

No 231

*Circuit* Court

*Samuel McMurran*  
Plaintiff

vs

*Frank Johnson*

Defendant

Action for *Money*

Docket *A* Page *420*

*Bell and Carter*

Attorney for Plaintiff

Attorney for Defendant

RECEIVED  
JULY 18 1895  
U.S. DISTRICT COURT  
NEW YORK

**Record of the Case**

1885  
 Nov 11 Petition for Divorce aff'd  
 Journal C p 558  
 1886  
 Jan 9 Contingencies for want of plea  
 Journal C p 595  
 May 13 let reads & report  
 Journal C p 688  
 May 14 ordered opened  
 Journal C p 706

243

1/4' Whitmore

Road

Beginning at SW cor Sec 36 T 1 N R  
 43 E to intersect Co road at head  
 of Whiskey Creek

**WITNESSES**

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

243

24

To the Honorable County Court of Union  
 County Oregon we the undersigned Citizens of  
 the above named County <sup>of</sup> State would most  
 respectfully petition your Honorable Court  
 to locate and establish a County road in  
 Union County Oregon described as follows  
 Beginning at the South west corner of  
 Section 36 Township 1 North of Range 43 East  
 of Willamette Meridian running thence East  
 one Mile to the South east corner of said  
 Section 36 Thence North  $\frac{1}{2}$  Mile to the North  
 west corner of J B Courtney Ranch Thence  
 East  $\frac{1}{2}$  Mile to the Center of Section 31 Town-  
 ship 1 North of Range 44 E. N. M. Thence ~~on~~  
 the most practicable route to the North west corner  
 of Benj. Hooper's Ranch Thence East  $\frac{3}{4}$  of a  
 Mile to the South east corner of the South west  
 quarter of Section 29 Township 1 North of Range  
 44 E. N. M. Thence North  $\frac{1}{2}$  mile to the center  
 of Section 29 Township 1 North of Range 44  
 E. N. M. Thence East  $\frac{1}{4}$  Mile Thence North  $\frac{1}{2}$   
 Mile Thence on the most practicable route to  
 intersect the present County road North east  
 of the residence of Mr. Tomapp Thence  
 running North  $\frac{1}{4}$  Mile on said County  
 road Thence on the wagon road now tra-  
 velled to intersect the present County road  
 at the head of Whiskey Creek

All in Union County Oregon and  
 we your petitioners would ever pray

Names	Names
James W. Whitmore	J. W. Cole
W. F. Cole	L. C. Shultz
J. B. Williams	A. Prow
J. B. Nobles	J. Linsey Starnack
J. Roberts	J. S. Harvick
Mr. Knappe	J. B. Courtney
T. B. Smith	A. W. Courtney
Geo. E. Hunter	
C. A. Hunter	
L. B. Hunter	
S. W. Russell	
Thomas Lathrop	
O. A. Kenehan	
Wm. Thipp	
E. Bay	

Fri., OCT 12 1895  
at o'clock min

*B. F. Wilson*  
County Clerk

To all whom it may concern  
 Notice is hereby given that there will be a  
 petition presented to the county court of  
 Union County Oregon at the regular session  
 in November 1885 for the location and  
 establishment of a County road described  
 as follows - viz

To the Honorable County Court of Union  
 County Oregon we the undersigned Citizens  
 of the above named County and State would  
 most respectfully petition your Honorable  
 Court to locate and establish a county  
 road in Union County Oregon described  
 as follows

Beginning at the South west corner of  
 section 36 Township 1 North of Range 43  
 East of Willamette Meridian running thence  
 east one mile to the South east corner of said  
 section 36 Thence North one half mile  
 to the Northwest corner of J B Courtneys  
 ranch Thence east one half mile to the  
 center of section 31 Township 1 North of  
 Range 44 E W M Thence on the most  
 practicable rout to the North west corner  
 of Beny Hoogles ranch Thence east  
 $\frac{3}{4}$  of a mile to the South east corner of  
 the South west quarter of section 29 Town-  
 ship 1 North of Range 44 E W M

Thence North one half mile to the center of  
 section 29 Township 1 North of Range 44 E  
 W M Thence east  $\frac{1}{4}$  mile Thence North  $\frac{1}{2}$   
 mile Thence east  $\frac{1}{4}$  mile Thence North  $\frac{1}{2}$   
 mile Thence on the most practicable rout  
 to intersect the present County road North  
 east of the residence of Mr. Conapp Thence  
 running North  $\frac{1}{4}$  mile on said county road  
 Thence running on the wagon road as now  
 traveled to intersect the present county road  
 at the head of Whiskey Creek all in Union  
 County Oregon and we your petitioners  
 will ever pray -

Names

Names

Jonas H Whitman

C. Gray

W F Cole

G W Cole

W H Williams

L B Schultz

J B Hobbs

A Prow

J Roberts

J Imrey Hammack

L B Harper

J S Hammack

J B Smith

J B Courtney

Geo E Hunter

A W Courtney

L A Hunter

L B Hunter

J M Burnett

Thomas Sampson

O W Hinchey

Wm Phipps

State of Oregon  
Union County }<sup>ss</sup>

O. B. F. Nelson

being duly sworn say that I posted  
the notice hereto attached on the  
Court House door in Union Union  
County - Oregon on the 26th day  
of September 1883.  
Subscribed & sworn  
to before me this 5-  
day of Nov - 1883.

B. F. Nelson

Attest  
Co Judge

I A W Courtney being first-duly sworn  
depose and say that on the 23<sup>rd</sup> day of  
September 1883- I posted notices of  
of the within proposed road according  
to law at the following places  
on the road petitioned for  
vis One, 1/2 miles from beginning  
of said proposed road, One about  
half way from the beginning to  
the terminus of said road, And  
one about 1 mile from the terminus  
of said road, And further that on  
the 23<sup>rd</sup> day of September 1883- I  
mailed one to the County Clerk of  
Union County, Oregon, to post-  
on Court house ~~at~~

A W Courtney

Sworn and Subscribed to  
before me this 8<sup>th</sup> day  
of October 1883-

J A Hunter  
Justice of the peace

Filed NOV 5 1895

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

*R. B. McElane*

County Clerk.

*By J. M. ...*

*Secretary*



Know all men by these presents  
that we or either of us are held and  
firmly bound unto the County of  
Union and State of Oregon, in the  
sum of fifty dollars,

The condition of the above bond  
is such that if the within petition  
-ed for road is allowed or granted  
then the above bond to be null  
and void, otherwise to have full  
force and effect.

F. B. Nobles  
A. W. Courtney

Signed in my presence  
this Oct 8<sup>th</sup> 1885.

Filed OCT 12 1885  
at ... o'clock, ... min. ....m.

County Clerk.

Responsible County Court of  
Union County, Oregon

Report of Viewers and  
Surveyor of the viewing and  
Surveying of the Proposed County  
Road petitioned for by A. N.  
Courtney and others. The three  
Viewers met at the time specified  
in notice (Nov. 20<sup>th</sup> 1885) at the house  
of A. N. Courtney and adjourned  
until Nov. 23<sup>rd</sup> 1885, the Surveyor being  
engaged in a Contest case of land.

Upon Nov. 23<sup>rd</sup> Met and after  
being duly qualified proceeded  
to view, survey and locate said  
road commencing at the S.W.  
Corner of Sec 36 Twp 1 N. R. 43 E W.M  
and terminating and intersecting  
a located County road running  
from Aler North to State line  
at the head of Whiskey Creek  
at a point about 200 yards N.  
of Angle State No. 25 on said road.  
Commencement marked with a post  
marked R.C. Mound & pits all mile  
posts marked plainly and having mounds  
& pits Stakes set at each angle

and numbered except in timber  
when angle was marked upon trees  
the Turnings marked with a post  
with RT cut and 11M also a fir  
tree 1/2 ch E with blaze and same  
marks. Post has mound & pits.  
all in Union County Oregon.

We would respectfully request  
the above survey and proposed  
route of road as practicable and  
recommend the same to be  
located and ordered opened by  
the Hon. County Court as a  
County Road

Viewers )  
Signed  
O. M. Bishop  
W. A. Minor  
J. John Deant

Geo. J. Vail Surveyor

Filed DEC 28 1885

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

B. F. Wilson

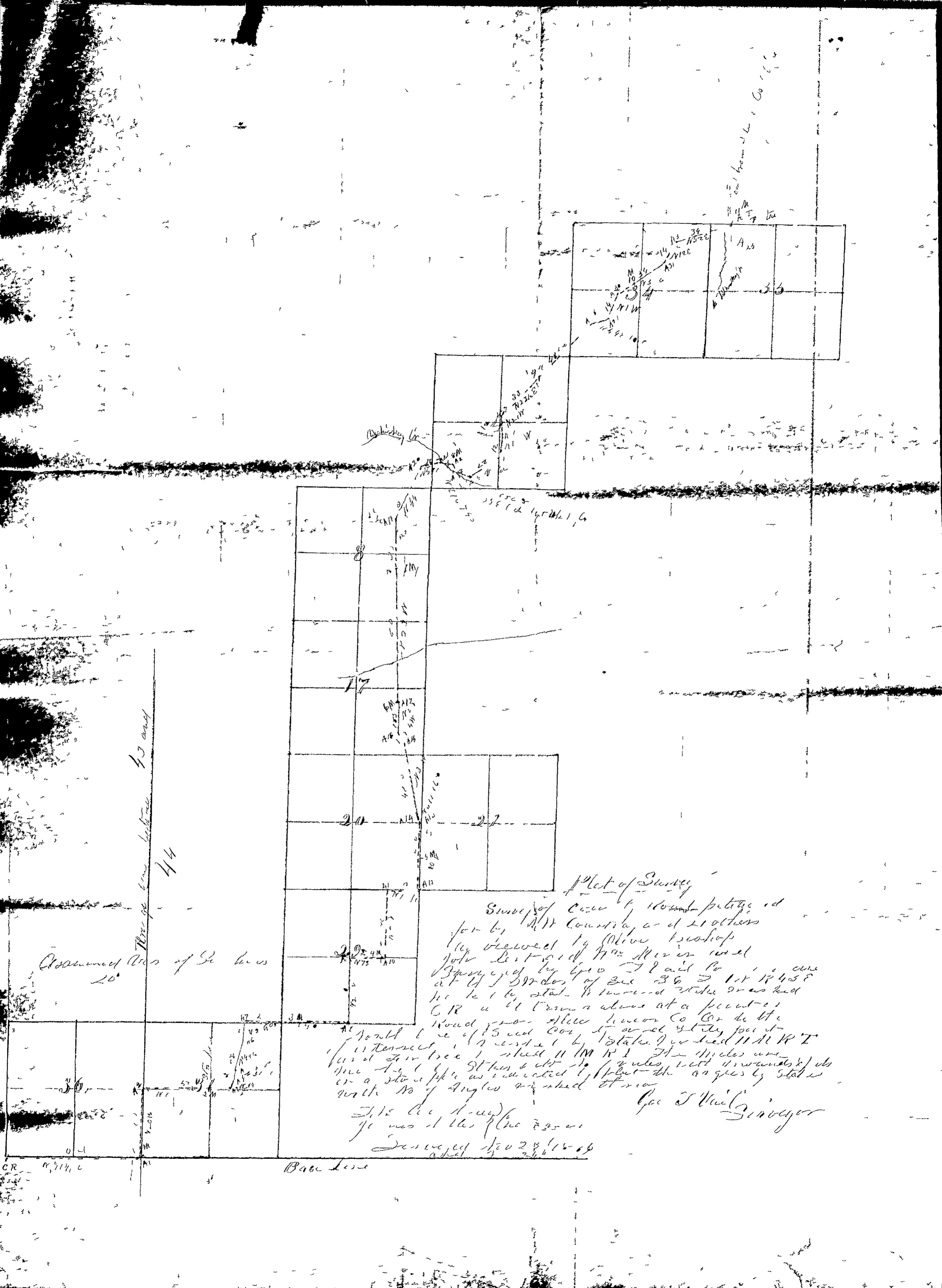
County Clerk.

Filed MAY 12 1886

at o'clock min m

*B. F. Hibbard*

County Clerk



Assumed Area of 36 acres  
20'

None of line before 43 and 44

Plot of Survey

Survey of corner to 1600000000  
for by 1111 Country and others  
As viewed by Oliver Bishop  
John Best and Mrs. Meris and  
approved by Geo. J. Paul  
at 17/1/1875 of Sec 36 T1R45E  
to be a stake to mark the  
CR and to run above at a point  
Road from Oliver Bishop Co. Co. to the  
corner of 15 and Co. to mark the point  
of interest and to be marked by stake  
found tree marked 1111 R1. The stakes were  
line to be set up and to mark the west  
corner of a strip as indicated by the angles  
with No. of angles marked at the

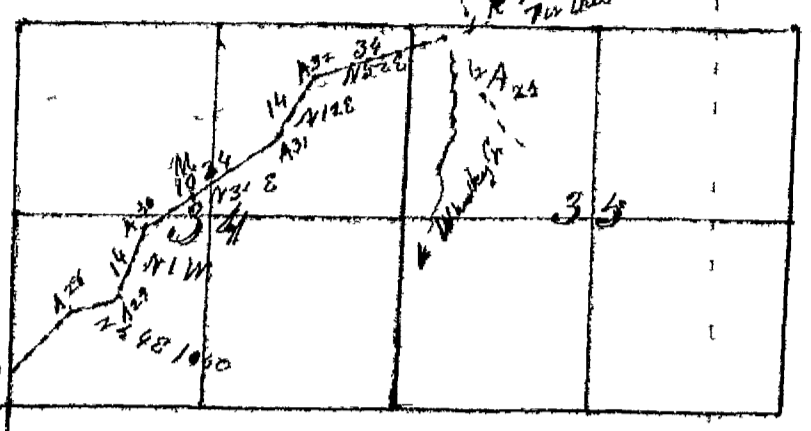
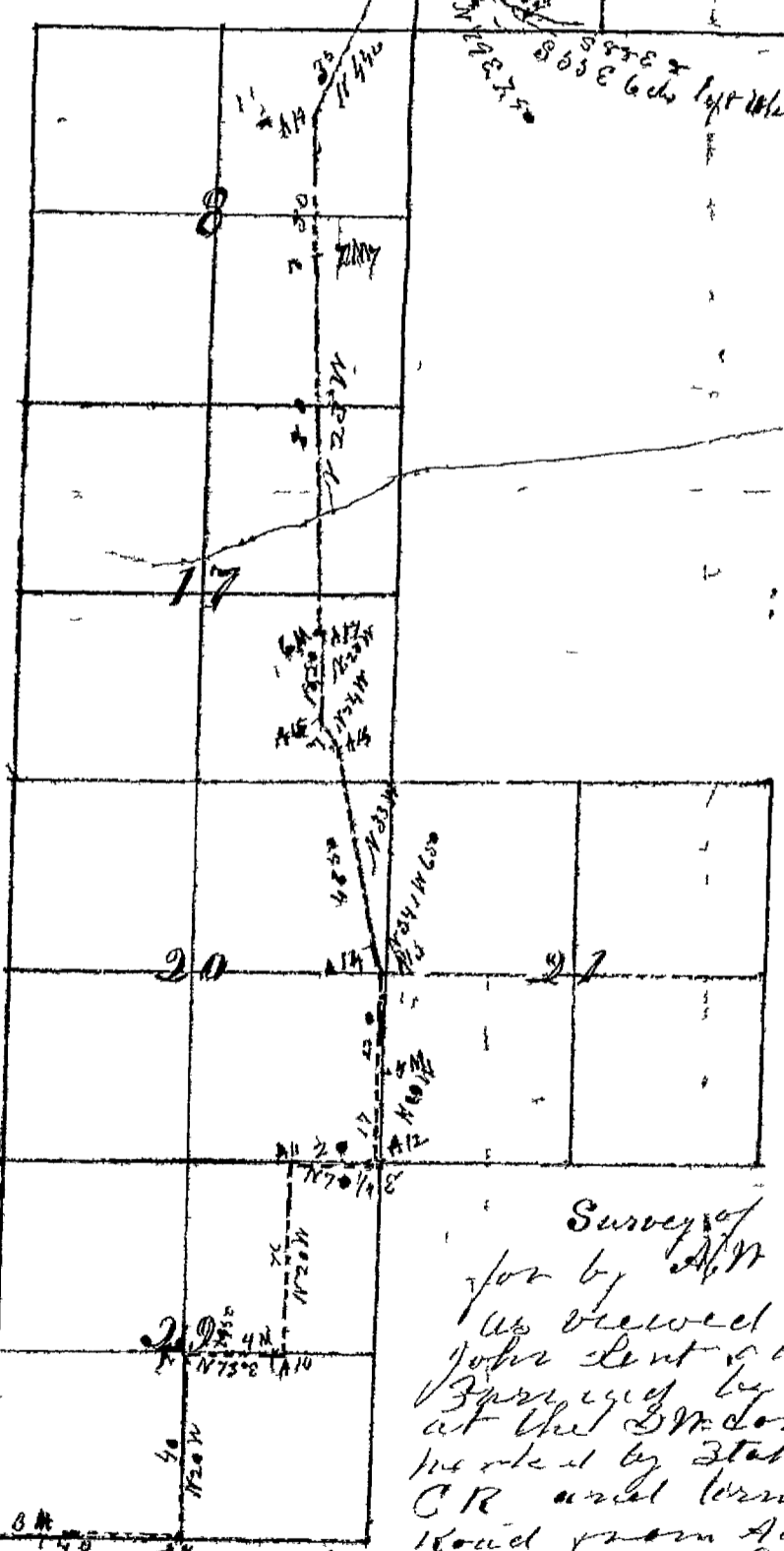
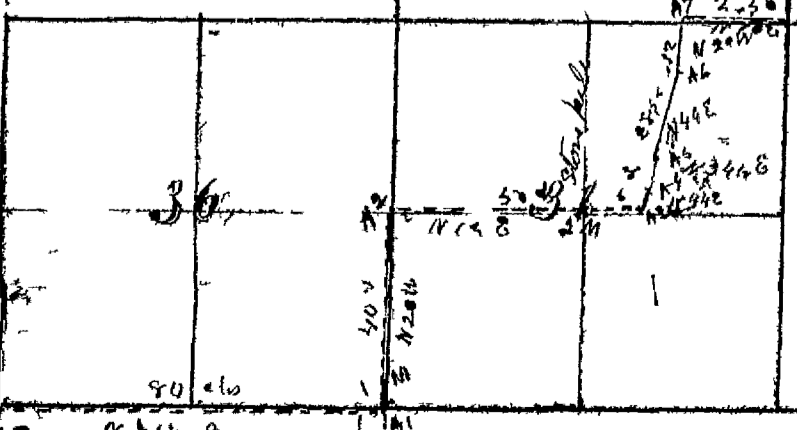
Geo. J. Paul  
Surveyor

Base Line

CR 1111

Range line between 43 and 44

Assumed base of Sec lines 20°



Plat of Survey  
 Survey of County Road petitioned for by J. W. Country and 21 others was viewed by Oliver Bishop John Kent and from their view surveyed by Geo J. Vail Commissioner at the SW corner of Sec 36 T 14 R 43 E marked by Stake W ground, Stake marked CR and corner at the point on Road from Allen Union Co Co to the North line of Said County and State point of intersection marked by Stake marked H M R T and tree marked H M R T. The miles are marked by stakes with 1/2 miles with grounds & pits on a stone pits as indicated by plat the angles by stakes with No of angles marked thereon.

J. W. Country  
 Geo J. Vail Surveyor

Surveyed Nov 28 1866  
 at the  
 Jan 24

Real from Allen to Co No 1

Washburn Cr

Washburn Cr

Base line

Fifth Judicial Day Wednesday Nov. 11-1886-

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

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

A. G. Craig  
County Judge

Whereupon the following proceedings were had to-wit:

In the matter of appointing  
a Justice of the Peace for  
Union Precinct

Now at this time comes  
J. B. Thomson and presents his petition asking  
that he be appointed Justice of the Peace  
for Union Precinct, Union County Oregon to fill  
the vacancy occasioned by the resignation of  
C. F. Bell And it appearing to the Court  
that said J. B. Thomson is qualified and is  
a fit and proper person to be appointed  
as such Justice It is therefore hereby ordered  
by the Court that J. B. Thomson be and  
she is hereby appointed as Justice of the  
Peace for said Union Precinct to fill  
serve out the unexpired term and that  
said J. B. Thomson subscribe upon the discharge  
of his duties as such Justice upon his filing  
a good and sufficient bond hereinafter approved  
and taking the oath of office.

In the matter of a  
proposed county road  
petitioned for by J. H.  
Courtney and others

Now at this time comes



Sixth Judicial Day

Wednesday Nov-11-1883-

A. N. Courtney and twenty-one others and present to the Court a petition praying for the location of a county road as follows: Beginning at the South west corner of Section 36 Township one north of Range 43 East of Willamette Meridian, running thence East one mile to the South East corner of said Section 36, thence north  $\frac{1}{2}$  mile to the North west corner of J. B. Courtney Ranch; thence East  $\frac{1}{2}$  mile to the center of Section 31 Township one north of Range 44 E. N. M. Thence on the most practicable route to the North west corner of Benj. Rogers ranch, thence East  $\frac{3}{4}$  of a mile to the South East corner of the South West quarter of Section 29, Township 1 north of Range 44 E. N. M. Thence north  $\frac{1}{2}$  mile to the center of Section 29 Township 1 north of Range 44 E. N. M. Thence East  $\frac{1}{4}$  mile, thence North  $\frac{1}{2}$  mile, thence on the most practicable route to intersect the present county road North East of the residence of Mr. Knapp thence running North  $\frac{1}{4}$  mile on said county road, thence on the wagon road now traveled to intersect the present county road at the head of Whiskey creek.

And it satisfactorily appearing to the Court that due notice of the pendency of this proceeding has been given as required by law; that twelve or more 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 Oliver Bishop John Leach and William Miner be appointed Viewers and Geo. J. Vail Surveyor to view survey and report upon the said proposed road and that they meet at the residence of A. N. Courtney on the 20th day of November 1883 - at 10 O'clock A.M. and duly qualify before entering upon the discharge of their duties in this behalf.

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      }

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      }

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

Second Judicial Day

Thursday May 13-1884

In the matter of a  
proposed county road }  
petitioned for by A. W. }  
Courtney 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 survey and  
report upon said road (and said  
reports having been read for the first  
time in open court, according to the  
provisions of the statutes in such cases  
made and provided It is ordered by the  
court that the further hearing of this  
be and the same is hereby continued  
for a second reading of said reports  
on another day of this term.

In the matter of a  
proposed county road }  
petitioned for by E. P. }  
Franklin et al }

Now at this time  
this matter comes on for hearing upon the  
reports of the viewers and surveyor heretofore  
appointed to view survey and report upon  
said road (and said reports having been  
read for the first time in open court,  
according to the provisions of the statutes in  
such cases made and provided It is ordered by  
the court that the further hearing of this  
matter be and the same is hereby continued  
for a second reading on another day of this  
term.

Third Judicial Day

Friday May 14 - 1886

Field notes of survey of road petitioned for by  
 E. P. Cranton et al Beginning at a point marked  
 R. S.  $66^{\circ} E$ . 50 rods from the N. E. section corner  
 that stands on the north side of Section 10  
 in Township No. 8 South of Range No. 42 East  
 N. M. running thence S.  $37^{\circ} 00' E$  224 rods  
 to a post marked A1 " S.  $44^{\circ} 30' E$  176 "  
 " " " " A2 " S.  $71^{\circ} 30' E$  156 "  
 " " " " A3 " S.  $85^{\circ} 30' E$  68 "  
 " " " " A4 " N.  $3^{\circ} 30' E$  26 "  
 " " " " A5 " N.  $78^{\circ} E$  30 "  
 " " " " A6 " N.  $84^{\circ} 30' E$  60 " at  
 the intersection of the county road at a post  
 marked R. on the N. W.  $\frac{1}{4}$  of U. E. Section 13 T. 8 S. R.  
 42 E. N. M.

State of Oregon  
 County of Union

I hereby certify the foregoing  
 field notes to be correct as made by me under  
 the supervision of viewers on the 26 day  
 of April 1886

Fred Pinson's  
 County Surveyor

In the matter of a proposed  
 county road petitioned  
 for by A. N. Courtney et al

Now at this time  
 this matter comes on to be heard upon the  
 second reading of the reports of viewers and  
 surveyor in the above entitled road, which  
 said reports are now read in open court  
 for the second time (and it appearing  
 to the court that the proceedings herein  
 have in all things been regular and  
 according to law, that the said reports have  
 been read on two different days of this term  
 of this court and that there has been  
 no bills or claims for damages or removal  
 strances filed herein It is ordered by the  
 court that said reports be and are accepted



Third judicial Day Friday May 11<sup>th</sup> 1886

and ordered to be recorded and that said proposed road be established and opened according to law.

Viewers Report

Honorable County Court of Union County Oregon

Report of viewers and surveyor of the view-  
 er and surveying of the proposed county road  
 petitioned for by A. N. Courtney and others  
 three viewers met at the time specified in  
 notice (Nov. 20<sup>th</sup> 1885) at the house of A. N. Courtney  
 and adjourned until Nov. 23<sup>rd</sup> 1885 the sur-  
 veyor being engaged in a contest case of  
 land Upon Nov. 23<sup>rd</sup> met and after being  
 duly qualified proceeded to view survey and  
 locate said road commencing at the S. N.  
 corner of Sec. 36 T. 1. N. R. 13 E. N. W. and termi-  
 nating and intersecting a located county  
 road running from alder northerly to state  
 line at the head of Whiskey creek at a  
 point about 200 yards N of Angle stake no.  
 25 on said road Commencement marked  
 with a post marked P. C. mound and  
 pits all mile posts marked plainly and  
 having mounds and pits, stakes set at each  
 angle and numbered except in timber  
 where angles were marked upon trees the  
 terminus marked with a post with P. T.  
 cut and 11. N. 6. also a fir tree 1/2 ch. with  
 blaze and same marks, post has mound  
 and pits all in Union County Oregon  
 We would respectfully report the above sur-  
 veyed and viewed route of road as practicable  
 and recommend the same to be located  
 and ordered opened by the Hon. County  
 Court as a county road.

signed	} O. N. Bishop Wm R. Minor John Lent
viewers	
Geo. Y. Vail Surveyor	

Third judicial Day Friday May 14 - 1886

Act of Survey

Survey of County road petitioned for by J. B. Courtney and 21 others as viewed by Oliver Bishop John Lent and Wm Minor (and surveyed by Geo. T. Vail commencing at the S.W. corner of section 36 Tp. one N. R. 43 E. marked by stake and mound stake marked C. B. and terminating at a point on Road from Alder Union County Oregon to the North line of said county road and state, point of intersection marked by stake marked H. M. R. T. and fir tree marked 11 M. R. T. The miles are marked by stakes with red of miles, with mounds and pits or a stone pile as indicated by plat the angles by stakes with red of angles marked there on.

Geo. T. Vail Surveyor

J. B. Courtney } James Nobles } Chairman

Surveyed Nov-23-1885- and Nov-24-1885- Assumed variation of section lines 20°

