 E.W.M. running thence S 15^o W a distance of 44 chains to Powder River respectfully report that pursuant to our appointment we were duly qualified as road viewers on the 21 day of November, 1885 and immediately thereafter proceeded to view out and locate said line of road and we do now report that the line of road is necessary for the convenience of the traveling public, that the same is located on good ground for road purposes, and that the establishment of said road as a county road is demanded by the wants of th community adjacent thereto as well as by the public in general and we do express our opinion in favor of the establishment of said road as a county road by your Hon. Board.

)	Road viewers	his mark
)		X
)	J.B.Sams) C Barnes.
))
)	J.B.Dolby)

Dated at Keating, Union County, Oregon, November 21 1885.

Endorsed:

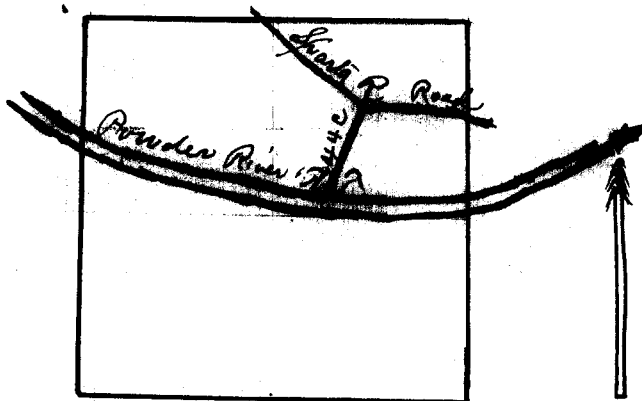
Filed Dec. 7 1885 at ...o'clock...min....m.

B.F.Wilson,

County Clerk.

Plat of County Road petitioned for by John A. Tucker and others, Surveyed Nov. 21st, 1885.

Whole distance 44 chains, variation 20° East. Scale 80 chains to the inch.



Field notes of road petitioned for by John A. Tucker and others.

Beginning at a point marked R. placed at the road leading to Sparta. Thence South 35° West 44 chains to post marked R.T placed on the north bank of Powder river, said first post being situate on the S.W.4 of the NE4 Sec. 17 T. 8 S R. 42 E.W.M.

State of Oregon,)
County of Union.)

I hereby certify the foregoing to be the field notes as made by me on the proposed road petitioned for by John A. Tucker and others as surveyed by under the supervision of the viewers on the 21st day of Nov. 1885.

Fred Simonis,

County Surveyor.

Endorsed:

County Court Union Co. Oregon County Road petitioned for by John A. Tucker and others.

Surveyors Report.

1886
Filed Ju 10 1885

at .. o'clock .. min. ... m

B. F. Wilson,

County Clerk

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

In the matter of the *road*
petitioned for by
J. A. Tucker et al

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

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,
transferred to Baker County, Oregon.

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

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

Arthur
County Court
of the
State of Oregon for
Wagon Embury

In the matter of
the road petition
for by Peter A. Tucker,
et al

Manuscript of papers
transferred to Peter
Embury Tucker

This July 25, 1902
G. W. Johnson
Clerk

Fifth judicial Day Tuesday Nov-10-1883-

In the matter of a
proposed County road }
petitioned for by John }
A Tucker and others }

Now at this time come John A. Tucker and thirteen others and present to the Court a petition praying for the location of a County road, as follows: Commencing at a point in the County road aforesaid to-wit: the County road that extends via J. W. Deane, W. W. Ross's and Thomas Keating's to Sparta and at a point at or near the north east corner of Thomas Keating's garden on the S. N. 1/4 of the N. E. 1/4 of Section No. 17, aforesaid - thence in a southerly direction along the old Puchard grade to the north bank of Powder river a distance of one half mile.

And it satisfactorily appearing to the Court, from proof filed herein, that due notice of the pendency of this proceeding has been given as by law required; that more than twelve of said petitioners are legal householders residing in the vicinity of said road, and that a good and sufficient bond has been filed herein.

It is therefore ordered by the Court that J. B. Samms, Cyrus Barnes and J. B. Dolby be appointed viewers and Fred Simon's surveyor to view - survey and report upon said proposed road and that they meet at the residence of Thos. Keating on the 21 day of Nov- 1883- and duly qualify before entering upon the discharge of their duties in this behalf.

Whereupon Court adjourned till tomorrow morning at nine o'clock

Third judicial Day Friday Jan- 8- 1886

In the matter of a proposed
county road petitioned for
by O. H. Day et al

Now at this time
this matter comes on to be heard upon
the motion of R. D. Ruckman herein
filed for the reappointment of the viewers
heretofore appointed, at a former term of
this court to review and assess dam-
ages in favor of said R. D. Ruckman
Geo. Ruckman and J. W. Mitchell and
if any there be by reason of said proposed
road running through their premises. And
it appearing to the court that the viewers
appointed as aforesaid have failed to
make any report to this court at this
time. It is therefore ordered that Thos.
Hale Thos. Childers and Doane Woodell
be and they are hereby appointed to
review the line of said proposed county
road as surveyed through the premises
of said R. D. Ruckman Geo. Ruckman
and J. W. Mitchell and find
how much less valuable said prem-
ises are rendered by reason of the
location of said proposed road, and
further that they meet at the house of O. H. Day on the 1st
day of February 1886 at 10 o'clock a.m. & duly qualify before
entering upon the discharge of their duties on this behalf

In the matter of a
proposed county road
petitioned for by
John A. Tucker et al

Now at this time this
matter comes on to be heard upon the
report of the viewers and surveyor heretofore
appointed to view and survey said pro-
posed road. And it appearing to the
court that there is no sufficient survey
or report or plat of road according
in the said viewers report It is therefore

third judicial Day Friday Jan 8 - 1886

ordered that this matter be continued for the term and it is further ordered that the clerk of this Court notify the said Surveyor of the deficiencies as aforesaid.

On the matter of a proposed County road }
petitioned for by A. M. }
Courtney et al } 3

Now at this time this cause came on to be heard upon the report of the viewers and surveyors reports heretofore appointed to view survey and report upon said proposed road. And it appearing to the Court that no surveyors plat or field notes have been filed with the report of viewers and that said report is deficient. It is therefore hereby ordered that this matter be and the same is hereby continued for the perfecting of said report and the Clerk of this Court is directed to notify said petitioners of the facts.

On the matter of a proposed County road }
petitioned for by Jacob }
Devine et al } 3

Now at this time this matter comes on to be heard upon the report of viewers and surveyor heretofore appointed in the above intitled road to view survey and report upon said proposed road. And it appearing to the Court that there is no plat of road nor field notes returned to this Court with the report of the viewers. It is therefore hereby ordered that this matter be and the

Third Judicial Day Wednesday Apr. 7-1886

Thereupon Court adjourned till to
morrow morning at nine o'clock

Fourth Judicial Day Thursday Apr. 8-1886

Court met pursuant to adjournment
present the same judge and officers
as on yesterday

Due proclamation of the opening of
court having been made the final
verdict of yesterdays proceedings was
read and approved and is now
here signed

A. G. Craig
County Judge

In the matter of the proposed
County road petitioned for
by Henry Miller et al

Now at this time
this matter comes on to be heard
upon the reports of the viewers heretofore
appointed in the above
entitled road and said reports having
been read in open court for the first
time in accordance with the provis-
ions of the statute in such cases made
and provided It is ordered that
said reports be laid over for a second
reading on another day of this term

In the matter of the
proposed road petitioned
for by John A. Tucker et al

Now at this time
this matter comes on to be heard and it
appearing to the court that the reports of the

Fourth Judicial Day Thursday Apr. 8. 1886

Surveyor filed herein is erroneous and not in accordance with the plat and survey of said road It is hereby ordered that this matter be and the same is hereby continued for correction.

Thereupon Court adjourned till tomorrow morning at nine o'clock.

Fifth Judicial Day Friday Apr. 9. 1886

Court met pursuant to adjournment present the same Judge and officers as on yesterday.

Due proclamation of the opening of Court having been made the Journal of yesterday's proceedings was read and approved and is now here signed
A. B. Craig
County Judge

Thereupon the following proceedings were had to-wit:

See the matter of the }
proposed county road }
petitioned for by }
Henry Miller et al }

Now at this time this matter comes on for hearing upon the several readings of the viewers and surveyors reports filed herein which said reports are now here in open court read a second time and it appearing to the satisfaction of the court that the proceedings herein have been regular and according to law

Be it remembered that at an adjourned term of the County Court of the State of Oregon for the County of Union began and held at the Court House in the City of Union County and State aforesaid on the 14th day of June A.D. 1886 there were present:

Atty. A. B. Craig

" Geo. Ackles

" John C. Staudley

B. F. Wilson

A. S. Saunders

Judge
Commissioner

"
Clerk

Sheriff

Due proclamation of the opening of court having been made the following proceedings were had to-wit:

Thereupon Court adjourned till tomorrow morning at nine o'clock

Second Judicial Day

Tuesday June 10-1886

Court met pursuant to adjournment pursuant the same Judge Commissioner and officers as on yesterday.

Due proclamation of the opening of court having been made the Journal of yesterday's proceedings were read and approved and is now then signed.

A. B. Craig

Judge

Thereupon the following proceedings were had to-wit:

In the matter of the proposed county road petitioned for by John A. Tucker et al.

Now at this time this

matter comes on to be heard upon the reports of the viewers and surveyor heretofore appointed in said road and said reports having

Second Judicial Day. June 15-1886

been read in open court for the first time, in accordance with the provisions of the Statute in such cases made and provided. It is ordered by the court that this matter be and the same is hereby continued for an other reading on another day of this term.

In the matter of the
appointment of Road
Supervisor Road Dist. no 28

Now at this time It is ordered by the court that Frank Bay be and he is hereby appointed Supervisor of roads in and for road District no. 28 in Cornucopia precinct Union County Oregon for the year 1886.

In the matter of the
road petitioned for
by H. H. Bushkies et al

Now at this time this matter came on to be heard and it appearing to the court that there is a discrepancy between the notice and petition in reference to the names on either of them. It is therefore hereby ordered that the petition filed herein be and the same is hereby dismissed at the cost of the Petitioner.

There upon court adjourned till tomorrow morning at nine O'clock

Third judicial Day June 16-1886

Court met pursuant to adjournment pursuant the same Judge Commissioners and officers as on yesterday

Due proclamation of the opening of Court having been made the Journal of yesterday's proceedings was read and approved and is now here signed.

A. L. Craig
Judge

Thereupon the following proceedings were had to wit:

In the matter of the
County road petitioned
for by John A. Tucker
It is at

now at this time this matter comes on to be heard upon the reports of the viewers and Surveyor heretofore appointed in the above entitled road which said reports having been read on two different days of this term and there having been no remonstrances or bills for damages filed herein and the proceedings herein having been regular and according to law It is ordered by the court that the said viewers and Surveyor's reports be accorded and the road established and opened according to law.

Viewers Report

To the honorable County Court in and for Union County Oregon

The undersigned road viewers appointed by your Hon. Board to view out and locate a line of road commencing at a post marked A in the Sparto road on the S.W.^{1/4} of the N.E.^{1/4} Sec. 17 T. 8. S. R. 42 E. N. W. running thence S. 15° West a distance of 44 chains to Power river respectfully report that

Third Judicial Day Wednesday June 16 1886

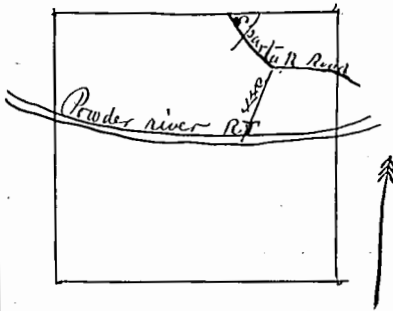
Pursuant to our appointment we were duly qualified as road viewers on the 21 day of November 1885 and immediately thereafter proceeded to view out and locate said line of road and we do now report that the line of road is necessary for the convenience of the traveling public that the same is located on good ground for road purposes and that the establishment of said road as a county road is demanded by the wants of the community adjacent thereto as well as by the public in general and we do express our opinion in favor of the establishment of said road as a county road by your Hon. Board

Dated at Keating Union Road Viewers
County Oregon November 21 1885

J. B. Sams
J. B. Dolby
C. Barnes & his work

Surveyors Report

Part of County road petitioned for by John A. Tucker and others surveyed Nov - 21 - 1885



Field notes of road petitioned for by John A. Tucker and others

Beginning at a post marked R. placed at the road leading to Sparta. Thence south 35° West 1/2 chains to post marked R. T. placed on the north bank of Powder River, said first Post being situated on the S. W. 1/4 of the N. E. 1/4 Sec. 17 T. 8 S. of R. 22 E. N. W.

State of Oregon }
County of Union }⁰⁰

I hereby certify the foregoing

Third Judicial Day Wednesday June 16-1886

to be the field notes as made by me on the proposed road petitioned for by John A. Tucker and others as surveyed by me under the supervision of the vicars on the 21st day of Nov- 1885

Fred Simonis
County Surveyors

In the matter of the
county road petitioned
for by J. W. Bailey et al

now at this time is presented to the court the petition of J. W. Bailey and others praying for the location of a county road as follows to-wit: Beginning at the center of section 35 Township one Range 38 East Willamette Meridian thence running north ($1\frac{1}{2}$) one and one half miles to the north line of section 26 Township one Range 38 East W. M. thence East ($\frac{3}{4}$) three fourths of a mile, thence north ($\frac{1}{2}$) one half mile to the east and west center line of section 24 in said Town one Range 38 E. W. M. thence running east one mile and a quarter to the center of section 19 Township one Range 39 E. W. Meridian thence South (80) eighty rods, thence East ($\frac{1}{2}$) one half a mile to the East line of section 19 Township one Range (39) thirty nine East Willamette Meridian thence East a quarter of a mile by the most practicable route to intersect a travelled highway or county road running from the Woodward and Walls Walls Wagon road to Indian Valley through school District No. 44 in Union County Oregon and all of which points places and termini are in Union County Oregon and it appearing to the court that due and legal notice of the pendency of this proceeding has been given as by law required and that more