

No 275

Receipt ⁱⁿ *Count*

H Tully Browne
Plaintiff
vs

L G Euloe
Defendant

Action for Money

Docket Page

L B Leix
Ex B.

Attorney for Plaintiff

Attorney for Defendant

RECEIVED BY THE
CLERK OF THE COURT
JULY 11 1884

1887
 Oct 12 Petition see Viewers of ptal
 Journal D of 221
 Nov 9 Motion to dismiss submitted
 Journal D of 227
 Nov 10 Dismissed
 Journal D of 229

Road

Commencing at Angle Stake No 15 on
 McKellick Road on SW⁴ of SW⁴ Sec 31
 T 2 N R 37 E

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

In the County Court of Union County State
of Oregon

In the matter of the application
of of Public County Road
by Henry Martin

To the Honorable the County
Court of Union County State of Oregon
Your Petitioner would most respect-
fully represent to the Court that
the residence of Your Petitioner is
situated - upon the North West quarter
of the North East quarter Section thirty
Six Township two South Range Third and
Evens Union County State of Oregon that
the said Residence of your Petitioner
is not reached by any Easement
or any ^{Public} Road heretofore provided for
by law and that it is necessary that the
Public and your petitioner shall
have ingress to and egress from the
said Residence of your petitioner and
adjacent and would pray an order
of the Court to lay out and locate a
County Road or Road of Public Eas-
ment thirty feet in width from said
Residence to some Public Road
in accordance with the Provisions
of Sections 4075 - 4076 - & 4077 Hills Code
of Laws of the State of Oregon

Said Road to be located and laid out
upon the following lines as near as
practicable - to wit
Commencing at angle Stake No 15
of the J. M. McKeith Road and situated
on the south west quarter of the south
west quarter of Section 31 Township
Two South Range 37 E. 4th. From
thence in a westerly direction and
crossing Grande Ronde River at or
near Hoys Saw mill on the South
East quarter of South East quarter
of Section 36. Township 2. S. R. 36
E. 4th. thence in a north westerly
direction across Grande Ronde River
and on the most practical Route to or
near the ^{or residence} House of your Petitioner sit-
uated on the north west quarter of the
North East quarter Section 36 of Township
2 S. R. 36 E. 4th. where it ter-
minates. Said Road across the land
of Alex. Thompson and C. W.
Hoys ^{and Peter Ripley} and all the above parcels
are in ruin and state of decay
where your Petitioner would wish
that said Road be located and laid
out by the said court according to law
and after the relief as the Petitioner warrants
Henry Martin

State papers
Owing to the fact that Henry Martin being
first classman say that I am the
person who subscribed to the former
petition and the petition mentioned
therein that the former petition
is true as I ever believe

Henry Martin
Subscribed and sent to you
me this 12th day of October 1887

John B. Curtis
Notary Public
for you

On the Court
of the County
of ...

with matters
of the ...
for every ...
by Henry ...

Done Oct 1st 1887
At Mill clerk
J. S. ...

Appraisers ~~John R. ...~~ Ed Bunker
Wm Arnold, Robert Young
Oct 22nd 1887

Know All Men by These Presents, That we J. L. W.

Noyes

and

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 12 - day of Oct A. D. 1887

NOW, the condition of the above obligation is such, That, whereas the above named C. W.

Noyes

and

Henry Martin

and others,

have petitioned the County Court of said County of Union, at the Oct

Term, 1887, thereof, for a County Road, commencing at angle Stake No 15 of the

J. M. McKissick Road and situated on the South West quarter of the NW 1/4 Sec 31 T 2 S. R 37 E. N. M. Thence in a westerly direction across Grande Ronde River at or near Noyes' Saw Mill on SE 1/4 of E 4 Sec 36 T 2 S R 36 E. Thence in a NW direction across Grande Ronde River and on most practical route to or near the residence of petitioner on NW 1/4 of NE 4 Sec 36 T 2 S R 36 E. N. M.

NOW, if the above named C. W. Noyes

and

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.

C. W. Noyes

[L. S.]

[L. S.]

STATE OF OREGON.

County of Union } ss.

I, C. W. Noyes

and each for himself, says,

that I am worth the sum of One Hundred Dollars

over and above all debts and liabilities and property exempt from execution; that I am a resident and householder in said County and State.

C. W. Noyes

Subscribed and sworn to before me this 12 - day of Oct A. D. 1887.

A. T. Neill

By J. Oliver Deputy Clerk.

In the County Court of the
State of Oregon,

County.

IN THE MATTER OF THE

ROAD.

BOND OF ROAD PETITIONERS.

Approved 188

COUNTY JUDGE.

Filed Oct 12th 1887

A. T. Neill
COUNTY CLERK.

By *D. Olin*
DEPUTY

State of Oregon }
County of Union } 33

I hereby certify that I served
the above named attached within this county on the
15th day of October 1887 by delivering to the within named
Alex Thompson, W. C. Boyd and Porter Ripley
each in person a true copy of the within named
certified to be such by A. T. Hill, County Clerk.

A. K. Hamilton Sheriff
By J. S. Williamson Deputy

10
11

BE IT REMEMBERED, That at a ^{Adjourned} ~~Regular~~ Term of the ^{County} ~~Circuit~~ Court of the State of Oregon, for the County of Union, begun and held at the Court House in the City of Union, in said County and State, on Monday, the 10th day of October A. D. 1887, the same being the Second Monday in said Month, and the time fixed by ^{Court} ~~law~~ for holding ^{Adjourned} ~~regular~~ term of said Court, when were present:

The Hon. O. P. Goodall Judge, Presiding;
E. Leep Commissioner ~~Dist. Attorney~~,
A. B. Neill Clerk,
A. N. Hamilton Sheriff.

When, on Wednesday the 12th day of October A. D. 1887 or the Third Judicial day of said Term, among others, the following proceedings were had, to-wit:

In the matter of the Application of Henry Martin for a Public County Road -

At this time is presented to the Court the petition of Henry Martin praying for the establishment of a road of Public Easement according to the provisions of Sec's 4075-4076+4077 of Hills Code of the Laws of the State of Oregon described as follows: Commencing at angle Stake No 15 of the J. M. McKissick Road and situated on the SW¹/₄ SW¹/₄ Sec 31 T² S² R³⁷ E^W 1st then in a Westerly direction and crossing Grand Ronde River at or near Noyes's Saw Mill on the SE¹/₄ NE¹/₄ Sec 36 T² S² R³⁶ E^W 1st then in a north westerly direction across Grand Ronde River and on the most practicable route to or near the home or residence of petitioner situated on the North West quarter of NE¹/₄ Sec 36 T² S² R³⁶ E^W 1st where it terminates. And it appearing to the Court from the verified petition of Henry Martin above referred to, that the home of petitioner is situated on the NW¹/₄ of NE¹/₄ Sec 36 T² S² R³⁶ E^W 1st in Union County. That said residence is not reached by any conveyance or any public road heretofore provided by law and that it is necessary that the Public as well as Petitioner herein shall have ingress to and egress from his said residence It is therefore considered and ordered by the Court that said petition be allowed and that Ed Bunker Wm Arnold and Robert Young be appointed to view out and locate a County Road thirty feet in width from the residence of said Henry Martin to the Public County road as

prayed for in the petition and to assess the damages that will accrue to Alex Thompson, W. Noyes and Peter Ripley or any others through whose premises the proposed road may pass by reason of such road. It is further ordered that said viewers shall meet on Saturday Oct 22nd 1887 and shall proceed to locate and mark out a public road as above set out so as to do the least damage to the land through which said land is located and shall assess the damages sustained by the person or persons owning such lands and report their proceedings herein to this Court.

(Signed)

A. P. Goodall
County Judge

Filed Oct 17th 1887
A. J. Neill
By J. Oliver Deary

STATE OF OREGON, }
COUNTY OF UNION. } ss.

I, A. J. Neill Clerk of the

County Court of the State of Oregon, for the County of Union, do hereby certify that the foregoing Copy of Journal Entry has been by me compared with the original Entry, made in the above entitled Matter now remaining of record in my office; that it is a correct transcript therefrom, and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the said Court, this 13th day of October A. D. 1887.

A. J. Neill Clerk.
By J. Oliver Deary

Filed Oct. 26th, 1887
To the Honorable Court of
Union County
We, Ed. Burr, Res. Wm. Arnold
and Robert Young,
did meet on Saturday Oct. 22nd
1887 as ordered by the Court
of Union County Oregon
for the purpose of viewing
out a county road for
Heun Martin petitioner,
Commencing at angle State
road the S.M. Mc Kessick Road
and to take the most practicable
Route to residence of Heun
Martin situated on the NW 1/4
N.E. 4 of Sec 36 T. 2 S. R. 36 E. W.M.
and that we did view out and
mark out said road as ordered
by the Court and according

to petition and that we
took the most practicable
route and that we did one
and all agree to allow Potter
Rypl ~~ten~~ ten dollars damages
and that we did one and
all agree that it was no
damage to C W Hoyle but a
benefit, and that we did
one and all agree that
the road was no damage but
a benefit to Alex Thompson
owns park whom it crossed
and we did one and all agree
that J W Arnold should
report our proceedings ac-
cordingly to the Honorable
Court of Union County Oregon

(Signed)

Ed Bunker
J W Arnold
Rypl Young

per W Arnold

Orwell Del 29th 1887
As. Nell Clark
129 Blaine St
N.Y.

TOWNSHIP PLAT.

Township..... Range..... County.

6	5	4	3	2	1
7	8	9	10	11	12
13	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Handwritten notes:
A small square box containing the number 7 is located below the cell for section 33.
A scribble is present in the bottom right corner, overlapping sections 25, 26, 35, and 36.

Check No.

In the County Court of ~~the~~ Union
County State of Ohio

In the Matter of the
Application of Public
County Road by
Henry Martin

Now at this time

Came Alexander Thompson by
his attorney and represents that
N.E. 1/4 of Sec. 5, E. 1/4 of Sec. 36, T. 2, S. 1, R. 36, W. 1/4
he is the owner of the ~~land~~
described in his affidavit
filed herein whereupon he
moves the Court to strike the
Report of Edw. Ranker & Wm. Small,
Robert Young, Viewers hereafter
appointed, herein from the
files of the Court for the reasons
that the said report shows on
its face that said Viewers did
not proceed to locate or mark
out a public road from some
certain point on the premises
of the Applicant to some certain
point to or from another public
road or navigable stream so as
to do the least damage with
land through which said
road is to be located.

as required by law
III For the further reason
that said report shows that
said viewers did not locate
or mark out a public road in
any manner

Baker Shuttlesworth
Atty for Thompson

County and
Union Court

In that matter of
the application for
County Road by
Henry Mott
Pratt's heirs
of the
County of
Union

Filed Nov 10th 1887

A. J. Mills

clerk

By Wm. S. S. S.

Wm. S. S. S.
attorney for Plaintiff

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

In the matter of the
Application for County
Road by Henry
Martin

now at this time
Carroll Alexander Hanson
and versus the County To dismiss
the petition and subsequent papers
filed in the above entitled proceedings
for the reasons

II. That there is no bond
executed by the petitioner with
sufficiency in the manner provided
by law

III. That the petition herein
filed does not state facts
sufficient to give the County
jurisdiction to order said
proposed road widened or opened

Baker Shelton & Walter
Attys for Petitioner

County Court
Linn County

By the Court
the Appellate
County Clerk

Henry Miller

Master to

Deacons

Dated Nov 10th 1887

A. S. Mill, Clerk
By J. D. Miller, Deputy

Paul A. Johnson, Master
also for Master

In the matter of the
public road petitions
for by Henry Martin

Now at this time
this Cause came on to be heard
upon the motion of Alexander
Thompson to dismiss the petition
and proceedings subsequent
thereto herein the petitioners
appearing by J. R. Lentes his
attorney and David Alexander
Thompson appearing by Baker
Shotton & Baker his attorneys and
after hearing argument of
Carruth and being fully
advised in the premises
it is considered and ordered
by the Court that said
motion be and the same
is in all things hereby sustained
and that said proceedings
be and they are hereby dismissed

Nov 11th 1887

Third Judicial Day

Wednesday Oct 12th 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. P. Goodall
County Judge

Thereupon the following proceedings were had, to-wit:

6 In the matter of the Application
of Henry Martin for a
Public County Road

At this time is presented to the Court the petition of Henry Martin praying for the establishment of a Road of Public Easement according to the provisions of sections 4075, 4076 & 4077 of Hills Code of the Laws of the State of Oregon, described as follows, to-wit: Commencing at angle stake No 15 of the J. M. McKissick Road and situated on the S. 1/4 of the S. 1/4 Sec 31 @ 2 S. R 07 E. N. W. Thence in a Westerly direction and crossing Grande Ronde River at or near Noyes Saw Mill on the S. E. of S. E. Sec 36 @ 2 S. R 36 E. N. W. Thence in a North westerly direction across Grande Ronde River and on the most Practicable route to or near the house or residence of petitioner situated on the North West quarter of N. E. Sec 36 @ 2 S. R 36 E. N. W. where it terminates.

And it appearing to the Court from the verified petition of Henry Martin above referred to that the home of petitioner is situated on the North West quarter of the North East quarter of Sec 36 @ 2 S. R 36 E. N. W. in Union County, that said residence is not reached by any convenient or any public road heretofore provided by law and that it is necessary that the Public as well as Petitioner herein shall have ingress to and egress from his said residence. It is therefore considered and ordered by the Court that said petition be allowed and that Ed Bunker, W. M. Arnold and Robert Young be appointed to view out and locate a county road thirty feet in width from the residence of said Henry Martin to the public County road as prayed for in the petition and to assess the damages that will accrue to Alex Thompson, C. W. Noyes and Porter Ripley or any others through whose premises the proposed road may pass by reason of such road. It is further ordered that said viewers shall meet on Saturday Oct 22nd 1887 and shall proceed to locate and mark out a public road as above set out, so as to do the least damage

Third Judicial Day

Wednesday Oct 12th 1887

to the land through which said road is located and shall assess the damages sustained by the person or persons owning such lands and report their proceedings hereon to this Court.

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

Fourth Judicial day

Thursday Oct 13th 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 following proceedings were had, to wit:-

In the Matter of Tax Levy
for the year 1887

This matter comes on at this time, and after due consideration by the Court, it is ordered that the Tax Levy for the year 1887 be as follows, to wit:-

For State purposes	5 1/2 Mills
For School purposes	5 Mills
For Contingent purposes	1 1/2 Mills
For County purposes	13 Mills

Thereupon it was ordered that Court be 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

Second Judicial Day

Thursday Nov 10th 1887

3
1
In the Matter of the
Proposed County Road
petitioned for by J.
Koopman et als

This matter comes on at this time to be heard upon the reports of viewers and surveyor heretofore appointed herein and upon the prayer of Joseph Shephard and Ole Deidrichson for damages, and said reports having been read in open court for the first time at this term and it appearing from the said petition of Joseph Shephard and Ole Deidrichson that they will be damaged by reason of the Establishment of the proposed road It is therefore ordered and adjudged that G.W. Bennehoff, Fred Simonis and Andy Augustus be appointed to examine ~~the~~ premises of said Shephard & Deidrichson and determine how much less valuable they will be rendered by reason of the establishment of the proposed road, and it is ordered that they meet at Pindell & Wilkinson's Store on Saturday Nov 26th 1887 at 10 o'clock AM and duly qualify before they proceed with their labors in this behalf, and that they report their conclusions to this court before its next regular term.

1
In the Matter of the
Public Road petitioned
for by Henry Martin

Now at this time this cause came on to be heard upon the motion of Alexander Thompson to dismiss the petition, and proceedings subsequent thereto herein, the petitioner appearing by J.R. Lexter his attorney, and said Alexander Thompson appearing by Baker Shelton & Baker his attorneys and after hearing argument of Counsel and being fully advised in the premises it is considered and ordered by the court that said motion be and the same is in all things hereby sustained and that said proceedings be and they are hereby dismissed.

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