

No 361

in

Superior

Court

Ab Huntington

Plaintiff

vs

L G Culoe

Defendant

Action for

Money

Docket

Page

Baker & Baker

Attorney for Plaintiff

Attorney for Defendant

WESTERN BOOK BINDING CO. NEW YORK

1887
 Oct 10 Section see Viewers report
 Journal D p 219
 Nov 9 1st pending report
 Journal D p 227
 Nov 11 ordered opened
 Journal D p 230

S. A. M. M. M.

Road
 commencing at N end of Fernald + Saunders
 lane to intersection with Sparta road

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

PETITION FOR COUNTY ROAD.

To the Honorable County Court for Union ^{Union} County, Oregon:-

The undersigned, householders of Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, ~~will~~ respectfully petition your honorable body to lay out, ~~alter~~ ^{alter and} and establish a county road within said county on the following line or route, to-wit:

Commencing at the north end of the Furnal & Saunders Lane on the county road leading from the Baker City Road to Sparta, Union Co. Oregon, thence running in a southeasterly direction about 70 rods to the southwest corner of the northwest 1/4 of Section 25, thence along the south line of said quarter section 80 rods to the S. E. Corner of the southwest 1/4 of the northwest 1/4 of section 25, thence in a northeasterly direction along the foot of the ridge a short distance, intersecting the county road leading to Sparta.

And in duty bound your petitioners will ever pray, etc.

Names.

A. T. Merwin, ✓
D. E. Baird, ✓
A. J. Brown, ✓
R. R. Smith, ✓
O. P. Smith, ✓
C. Nelson, ✓
A. J. Ritter, ✓
J. R. Ritter, ✓
J. Graham, ✓
J. D. Hulick, ✓
John A. Tucker, ✓
Charles Herring, ✓

Names.

D. T. Allen, ✓

Endorsed:- Filed Oct. 10th 1887.

A. T. Neill, Clerk,

By T. Oliver, Depy.

Balm Creek, Union Co. Oregon, Sept. 3rd, 1887.

Camp.

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

I, A. E. Eaton, being first duly sworn, say that I posted three several notices, of which the notice hereto attached is a true and correct copy, in three public places in said County in the vicinity of the proposed road therein described, to-wit:

One at the forks of the road at the north end of the Furnal & Saunders Lane, one at the old Furman Place another at R. R. Smith's place on Goose Creek, all in public places in the vicinity where the proposed road is to be located. Thirty days previous to the presentation of the road petition therein mentioned, to-wit: On the 3rd day of September, 1887, and that thereafter, and thirty days previous to the presentation of said road petition therein mentioned, to-wit: On the 5th day of September, 1887, I posted a true and correct copy of said notice at the place for holding Court for Union County, Oregon, to-wit: on the front of the Court House door, in the town of Union, in said County, and that said notices remained posted thirty days previous to the presentation of said petition, as I verily believe.

A. E. Eaton,

Subscribed and sworn to before me this 10th day of Oct. 1887,

A. T. Neill, Clerk,

By T. Oliver, deputy.

(No filing.)

NOTICE OF ROAD PETITION.

To all persons concerned:- You and each and all of you, will take notice that the undersigned, householders for Union County, Oregon, residing in the vicinity where the hereinafter described road is proposed to be, will, at the next session of the County Court for Union County, Oregon, to-wit: On Wednesday, the 5th day of October, 1887, respectfully present to said Court a petition praying said Court to lay out, alter and establish a County Road within said County, on the following line or route, to-wit:

Commencing at the north end of the Furnal & Saunders Lane, on the County Road leading from the Baker City road to Sparta, Union Co. Oregon, thence running in a southeasterly direction about 70 rods, to the southwest corner of the northwest 1/4 of Section 25, thence along the south line of said quarter section, 80 rods, to the S. E. Corner of the southwest 1/4 of the northwest 1/4 of Section 25, thence in a northeasterly direction along the foot of the ridge, a short distance, intersecting the County Road leading to Sparta.

Names.

A. T. Merwin,^v
D. E. Baird,^v
A. J. Brown,^v
R. R. Smith,^v
O. P. Smith,^v
C. Nelson,^v
D. T. Allen,^v

Names.

A. J. Ritter,^v
J. R. Ritter,^v
J. Graham,^v
John A. Tucker,^v
J. D. Hulick,^v
Charles Herring,^v

Balm Creek, Union Co. Oregon, Sept. 3rd 1887.

Endorsed:- Filed Oct. 10th, 1887.

A. T. Neill, Clerk,

By T. Oliver, Depy.

Know all Men By These Presents, That I, A. E. Eaton, of the County of Union and State of Oregon, are held and firmly bound unto the said County of Union in the sum of Fifty 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 10th day Of Oct. A. D. 1887.

Now, the condition of the above obligation is such, that whereas, A. T. Merwin, and twelve others, have petitioned the County Court of said County of Union, at the Oct. Term, 1887, thereof, for a county road commencing at the north end of the Furnald, & Saunders Lane, on the County Road leading from the Baker City Road to Sparta, Union Co. Or. Thence S.E. about 70 rods, to S.W. Corner of N.W.4, Sec. 25, thence along the S. Line of said Qu~~ar~~ Sec. 80 rods, to S.E. Corner of S.W.4, of N.W. 4, Sec. 25, thence N.E. intersecting Co. Road leading to Sparta.

Now, if the above named A. E. Eaton, shall well and truly pay or cause to be paid, all costs 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.

A. E. Eaton (L.S.)

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

I, A. E. Eaton, say that I am worth the sum of One Hundred Dollars, over and above all debts and liabilities and property exempt from execution, and that I am a resident and householder in said County and State.

A. E. Eaton.

Subscribed and Sworn to before me this 10th day of Oct. A.D. 1887.

A. T. Neill, Clerk.

By T. Oliver, Depty.

Endorsed:- In the County Court of the State of Oregon,
Union County.

In the matter of the A. T. Merwin, et al. County Road.

Bond of Road Petitioners.

The within petition allowed and the following named persons appointed, as viewers, to-wit: Norvill Love, Thomas Keating, and John Erwin, and for surveyor, J. W. Kimbrell, and they are directed to meet at the house of David Allen, at 9 o'clock, A. M. on Wednesday the 19th day of October, 1887.

Filed Oct. 10, 1887.

A. T. Neill, County Clerk,
By T. Oliver, deputy.

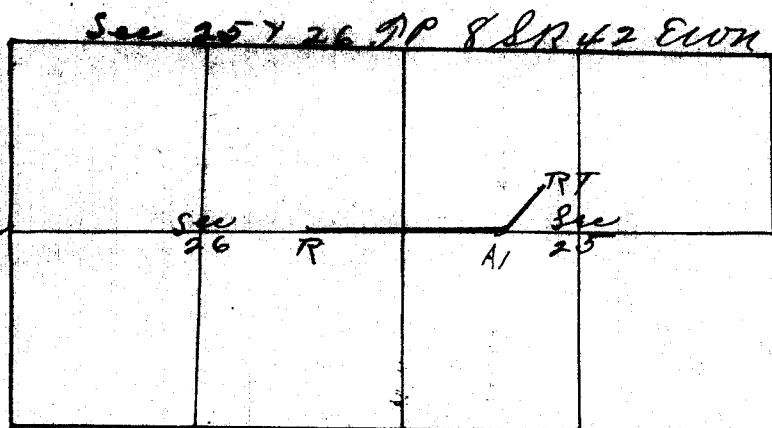
Field Notes of proposed County Road of A. T. Merwin, and others

I started at the S. W. Corner of the S.E.1/4 of the N.E.1/4 Sec. 26, at post marked 'R' from which I run S. 1° 45' E. 81 rods 8 links to Post marked A. 1, thence E. 80 rods to post marked A. 2, thence N. 41° 30' East 55 rods to post marked 'R.T.' and situated in CO. Road from Baker City to Sparta, from which a witness post bears N. 24.° 45' West. and on N.W. 1/4 Sec. 25, T. 8, S.R. 42, E. W. M. and in Union Co. Oregon.

J. W. Kimbrell,
Surveyor.

I hereby certify that the above is a correct plat of the proposed County road of A. T. Merwin, and others, ordered viewed and surveyed by the County Court of Union Co. Oregon, at the October Term of aforesaid Court. This the 19th day of October, A. D. 1887.

J. W. Kimbrell,
Surveyor.



Comp.

We, the undersigned, viewers appointed by the County Court of Union Co. Oregon, have on this ~~the~~ 19th day of October, 1887, carefully viewed and examined the above described proposed County road and find the same to be a practicable ^{route} ~~road~~ and would most respectfully recommend ~~that~~ the same be established as a public highway. This 19th day of Oct. 1887.

Thomas. Keating,

John Erwin,

N. C. Love. Viewers.

No filing.)

In the Circuit Court of the State of Oregon
for Union County,

In the matter of the County }
Road petitioned for by }
H. J. Merwin, et al. }

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

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 witness Whereof, I have hereunto set my hand
and affixed the seal of the Circuit Court of said
County and State, this 21st day of June, A.D. 1902

G. W. Benson, Clerk.

By H. P. Schoon
" " copy

Mt. Lake
County Court
Main County.
Oregon

Mt. Lake matter of
the road petition
for by A. S. Meakin
et al

Transcript of
papers transferred
to Baker County.
Oregon

Filed June 27, 1902
G. W. Benson
Clerk

Be it remembered that at an Adjourned 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 on Monday the 10th day of Oct A.D. 1887
 These were present:

How	O. P. Goodall	County Judge
	Elles Reep	Commissioner
	A. T. Neill	Clerk
	A. N. Hamilton	Sheriff

Due Proclamation of the opening of Court having been made the following proceedings were had, to-wit:

In the matter of the Proposed }
 4 / County Road petitioned for }
 by A. D. Merwin et al }

At this time is presented to the Court the petition of A. D. Merwin and twelve others praying that a County road be laid out and established as follows, to-wit: Commencing at the North End of Durnald Saunders Lane on the County road leading from the Baker City road to Sparta, Union County Oregon, Thence running in a South Easterly direction about 70 rods to the South West corner of the North West fourth of Sec 25, Thence along the South line of said quarter section 25 rods to the S.E. corner of the S.W. 1/4 of Sec 25 Thence in a N.E. direction along the foot of the ridge a short distance intersecting the County road leading to Sparta. And it appearing to the Court that all the proceedings herein have been regular and according to law, That more than twelve of said petitioners are legal householders living in the vicinity of the proposed road, and a good and sufficient undertaking having been filed herein It is therefore ordered by the Court that Norville Lone Thomas Keating and John Erwin be appointed viewers and J. W. Kimbrell Surveyor to view and survey said proposed road and report to this Court according to law And that they meet at the house of David Allen at 9 o'clock A.M. on Wednesday the 19th day of October 1887 and duly qualify before they proceed with their labors in this behalf.

Thereupon it was ordered that Court be now adjourned till tomorrow morning at 9 o'clock.

First Judicial Day

Wednesday Nov 9th 1887

In the matter of the proposed
County road petitioned for
by A. Merwin and others.

This matter comes on at this time to be heard on the reports of the viewers and surveyor heretofore appointed herein, and said reports having been read in open court for the first time, are laid over for a second reading on some other day of this term.

In the matter of a
Private Road petitioned
for by Henry Martin

This matter comes on at this time to be heard upon report of viewers heretofore appointed by this court to view, locate & mark out said proposed road and assess the damages that would accrue to the owners of lands through whose premises the proposed road would pass, and also upon the motion of Alexander Thompson, one of the owners of land through which the proposed road would pass, to dismiss all proceedings herein, for the reason that the bond filed herein is not sufficient, and further that the report of viewers and appraisers filed herein is not in due form and is wholly insufficient. Baker, Shelton & Baker and Jas. H. Slater sons of counsel appearing for said motion and J. R. Kerite of counsel appearing in opposition to said motion, and after argument of counsel and the court not being fully advised in the premises, this cause is taken under advisement until tomorrow morning at 9 o'clock.

Thereupon it was ordered by the court that court be now adjourned till tomorrow morning at 9 o'clock

Third Judicial Day

Friday Nov 11th 1887

Court met pursuant to adjournment, the same officers being 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

O. S. Swodell
County Judge

Thereupon the following proceedings were had to-wit:

In the matter of the }
Proposed County Road }
Petitioned for by A. D. }
Menwin et als }

This matter came on to be heard at this time on the second reading of reports of viewers and surveyor heretofore appointed herein and it appearing to the Court that said reports are favorable and having been read on two different days of this term of court, and no remonstrance or claim for damages having been filed herein, or reason shown why such road should not be opened, and it also appearing to the Court that all the proceedings herein have been regular and according to law, It is therefore considered and ordered by the Court that the reports of viewers and surveyor herein be received, approved and placed on record and the road declared a public highway and opened according to law.

Viewers Report

We the undersigned viewers appointed by the County Court of Union Co Oregon have on this 19th day of October 1887 carefully viewed and examined the above described proposed County Road and find the same to be a practicable route and would most respectfully recommend the same be established as a Public Highway, this 19th day of October 1887.

Thos. Keating }
John Erwin } Viewers.
W. L. Love }

Field Note of Proposed County Road of A. D. Menwin and others
I started at the NE corner of SE⁴ of NE⁴ Sec 26 at Post marked R. from which I run N 45° E 81 Rods & links to Post marked A 1 thence E 80 rods to post marked A 2 thence N 41° 30' East 50 Rods to post marked R. P. and situated in Co. Road from Baker City

Third Judicial Day

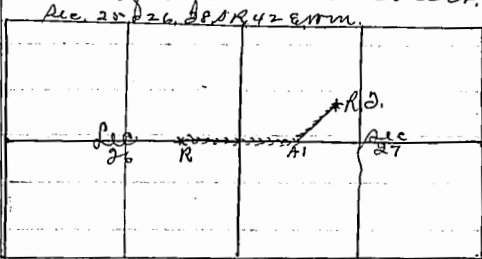
Friday Nov 11th 1887-

to Sparta from which a witness Post Bear N. 24° 45' West and on NW^{1/4} Sec 25 28 & R 42 E. N. M. and in Union Co. Oregon.

J. M. Kimbrell, Surveyor

I hereby certify that the following is a correct plot of the proposed County Road of A. D. Merwin and others ordered viewed and surveyed by the County Court of Union Co. Oregon at the October Term of aforesaid Court this the 19th day of October A. D. 1887

J. M. Kimbrell Surveyor



In the Matter of the Case
of Union County
vs
Mallowa County

Pending in the Circuit Court

Now at this time this cause came on to be heard upon the motion of O. W. Crawford & Baker Shelton Baker for an allowance as attorneys fees in the above entitled cause now pending in the Circuit Court for Baker County. It is therefore considered and ordered that O. W. Crawford be and he is hereby allowed the sum of \$150.00 and that Baker Shelton Baker be and they are hereby allowed the sum of \$150.00 and that the clerk be and he is hereby ordered and directed to draw his warrant on the Treasurer of Union County for said sums in favor of said parties as such attorneys fees.

Whereupon it was ordered by the Court that Court be now adjourned till tomorrow morning at 9 o'clock